

# THE DESERET NEWS.

TRUTH AND LIBERTY.

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## THE DESERET EVENING NEWS.

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DAVID O. CALDER,  
EDITOR AND PUBLISHER.

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## LOCAL AND OTHER MATTERS.

FROM WEDNESDAY'S DAILY, AUG. 5.

**Insulting Ladies.**—Henry White was before Alderman Pyper to-day, on a charge of insulting ladies, to which he pleaded guilty and was fined \$10.

**Information Wanted.**—Any person knowing the whereabouts of David Owen, who emigrated from Rumney, South Wales, in 1862, will confer a favor by communicating his address to John Rees, Wales, Saupete Co., Utah Territory.

**Fined.**—Mr. Ahlun, the party arrested by officer Phillips, on Monday, for breaking the peace and obstructing the polls, was fined \$15 yesterday evening, by Alderman Pyper. Counsel for the defense gave notice of an appeal to the District Court.

**Land Matters.**—We are informed, by Mr. Pottinger, Register of the U. S. land office in this Territory, that in making final proof of homestead entry, all parties are required to produce their full citizenship papers. In making their first entry it is only necessary, if the party be not a full citizen, to produce the first or declaration papers, showing the intention of becoming a citizen.

**Returns.**—The following dispatch, about Kane County returns, was received last evening, by Deseret Telegraph—

"TOQUERVILLE,

Aug. 4th, 1874.

"There are twelve precincts in the county. Returns have been received from five; three hundred and ninety votes for the People's ticket. No opposition.

"M. SLACK,

County Clerk."

**Nearly Disastrous.**—Yesterday afternoon Mr. H. Bowring and wife came near having a serious accident. They were driving along South Temple Street, in a buggy, when the horse got frightened and turned suddenly around, breaking the shafts and harness, and falling upon the ground with its head toward the vehicle. Luckily the buggy did not tip over and nobody was hurt, although, as might be expected, Mrs. Bowring was much frightened.

**Pictures.**—Mr. Geo. W. Ottinger, artist, is about to forward to San Francisco, to be sold, four of his fine oil paintings, among them that excellent specimen of art—Selkirk (Robinson Crusoe) on the Island of Juan Fernandez. The lonely mariner is represented as sitting on his chest, watching with eager and hopeless expression, the vessel on which he was an officer. The pictures will be consigned to Morris, Schwab & Co. A liberal purchaser here might keep them in the Territory.

U. S. LAND OFFICE,

Salt Lake City,

Aug. 5, 1874.

All final proofs of Homesteads

made in this office are suspended for want of a non-mineral affidavit.

All parties that have made such final proofs are requested to call at this office and have the same corrected. And all parties who have not produced their final citizen's papers are requested to bring the same in, so that their entry may be made complete.

WILLITT POTTINGER, Register.

**A Base and Baseless Rumor.**—Some excitement was caused upon the street to-day by a rumor that Mr. Whittemore, a saloon keeper, who was injured in the riot on Monday, was dead. An inquiry into the matter of the report disclosed two facts, one being that it was totally false, as Mr. Whittemore is rapidly getting over his hurt under the treatment of Dr. Fowler, and the other, that the rumor was started and kept afloat for the purpose of creating a sensation, inciting a bitter feeling against the city police, and raising a mob, for purposes of violence, with a view to making an excuse for the overriding of the local civic authorities, the object being the same as was desired to be produced by those riotous proceedings of Monday. We understand that Mr. Whittemore is able to be around.

**Twentieth Ward Seminary.**—Prof. Karl G. Maeser intends opening his regular Fall school term on the 10th of August, and as he purposes then establishing an advanced educational institution, it will be known as the Twentieth Ward Seminary. Prof. Maeser's high educational attainments are well known to the community, his capabilities as an advanced teacher being unquestioned, and it is probable that his seminary will be well patronized, as parents can commit their children to his care with the greatest confidence. He will be aided as principal, by competent assistants. There will be an academic class, for instruction in drawing, history, physical geography, and rhetoric, and, for those desiring to qualify for teachers, there will be a normal class; and also primary, intermediate and grammar departments.

For the benefit of those unable to attend in the day, evening classes will be organized and will meet for instruction twice a week, commencing on the 11th of August. This will present an excellent opportunity for young men and young women to improve their education.

**Examination and Acquittal of Police Officers.**—This morning Captain Burt, Andrew Smith, and W. G. Phillips, of the city police force, arrested last Monday, at the instance of one A. F. Ahlun, for, as he alleged, interfering with and preventing him from exercising his right of the suffrage at the polls on that day, appeared before U. S. Commissioner Toohy, for a preliminary examination on that charge.

Messrs. Carey and McBride appeared for the prosecution, and Messrs. Sutherland and Snow for the defense.

At the opening of the case, Judge Sutherland moved that the accused be discharged, because the warrant under which they were arrested was void, not having the seal of the magistrate who issued it.

The motion was briefly argued by the learned counsel on both sides, and overruled by the court, which held that the act of Congress creating such commissioners as they before whom the present case came for investigation, did not empower them to use a seal, and therefore warrants issued by them were not void because no seal was attached thereto.

Messrs. Ahlun and Appleby, witnesses for the prosecution, were called; the first one answered and was sworn. His evidence went to show that he had been a resident of this Territory about eleven months; that he was a citizen of the United States; that on election day he went to the polls to vote for a Delegate to Congress; that when he reached the place where the ballots were cast he was challenged, and that the challenge was sustained by the

Judge of Election, on the ground that he, Ahlun, was not a taxpayer. He affirmed that he had paid all demands that had been made upon him, but he did not pretend that he had ever paid any taxes, not even a poll-tax. He expressed his willingness to pay his poll-tax there if he could only learn how much it was. This, however, was not the business of the Judge of Election, and the ballot was refused.

Mr. Ahlun then went and informed Mr. Appleby about the refusal of his ballot, and that gentleman advised him to go and be sworn, which he did, but his ballot was still refused. Mr. Appleby then advised that he deposit his vote under protest. He attempted to do so, but his ballot was peremptorily refused. As he persisted in staying near the ballot-box, desiring to argue the point, a police officer, Mr. Phillips, laid his hand on his shoulder and led him to the passage way through which parties passed after depositing their ballots, in order to keep the ballot-box and vicinity clear of unnecessary obstruction. When in the passage way Ahlun and Appleby still kept up the conversation, and the affair having caused some excitement and obstruction, they were requested to move by officer Smith, who took hold of Ahlun's arm to force him to move on. The witness struck at or knocked off the hand of the police, telling him that he was an American citizen, that he had come there to vote and he meant to vote if possible.

For this act he was arrested, but was soon liberated on giving the necessary bail to appear and answer a charge of resisting an officer in the discharge of his duty.

Mr. Appleby was called and sworn, and corroborated the testimony of the preceding witness, and also testified that officer Phillips, during the excitement caused by the refusal of Ahlun's vote, took hold of him, Appleby, and tried to force him out of the way of voters; but upon Appleby telling the officer that he was a deputy U. S. marshal on duty there, he desisted. This witness also testified that when Mr. Ahlun was arrested, he, Appleby, called for deputy United States marshals to arrest the officer who arrested him, and that while one of them was attempting to do so, Captain Burt pulled the officer out of his grasp and took him into his room, but upon learning that the party attempting to arrest the officer was a deputy U. S. Marshal, Mr. Burt advised the officer to go along with him.

The preceding evidence was also corroborated by a third witness, Mr. Ford, an employee of Walker Bros., and this was the extent of the evidence against the officers, and was the basis of the charge upon which all three were arrested.

No evidence was called for the defense, but the counsel for the defense moved again that the accused be discharged, on the ground that no charge had been proved against them. He maintained that under the laws of the Territory the complainant was not a taxpayer, and consequently he had no right to vote; and that if he had been a legal taxpayer, the accused had not been guilty of any offence, for the vote of the plaintiff had been peremptorily and finally refused by the Judge of Election before any altercation took place between him and the officers, and that the latter, being on duty there to preserve the places of ingress to and egress from the ballot-box free from obstruction, they did no more than their duty required.

The counsel for the prosecution replied, both of them manifesting more than a little of the animus that prevades their side of the house against the people of the Territory, but want of time prevents us giving a synopsis of their arguments.

Judge Sutherland concluded in a telling speech, chiefly confined to showing the utter fallacy of the right assumed here on election day by U. S. Marshals, namely, that of taking the ballot-box under their sole supervision, and of superceding the municipal officers on that occasion.

Commissioner Toohy then rendered the following decision—

"The defendants, W. J. Phillips, Andrew Burt and Andrew Smith, are charged in this complaint with having unlawfully and by force prevented one A. F. Ahlun, a citizen of the United States, entitled to vote at a general election for Delegate to Congress, from voting, on the 3rd day of August. The learned gentlemen engaged in the case on both sides have brought into the discussion a great many questions in which, probably, I have nothing to do. For instance, the matter of the citizenship of Ahlun. I am not going to decide the merits of any law in relation to taxes, or the difference between the poll and property tax, or any other. I will assume that the complainant in this case was a voter qualified to cast his vote for a Delegate to Congress, on the third day of August last; that he went to the polls at the City Hall in this city, intending to exercise his right of voting for a Delegate, and that while there, on approaching the ballot-box, with his ticket in his hand, he was challenged, the question being as to his eligibility. The time employed in the discussion of that subject does not appear to have been long, but it closed with the rejection of the voter.

"I am sensible that the statute of the United States on this subject is very clear, and points out definitely the punishment and penalties to be imposed upon persons who forcibly or otherwise interfere with the right of suffrage.

"The question before me is this—Did anybody interfere with the right of Mr. Ahlun to cast his vote for Delegate to Congress; and, if any person or persons did interfere, who was that or those persons?

"Let me say here that the defendants are not before me as policemen; their official character has not been brought into this case at all, and I am compelled therefore to treat them as private citizens. The evidence adduced on the part of the prosecuting witness, Mr. Ahlun, shows that one Jeter Clinton, who was the judge of election at the polls, first refused to accept his vote, that thereupon a dialogue ensued between Mr. Ahlun and the judge of election, Clinton, and that dialogue resulted in the peremptory refusal of the judge of the election to take his vote.

"If I remember the testimony of Mr. Ahlun correctly, and I think I do, he stated that that conversation with Judge Clinton had closed and the decision had been made final before the altercation took place between him and the defendant Smith, who was the first of the three defendants met by Ahlun; that the hindrance to the exercise of his privilege as a voter had actually taken place and was an accomplished fact before any person attempted to remove him from the neighborhood of the polls.

"Having been refused, and the decision made that he could not vote there, it is not my province to say whether he was a voter or not. But assuming that he was, I believe that, after being refused by the decision of the Judge of the Election, it was his business to walk quietly away. I do not think that it is the right of a voter who is challenged and his vote refused at any polling place, to stand about and discuss questions bearing upon his eligibility with the Judge of the Election. If that were a rule to be observed in elections, we can easily imagine how readily the electoral privilege could be abused by a very small number of persons. I do not think that the statute of the United States contemplates that a person so challenged and his vote rejected, would be entitled to continue to argue the point with the judges.

"The weight of the testimony, its preponderance, is that this decision had been made, that Judge Clinton, who was in charge, and whose duty I presume it was to decide on the eligibility of voters, had made his decision that Mr. Ahlun was not entitled to vote there, and he would not receive his vote. This is sustained by the testimony of Mr. Ford, who was present and accompanied Mr.

Ahlun to the polls. He testifies that the conversation between the person desiring to vote and the Judge of Election had closed and the decision had been made. Mr. Appleby's testimony bears strongly in that way. In this case I am satisfied that there was no hindrance to the voter exercising his right, under the statute of the United States, to vote for a Delegate to Congress, on the part of the defendants, and whether he was hindered forcibly or otherwise by anybody else is not before me. I have to grant the motion and discharge the defendants."

FROM THURSDAY'S DAILY, AUG. 7.

**New Fence.**—A good looking new fence is about being put up around the University building corner.

**Matinee.**—It is announced that there will be no matinee at the Theatre on Saturday. The weather is hot, and the Vokes people work hard and fast enough playing in the evening for one day.

**Fireman Attention!**—The members of Wasatch Engine company No. 2 are requested to meet at their engine house, on Friday evening, August 7, at 7.30, sharp. By order of the foreman.

A. R. WRIGHT.

**No More Sunday Trains.**—We have been requested to insert the following:

"LOKAN, 5, 1874.

"Editor Deseret News:

"Please give notice that the U. N. R. R. Company will hereafter discontinue running its trains on Sundays. CHAS. NIBLEY."

The following are the official returns for Delegate, so far as heard from in the counties up to 5 p.m.

	Can- lon.	Bas- kin.	Scat- tered.
Salt Lake County	5219	2385	15
Davis County	1090	5	—
Weber County	1641	150	2
Cache County	2503	5	—
Sanpete County	2460	3	2

**Horticultural Society.**—At a meeting of this society, held last evening, Mr. Reading, corresponding secretary, read a communication from the Horticultural Society of Pennsylvania, asking the Agricultural and Horticultural Societies of Utah to exhibit at their fair, at Philadelphia, on the 15th of September.

**Bitten by a Dog.**—Yesterday a little girl, between five and six years old, daughter of Brother Geo. Hedger of the 11th Ward, was severely bitten by a mangy dog belonging to a person named Blount, of the 20th Ward. The wound is a very severe one. Dr. Anderson is attending the girl, and she is doing as well as might be expected. The dog was uncollared and consequently unlicensed, and Brother Hedger expressed an intention of prosecuting its owner. The animal was killed after biting the girl.

Some people are very careless about allowing their dogs to be loose around their premises, which should not be done, especially when the brutes are diseased, as this one was, for they are more liable to bite than at another time, and it is at such times that the bite is most dangerous.

## DIED.

In this city, August 5th, of convulsions, MARY ANN, daughter of Isaac and Sarah Meddows, aged 13 years and 3 months.

Deceased was born at Harboro Magna, near Rugby, Warwickshire, England.

Millennial Star, please copy.

In the Fourth ward of this city, on the 6th of August, MARY ANN HARDMAN, from the injuries sustained by being severely burned on Saturday last. Deceased was fourteen years of age on the 12th of last April.

In Salt Lake City, on the 5th inst., of liver complaint, GEORGE E. G. TAYLOR, in the 65th year of his age.

In the Fifth Ward of this city, August 6, EDMUND WILLIS, son of George William and Mary Ann Parratt. Deceased was born July 3rd, 1873.