exist, we believe, would be more like-ly to prevail, if the employer and toe employed were to be drawn together in mutual interest and sympaton in tred of divided commentions in pro-

employed were to be drawn together in thousal interest and sympatny in stead of divided as generally at pres-ent. While the capitalist feels that so much brain and brawn can be bought for a low figure, and that he should get as much out of both as he can for his meney, and the wage-worker feels that he is squeezed down to the low-est remuneration and forced to labor to the full extent of his power, cutting in prices when practicable will be the policy on the one hand, and shirking of work when possible on the other. Both are wrong and detrimental to business and to society. The system of profit-sharing, which is under trial in many places, seems a lair way of uniting what have been diverse interests. It works pleasantly when there are any profits to be shared. How it will operate when business appears to have been conducted at a loss remains to be determined. Will working people be willing to share in losses as well as in profits? "It is a poor rule that only works one way." We like the style of the Social Mill Company and commend it to the con-sideration of all employers; and we believe that a vast deal of trouble, loss It Judge Dundy observed: "This work 'strike,' is of modern origin. The question is regarding its legal definition, and on that the case may turn. If it means, and it can be shown that its meaning in this case is a project to create dis-turbance, derail cars and ditch trains, then the conrt can order a wait of injunction to restrain the contemplated injury and the charge of conspiracy is well taken. If on the other hand, the word is synonomous with an intention of guitting work and quietly walking out, I don't see how this court is going to restrain this ac-tion. That's all there is in the case as it stands at present, that I can see." as it stands at present, thit I can see." The attorney of the Burlington and Missouri, in support of the bill, con-tended that the Brotherhood of Loco-motive Eogineers is an oath-bound, secret society, holding meetings and acting under a general head, and that it had directed the members, as a body, all over the county, to refuse to work on the B. & M. road unless higher wages are paid, and to refuse to allow its members to work for roads hanling B. & M. traffic. These, in themselves, he contended are conspiracles and in direct violation of a free contract sys-tem and of law. The case is a peculiar one, and Judge Dundy's decision, which was expected to-day, will be read with uncommon interest, as it will involve the question whether or not the engi-neers of a railread can be compelled to work after they desire to quit, and in the absence of any specific contract. Company and commend it to the con-sideration of all employers; and we helieve that a vast deal of trouble, loss and bad blood could be avoided, if these who profit by the labors of others would deal by them with fairness and treat them with that regard for hu-manity and Christian precept that should animate all men and women who claim to be civilized.

# WHAT ABOUT THIS?

WE came across this paragraph in the columns of this morning's issue of a local cotemporary:

"Leading real estate men are advo-cating the moving of the cemetery to some more remote part of the clv. Its present location is in the vicinity where fashionable residences naturally tend. It might be well to advocate the matter and see what the people think of it. Snrely, if it is to be moved it should be done soon.""

This advocacy is another link in the chain, the chief material of which has been "cheek," that has been woven by "leading real estate men" in this city during the last few months. The objective point of impertinent intrusion is transferred, it appears, from Capitol Hill to the home of the dead.

Has it come to this that the real es-tate business is to be so far "run into the ground" as to reach the remains of the dear departed? It is singular that a public journal can be found that would so far countenance such a sug-restion sat to favor the advecers of the gestion as to favor the advocacy of the matter to "see what the people think of it." Is it presumable that the people are an aggregation of idiots and have no reverence for the dead? And if the cemetery is to be moved "it should be done soon." What! for the should be done soon." What! for the sake of filing the pockets of a few "leading real estate men" by widen-ing the field of their speculation, are the graves of the dead to be desec-rated and their remains removed to some more distant spot to satisfy the greed for gold that consumes the vitals of some of the living? Are the de-parted to be robbed of their last earth ly lot of 2x6?

y lot of 2x6? "Leading real estate men" should advocate something more modest and consistent. Let them buy up a few sections of waste land somewhere and insist that the site of Salt Lake City be removed to it.

## RAILROAD LAW,

THE Inter-state commerce commission appears to be kept extremely busy in the hearing and trying of cases which come before it under the inter-state commerce law; and its desisions, which are succeeding each other rap. idly, are forming a common law relative to railroads, which is new and peculiar to the United States. The rulings of the commission are gener-

ally accepted as sound in logic and equitable in principle, though some of them reach farther than equity has ever before ventured, in the effort to right wrongs and prevent and correct abnses. Often the ablest lawyers in the country represent contending rail. the country represent contending railroad corporations before the commis-sion, and their researches and argu-ments help to impart the qualities of learning, keen discrimination, and practical justice to the decisions which are rendered, of and

which are rendered, But a case has come before Judge Dundy of Omaha, more unique, in at least one feature, than any we know of as having been ruled upon by the com-mission. Its object, as explained in the NEWS of the 10th inst, was to ob-tain an injunction to prevent the of-ficers, agents and especially the engi-neers of the Union Facific from refus-ing of failing to transport Burliagton freight. Such an injunction, good sause being shown, would lie as against a common carrier; but General Cowin, in behalf of the Union Facific engi-neers, held that "there was no law to compel men to work when they desired to quit," and claimed that such was the real object of the hill. Judge Dundy remarked :

THE DESERET NEVOS

# being sned for \$10,000 damages, it being alleged by the plaintiff that the death of ber husband was caused by the rail-

# way company's negligence.

never order a man to work against his

will by injunction. Such action would be inequitable for the reason that an-other remedy exists—a suit for breach of contract, whenever the terms of

the contract as prescribed, are not car-ried out."

The question of the meaning of the word "strike" came up, and relative to it Judge Dundy observed :

SENATOR BUTLER'S BILL.

THE dispatches annonnce that Senator Botler introduced in the Senate yester-

day a, bill for the admission of Utah

Into the Union as a state. According

to the synopsis of the measure as

given in the telegrams, it contemplates

the holding of another constitutiona;

convention in Utah. The Utah Com-

mission is authorized to divide the

Territory into 100 districts, from each

since the their seats. No uniform procedure for admitting new states has been established, and the preliminarizes that have been gone through with by territories prepara-tory to being clothed with the full powers and privileges of statehood, have varied widely in different cases. The telegraphic synopsis of Senator Butler's bill is too brief to admit of criticizing it intelligently, in respect to the procedure which it prescribes; but no one can object to its provision re-specting religious liberty, if the same is correctly onlined in the dispatches. The bill is in the hands of the Commit tee on Territories, and of the time or nature of their repart upon it no inti-

nature of their report upon it no inti-mation has been given.

FROM MONDAT'S DAILY, MARCH 19.

Convicted.

On Saturday afternoon John Eckert and Ed. W. Maynes had their trial in the Third District Court for having counterfeit money in their possession. The jury were out but a short time,

defendants are to be sentenced on Wednesday next, at 10 a.m.

Released.

and rendered a verdict of guilty.

t tilb. The

An Ex-Rabbi in Town.

An Ex-Rabbi in Town. Today we had the pleasure of meet-ing with Dr. Isaacson, late from Ger-many. He was until recently a Jewish Rabbi in that country, but was ex-pelled from his position last August, for accepting Jesus of Nazareth as the true Messiah. He had made the an-nouncement of his conviction in the Synagogue, and was given the alter-native of recantation or expulsion, and chose the latter. He is investigating the religion of the Latter-day Saints, having, he states, come to Sait Lake principally for that purpose. Dr. Isaacson went to Provo today, accom-panied by President Augus M. Cannon, the object of the trip being to see Elder J. M. Tanner, recently returned from a mission to the Holy Land and other oriental countries. other oriental countries.

# Third District Court.

Proceedings before Judge Zane to-

Proceedings before Jndge Zane to-day: Eliza Wedborg vs. Adolph Wedborg; order for amendment of decree. The People, etc., vs. John Taylor; convicted of marder in the second de gree; motion of defendant for new trial overruled; defendant sentenced to imprisonment for five years. H. P. McLane vs. Wm. Tretman et al.; continued for the term in the ab-sence of the attorneys.

sence of the attorneys. Edward Austin vs. Geo. W. Roberts, judgment entered according to stipu-

lation.

lation.
John W. Johnson vs. J. H. Van Horn; judgment entered for the amount admitted to be due.
Joseph Oberndorfer vs. Fred. Joslyn; defendant does not appear; judgment of \$66 and costs for plaintiff.
C. L. Lowe vs. Herald Publishing Co.; motion of defendant for continu-ance argned and submitted.
Matilda Openshaw vs. Utah Nevada Railway Co., snit for damages, on trial before a jury.

# Probate Court.

Proceedings in the Sait Lake County Probate Court on Saturday: In the matter of the incorporation of the Price River Coal & Coke Company; order made directing clerk to issue certificate. Estate and guerdianship of Joseph

Estate and guardianship of Joseph L. Proctor, a minor; bond of the guar-dian in the sum of \$1000 filed and ap-Territory into 100 districts, from each of which, at the August election this year, a delegate to that convention is to be chosen. Apparently it is con-templated to have a new constitution formed, one provision of which must irrevocably ordain that "perfect toler-ation of religions seatiments shall be secured, and that no inhabitant of the state shall ever be molested in person or property on account of his mode of religious worship." As soon as the constitution formed by this convention shall be ratified by the people of the Territory, it will be-come the duty of the President of the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to lasue a proclamation admitting the new state into the United States to lasue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclamation admitting the new state into the United States to issue a proclama-tion of the President, it is to be pre-sumed that the Congressional delega-tion would take their seats. No uniform procedure for admitting pew states has been established, and proved.

dian in the sum of show hied and ap-proved. Estate of Geo. Handley, deceased; order made appointing time and place to petition for letters of administration to be issued to A. Scott Chapman. Estate of Wm. Jeanlugs, deceased; order made appointing time and place to hear petition of G. E. Bourne, ask-ing that the executors be ordered to make a conveyance of part of let 2, block 57, plat A, Salt Lake City Sur-vey, to him. Estate of Orson K. Whitney, de-ceased; order made appointing time and place for hearing and approv-ing the final account of adminis-trator, and for hearing petition for distribution. Estate of Don Carlos Whitney; same Estate of Don Carlos Whitney; same

order.

### Snicide.

Suicide. On Friday night John A. Blood, a young man who has been residing in American Fork, committed suicide by shooting himself through the head. He bade his friends good bye and then went to the home of a young lady with whom he had been keeping company He said good bye to her, and when she asked where he was going he replied "To die right here." He then drew two pistols ene in each hand. The lady caught hold of one, and he raised the other, and put a bullet through his head, killing himself in-stantly. An inquest was held on Sat-urday, when the jury returned the fol-lowing verdict; TERRITORY OF UTAH.

TERRITORY OF UTAH, UTAH COUNTY, AMERICAN FORK PRECINCT.

AMERICAN FORK PRECINCT.) An inquisition holden at the residence of George Western, in American Fork City, County and Territory aforesaid, on the 17th day of March, A. D. 1888, before John Me. Neill, justlee of the peace, apon the body of John W. Blood, there lying dead, by the jurors whose names are hereto subscribed. The said inrors upon their oaths do say that the deceased came to hia death on the 16th day of March, A. D. 1888, by a pittol shot, fired from his own hand, through the head, with snicidal intert, from a Colt's pixel, it chibre, under a temporary state of despon-while sufficient infection is preceding to the second secon

James Woeds, of Tooele, and Thos. H. Smith, of Union, Sait Lake County, were released today from the peniten-tiary. Each served the full term for unlawfui cohabitation, plus the extra menth in lieu of a fine. Both are in excellent health. Attest my hand this 17th day of March, A. D. 1888. Justice of the Peace. the officers made an effort to get into a the officers made and the door and kept them off, shouting at the same time that the police were coming

which has been taken before Judge E.T. Sprague as examiner. Mr. Sheets had declined on a former occasion to testify, and at the last session of the Territorial Supreme Court, he was ordered to answer the court, he was ordered to answer the has been taken before Judge court was not disposed to class him questions put to him. This afternoon he stated his age,

This afternoon he stated his age, residence, business, etc., in reply to Mr. Peters, but ween the question was asked as to whether or not he was in the employ of Bishop W. B. Pres-ton, he declined to answer. About a dozen questions were put to him re-garding his conuection with the prop-erty which the receiver is asking for, and to each of them he made the same reply, "I decline to answer." About twenty other inquiries were made re-carding the description of certaiu an-mals, etc., but he refused to make any statement regarding them. Mr. Peters asked whether the witness refused to jtestify for the reason he

Mr. Peters asked whether the witness refused to [testify for the reason he had given on a former occasion, viz., that ne "did not feel like it," and Mr. Sheets replied that he declined to answer any and all questions tonching the controversy. Judge Sprague inquired whether Mr. Sheets understood that the Snpreme Court had decided the questions to be proper, and that a failure to answer

them was a contempt of court, and was informed that he did. The Judge then stated that he did. The Judge then stated that he would report the matter up to the Supreme Court at the session to be held on Monday, April 2, and the examination was closed.

That is the Term Osborne's Slayer

In the Third District Court today Ar. Dickson asked for a new trial in the case of John Taylor, of Bingham, convicted of murder in the second de-gree for the klining of James Osborne. He argued at some length, insisting that the verdict was not warranted by the law and the evidence.

The judge then racited the circum-stances of the killing, with which our readers are familiar, and said there was room for doubt as to whether Taylor intended to kill Osborne. None who were there seemed to consider the blow a fatal one: in fact it was not blow a fatal one; in fact it was not thought to be very serious. It is not necessary for murder in the second de-gree for the person making the assault to intend to kill. Taylor

### STRUCK BUT ONE BLOW:

STRUCK BUT ONE BLOW; the question is, were the jury author-ized to believe that the blow was given with sufficient deliberation to make it murder in the second degree. Toere is no doubt [Taylor was incited by passion and was under the isfluence to drink. If Taylor went to get a pistol, that would be against him; but the evidence is conflicting on that point if the jury found that Taylor went for the pistol, I am not satisfied that thery were wroag in their verdict. From all of the evidence I am not prepared to say the jury were clearly wrong, so as to set aside the verdict. The fact that Bond told Taylor that if he struck with AGAINET THE DEFENDANT, Tork. MCBRIDE.—At Plain thity; March 10th, 1883, of old age, Agnes Barr McBride, wife of James McBride. Deceased was born March 22d, 1801, in the Parish of shatts, L n arkshire, scotland, and emplary Latter-day sumt, and died in full felowship, and in the hope of a glorious resurrection. Faneral services were held on the 11th int., in the Plain City meeting homas; consoling remarks were mude by Brothers John maney and William Geddes, and the remains were followed to the eem-etery by a large concurse of people, and genesited the besting the struck with AGAINET THE DEFENDANT, BUERUP-In Ogden, March 15, 1888, at 7

AGAINST THE DEFENDANT.

as is also the fact that he carried the club behind him. He evidently in-tended to use the club without giving Osborne's chance to see it. The motion

Oborne a chance to see it. The motion for a new trial is overruled. Mr. Hoffman then made a plea to the conrt, on behalf of the defendant, for lenieucy. Henrged that the circum-stances were such as to justify any young man in getting angry at the ill-treatment of his father, as testified to in the present case. in the present case. At the conclusion of Mr. Hoffman's

remarks, the defendant was ordered to stand up. The court stated the finding of the jury, and asked "Have you anything to say before sentence is passed upon you?" Mr. Taylor—All I wish to say is that

I desire the

### MERCY OF THE COURT.

neers of the Union Pacific from refus-ing or failing to transport Burlington freight. Such an injunction, good sause being shown, would lie as against a common carrier; but General Cowin, in behalf of the Union Pacific endin neers, held that "there was no law to compel men to work when they desired to quit," and claimed that such was the teal object of the bill. Judge Dundy remarked: "If that be the sole object, then this case has no business here. I shall Judge Zane then said he was satis-

court was not disposed to class him with common murderers. In the hope that this would be a warning to him, he would fix the term at the shortest per-iod which the law allowed. It might bave the effect of causing the defend-ant to control his passions in the inture. The term was lixed at confine-ment in the penitentlary for the

153

TERM OF FIVE YEARS.

The defendant took his sentence quietly, though it was apparent that he telt rather gloomy over his prospects. When the judgment was pronounced he shook hands with his attorneys and departed in the custody of an officer. He was subsequently lodged in the penitentiary. penitentiary.

# IN THE NEIGHBORHOOD.

News Notes Gathered from Vari-

### ous Sources.

Pueblo, Colo., March 14.—Jaob, the man who was arrested last Saturday night on suspicion :ol being Tascott, the Chicago morderer, has brought suit for damages of \$10,000 against Abraham B. Franklin, who caused his arrest. Franklin is a Union Avenue saloon keeper who owns considerable property. property.

Trinidad, Colo., March 14.—An acci-dent, which will probably cost Jobe Gurule his life, happened in the yards of the Denver, Texas & Fort Worth Railway, in this city, today. Mr. Gn-rule was golag home and was walking down the track, when he was struck by a switch engine and so severely in-jured that he will probably die. Mr. Gurule was the father-iu-law of L. M. Kreeger, our city constable, and was highly respected.

Wichita, Kas., March 14.—Four rep-resentatives of the Mo-show-po-co band Sec and Fox Indians came to this city today from the Indian Territory to make out papers seeting forth certain claims, amounting in all to \$120,000, against the United States. They base their claims upon about twenty treat-ties, covering a period from 1815 to 1868, in which they claim that the United States bound themselves to pay them certain annulties, and that their portion of the tribal funds has not, been paid to them since 1869.

### BIRTH.

DENNEY.-On Saturday last, at 5:35 p. m., to Sarah Ann Gold, wife of Charles Denney, of Union, a son. All well.

### DEATHS.

LEAVITT.--In the Sixteenth Ward, at 5:30 last evening, of croup, ida Lucelile, daugh-ter of John J. aud Anna World Leavitt.aged three and a hait years. Funeral at 11 a. m. tomorrow at 537 w. First North Street-Friends of the family are invited.

EDWARDS.—In the Ninth Ward, this city Mardh 16th, 1885, of pneumonia, Boney, son of Joseph and Martha Edwards, born May 30th, 1883. The child's futher is dead. Funeral from residence, 544 c., Fourth South Street, at 3 p. m. tomorrow. Friends invited. invited

CUTLER-At West Jordan, March 17, 1888, of diabetes, Benjamin Lewis Cutler; born December 25, 1835, in Oswego County, New York.

BURRUP-In Ogden, March 15, 1838, at 7 a.m., Jumes Burrup, aged 55 years. The funeral ceremonics will take place at the residence, on Main Street, Ogden, between Fifth and Sixth, at 2 p.m. on Sun-day, March 18th. Friends invited.

BAYLES.-At Bluff, san Juan Co., March 5, 1888, of old age, Harmon D. Bayles. At the time of his death he was a refagee for religion's sake, his home being in Parowan, He raised a large and respectable family.

LEITHEAD.-In Glendale, Kane County, Utah. of old age, Deborah. daughter of Joshua and Ann Lahorenuv, and wife of James Leithead. Deceased was born in New Brunswick, February 4th, 1608; mar-ried May 6th, 1835; embraced the Gospel in 1837; removed to Kirtland, Ohio, an the same year; crossed the plains in 1850, and settled at Farmington, Davis County. In 1858 she removed to St. Thomas, "on the Minday," and from thence to Glendale in 1871.

Middy," and from interce to an ender 1871. She was a loving wife and tender mother, and bore all her inflictions and trials during the mobilings of the Saints in the early his-tory of the Church, with fortitude and realgoation, such as exaited faith alone could have imparted to ner. See died as she lived, a faithful Latter-day Saint, with an assurance of a glorious resurrection and a life of immortality beyond the tomb.----iCOM.

FIVE YEARS. is Required to Serve.

District Attorney Peters stated that he had nothing to say on the motion. Judge Zane then rendered his deci-Judge Zane then rendered his deci-sion, remarking that there were a few courts that would not grant a new trial when the verdict was against the evidence, and the court clearly sees that fact, but the court that has not the courage to set aside a verdict that is not supported by the evidence had

# BETTER GET OFF THE BENCH.

BETTER GET OFF THE BENCH, The question arises in this case whether the defendant, in striking the fatal blow was actuated by passion or by malice—whether or not there was such premeditation to kill the de-ceased as would authorize the jury to find the Cefendant guilty of murder in the second ue-gree. It is not necessary for the defendant to be free from passion to make the killing premeditated. If the blow was more the result of passion than deliberation, then the verdict should have been man slaughter; if premeditation was the sonree of the blow it should have been murder. The judge then recited the circum-