

# THE DESERET NEWS.

TRUTH AND LIBERTY.

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### LOCAL NEWS.

FROM TUESDAY'S DAILY, OCT. 12

**Manifestation of Respect.**—On Saturday last a large number of the brethren and sisters of East Mill Creek met in the schoolhouse and passed a series of resolutions commendatory of Brother Amos H. Neff, who had been convicted of unlawful cohabitation with his wives. A feast, addresses, singing, recitations, etc., were features of the occasion. We have received a detailed account of the affair, but cannot give it space.

**Accidentally Shot and Killed.**—Yesterday a telegram was received by Mr. George Beck—brother of Mr. John Beck, from Lehi, stating that his son John, aged about 13 years, had, while hunting near the town mentioned, been accidentally shot and expired a few minutes after receiving the wound. The unfortunate lad was a bright little fellow, and will be remembered by visitors to Beck's Hot Springs as the boy who had charge of the bath house during the whole of last season.

**The Assignment of Lieut. R. W. Young.**—The assignment of Richard W. Young, a Second Lieutenant of Artillery in the regular army of the United States, and a son of the late Brigham Young, to duty at Fort Douglas, Salt Lake City, Utah, has filled the faint souls of the anti-Mormons with fright. They say this will encourage the Mormons to believe that the Government is on their side, and that they need fear the army no longer.

And all this because the war Department thinks that Lieutenant Young needs instruction in the branch of the service to which he belongs and sends him to Fort Douglas to receive it. Why, at the War Department it was not known that Lieutenant Young was a Mormon. They only knew him as Second Lieutenant Young.

What a ridiculous crowd those anti-Mormons must be, to be sure. And what a funk they fell into because a son of Brigham Young is coming home as a second lieutenant. Bah! They reason like asses and their courage is that of sheep.—Washington (D. C.) Hatchet.

**More Commissions.**—A press of matter has prevented the earlier appearance in these columns of the following list of commissions that have been issued by the Governor since the morning of the 6th inst.:

Joseph W. Stewart, Constable, Benjamin precinct, Utah county; John Powers, Constable, Charleston precinct, Wasatch county; Elias W. Williams, Justice of the Peace, Moma precinct, Juab county; Henry McArthur, Justice of the Peace, Seelye precinct, Millard county; Ezekiel Lee, superintendent of district schools, Rich county; James McMahon, Constable, Fillmore precinct, Millard county; Wm. C. Hanks, Justice of the Peace, Charleston precinct, Wasatch county; L. K. Stewart, Justice of the Peace, Benjamin precinct, Utah county; Ernest Peterson, Constable, Hyrum precinct, Cache county; Andrew Hickie, Justice of the Peace, Clarkston precinct, Cache county; Martin H. Tanner, Justice of the Peace, Granger precinct, Salt Lake county; Thomas W. Lee, Notary Public, Tooele county; S. V. Frazier, Justice of the Peace, Woodruff precinct, Rich county; Alma Findlay, Justice of the Peace, Laketown precinct, Rich county; Samuel Weston, Constable, Laketown precinct, Rich county; Joseph Neville, Constable, Woodruff precinct, Rich county; Oscar F. Lyon, Notary Public, Summit county; Benjamin W. E. Jennings, Notary Public, Salt Lake county.

**Inquest.**—Yesterday a coroner's inquest was held over the body of H. S. Dalton, of whose death we gave an account in our last issue. Six witnesses were examined before the jury, from whose testimony it appears that deceased with several other persons,

including Parley Evans, were drunk, and got into a quarrel over a game of pool at Beck's Hot Springs. Dalton insisted Evans just as the former was getting into a buggy. A scuffle ensued in which Dalton was brought violently to the ground. He was taken to the Deseret Hospital where he died of concussion of the brain. His arm was also broken. Following is the verdict:

Territory of Utah,  
County of Salt Lake,  
Fifth Precinct.

An inquisition held at the City Hall, in the Fifth precinct of Salt Lake, on the 11th day of October, 1886, before George D. Pyper, Justice of the Peace for said precinct and Acting Coroner of said county, upon the body of H. S. Dalton, by the jurors whose names are hereunto subscribed.

The said jury on their oaths do say from the evidence presented, that the said H. S. Dalton died on the 10th day of October, 1886, of concussion of the brain, brought on by injuries sustained by him at Beck's Hot Springs, in said city, on the 9th day of October, 1886, by falling out of a wagon while engaged in a drunken fight with Parley Evans; also, that the said injuries were produced without felonious intent on the part of said Parley Evans. In witness whereof, the said jurors have hereunto set their hands, the day and year first above written.

JETER CLINTON,  
B. F. GRANT,  
H. ARNOLD, Jurors.  
GEO. D. PYPER,  
Acting-Coroner.

### HABEAS CORPUS.

JUDGE M'BRIDE PRESENTS POINTS OF LAW IN CHAMBERS.

The case of the City vs. Edna Dixon, et al., arrested on the charge of keeping a house of ill-fame, was brought up before Judge Boreman in chambers this afternoon at 2:30.

Mr. Moyle, for the city, stated that he relied mostly upon authorities previously presented in a similar case, and gave way to Judge McBride, who proceeded to call attention to the fact that the ordinance had been changed as to the punishment, and then read the police justice's complaint, and the ordinance under which it was drawn.

Judge McBride then claimed that the ordinance was void because there was and is a statute on the same subject, the ordinance being an exact copy. The penalty provided by ordinance is less than that of the statute, and has to that extent nullified the statute of the Territory. An offense cannot be punished by different penalties, no matter what its designation. A city cannot make up a code of its own and assume jurisdiction over offenses provided for by statute. The Territory should punish first, because if the city punishes first the Territory can come in after and punish again, so that when such proceedings are brought they should be in the name of the higher authority. The city has no more authority than the attorney on the other side has to bring such actions in its own name. It matters not that this is an offense against the ordinances of Salt Lake City; it is an offense against the people of the Territory, and they are superior, the sovereignty of the city being derived from the people's representatives in the Legislature. These cases are not before a justice of the peace of Salt Lake City, but before a justice of the peace of Salt Lake County. There is no such thing as a justice of the peace of Salt Lake City, and the Judge then quoted the statute which provides that all criminal actions must be commenced in the name of the Territory. He cited a Nebraska case in support of his proposition, showing that proceedings of this kind should be in the name of the people. There is no such thing as police courts here, they are justices' courts, and their process must run in the name of the people of the State or Territory. All criminal proceedings in Utah must run in the name of the people thereof, because there is no sovereignty elsewhere. Wherever criminal proceedings are instituted by complaint, they must be in the name of the sovereign authority, and there cannot be two such authorities, one punishing one way, another another way. The two jurisdictions are in conflict, therefore the lesser must give way and its proceedings are void. To invest a so-called police court with conclusive authority which belongs to proceedings in the name of the people is to set aside a Territorial statute and cannot be maintained. The ordinance is void because of the conflict, the City Council having gone to the same extent that the Legislature alone is authorized to, and further, because the Council seeks to change the rule of evidence in such cases, as for example, mere hearsay of reputation being received as conclusive.

The Judge further objected to the process because of insufficiency. That style of pleading is bad, because it is improperly entitled. The Legislature cannot confer authority which it does not possess. An ordinance is not a law and must be proved. The ordinance must be presented as part of the evidence. An accused person is not supposed to be informed of an ordinance unless it is made a part of the complaint. The Territory has no right to make a statute which abridges the defendant's right to know exactly of what he is accused, but the ordinances do not come within such rule, and they are merely so much literature, to be proved; they are merely by-laws, and must be pleaded. The Legislature might as well dispense with a complaint altogether. A case cannot be proved without being stated. The prosecuting witness simply states a conclusion of law, saying that defendant has violated an ordinance of this city, and such a complaint cannot stand.

At 3:30 p. m., when our reporter left, Judge McBride was still speaking.

### NO CASE.

J. C. WATSON AGAIN ARRESTED BUT HE IS DISCHARGED.

Shortly after 4 o'clock yesterday afternoon the news flew around town that Brother J. C. Watson, who has served one term in the Penitentiary for living with his wives, had just been arrested again upon the old charge. The news was true; and at about the time the warrant was being served, officers were on their way to subpoena members of his family. Soon after his arrest the defendant was out on the street, in charge of deputy Holland, looking for bondsmen. These were found in the persons of Jesse W. Fox, Jr. and R. F. Cummings, Jr., who, on appearing before Commissioner McKay, were accepted. A bond in the sum of \$1,500 was executed, to secure the defendant's appearance for examination. But what seemed a little odd was that, as soon as the bond was signed, he was notified not to leave the Commissioner's office, as the examination would proceed as soon as the witnesses, who were momentarily expected, should arrive.

After a wait of half an hour, the witnesses not appearing, 7 o'clock in the evening was fixed upon for the hearing. At that hour a further continuance was taken till 10:30 this morning, when Mr. Varian appeared for the prosecution, and Mr. Moyle for the defense.

Mrs. Mary C. Watson was examined by Mr. Varian: I am the wife of the defendant; I have ten children; nine at home. I know Ellen Riley Watson. She is reputed to be married to my husband. She has six children, the youngest about a year and a half old. My youngest child is about a year old. My husband keeps a number of teams and teamsters. Some of the teams stay at my house, and some at the other house. My husband has lived at my house all the time since he was indicted before. He came directly from the penitentiary to my house, where I received him. Mrs. Ellen Watson was not there. I have never been in her house nor she in mine since defendant left prison, except once when she called at my house as a teacher. The two families do not exchange visits. My husband does not visit at Mrs. Ellen Watson's. He is a night watchman; gets home at about 5 o'clock in the morning. He takes all his meals at my house except when he eats up town. He usually rises at about 9 or 10 o'clock and spends the day attending to his business.

To Mr. Moyle—Mrs. Ellen Watson called at my house in the capacity of a religious teacher; Mr. Watson was not there when she called.

Mrs. Ellen Watson—I do not know whether I am the defendant's wife or not. I thought I was before he went to the penitentiary. I have never been divorced from him; my youngest child is about 14 months old. Witness described where she lived in the Sixth Ward. My lot does not adjoin Mrs. Mary Watson's. My husband has two teams stopping at my place and a teamster boards with me. The place where I live is my own. My husband has come three or four times a week to my house to see the teamster. He has never eaten a meal in my house since he came out of prison; has never spent the night there; has never called on me; may have spoken to me at times when he has called to see the teamster, about the children. Had no understanding with defendant about how we should live; never conversed with him about it; he came direct from prison to his first wife's, and has lived there since. Defendant was at my house about five minutes last Sunday evening; he did not sit down; he came to tell me to give some direction to the teamster; I go to meeting in the Sixth Ward; he goes to meeting there also. I sometimes speak to him, but seldom. I have never gone out with him nor associated in any way in public with him since he came out of prison.

The reason why I have not done so, is because I did not want him to get into trouble on my account. He comes to my house three or four times a week,

but always to see the teamster or to attend to the teams. He has no room nor clothing at my house.

To Mr. Moyle—My husband would generally stay 10 or 15 minutes; he would direct his conversation to the teamster, but would sometimes ask me about the welfare of the children.

Did you not have a conversation when he came out of prison to the effect that he could not live with you as a wife without being in danger?

Yes, and I told him that, rather than have him get into trouble, I would sacrifice his society. I have never sat nor conversed with him in meeting. I believe I remember my husband saying to me that he would have to live with his first wife, or be in danger of being sent to prison again; I don't remember distinctly, it was such a great trouble to me.

To Mr. Varian—I have never under any circumstances associated with defendant as his wife since he came out of prison; I do not expect to become a mother inside of the next three months.

Mrs. Ellen Burt, sister to Mrs. Mary C. Watson, Miss Ellen Watson, and Lizzie Burt, aged about 12 years, daughter of Mrs. Ellen Burt, Peter G. Burt and J. H. Anderson were examined, but nothing important or new was elicited, their testimony corroborating that previously given.

After the testimony was all in, Mr. Varian sat mute. Mr. Moyle asked for the discharge of the defendant, as the prosecuting officer could find nothing in the testimony to ask for his being held.

Gathering up the papers in the case the commissioner informed Mr. Watson that there was not in the evidence probable cause to believe him guilty, and he was therefore discharged.

FROM WEDNESDAY'S DAILY, OCT. 13

**Third District Court.**—Proceedings to-day: C. F. Dixon vs. W. F. Rose; motion to set aside default overruled.

United States vs. H. S. Eldredge et al.; judgment for plaintiff; twenty days' stay allowed.

Wm. E. Lunnion, guardian, vs. J. C. Conklin et al.; trial proceeded with; an open venire for ten additional jurors was issued to fill the panel.

**A Heavy Suit for Damages.**—In July, 1885, a two-year-old child of W. E. Lunnion lost an arm under the following circumstances: The parents were living a short distance south of the Utah Central depot. Between the depot and their residence was the sumpling mill of J. C. Conklin & Co. The child was playing on the track in front of its home, when some workmen in the employ of Conklin & Co., not noticing it, allowed a car to roll down upon it, inflicting injuries that resulted in the loss of an arm. The father has sued Conklin & Co. for 40,000 damages, and the case was on trial in the Third District Court to-day.

**A Night in Prison.**—At about 5 o'clock last evening a deputy marshal served a warrant of arrest on John W. Hoffman, at his home in the Twenty-first Ward, the charge being unlawful cohabitation. Of course it was too late for the transaction of any business in the Commissioner's court, and the defendant, who is a poor, feeble old man, was taken to the Penitentiary for the night. This forenoon he was brought before Commissioner McKay. Two ladies, his alleged wives, were also present, having been subpoenaed as witnesses. Mr. Moyle was present in behalf of the defense, but neither the District Attorney nor his assistant were on hand. The defendant desired to waive examination. To this the Commissioner partially assented, but he asked the younger of the two ladies, who gave her name as Martha Kersey, to be sworn. After taking the oath she stated, in answer to the Commissioner's questions, that she was married to the defendant thirteen years ago, had lived with him constantly for the last seven years, and that the other witness was his wife when she married him.

The defendant was required to give bail in the sum of \$1,000, and the witnesses in the sum of \$200 each. Two friends of the defendant were present to act as bondsmen, but neither was acceptable to the Commissioner, and Mr. Hoffman started out in company with an officer to look for bondsmen.

**Death of Young Beck.**—A correspondent writing from Lehi, on the 12th inst., gives us the following account of the fatal accident referred to in our issue of yesterday:

Editor Deseret News:

Yesterday about 1 p. m. John Beck, the son of Mr. G. Beck, a lad 14 years of age, while out herding and hunting over the river Jordan, in company with some other boys, near the S. L. & W. R. R. and while standing near the railroad bridge making some remarks to his companions, let his gun slip from his hands down between two ties. The gun struck one of the ties and was discharged, the contents

PASSING INTO HIS BODY

on his left side and coming out at the

shoulder, passed into his head. He breathed about twice and died on the spot. His body was taken to his home by his companions and his parents sent for, who were in Salt Lake City at the time. They arrived during the night. An inquest was held by the Mayor and a jury in the absence of the Justice of the Peace, and a verdict given in accordance with the above facts.

He has worked for Mr. John Beck, at the Hot Springs, and was known to be a good and faithful boy. His death has caused great sorrow in the family and among his friends. His remains will be buried to-morrow.

Respectfully, J. K.

**Railroad Circular.**—The General Freight Agent of the D. & R. G. W. has issued the following circular:

CIRCULAR NO. 33.

To Boarding Passes, Section Foremen and all others concerned:

In order to fully correct any impression to the contrary that may possibly exist, you are hereby informed that in the purchasing of your supplies you are at the fullest liberty to deal with any parties or firms that you may desire, acting with entire freedom in the matter, as this company has no interests nor preferences whatever towards any particular dealers.

Freight rates to you will be the same without reference to the party with whom you trade.

J. H. BENNETT,  
General Freight Agent.

The occasion that has called forth this circular is indicated upon its face. Undoubtedly a wide-spread understanding that has heretofore prevailed among business men to the effect that favoritism was shown to certain shippers over the D. & R. G. W., has created a prejudice against the freight department of that road. It is gratifying to observe that the management of that department is determined to abolish favoritism and ringism among shippers, and give to consumers along its line the same freight rates, regardless of the dealer they buy from. This circular has a healthy tone and has been favorably commented upon among the business men of this city. It looks like a move in the direction of reform.

**Remains Found.**—On Monday last a man named Moore was hunting ducks along the south shore of the Lake, about eight miles from Garfield, when he saw lying a short distance from the edge of the water, the remains of a human being. Without stopping to make a close examination of what he had discovered, Mr. Moore hastened to Tooele City and informed Sheriff McBride of what he had found. That officer went at once to the spot, took charge of the remains, and brought them to this city this afternoon.

It is supposed that the corpse is that of the merchant, J. D. Farmer, who is believed to have been drowned while bathing in the lake at Black Rock, August 6th, 1882. The skeleton is intact, much of the flesh still adhering to the bones. This is accounted for by the preservative character of the water of the lake. The height of the skeleton is about the same as that of the missing merchant, and a fragment of a bathing suit was found with the remains, this being a still further proof of identification. Some of the teeth of the corpse are filled with gold, and by this means it may be determined definitely whether or not the body of J. D. Farmer has been found. Mr. J. L. Whytock, who filed Mr. Farmer's teeth, will be able to identify his work.

So uncertain was the matter of his death at the time of his disappearance that considerable trouble was had about the payment of a heavy insurance upon his life, but the matter was finally settled between his estate and the insurance people by the former giving an indemnifying bond to the latter when part of the insurance was paid. His wife is now in New York City.

Mr. A. Fueger, 606 Walnut street, St. Louis, Mo., suffered for two years with lumbago, and was confined to his bed for several months. He was entirely cured by the use of St. Jacobs Oil, which he says is also the best cure for sprains and all other pains.

**Zuckerman's Arnica Salve.**

THE BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetters, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box.

FOR SALE at Z. C. M. & Drug Store.

**Angostura Bitters** are the best remedy for removing indigestion and all diseases originating from the digestive organs. Beware of counterfeits. Ask your grocer or druggist for the genuine article, manufactured by Dr. J. G. B. Siegert & Sons.