DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - JAN. 25, 1888.

THE FRANCO-ITALIAN AFFAIR.

FRANCE and Italy are in the midst of a difficulty which for a time looked pretty gloomy, and is not fully cleared up at this writing. It seems that th over-vigilant police of Florence, in their quest for documentary evidence, entered the French consulate without invitation or permission, made a search against protest, found what they wanted nd bore it away in triumph, contrary to the expressed will of the officer in charge.

The reader will be apt to say that there is nothing in this worth telegraphing, alone commenting upon, but there is enough in it to bring France to the verge of suspending diplomatic relations, and expelling all Italians from the country, and this would be a cause for it not virtually a declaration of war. It is the only way nations can treat each other and maintain their dignity before the world, the way France acted as soon as the news was received; for such an act as that of the police, protected and thus recognized by the Italian government, would be as gross a violation of the comity of nations as could be devised, since the French consulate is French soil and the act would thus be one of hostile invasion.

It is a very mild course that France has taken in relation to the matter, milder than she ever resorted to under such circumstances before. In June, 1870, the French minister at Berlin sought an audience with King William of Prussia, at Ems, but was refused; this was surely much less in point of aggravation than the Italian affair, yet it was enough to cause Louis Napoleon to issue his proclamation of war. Perhaps it was the melancholy and disastrous outcome of the struggle which followed that causes the government now to proceed slowly in that direction.

The next question that arises is, what was the real object of the outrage and was it the independent act of Italy or was she merely enacting the part of the cat in the chestnut fable? It might be considered an uncharitable and groundless presumption to say that Germany is working in this way to provoke France into a conflict with one of her allies so that a pretext will be furnished for hurling a gigantic force upon the Gauls like an avalanche and crushing them completely before the powers can interfere if they desire to do so—and yet it is pretty well known that Germany's map of Europe in the future does not contain France at all, but a united Germany extending from the Baltic to the Bay of Biscay. Furthermore, Italy alone has no quarrel with France, the memories of 1858 being as fresh as though it was only yesterday that her own and the Austrian forces allied were crushed as by a thunderbolt by the impetuous Frenchman.

There is something in it all that has not come to the surface, and what that something is can only be told hereafter. One thing is certain—reparation must be made and speedily or there will be trouble; and Italy, perhaps realizing that she has shown her hand too early and gone too far to be justified in the eyes of the world, has, as it appears from a telegram, partly consented to make the reparation. Otherwise, Russia might soon be figuring as a fighter in the rear, rather than as the chief combatant in front.

ATTACHMENTS IN CIVIL CASES.

"A BILL providing for attachments," which has passed the Council, and was yesterday sent to the House for its action thereon, would sweep away all the protection which a debtor now has in this Territory against having his property attached by any one or more of his creditors, before judgment, without notice, and in a summary manner. The gist of the bill is contained in its first two sections, which are as follows:

"SEC. 1. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases:

1.—In an action upon a judgment, or upon contract, express or implied, for the direct payment of money, where the contract is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of plaintiff, or the person to whom the security was given, become valueless.

2.—In an action upon a judgment, or upon contract, express or implied, against a defendant not residing in this Territory.

SEC. 2. The clerk of the court must issue the writ of attachment upon receiving an affidavit by, or on behalf of plaintiff, setting forth:

1.—That the defendant is indebted to the plaintiff (specifying the amount, as near as may be, of such indebtedness over and above all legal set offs or counter-claims) and whether upon a judgment or upon a contract, for the direct payment of money, and that the payment of the same has not been secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, that such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless, or

2.—That the defendant is indebted to the plaintiff (specifying the amount, as near as may be, of such indebtedness over and above all legal set-offs or counter-claims) and that the defendant is a non-resident of the Territory; and

3. That the attachment is not sought, and the action is not prosecuted to hinder, delay, or defraud any creditor of defendant."

The above provisions mean that any debtor in this Territory, say for example, a country merchant who owes amoonts to a number of wholesale houses, who is honest, engaged in a strictly legitimate business, and is solvent, may suddenly have his store closed and his stock taken charge of by an officer, should a suspicion of his solvency or reliability enter the mind of one of his creditors; or should one of the latter yield to a prompting of malice. As attachments take precedence in the order in which they are issued, the rest of the creditors would engage in a lively scramble, each bent on getting his own in before the others; and any lawyer or business man can foresee the result. In the great majority of cases the unfortunate debtor will be buried under an avalanche of litigation too great to admit of a hope that he will survive.

The amount of wrong and disaster possible to be wrought under such a law is very great, and it is a matter of astonishment that this bill should have passed the upper branch of the Legislature of this Territory in such a form. If it shall become a law without amendment the possibility to effect the financial ruin of one-half the country merchants and co-operative stores throughout the Territory, inside of a month, will be created. Such institutions will have no protection against a crash save the honor or leniency of their creditors. The malevolence of the measure extends to all classes of debtors, but bears more directly upon persons engaged in mercantile and manufacturing pursuits.

We are speaking what would be possible under such a law, rather than of what would, with reasonable certainty happen. But wise legislation guards against possibilities, even though they may be remote. It is, however, reasonably certain that if the bill shall become a law in its present form, civil litigation will be greatly increased in the Territory, and many merchants and small dealers, who on account of uncontrolable circumstances are slow in meeting obligations, may be hopelessly sunk under attachments.

All of the arguments that supported the theory that a debtor should have some protection against his creditors, weigh against this bill. An enlightened public policy would disapprove of placing in the hands of a creditor the power to bring upon any debtor such a disaster as a premature attachment suit must be, not only because of the expense which it involves, but of the damage it works to the reputation and credit of the defendant. Under the measure in question, the action of one malicious creditor might not only result in great harm to a defendant, but also to others of his creditors, by placing him in a position that would prevent him from meeting obligations which he could and would pay if not handicapped with attachments.

Under the present law, before a writ of attachment will issue, one or more of the following grounds must be specified and supported by affidavit, not merely on information and belief, but positively;

That the defendant "stands in defiance of an officer, or conceals himself so that process cannot be served upon him; or

"Has assigned, disposed of or concealed, or is about to assign, dispose of or conceal any of his property with intent to defraud his creditors; or,

"Has departed, or is about to depart from the Territory, to the injury of his creditors; or

"Fraudulently contracted the debt or incurred the obligation respecting which the action is brought."

There is ambiguity in the present attachment law, but the evident meaning of the Legislature, the common consent of the bar of the Territory, and the universal practice in it, support the interpretation of the law which is here given. The present provisions relative to attachments are good, equitable and just, and greatly preferable to the bill in question.

Among the evils the new measure would be likely to produce would be to increase litigation in the Territory; it appears to be in the interest of plaintiffs in civil suits and correspondingly to the detriment of defendants.

THE ISSUE WELL MADE UP.

THE first gun of the coming struggle was duly discharged in the ways and means committee of the House of Representatives at Washington yesterday. It occurred upon the motion of Mr. McKinley to take up the bill for the abolition of the tobacco tax, and the motion was lost by 5 to 4—a strict party vote, the Democrats being in the majority and voting nay. The significance of this action is well understood where it occurred but perhaps not so well here, and an explanation on it in detail may not prove uninteresting.

Shortly after the appearance of the Presidents' annual and monotheme message to Congress, Mr. J. G. Blaine, then and now in Europe, was easily "found" by a representative of the New York *Tribune* and was much more communicative than he was ever known to be before, at least to the interviewing gentry. Mr. Cleveland had already arranged the platform of the Democratic party in the coming contest, declaring unequivocally for tariff reform and against useless accumulations in the Treasury, and this left the task of the Republican leaders comparatively easy, as they had only to take the opposite view. Some one had to voice the sentiments of the latter party, however, and the arrangement by the N. Y. *Tribune* to have Mr. Blaine do it was very clever, as it gave him additional prestige and he is as capable as, perhaps more so than, any of his associates. To simply oppose would not do, of course, and a defined plan of action constituting opposition must be outlined. With reference to the surplus question, the Maine statesman's plan was regarded as a little too chimerical for a man of his ability and experience, but as there are several ways of reducing the great aggregation in the national vaults, that matter was not so vital. It was the question of reform that constituted the principal attraction, and on this subject he expressed himself as in favor of a "limited reform," knowing, of course, that no candidate could be popular who expressed himself as altogether against reform, and the manner in which he would have it brought about was what constitutes the key note of that section of the opposition. President Cleveland, and of course the bulk of the Democratic party, oppose the abolition of the tax on whisky and tobacco and would extinguish the surplus by reducing the receipts of the government by means by cutting down the customs duties on some raw materials to a sufficient extent to make the receipts from such source as much less than is now received at the Treasury as is in excess of what the government requires. As this also means the lightening of the burdens upon consumers by forcing manufacturers and large producers to reduce their rates, the President and a vast army of other people think a fairer, juster and more direct plan could not be devised.

The republicans adopt the Blaine idea and claim that tobacco is not a luxury but a necessity — that the "luxury of yesterday becomes the necessity of today," to use his own words, and to make good their avowals in the cause of what they are pleased to term reform, a bill to repeal the tax on tobacco has already been introduced and referred, with what success so far the reader has already been advised. So the question in chief upon which the forces will be divided next November, will be free or taxed tobacco, lower or the prevailing prices of woolen fabrics, and what few remnants of the bloody shirt can be got together and patched in shape for exhibition.

The efforts on the part of the Republican managers to shift the blame for the prevalence of war taxes upon their opponents because of their acting solidly against the abolition of the tobacco tax will be ingeniously and incessantly employed from this time on. They will doubtless be as adroitly and persistently employed as were the tactics resorted to immediately after the appearance of the message to snow that Mr. Cleveland and his party were "a nest of free traders." The shifting effort will doubtless meet with the same fate as the other—a gradual collapse—and for the same reason, that the people read and think and the majority of them cannot exactly see it in that light.

THE RECENT FREEZER.

EXCHANGES which give particulars of the late horrible weather in Minnesota, Nebraska and Dakota are at hand. The mere perusal of the descriptions is sufficient to send a cold shiver down the spinal column of a person even in a superheated atmosphere.

Probably Dakota was the greatest sufferer from the extreme low temperature and the bitter howling blasts that swept the country. The approach of the rushing hurricane was designated by an immense black cloud whose base touched the earth. As it came sweeping onward at a fifty-mile rate the wind increased with great rapidity, and inside of five hours the mercury darted down 35 degrees.

In places objects were not discernible more than a few feet distant, and people caught on the streets of the towns wandered about, unable to find their homes. Many were frozen to death within a few rods of their own premises. Among the victims were numbers of children on their way from school. One man and his son were loading hay; the boy was frozen to death while the father will lose both arms. Another man was found frozen stiff, standing by his own barn. The casualties were appallingly numerous, scores of people losing their lives by the severity of the cold.

Reading the tales of suffering endured in some parts of the country during the late inclemency makes one ashamed of the grumbling that has been indulged in regarding our own late little cold snap. If the atmosphere in this region has not been positively sultry compared to what it has been in other parts, it has at least been tolerable. We think more than ever of our Utah climate, and we always did entertain an appreciative sentiment in regard to it.

USELESS LABOR.

AT every session of the Legislature for many years past, there have been presented petitions and bills for, or amendments to, municipal charters. The present session of the Assembly is being appealed to in the same way. Smithfield, Cache County, has asked for additional powers, only to be disappointed, and Nephi, Juab County, is, we understand, about to ask for a charter, which her own citizens have prepared.

Henceforth all such appeals to the Legislature will be in vain, at least until Congress shall repeal existing legislation, which it is not at all likely to do. The act of Congress of June 30th, 1886, prohibits Territorial legislatures from passing special acts granting or amending municipal charters. Hence, no matter how willing our present Assembly might be to grant favors of this kind, it cannot do so. The labors of the citizens of Nephi, in preparing a city charter, will prove entirely fruitless, unless ideas embodied in their result can be utilized in preparing a general law upon the subject.

Other towns and municipal organizations in the Territory may save themselves trouble by noting the fact that new charters can be obtained, and old ones amended, only in the manner specified in general laws, and as Utah at present has no general law upon this subject, cities and towns must remain as they are, in respect to charter privileges, until a general statute is passed.

The House committee on municipal corporations are engaged in preparing a bill upon this subject, and it is likely that one will be matured and passed, which will afford the relief required.

FROM FRIDAY'S DAILY, JAN. 20, 1888.

Committed to Jail.

Peter Tong, of Snyderville, who was arrested on a charge of incest, had an examination before a United States Commissioner at Park City, and was held to answer before the grand jury Failing to find security for $2,500, he was committed to the penitentiary.

Waived Examination.

Today Ephraim G. Snyder, of Snyderville, Summit County, was brought before Commissioner Norrell on the charge of unlawful cohabitation. He pleaded not guilty and was allowed to waive examination. He gave $1,000 bonds to await the action of the next grand jury.

Funeral Services.

At 12 o'clock today the funeral service over the remains of the late Edward Callister, of the Seventh Ward, were conducted in the ward meeting-house. The speakers on the occasion were President Angus M. Cannon, Bishop Wm. Thorn, and Elders Charles Lambert, Geo. C. Lambert and R. F. Neslen, who made consolatory remarks to the family and friends of the deceased.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

Estate of John R. Morgan, deceased; order made appointing time and place for hearing petition for letters of administration.

Estate of Benjamin F. Howells, deceased; same order.

Estate of Anna G. Anderson, deceased; same order.

In the matter of the incorporation of the Sandy Co-operative Mercantile and Manufacturing Co.; order made directing the clerk to issue a certificate to the effect that the agreement and oath or affirmation and oath of office and bonds have been filed as provided by law.

The following marriage certificates have been filed with the clerk: Robert J. Harmon and Mary Bell, Riley North and Israel Ivie, E. A. Slaughter and Mary E. Smith.

Gibson Condie Arrested.

Gibson Condie, of Springville, was arrested yesterday afternoon by the deputy marshals for unlawful cohabitation. Deputies McLellan, Norrell and Hudson, went to his house late in the afternoon and found him working about his stables. On becoming aware of their presence he ran to a clump of bulrushes near by and there hid himself. The deputies, after a long search, succeeded in finding him. He was arrested and the alleged plural wife was subpœnaed and, accompanied by a couple of friends to become sureties if wanted, the party came to Provo. Before Commissioner Hill, the defendant pleaded not guilty of the offense charged and stated that he wished to waive examination. Mrs. Pultherman Condie was sworn and testified that she was a wife of the defendant. At the time of the marriage, she was not aware whether the defendant had another wife or not. The Commissioner stated that in the absence of the necessary witnesses the case would have to be postponed for the present and the defendant was required to give temporary bonds of $1200 pending examination. Mrs. Condie gave bonds of $200 to insure her attendance when wanted. Messrs. Storrs and Pultherman became surities.—*Provo American, Jan. 19.*

THE LEGISLATURE.

COUNCIL.

JANUARY 20, 1888.

The Council convened at the usual hour. After the opening exercises Wimmer presented a petition from Jasper Robertson and 310 others praying for an appropriation by the legislature of $3,000 to be applied to the bridges of Cottonwood, Huntington and Price rivers in Emery County. Referred to the committee on appropriations.

Marshall called for the second reading of C. F. 5, a bill providing for the classification and government of municipal corporations. The bill passed its second reading and was amended.

F. R. Clayton sent in a communication conveying his thanks for the freedom of the Council extended.

At 2:30 p.m. on motion of Olsen, the Council adjourned until Monday, the 23d inst., at 2 p.m.

Most of the time of the session was devoted to discussing and amending C. F. 5.

HOUSE.

JANUARY 20, 1888.

The first thing after the opening exercises was the reading of a communication from the Governor announcing his approval of the compilation bill.

Hatch introduced a petition from 200 of the people of Ashley Valley, asking that the name of the town of Ashley be changed to Vernal, and that the county seat of Uintah County be moved to Vernal.

Allen objected that the Assembly could not move a county seat, under the Act of Congress of June 30th, 1886, and moved that the petition be tabled.

Hatch thought it ought to be referred to some committee, out of respect to the petitioners, and in view of framing a general law on the subject.

On King's motion it was referred to the committee on counties.

Moyle introduced H. F. 15, a bill to amend a section of the Compiled Laws so as to make sexual intercourse with a girl under thirteen years old, rape.

H. F. 16, was introduced, amending the law relating to stealing rides on railroads, which was referred to the judiciary committee.

Richards introduced H. F. 17, a bill amending the present law relative to procedure in justices' courts, in criminal cases, the giving of bonds on appeal, etc. Read the first time and referred to the judiciary committee.

Richards introduced H. F. 18, prescribing the fees of the Secretary of the Territory. Referred to the committee on claims and public accounts.

Farnsworth introduced H. F. 19, relative to the fees of clerks of district courts. Referred to the committee on claims and public accounts.

Farnsworth introduced a bill changing the boundaries of the Second Judicial District. Referred to the judiciary committee.

Seegmiller introduced a bill providing for the removal of county seats. It provides for an election by the qualified electors of a county to decide whether or not the county seat should be removed, and if so, to what place. Referred to committee on counties.

Kimball introduced a bill amending the charter of the University of Deseret, which was referred to the committee on education.

McLaughlin moved that when the house adjourn it be until Monday next at 2 p.m. Carried.

Day before yesterday the chair appointed Mr. Lund on the committee on penitentiary and reform school, but as the appointment had not appeared in the journal, the chair repeated it.

Hatch asked if the Council had taken action upon the House concurrent resolution providing for clerical assistance for the House committee on claims and public accounts, and was answered in the negative.

Hatch was given a leave of absence when the House adjourned.

FROM SATURDAY'S DAILY, JAN. 21, 1888.

An Assault Case.

A young man named Parley Hanson was brought before Commissioner Norrell at 2 o'clock this afternoon on the charge of assault. The offense is alleged to have been committed at Murray, Salt Lake County, on the 18th inst., and it is said that he made things rather lively for a man named Fred. Watford. A recess was taken to allow the accused to consult an attorney.