

FROM WEDNESDAY'S DAILY, SEPT. 19, 1888

Third District Court.

At the opening of court today, District Attorney Peters stated that official business required his presence at Provo, and that Mr. Clarke would attend to his business in the third district until his return.

Ab Gee, the Chinaman who is in the penitentiary awaiting trial on the charge of murder, was ordered brought to the city to consult with his attorney. His witnesses were also ordered subpoenaed at the expense of the Territory.

Court took a recess for 30 minutes, until Mr. Clarke could get through with his grand jury business, so as to take up the prosecution of Territorial cases.

On resuming the case of John Morse, charged with burglary, was postponed till this afternoon.

The trial of Joseph Hillman, for assault with a deadly weapon, on William A. Holley at Tooele, on April 9, 1888, was commenced, but owing to the absence of the prosecuting witness was postponed till this afternoon, and an attachment issued for the witness.

The case of the People vs. Richard Jeffreys, grand larceny, was the only one remaining on the trial calendar for the day. The Court inquired whether that could not be taken up.

Mr. Clarke explained that a few days before Jeffreys had said good by to the Salt Lake County jail officers, and had not been recaptured.

Court—Then you can't try him.

Mr. Clarke—No, sir. I think they'd better catch him first.

Court—Has the grand jury investigated the escape, to learn who is responsible. Somebody must be, and the matter should be inquired into. The county jail was made to hold prisoners, not to let them escape.

The trial of John Morse, for burgling the Fountain saloon, was in progress this afternoon.

FROM THURSDAY'S DAILY, SEPT. 20, 1888

Still Pursuing.

U. S. Marshal Dyer's deputies visited the residence of Mr. George Q. Cannon today in search of witnesses, presumably for the purpose of working up a new case of some kind against that gentleman. What can be the ground of it, providing this be so, is not very clear.

Mrs. Emily Little Cannon was subpoenaed and appeared before the grand jury this afternoon.

Hard Bricks and Soft Hearts.

The following account of generous conduct has been handed in for publication:

It will be remembered that Mr. R. McVicker lost his life on Saturday last at Mr. Brain's brick yard by the bank caving upon him. Mr. Brain headed a subscription with \$25, and all his hands subscribed, which swelled the amount to \$65. Mr. McVicker had been working for Mr. Simkins until his works were shut down, but the latter and his running force on hand subscribed \$7.50, making in all \$112.50. The funeral expenses were \$45, leaving \$67.50 for the widow which was paid to her today.

Scottish Home Rule.

This morning we received a call from Mr. Thomas McNaught, of Edinburgh, Scotland. He is on a trip across this country in the interest of Home rule for his native country. His principal business at present is to discover the main centres where Scotchmen are located, and ascertain the general sentiment in relation to the object of the association of which Mr. McNaught is an agent.

Home rule is an element of democracy, and wherever men are to be found of any nationality whose hearts beat responsive to the cause of liberty and self-government, there will also be found, as a matter of consistency, the friends of home rule, not only for Scotland, but for every civilized people. Mr. McNaught is a lawyer, and a very genial and liberal-minded gentleman.

A New Irrigation Scheme.

When, a few years since, the project of constructing a canal from a point on the Jordan river southwest of the city to the Salt Lake to carry off the surplus water and prevent the low lands west of the city being flooded, was mooted it met with a good deal of indifference, and not a little opposition from persons who ought to have been interested in it, especially parties through whose land it was proposed to have it extend. Even after it was constructed at least one suit for alleged damage by overflow was planted against the canal company by one of the class last mentioned. It would now seem, however, that the land-owners of the extensive range situated between the Jordan river and the lake and north of the "White Bridge" have learned to appreciate the canal, as a considerable number of them met last evening at the Cullen Hotel to consider the question of placing a dam in the river bed to turn the whole of the stream through the canal. It is said that the consent of the county and city officers has been obtained for this to be done, and the result of last evening's deliberations was that a committee consisting of James Thomson, George W. Lufkin, S. C. Ewing and T. J. Almy were elected to inquire into the cost of

constructing the dam, etc., the probability being that it will soon be an accomplished fact. Several thousand acres of land will be thus brought into a condition to cultivate.

THE COURTS.**Cases Heard and Determined in Judicial Circles.****THIRD DISTRICT COURT.**

John Morse, whose trial on the charge of burglary took place yesterday afternoon, was acquitted.

The trial of John Hillman yesterday afternoon resulted in his being convicted of battery. His sentence was deferred until this morning, at which time Judge Sandford sentenced him to imprisonment in the Tooele County jail for 85 days and to pay a fine of \$200.

The Tribune editors were before the grand jury yesterday, as witnesses.

Today, in the Third District Court, the case of selling liquor on Sunday, against Elbridge Tufts and Robert Condie, was taken up, Messrs. W. J. Clarke and Harmel Pratt prosecuting and S. A. Kenner defending. Mr. Kenner desired to have the trial postponed, owing to his being indisposed, but Judge Sandford thought that he looked well enough to proceed. In empanelling a jury those who had been engaged in the liquor traffic were challenged. The offense was alleged to have been committed on Sunday, the 27th of May, 1888.

Policemen Joseph S. Barlow, Andrew Smith, Jr., and J. B. Cummock testified to having seen the defendants sell beer on the Sunday named, between 1 and 3 a. m.

The defendants both testified that they closed the bar at midnight, and sold no beer after that hour; they merely "stayed around" to clean up. As the defense wanted time to find another witness, recess was taken till this afternoon.

The other witness, Thomas Jones, testified that he was keeper of a gambling den above the saloon. He said no beer was bought after midnight.

The case went to the jury at 3 p. m.

FIRST DISTRICT COURT.

The following are the proceedings at Provo yesterday, before Judge Judd:

United States vs. Thomas Barrett; unlawful cohabitation; defendant pleaded guilty; sentence set for Sept. 23.

United States vs. Joseph B. Forbes; unlawful cohabitation; plea of not guilty withdrawn, and one of guilty entered; Sept. 23d set for sentence.

United States vs. Gibson Condie; unlawful cohabitation; plea of not guilty withdrawn and one of guilty entered; sentence set for October 9th.

United States vs. E. C. Boyer; unlawful cohabitation; defendant pleaded guilty and was sentenced to two months' in the penitentiary, and to pay a fine of \$200 and costs.

United States vs. Jesse Gardner; unlawful cohabitation; plea of guilty entered; defendant was sentenced to three months in the penitentiary and to pay the costs of the prosecution.

United States vs. Rasmus Nielsen; unlawful cohabitation; plea of not guilty withdrawn and one of guilty entered; sentence set for October 9th.

Allen G. Campbell vs. H. Holt; demurrer overruled; ten days allowed to answer.

The petit jury called and examined. George White was excused from service.

POLICE COURT.

C. C. Loman, Dennis Sullivan and Alfred Lemon, were fined \$5 each yesterday for drunkenness. Today Jos. Williams and Chas. McGuire received a similar punishment for the same offense.

Joseph Walker was convicted of having committed a nuisance. Sentence was suspended in his case. His companion in the offense, and the more culpable of the two, was Walter Westerman, who has thus far eluded the officers.

Wm. Kemp, for maintaining a nuisance, was fined \$10.

Duncan Gardner, arrested for drunkenness, has not yet been tried.

Oliver Case is under arrest for getting drunk and disturbing the peace.

Alleged Burning at the Stake.

The San Francisco Chronicle publishes the following:

Los Angeles, Sept. 15.—Frank Semon, formerly a policeman here, who has been on the Colorado river for some months, returned to this city today and relates a horrible case of death by fire inflicted by a band of Mojave Indians on a young squaw near Rock Springs in the eastern part of San Bernardino county, about three weeks ago. The squaw, who was but eighteen years of age, and quite comely, had in some way acquired the reputation of being a witch, and the head men of the band concluded to put her to death. The girl was stripped stark naked and bound to a strong stake, around which was heaped wood and brush, and the combustibles were set on fire. It was two hours before the girl died, and during that time she kept up an incessant shrieking, while the Indians danced about and added fuel to the flames while their victim was burned to a crisp.

The Indians told Semon that it was several years since they had burned a witch before, although several had been condemned to death, but had managed to escape.

FROM FRIDAY'S DAILY, SEPT. 21, 1888.

Sad Bereavement.

The many friends of Brother and Sister McAllister will deeply sympathize with them when they read the following dispatch:

Died, at St. George, 20th Sept., of inflammation of the bladder, Amy, beloved seven-year-old daughter of John T. D. McAllister and Matilda.

The Reform School.

The Board of Directors of the Reform School held a meeting in Ogden yesterday, and examined the plans submitted for the proposed building. The deed for the driving park grounds, where the structure is to be erected, was approved. The contracts for excavating and for furnishing rock were made, and the secretary instructed to draw on the Territorial Treasurer for \$20,000 for the building account.

"Picturesque Utah."

This is the title of a volume of views of Utah scenes, produced by the Albertype process, which are accompanied by graphic letter-press descriptions. The pictures are splendid works of art, and the volume is a very beautiful thing. It is handsomely bound in cloth, and on the outside of the cover appears a view in American Fork Cañon which is a gem. The pictures are from photographs by Savage. The publisher is Frank S. Inayor, 313 Sixteenth Street, Denver.

Collins Captured.

Several weeks ago Robert Collins, who was serving out a year in the county jail for larceny, made his escape. The search of the officers failed to discover his whereabouts until Tuesday last, when it was learned that he was in Nevada. Sheriff Burt sent a man into that state after the fugitive, and has received word that Collins was arrested at Reno. The necessary papers have been forwarded, and he will be brought back and placed in jail.

First District Court.

Proceedings before Judge Judd at Provo yesterday:

United States vs. E. W. Fox; unlawful cohabitation; Jacob Johnson entered as attorney for defendant.

United States vs. S. S. Jones; order overruling demurrer to complaint argued by George Sutherland for defendant; twenty days to answer.

James B. Hunter was excused from acting as petit juror.

United States vs. W. N. Dusenberry et al.; the demurrer to complaint argued overruled; twenty days to answer.

United States vs. W. J. Hunter and W. J. Lewis; unlawful cohabitation; plea of guilty entered. Sept. 23d set for sentence.

Sanpete Valley Railway vs. California Short Line Railway Co. et al.; J. L. Rawlins argued demurrer to complaint; overruled.

United States vs. Richard Bird; unlawful cohabitation. Plea changed to guilty. Sentence set for Sept. 23d.

United States vs. Lars Frandsen; bigamy; trial and verdict of guilty.

The grand jury presented nineteen indictments in United States cases and one in Territorial. It also ignored unlawful cohabitation charges against Erick Sandstrom, Edward Morris, H. C. H. Beck and Henson Walker.

Third District Court.

The trial of Elbridge Tufts, yesterday afternoon, resulted in the disagreement of the jury, the vote standing seven for conviction to five for acquittal. This was a surprise to most of those who listened to the testimony, and who believed that a verdict of guilty was certain. The jury were out two hours.

In the burglary case against Dan O'Brien and Henry Baker, the latter entered a plea of guilty. O'Brien was tried and acquitted.

This morning the perjury case against Ching Chong was called, but owing to the absence of Court Reporter F. E. McGurra, it was postponed until Sept. 25. This prosecution grew out of the trial of the Chinese murderer "Little Charlie." Ching Chong being one of the heathens who testified that Charlie was in Salt Lake the night the murder was committed.

In the cases of the People vs. George Shields, John Davis, Wm. Sofie and George Beckstead, assault, the attorney for the defendants asked a continuance for the term, as he had not been able to get his thirty or forty witnesses together. The request was granted. This case arose from the disturbance of a party at South Jordan by the defendants. They were convicted in the justices' court, and appealed.

The trial of the case of the People vs. Bridget Sweeney, was arranged for this afternoon. The defendant is accused of administering "Rough on Rats" to her husband, Terrence Sweeney.

The Idaho Registration.

Yesterday, about noon, our usually quiet little city was thrown into a tremor of excitement by the issuance of a number of subpoenas out of the probate court. Readers of the Enterprise will remember that some weeks ago one E. M. Larsen, supposed to be a Mormon, applied for registration, took the test oath and swore that he was not a member of the Mormon Church. From this circumstance has grown the present difficulty. It seems that District Attorney Standrod swore out a complaint and then had a number of witnesses subpoenaed for the purpose of ascertaining whether or not Larsen was a member of the Mormon Church. Yesterday the witnesses appeared in the Probate Court. Everything went along smoothly until the examination of Frederick E. Jones came up. Mr. Jones testified that he was the recording clerk for the Mormon Church in this ward, and that he believed that the name of E. M. Larsen appeared on the books. He further testified that he had turned said books over to Bishop Stuart about two hours before. The district attorney then asked him if those books could be procured.

Before Mr. Jones could make any reply Bishop Stuart, who was in the courtroom among the audience, jumped up and said: "No, sir, you can't have those books. I will do rather than you should get them. I have no use for you, Standrod. If you think two or three men are going to run this county you're fooled." Stuart indulged in considerable loud talk of that kind, directed principally at Attorney Standrod. He was ordered by the court to give up the books, which he positively declined to do. Whereupon he was committed to jail. The records, however, were produced, and it was found that E. M. Larsen's name appeared thereon. Larsen was arrested and waiving examination was placed under \$1500 bonds to appear before the grand jury, in default of which he was conveyed to the county jail.—Idaho Enterprise, Sept. 19.

Another Lie Refuted.

Annexed to this is an affidavit, which tells its own story. That the reader may have a clearer idea of the manner in which the red-hot republican and anti-Mormon sheet referred to manufactures falsehoods for political effect, we here quote from the article to which the affidavit—which has been forwarded to us for publication—refers:

"John Durrant, of American Fork, Utah County, was convicted of unlawful cohabitation in the spring of 1887. He served six months and was released. He returned to his home and wanted to resume his polygamous relations with his plural wife. She, being a firm believer in the divinity of the Priesthood and a faithful Mormon, did not know what to do. She protested for fear of being arrested, yet thought she should continue to live with her celestial lord. To settle the matter, she called upon her mother, a good Mormon. Her mother thought they should not live together, as it was liable to result in much trouble. Her husband still insisted on her receiving him secretly as of old. She went to Bishop Bromley of American Fork and laid the circumstances before him, and asked him if it was not better that they ceased to live as man and wife. Bishop Bromley replied to the woman's plea in this way: 'Are you not his wife? Did you not consent to be his wife for time and eternity?' The woman admitted that she did. 'Then,' continued the Bishop, 'you have nothing else to do but to obey his wishes and continue to live with him. You dare not disobey God's commands because man has ordered you to do.'"

AFFIDAVIT.

County of Utah, ss.

Personally appeared before me, William Greenwood, a Notary Public in and for Utah County, Utah Territory, Elizabeth Durrant, who upon her oath says that she is under bonds to answer in the First Judicial District Court, now in session in Provo, Utah Co., to the charge of fornication.

She further states that an article entitled "Polygamy Abandoned" is published in the Salt Lake Daily Tribune, in its issue of Sept. 19, 1888, stating or asserting that Bishop William M. Bromley had advised her to continue her polygamous relations with her husband, is a base, libelous fabrication. She has never asked Bishop Bromley's advice in the premises, neither had she received advice from Bishop Bromley at any time since her husband's release from the penitentiary in relation to living with her husband in polygamous relations.

(Signed) ELIZABETH J. DURRANT.
JENIMA DURRANT, } Witnesses.
ELIZABETH CULLUM, }

Sworn and subscribed to before me this 19th day of September, A. D. 1888.
WILLIAM GREENWOOD,
Notary Public.

Electric Street Railways.

"The Solution of the Municipal Rapid Transit Problem" was the subject of a paper recently read before the American Institute of Electrical Engineers, by Frank J. Sprague. The actual operation of street railways by electricity is bringing to view the obstacles which are to be overcome, and the success already attained leads Mr. Sprague to believe that municipal rapid transit is to be solved by the adoption of some system of electrical propulsion. It is his opinion that the data and experience obtained in the operation of the Union Passenger Railway in Richmond, Va., prove that electricity meets all the requirements for traffic of that character, while the grades are heavier and the curves sharper than will be encountered in most American cities. The Richmond road aggregated thirteen miles of track through nine miles of streets, and is operated from a central station, the power being de-

rived from three 125 horse power engines. The cost of running the cars is \$1.28 for operating and \$1.48 for station expenses—a total of \$3.36 per car per day or eighty-mile run. This does not include executive expenses, taxes, nor general charges of that character. The overhead system he considered the best and most economical, and, if properly constructed, has no objectionable features.

RAILWAY ITEMS.**Trouble Between the Midland & D. & R. G.—Other Items.**

Now that the Midland and D. & R. G. railways are understood to be making every effort to secure broad-gauge routes to Salt Lake, the contacts between the two roads sometimes wax pretty hot. The latest of the kind occurred at Aspen, Colorado, on Tuesday last, an account of which is given in the Denver Republican of the 19th. It says:

There is a lively railroad war here tonight and the old spectacle of armed men guarding rival tracks is seen in the section of the city known as Ute avenue. Sometime ago the Denver & Rio Grande secured a right of way through the eastern part of the city, ostensibly to reach the grounds that they had purchased adjoining the Rust sampler. During the past few days they have been at work running their track up there. The first excitement was caused this afternoon when the track approached Ute avenue, passing through ground formerly owned by a man named Welch.

Mrs. Welch appeared on the ground with a double-barreled shotgun and stopped the work. She declared that she had never signed any deed to the property, and that, therefore, the title could not have passed. She was brought to her senses by being arrested and taken before the police judge, who imposed a light fine. In the meantime the Midland folks were becoming uneasy, not knowing why the Rio Grande was pushing on to the base of the mountains, but the reason dawned on them toward evening and they set about defensive measures, these being embraced in the laying of a track out on Ute Avenue from their depot for the purpose of keeping their rivals from crossing the street. The Rio Grande, however, had the lead and got a track laid. While the latter's men were at supper the Midland stole a march on them, tore up their track on the avenue and laid a section of their own at the point.

This opened the war. Agent Waters of the Denver & Rio Grande immediately organized a force of 33 men, armed them with Winchester, and went up and took possession.

The Midland is now pushing its track up the avenue toward the intersection. It will reach the point before midnight and they declared it to be their purpose to again tear up the Rio Grande rails and secure possession.

Arms are being collected for the opposing forces, and the hardware stores are doing a lively ammunition business.

The city authorities are attempting to interfere, but so far they have not been heeded. President Scott and Traffic Manager Colbran, of the Midland with Agent Kendall, are marshaling the forces on that side, while Chief Engineer Briggs of the Denver & Rio Grande is backing Mr. Waters on their side of the fight.

The situation will be understood from the following: The Denver & Rio Grande comes into the city from the north side. It desires to get around at the base of the mountain to a deposit on the south side of the city. To do this it must reach the mountain by a track passing east of the Midland depot, cross Ute Avenue, which lies just at the base of the mountain, and then follow the mountain around westward. A further point aimed at is to get into Castle Creek Gulch so that they may reach Ascroft.

The company has recently determined upon an early extension to Ascroft and the Midland is also looking in the same direction, and if it can keep the opposing line from getting around the city, it will hold the advantage in the matter.

Just how either side expects to win any permanent advantage from this present contest is hard to understand. The matter is rendered more interesting by the announcement made today that it is the intention of the Union Pacific to build from Leadville to this place via Independence Pass and operate west of here in connection with the Denver & Rio Grande in the coal business. The surveyors have been at work on the line all summer, and it is now stated that the road is to be built Pueblo, Col., Sept. 18.—The Denver & Rio Grande switchmen's strike continues. The switch engineers and firemen, six in number, joined the switchmen today, and the result has been a scene of comparative inactivity in the yards, though master mechanics Keller, G. B. Murphy and a gang of Italians have worked hard to keep the yards clear. It is said the passenger engineers and other employees of the road will stand by the strikers. One or two conferences have been held by committees representing strikers and the road, but no conclusion has been reached.

The Fort Worth passenger train was the only one delayed today. It had to run back to Bessemer to get switched to its own track. The long sidings at Goodnight and Dundee are well filled with cars and the situation don't seem