

The names of the killed and wounded are as follows: Edward Woolley, O. Lariser and Edward Wallace, killed. John McCarty, Frank McGuire, Peter Nelson and two others, whose names we have not learned, were wounded.

Following is the copy of a message received from the conductor of the work train.

THISTLE, Dec. 18, 1884.

W. H. Bancroft, Salt Lake:

The facts of the unfortunate occurrence yesterday are as follows: We were at Spanish Fork about 10 o'clock, a.m., and a few minutes before leaving, being in the office, I asked whether they knew anything of 21. The operator sat down and tried to ask, but could not get word, when I said never mind, we will have to flag up any how, and went out to the conductor and told him we were ready to go and would flag against No. 21. When stopping on the curve where the accident happened I sent flag ahead. No. 21 came upon us while we were standing still. It was snowing very hard at the time.

B. SEABOLDT.

Four wounded men have also been brought to the city and taken to the Sisters' Hospital. John McCarty, one of the unfortunates, had his foot amputated to-day by Dr. Fowler. The wounded are doing as well as can be expected and will probably recover.

The following message received this afternoon by Thomas Guest, chief clerk of the D. & R. G. Western:

P. V. Junction, Utah, 18.—As far as we can find out, the accident happened as follows: The work train with 10 men started from Pole Cañon to go to a siding at Thistle Tank. Before starting from Pole Cañon the conductor, who is a telegraph operator, heard a train reported at Clear Creek which proved to be No. 15 and he took it for 21 and took his chances to get to the switch. It must have left Thistle before he left Pole Cañon. These are the facts as far as investigation has gone. I believe them to be true and no one is at fault but the work train crew.

W. H. BANCROFT.

#### STOCK RUNNING AT LARGE.

We have received the annexed communication:

WEST JORDAN, Dec. 17, 1884.

Editor Deseret News:

For information to a great many, will you please answer the following questions, through your valuable columns: First—Is there any established law that compels a person to fence his stacks and orchards in this county?

Second—Is there any law that compels a person to allow stock of any kind to run at large on his property at any time of the year?

Third—Is there any legal way of claiming damages that may be done by stock running at large.

You will greatly oblige by giving space for the above questions.

I. The law in regard to fencing stacks, orchards, etc., will be found in page 11, Laws of Utah, 1882, and it requires

"That owners of orchards, stackyards, gathered crops, and town or city lots, are hereby required to enclose them with a lawful fence and keep the same in repair. Non-compliance herewith shall work a forfeiture of the right of such owner to assess damages or impound any stock trespassing or doing damage on such premises; Provided, This act shall in no wise affect existing laws concerning joint inclosures and division fences, nor interfere with the enforcement of any city ordinance prohibiting animals from running at large within such city."

II. There is no law permitting animals to run at large on the property of a person not the owner of the stock at any season of the year. But the law provides.

"That owners of horses, mules, cattle, hogs, sheep, goats and other domestic animals, shall be held liable to pay all damages done by said animals on the premises of other persons, whether said premises be protected by fence or not." (Compiled Laws of Utah, p 175.)

The enactment in relation to stacks, orchards, etc., is of later date than that last quoted, and therefore it must be taken as modifying the older law to the extent of the exceptions made by the later.

If the people of any county, by a two-thirds vote of its registered voters, declare at a general or special election in favor of fencing farms and allowing stock to run at large, then no damages can be claimed for the depredations of stock in that county upon unfenced or insufficiently fenced land, but the owners are liable for damages done in another county or part of a county where no fence law prevails.

III. Damages may be collected by a suit at law. Or any animal found doing damage may be taken up by any person, and if the owner cannot be found, or if found refuses to pay all cost and damage, said animal may

be taken to the precinct pound and be subject to sale as an estray. The damages must be estimated by a disinterested voter, who may make a reasonable charge for his services, and the amount, time and place of the damages, with the description of the animal, with the name of the person damaged, and, if known, the name of the owner, must be specified in writing. If the owner demurs to the appraisal he may choose another appraiser, and if they disagree they may choose a third and the three make another estimate. No animal must be retained more than three days before delivery to the poundkeeper, or a fine not exceeding a hundred dollars for each animal so detained may be imposed.

In every part of this Territory, however, there are ways and means among members of the Church of obtaining a just settlement of disputes occurring through depredations of animals, without recourse to a suit at law or even the services of the poundkeeper. They should be resorted to by Latter-day Saints and exhausted before an appeal is made to the civil courts. The method thus provided is cheaper, better, more satisfactory and the only true Christian way of settling disputes between brother and brother.

#### JUDGE ZANE ON SCHOOLS AND THEOLOGY.

The idea which some entertain that the decision of Judge Zane in the school tax case pronounces the District Schools of Utah sectarian, is incorrect. The case stands thus: The objectors to paying the tax have alleged certain things in their complaint; among the allegations are the untruths told about the sectarian character of the District Schools, and particularly of the Seventh District School, present and prospective. Counsel for the Trustees moved to strike out that part of the complaint as irrelevant, arguing that supposing the statements of the complaint to be correct, the Legislature has power to enact laws governing school affairs in the Territory, and it had not been alleged that anything had been done by the Trustees contrary to law.

It was on this point that the Court ruled. The decision does not rule on the truth or the falsity of the allegations in the complaint. That question was not before the Court. The veracity of the charges was not disputed. It is yet to be challenged and the questions of fact are not to be determined. It was only the motion to strike out and the argument in support of that motion that was decidedly adversely. Judge Zane thus summarized the allegations:

"The substance of them, I am of the opinion, is that the Church described professes, and does in fact teach, that it is the right of its authorities, or officials, to regulate the conduct of its members in secular and temporal matters, as well as in spiritual, and that this authority it has received through revelations to its prophets and seers, from the Almighty, and that it does, in fact, dictate to the trustees of the various district schools in the Territory, including this one, what rules and regulations they shall adopt; and assumes to direct the branches to be taught; and that, through its direction and control, devotional exercises are conducted in the schools, and the youth are taught the doctrines and the faith of that Church; that in fact, this school has been in the past, and will be in the future, a sectarian institution; that these petitioners do not believe in the doctrines of that church, and that they are unwilling to contribute to the support of such a school, either by paying a tax to build the schoolhouse in which the teaching is imparted, or to pay a tax for the employment of teachers. Taking these allegations as true, which must be done for the purposes of this motion, it would be difficult for any impartial, reasonable person to come to any other conclusion than that this school, if established, will be a sectarian school; and that in fact the tax levied is levied for the purpose of building a sectarian schoolhouse."

His Honor then discusses the question, "Is it competent for the Legislature of the Territory of Utah to compel persons to pay a tax for the support of a sectarian school?" This he decides in the negative. He admits that courts in this country have decided that "it is proper to read the Bible in the schools and to teach it," but the right to teach the particular creed of any church has been denied; and "to require the people of one denomination to disseminate the religion of any other denomination is a plain violation of religious liberty." He argues that while the Organic Act gives the Legislature power over all rightful subjects of legislation, yet nowhere in this country can a man be compelled to pay a tax to build a house in which a sectarian school is taught or for the support of a sectarian school.

The remedy, His Honor holds, when such a state of things exists as set forth in the complaint, is by injunction, to restrain the collection of a tax levied for the building of a house in which a sectarian school is to be taught, or for the support of such a school. He goes further and announces this proposition: That, providing the allegations in the complaint are true,

"A religion is to be taught not such

as is based on the Bible, but prophets and seers of this church have gone outside of the Bible, and reached the same original source from which the communications were made recorded in that book, and that cannot be the Christian religion. The Christian religion, as I understand it, is taught by the Bible; but here is a supplement, and I hold that a tax levied for the purpose of teaching that religion is certainly not for the purpose of teaching the Christian religion. It is levied for the purpose of enforcing and teaching a religion which is claimed to have been commanded from the Great Source of all wisdom and power and goodness, to the prophets and seers of this church, more than eighteen hundred years after the Bible is supposed to have been written."

We do not think any one in Utah will dispute the impropriety and injustice of attempting to compel any one to support by taxation a school in which the doctrines of a sect are taught in which he does not believe. The Latter-day Saints, or "Mormons" as they are usually called, concede this. Indeed they set it forth as a principle. They would strongly object to paying taxes for the support of a Methodist school, and they would not attempt to compel a Methodist to support a "Mormon" school. Perfect freedom of religion compatible with the rights of all, is broadly advocated and demanded by the authorized exponents of their creed. The teaching of any doctrine or tenet of religion in the District Schools is not required or asked for, or desired by the "Mormon" Church or its leaders. And as a matter of fact it does not enter into the District School system or practice in Utah. All allegations to the contrary are false, and in the case before the Court are designedly and wilfully untrue.

What the Legislature may do is of course open to debate. We do not know that we would dissent from the views of Judge Zane on that question. Certainly we would not want power vested in our Assembly to exercise power to compel citizens of one faith to support schools where the tenets of another faith are taught. We have always taken the ground that schools supported by taxation must be undenominational. We shall not attempt to discuss the legal point as to the proper remedy in case such a state of affairs exists as described in the complaint. We think they ought to be suppressed if they exist, and if injunction is the proper mode, let it be by injunction, by all means. The question of fact has now to be tried, and if the plaintiffs can prove that "in the District Schools the youth are taught the doctrines and faith of the Church," that the Seventh District School "has been in the past, and will be in the future a sectarian institution," then they will be able to show some ground for their complaint. But if they do, then a lie can be turned into the truth, and that which is not, be crystallized into a substantial reality; these would be "new things under the sun."

The doctrinal part of the Judge's Opinion we consider out of place, and that it is incorrect is susceptible of demonstration. It is not the province of the judiciary to determine questions of theology, nor to rule on the claims of any religion to Biblical support. And if "the prophets and seers of this Church have gone outside of the Bible and reached the same original source from which the communications were made recorded in that book," does it not follow that the revelations received by those prophets and seers must be in harmony with the Bible, and therefore, on His Honor's own reasoning, in consonance with "the Christian religion?" We are of the opinion that Judge Zane is not familiar with the religion which has "come from the Great Source of all wisdom and goodness more than eighteen hundred years after the Bible is supposed to have been written," and therefore is not a competent judge either legal or theological, as to its claims as the identical Christian religion portrayed in the Bible.

The trial of the Seventh District school tax case on its real merits will be looked for with great public interest.

#### LOOK AFTER THE POOR.

We are authorized by Bishop Preston to urge upon the Ward Bishops the necessity of looking after the wants of the poor among the people under their ecclesiastical jurisdiction.

The local organizations of the church are so complete that no case of destitution need escape its officers, if the latter will perform faithfully their duties in visiting among the people, and ascertaining the status of their temporal circumstances where there is any reason for believing that help is required. This charitable supervision should not be confined to members of the Church, the fact of actual distress being sufficient ground for aid, that none may go naked, cold nor hungry.

At the same time due care must always be exercised to prevent imposition by the unscrupulous, and economy should be used in the distribution of the means of relief.

When aid is tendered it should be given in a kindly spirit, and in such a manner as to take from it as much as possible the appearance of charity, that due regard may be paid to the feelings of all. And it is in consonance

with the mind of the Presiding Bishop that it is always desirable to find employment for the poor in preference to tendering them aid for which they are unable to make any sort of return. It is the highest form of philanthropy which places the indigent in a position to help themselves rather than to lean upon others for assistance independent of any exertion on their part. Every avenue of employment for the poor who may be without work should be sought out and used to advantage.

#### PLEASANT VALLEY COAL DISASTER.

By courtesy of Mr. Coalter, who has just returned from a business trip to Chicago, we learn that on arriving at the station near the Pleasant Valley coal mines, the body of Antonio Kelly was put on board, and he learned from reliable sources the particulars of his death. It appears that he was standing in the mine and saw some fragments of dirt fall from the roof immediately above where the driver passed to and fro. He stepped forward to warn him of the danger of passing under that part when twenty or thirty tons of earth fell from above covering and killing him instantly. Thus he lost his life while attempting to save a companion. The accident occurred about noon last Wednesday. He was from Pennsylvania.

#### CHARITABLE METHODS.

A LUDICROUS attempt was recently made by the unscrupulous Salt Lake Tribune, to show that the "Mormon" Church neglects the poor, when it is an established and acknowledged fact with all who are familiar with the character and genius of the religious organization, that caring for the indigent is one of its chief features. A solitary case of alleged distress of a family living in the southeast suburb of the city was cited as conclusive proof of the correctness of this absurd as well as false statement. Any thoughtful person able to weigh matters for himself would at once perceive that the citation of this solitary case, admitting that it be genuine, is one of the highest compliments that could be paid to the charitable character of the Church, for in nearly every other city of the same size outside of Utah could be found scores if not hundreds of cases to which the one out of which the Tribune made so much capital, would be no parallel in point of urgency.

One of the most amusing features connected with this affair, however, is the ostentatious way in which the Tribune editors posed as philanthropists in reference to this case. It was decidedly funny. Goodness knows in what role they will posture next. Their self-asserted benevolence, about which they made such a blow as consistent as their claims to being "American gentlemen." Both assertions will need much more proof than they have ever furnished to cause people to believe them—their own friends as well as those by whom they are not held in an excess of esteem. These assumptions are in harmony with their claims to being moralists, in the face of the fact of their having advocated the use of the drinking saloon, gambling den and house of ill fame as a means of drawing the young Mormons away from the religious restraints of the "Mormon" Priesthood, which seeks to preserve them from the pollutions to which such men as those who conduct and sympathize with the sentiments of the Tribune would drag them down, although when that sheet found a notable case of a corrupted youth who had strayed from the fold of "Mormonism," it characterized his departure from morality as "struggling upward" from "Mormonism."

The Tribune should hunt up another case of alleged destitution that its conductors may do a little more hornblowing and pose as philanthropists at a trifling if any cost in dollars and cents.

Of late the subject of helping the poor has been, in various ways, brought more than ordinarily before the public. It is an interesting and important matter, demanding constant and unremitting attention. In a land of plenty no human being should be destitute of food, fuel or clothing. Isolated cases of distress from poverty may occur under the best regulated condition of society, but where numerous instances exist, or where the semi-destitute poor form a considerable class, it is an infallible indication of a screw being loose in the social structure.

We are sustained by facts that must be patent to every person in this community, that in no other part of the world of the same extent or population is there less distress occasioned by poverty than in Utah. In the first place the community as a whole, although perhaps not specially wealthy, are comfortably situated, and so exact and far-reaching is the supervision over the people regarding their temporal necessities, that comparatively few instances occur of persons suffering for want of the means of sustaining life, and none need be in that situation, providing those who might be overlooked would make known their wants to the source from which assistance is obtainable.

By courtesy of Bishop W. B. Preston, with whom we lately conversed on this subject, we are enabled to present a few facts and figures that will probably prove of some interest to the general public, whose attention has been specially drawn to charitable matters of late.

The Relief Societies of the various Wards in this city have donated \$1,816.60. There has been received from fast offerings, \$2,339.29, making a total of \$4,155.89, which amounts have been received by the Bishops of the different Wards and distributed by them to the needy.

The Presiding Bishop has also distributed \$13,355.68 from the General Tithing Store, for the same purpose, making the total amount disbursed to the poor in this city \$17,511.57.

The Bishops of the various Wards outside of this city have received from the following sources, viz: Relief Societies, \$5,072.22; from fast offerings, \$10,253.96; making the total received by them \$15,326.18, which amount they have distributed to the needy in their respective Wards.

The amount paid out from the General Tithing Store is \$29,366.42, making a total paid to the poor in the various Wards outside of this city of \$44,692.60, showing a grand total of \$62,209.57 for the year ending Dec. 15, 1884.

The following note has been addressed to the Bishops of the twenty-one Wards of Salt Lake City:

Presiding Bishop's Office,  
Salt Lake City, Utah, Dec. 19, 1884.

Bishop—

Dear Brother—Will you be kind enough to send, Saturday or Monday next, a list of the heads of families of the poor of your Ward whom you think would feel thankful to get some fowls, etc., for their Christmas dinners. Send a team for them and oblige.

Your brother in the Gospel,  
WM. B. PRESTON.

These facts and figures speak for themselves, and account to a certain extent for the comparatively comfortable condition of the whole people, and the fact that there are few if any cases of absolute want.

#### RARE PRESENCE OF MIND.

THE presence of mind displayed by Sister Janet McMurrin, of the 8th Ward, on Tuesday night, as related in the News of yesterday, was extraordinary.

It cannot be well imagined how she could have acted with greater courage, skill and promptness.

In a flash, the clothing of the lady whose garments were in flames, was torn from her person and she placed beyond the reach of the devouring element.

In less time than it takes to tell it, the intrepid and clear-headed woman was fighting the flames on the blazing carpet saturated with coal oil, with a pair of blankets. Finding the fire gaining headway, as she first attempted to smother them in one place, then another and another, leaving the blankets over the part where the blaze was largest, she with rapidly moving fingers stripped her person of her outward apparel, used it to good advantage in smothering the fire and fought nobly till victory crowned her efforts.

While all this was proceeding the children in the house were uttering piercing screams and all was confusion and fright, but Sister Janet, who had appeared upon the scene at the first with a baby under her arm, kept vigorously at and intent upon her saving work until its object was attained.

What the result would have been had she been less clear headed and prompt may well be imagined.

#### MORTIFICATION SET IN.

THE decision of Judge Zane in the case of George C. Douglas against Nephi W. Clayton, to the effect that the Governor's nomination to a Territorial office without the consent and confirmation of the Legislative Council, is void, was a great disappointment to one branch of the conspirators against the peace of Utah. Dr. Douglas—one of Eli H. Murray's pets, wanted the office of Territorial Auditor, and the Governor did his best to give it to him, but the scheme failed. The demurrer to the complaint was sustained yesterday; to-day the plaintiff declines to amend the complaint, so the case against the Auditor is ended and mortification in certain "Liberal" quarters has ensued. The Doctor had better prescribe for his attorneys.

#### "Acted Like a Charm."

This is what Mrs. Mayer, of Baronne street, New Orleans, says of Brown's Iron Bitters. A "charm" works quietly, surely, promptly, thoroughly and with delightful effect. That is just the way this wonderful family medicine works on invalids who have been suffering the woes of liver complaint, dyspepsia and impoverished blood. Those who know its worth say it is a complete cure for dyspepsia, weakness, malaria, neuralgia, etc.