

Tooele, vs. Sheriff William H. Lee, wherein the latter was required to show cause why a peremptory *mandamus* should not issue to compel him to turn over property supposed to belong to the office of sheriff, was before Judge McKean in chambers to-day.

Mr. Tilford, for the plaintiff, moved to strike out the amount of tax cost for mileage of Mr. W. H. Lee and Mr. Bryant, witness in another previous suit brought by the same party, and which was withdrawn. It will be remembered that judgment was given Mr. Lee for cost at the time of the withdrawal, but the Court granted Mr. Tilford's motion so far as it related to the striking out of his tax cost, but overruled it so far as it related to Mr. Bryant, witness for Lynch. Of course there was nothing one-sided in that ruling.

Mr. Sutherland, counsel for defendant, moved to quash proceeding, as the affidavit did not specify the property in possession of Mr. Lee, and wanted by Mr. Lynch. This, as a matter of course (these things appear to be all getting to be matters of course), was overruled.

Mr. Sutherland moved for a trial by jury, but this was another matter of course, and was overruled.

Mr. Sutherland asked the Judge to note an exception.

By the way, we may state, with regard to the matter of striking out Mr. Lee's tax costs, by way of showing how fairly the Court adjudicates, that in the similar suit of Brown vs. Rowberry the former was allowed \$50 for traveling expenses, etc.

The Court then issued an order, which, in effect, was that the trial of the following questions be proceeded with forthwith—

"Who on and after a given date was in possession of the requisite certificate showing him to be Sheriff of Tooele County?"

"What property, if any, belonging to the office of Sheriff of Tooele County, was in possession of defendant on and after a certain date?"

"What, if any, damages has the plaintiff sustained herein?"

A number of witnesses were then sworn on the part of the prosecution. The first placed on the stand was Muro J. Chamberlain, who claims to have been appointed County Clerk of Tooele by Judge Brown. A certificate of election of James M. Lynch, signed and sealed by witness, was presented as evidence.

Mr. Sutherland objected to the introduction of the certificate on the ground that the witness was not the person authorized by law to issue it. He then read the law, which states as clearly as language could make it that the incumbent of the office at the time of the election, and who holds over (Mr. Warburton), was the person, and the only one authorized to issue a certificate.

Every body thought the Court could not very well get over that. It was a poser. But he showed himself equal to the emergency, manifesting as much regard for law in the matter as Judge Hayden did for grammar when he was orating on a certain occasion, and shouted at the top of his sonorous voice, "Where is your free schools? Where is your seminaries of learning?"

"Suppose," said the Court, with a little more than the usual steeliness in his voice, "Suppose that the incumbent of the office of clerk had died, what then?" Echo answered, "What then?" "I overrule the objection and accept the certificate as evidence."

Well, well, what then? Supposing Judge McKean and Richard Warburton had never been born, what then? Suppose the Wasatch range should tear itself up by the roots, tumble a double summer-sault and flop over on the summit of the Oquirrh mountains, what then? And suppose Richard Warburton had died, what then? Why the fact is that he didn't die, for he was standing but a few yards from the Court-house door at the very moment the Court was indulging in suppositional surmising about his sinking into an untimely grave. We will give the Court the benefit of the belief that his far-fetched supposition was not father to the wish, as the existence of Richard Warburton, the person and the only one authorized to issue a certificate of election to County officers in Tooele, was no obstacle in the way of the most extraordinary and peculiarly peculiar ruling on record since the flood.

The Tooele County Court.—During the latest sitting of the Tooele Probate or County Court, not only the case of the sheriff, but the other contested election cases for the county were investigated, and in every case immense "Liberal" frauds were exposed, and it was unavoidably decided that the "People's" candidates were legally elected. Judge Brown, afraid of the result, declined to sit during the investigation. How badly those "Liberal" fellows do want the laws executed, to be sure.

That Dead Cow.—The owner of that dead cow which was being snaked around at the rear of a man's wagon yesterday is mentally disturbed at the comments in the News about people frequently leaving dead cows around loose where they become intolerable nuisances. Why he should be exercised over incidental remarks on a nuisance which needs to be alluded to and condemned, especially as we were not aware who the owner of that particular cow was, is rather peculiar. He is not the kind of a man to leave dead cows around where they shouldn't be, and therefore he was not alluded to at all. He paid a man to take the carcass away and bury it. The fact is, we did not refer to anybody in particular. We made a passing allusion to the man who, some time ago, left a carcass in front of Mr. Groesbeck's house, but we also meant all others who have done similar things, whether few or many, but by no means specially the owner of that particular cow.

FROM FRIDAY'S DAILY, OCT. 2.

A Change.—The blinding dust storm of last night brought the refreshing rain storm after dark, and to-day the dust is laid and the air is cooler by about twenty degrees.

Brought Them.—Our mention of the Museum's lack of the six numbers of the *Peep O'Day* brought them along. Prof. Barfoot is indebted for them to Mr. E. W. Tullidge.

The Only One.—We learn from the Beaver *Enterprise* of Sept. 29th, that the indictment against William Fotheringham was the only one found by the grand jury of the Second District on the charge of polygamy.

A Nasty Trick.—Night before last some parties daubed the door of Mr. Perkes' butcher shop, 12th Ward meat market, all over with filth, and we understand that either the same parties or some others, equally as mean and contemptible, did the same thing to an entrance gate at the residence of a gentleman of the 20th Ward, on the same night. Such despicable conduct should be most rigorously punished when the perpetrators are discovered, and we hope they will be in this instance.

Another Act.—Another act of the judicial farce connected with the Tooele election matter was concluded yesterday. The cases of J. M. Lynch vs. Sheriff Lee, and E. F. Martin vs. R. Warburton, were decided in favor of the plaintiffs by the issuance of peremptory *mandamus* compelling the defendants to hand over the property of Tooele County belonging to the office of Sheriff and Recorder, respectively, to the plaintiffs. We venture to say that there never was such barefacedly illegal decisions made on the Continent of America as were given on various points of issue all through those proceedings. It mattered not how squarely the law was put before the court by the counsel for the defendants in objecting to the positions taken by the other side. "I overrule the objection," without a single reason, being advanced by the Court for his action, put a quietus on the attorney.

That Three Thousand Dollar Swindle.—Yesterday afternoon John Robinson and James Langley were examined before Justice Pyper on a charge of robbing Peter McLaughlin of \$3,000. The evidence showed that the two men were with McLaughlin a large portion of the day, that they "roped him in" to the gambling house on First South street, and that although there was no direct proof that they committed the robbery, it was proved that McLaughlin was robbed of the amount stated, and they were seen with him before, and were found in his company soon after the money had been stolen from him.

Justice Pyper held Robinson and Langley in \$3,000, to appear before the grand jury of the Third District Court, and Mr. McLaughlin in \$4,000 for his appearance as prosecuting witness.

This morning Justice Pyper reduced the amount of bonds of each \$1,000.

The Codling Moth Question.—So much has been said about the codling moth that it would seem the subject must be exhausted. It would be a good thing if the moths themselves were exhausted, beyond resuscitation or repair, but there doesn't appear to be any such luck at present. The fruit they have destroyed or rendered useless this season is really immense.

The finding of these pests in his bee hives by Brother John Wardrobe partially substantiates an opinion that has several times been expressed in a private way by different parties regarding the origin of the moth in this Territory—that they were first brought here from the east in beehives. That some have been brought in that way is beyond doubt, as they have been observed in eastern hives after their arrival here by different parties. The question to be definitely settled is whether the moths thus imported have formed a nucleus from which the pestiferous myriads of destructive little insects have multiplied and increased. It has been observed that the beehives imported from California have not had moths in them.

The moths in one of Mr. Wardrobe's hives completely destroyed all the honey and even the comb, and caused the bees to decamp. It will be well for beekeepers to see that their hives are free from those destructive invaders, or they may lose their swarms.

To say that importation has been so extensively indulged in as to be, to use a familiar phrase, "run into the ground," only expresses the matter lightly. But when it comes to the matter of importing codling moths it is carrying the matter far beyond ordinary limits. Yet they have been imported, and the probability is that that was the starting point of the swarms of those insects, which are second only in destructive capacity to grasshoppers and carpet-baggers, and any one of the three classes of pests is a sufficient affliction to one community. But there is a moral attached to the imported codling moth question—the importation from abroad of any article that can be produced here is like so much codling-mothism, drawing away the substance of the community.

FROM SATURDAY'S DAILY, OCT. 3.

Returned.—We understand that Elder Geo. Q. Cannon returns from his southern trip to-day.

From St. George.—Elder David H. Cannon, of St. George, has been in town a few days. He will leave for home again on Monday.

Appointment.—Elder Peter Barton is appointed to labor in the Sheffield Conference, under the direction of Elder Elijah N. Freeman.—*Mill. Star*, Sept. 6.

Coming to Conference.—Visitors from the country are beginning to make their appearance in the city, ready for conference. Among them is Col. T. E. Ricks, of Logan, who makes a good, hearty showing from that famous valley.

Information Wanted.—Margaret Lee, of Christie's Buildings, Manchester, wishes to know the whereabouts of Alice Christie, late of Manchester, and who emigrated to Utah in 1861; her sister, Mary Barlow, is anxious to hear from her.—*Millennial Star*.

Davis's Tea and Grocery House.—Mr. Geo. W. Davis has long made a specialty of selling the choicest teas, coffees, and family groceries, which may be had, wholesale or retail, at his popular establishment. He also pays the highest prices for dried fruits and grain of all kinds. Everybody likes to trade there. Those who go once, go again.

N. L. M. A.—We have received from the National Lincoln Monument Association a note of invitation to attend and participate in the ceremonies of the unveiling of the Statue upon the Monument erected in memory of Abraham Lincoln, at Springfield, Illinois, Oct. 15. We should be happy to accept the invitation if we could make it convenient.

Vocal and Instrumental.—On

Monday night there will be a concert at the 20th Ward school house, for the benefit of Brother Henry C. Fowler, who will leave to go on a mission to Europe in a short time. The entertainment will commence at 8 o'clock, and an excellent programme has been provided. Brother John Daynes will direct the concert and Joseph J. Daynes will be organist. Tickets 25 cents and 50 cents.

Change of Firm.—Z. C. M. I. produce department has been bought out by Mr. S. W. Sears, who continues the business at the old stand. Mr. Sears has earned a reputation as an intelligent and enterprising man of business. He designs to have on hand a large assortment of provisions and family groceries, and by strict application to business and attention to all customers, to be favored with a liberal share of public patronage. Mr. Sears opened his establishment to-day.

Committed.—Robinson and Langley, in default of \$1,000 bonds, have been committed to jail, to await the action of the grand jury.

Langley is considered one of the hardest cases in the country. He was convicted in the Probate Court of setting fire to the property of Mr. J. R. Winder; he was placed under bonds, from which we believe he has not been released, on a charge of robbing Mr. Clinton of a chest and contents, during the progress of the Clift House fire; he snatched a pocket book, containing about a hundred dollars, out of the hand of an old man at the depot and was captured by the railroad hands before he could get away.

Since his arrest for alleged connection with the McLaughlin robbery he has been making revengeful threats against the police and others, announcing his intention of never resting till he saw them in irons, &c. Langley is a representative of a very bad and very numerous class now infesting this city.

A Rolling Stone.—Many of our readers will doubtless remember a young man named Kleiner, who used to officiate in the drug department of Z. C. M. I. a few months ago. Well, that young man is now teaching school in Yokohama, Japan. He is a German by birth, well educated, with a thorough knowledge of chemistry, is always studying something at every leisure moment, and has started out with the intention, singly and unaided, to travel round the world while he is young. He first went to Paris, where he engaged in business until he learned the French language, and then took his stand in London, until he became familiar with the English tongue and secured sufficient means to pay his passage across the Atlantic, when he came to New York, and from that place travelled to Utah. While in this City he was a dispenser in Z. C. M. I. drug department until he made about \$1,500, when he determined to push on once more. He is now in the employment of the government of Japan, teaching languages, at a salary of about \$160 per month. He has a large and sumptuously furnished house, with a servant to wait on him, for all of which he pays the sum of \$8 per month. He soon expects to move on through China.

Forty-fourth Semi-Annual Conference.—On Tuesday morning at 10 o'clock the Forty-fourth Semi-Annual Conference of the Church of Jesus Christ of Latter-day Saints will assemble at the New Tabernacle in this City. It is probable that the gathering will be a large one. The people can well afford to suspend the ordinary labors of life and assemble together on such an occasion and enjoy a time of refreshing, inspiring them with stronger faith and confidence in that God who never fails those who put their trust in Him.

The enemies of the Saints appear confident that they can uproot the foundation and overturn the fabric of the Work that God has commenced on the earth, but their strongest hopes in that regard are doomed to a certain disappointment as it is certain that the sun shines in the firmament and the earth revolves on its axis. Just when they think the summit of their expectations is about to be reached will be the time when they will meet with summary defeat, and in such a way that they will not expect.

Let the people come together that they may enjoy and participate in that good spirit which in-

spires the human heart with confidence, and which always predominates where a people meet together whose ruling desire is to serve God and keep his commandments.

FROM MONDAY'S DAILY, OCT. 5.

Stormy.—Showery nowadays, almost daily.

Preaching.—Elder Orson Pratt preached at the Tabernacle yesterday afternoon.

Benefit Concert.—Benefit concert to Brother H. C. Fowler, at the 20th Ward Schoolhouse to-night.

For Australia.—San Francisco papers say Mr. & Mrs. Geo. Darrell, Madam Anna Bishop, Mr. Hoskins, Miss Colville, and other artists are to leave that city October 10 for Australia.

Eating Choke Cherries.—Those persons, especially young people, who are in the habit of eating choke cherries, should read the notice, in to-day's News, of the death of a son of Mr. John Pack from the above cause.

Distinguished Arrivals.—Last evening's train brought to this City Sidney Dillon, President of the U. P. Railroad, Jay Gould, Oliver Ames and party. At 11 o'clock to-day they were to leave for Provo, purposing to return again this afternoon.

Got Shot.—A man got shot, on 2d South street, on Saturday evening, but he didn't get it honestly. He stole a sack of it from the Elephant store, for which he was arrested by watchman Dobson, and for which he was fined \$15, to-day, by Justice Pyper.

Senator Morton.—This distinguished statesman arrived in this City on Saturday, put up at the Townsend house and left again yesterday afternoon, on his way westward. He was met at Ogden on Saturday by Hon. Geo. Q. Cannon and other citizens, by whom he was escorted to this City. The Senator's health is quite feeble.

An Outrage.—We understand that on Saturday night, a man named Ball, of Bountiful, after feeding his horses, was about to enter his house, when he was sprang upon by a couple of men, who pounded and beat him in a horrible manner with clubs. No clue has yet been found to the perpetrators of the base act.

Horrible Tragedy at Bountiful.—A Woman Murdered in Cold Blood.—The following account of a most atrocious murder at Bountiful last evening, was handed in this morning—

"BOUNTIFUL, Oct. 5, 1874.

Editor of Deseret News:
"Last evening, at seven o'clock, Mrs. Adams, wife of Brother John Adams, of this place, was shot dead while sitting by the table, reading the Book of Doctrine and Covenants. The weapon used must have been a shot gun, loaded with slugs, or cut up lead. One piece tore away a portion of her chin, three penetrated her right breast and one struck her left arm. It must have been a premeditated act, for Bro. Adams does not live near any traveled road where a ruffian might be traveling along, shooting at random.

"Mrs. Adams was a good, faithful, inoffensive woman. Only a few days ago she said she did not know as she had an enemy in the world. She has been a resident of this place over fifteen years. There will be an inquest this morning.

"Yours,

"WM. BROWN."

We learn from parties who came in from Bountiful that immediately the deed was committed Mr. Adams, the husband of the unfortunate woman, who was sitting at the table near his wife, rushed out of the house, when, although the night, in addition to being dark, was windy, he distinctly heard the sound of the footsteps of a person rushing away from the spot. This morning the footprints of a person, in the same direction from the house in which the sound appeared to die away, were plainly visible upon the ground.

It is to be hoped that the perpetrator of this fiendish act will be discovered by the officers of justice and be punished to the fullest extent of the law.

—A disastrous inundation of the Nile Valley is feared.