# SECOND EDITION.

DESERET EVENING NEWS.

Friday, March 13, 1891.

Copy for Advertisements which are expected to appear in the Evening News on the day when desired should be handed in to the business department not later than 7 p. m.

Rates of Advertising furnished upon application.

Only the advertisements could be in time this way.

## FRAGMENTS.

THE establishment of a soap factory in the penitentiary is talked about.

PROFESSOR GEORGE A'VA's time was completed today in listening to the arguments in a civil suit.

W. J. ENGLEN, a native of England, was admitted to citizenship in the Third District Court yesterday afternoon.

THERE are unfulfilled concerts at the Western Union office for W. J. McLaughlin, George F. Smith and S. F. Vreeland.

MARRIAGE licenses have been issued by County Clerk Allen to Carl A. Erickson and Agnes E. Ulsen, Samuel Harwood and Malinda Elwood.

NELS SIGURDSON, of this city, and Miss Eliza M. Nelson, of Ephraim, were yesterday afternoon united in matrimony by Justice Lewis.

GOVERNOR THOMAS has been elected honorary and corresponding member of the World's Congress Auxiliary of the World's Columbian Exposition.

IT is announced that Lieutenant Wright, of Fort Douglas, has been detailed by the authorities at Washington to act as instructor of military science at Parrott University.

A SMALL boy fell from a farm wagon on First East Street today, while the vehicle was in motion. It was at first supposed that he was badly injured but an examination showed that he was not seriously hurt.

JOHN J. KANE and William Fox were arrested today on the double charge of soliciting votes under false pretenses and selling a Modoc lemonade. They were taken to police headquarters, where they deposited $25 each to secure their attendance in court tomorrow.

THE fourteen-year-old son of Mr. Theodore Robinson, president of the Ogden State Bank, met with a serious accident while out for a drive yesterday. The horse took fright, ran away, collided with a wagon, and young Robinson was thrown violently to the ground. He sustained a scalp wound several inches long and was otherwise badly hurt. Hopes of his recovery are entertained.

### Temple Notice.

The Manti Temple will close on Friday evening, April 3d, and open again for ordinance work on Monday, April 13th. DANIEL H. WELLS.

### Last Night's Lecture.

The lecture delivered by Charles Ellis in the Seventh Ward Assembly Hall last evening was attended by a large and enthusiastic audience. The lecture was exceedingly interesting throughout and bristled with witty and well taken points which were greeted with rapturous applause. At the close the audience voted unanimously in favor of having Mr. Ellis visit the ward again ere long and favor them with another lecture.

### Released from Prison.

Brother George M. Crawford, of Washington, Washington County, was released from the Penitentiary yesterday after serving a six months' term for the offense of living with his wives. Not having more property than the law would exempt from execution, he did not pay the fine and costs assessed against him, and was accordingly required to remain an extra thirty days in prison. There are twenty-one persons now enduring imprisonment in the Penitentiary for violations of the Edmunds law, all of whom are in fair health.

### Third District Court.

The following business was transacted in the Third District Court today before Judge Zane:

In the case of the People vs. A. C. Sidney, charged with violating the statutes of the United Salt Company to a wheel, for $40, United States District Attorney Varian stated that there were extenuating circumstances and asked that the court impose the lightest possible sentence. Defendant was ordered to be kept in the penitentiary for one year.

Six cases against Francis Armstrong for selling and aiding the misappropriation of public money were dismissed on the motion of Mr. Varian, on the ground that criminal intent was not apparent.

Six similar cases against Alfred Solomon were also dismissed at Mr. Varian's request.

BEFORE JUDGE ANDERSON.

The following orders were made before Judge Anderson today:

Harriet Tuttle et al. vs. Rachel Bogel et al; demurrer of Elias Smith withdrawn; ten days in which to answer.

Elmer E. Merritt vs. Julia B. Howard; motion to set aside judgment allowed.

George Thurgood vs. E. H. Parsons; motion for a new trial; referred to Judge Zane.

Frank T. Cochrane vs. Clinton Busschee; motion for new trial and to dissolve injunction; referred to Judge Zane.

Carey Lumber Lumber Company vs. Charles Sheets et al; demurrer to complaint entered.

Thomas Ireland et al. vs. ——; order to show cause set for Monday, March 16th.

Edwin Hoshton et al.; demurrer to complaint; demurrer overruled and ten days allowed in which to answer.

### The "Utah Monthly."

The March issue of this enterprising home publication contains the first part of a sensational article by H. W. Naisbitt on the late John Lyon, under the heading of "The Songs of a Pioneer." Accompanying the sketch is an excellent engraving of the subject as he appeared in life. In the next number of the magazine will be presented, by way of contrast, a portrait of Brother Lyon as he appeared on his 80th birthday.

An illustrated article on the Yellowstone National Park will be read with interest by all who appreciate the wonders of nature. Besides the above, there is an excellent array of poems and articles on a variety of topics by such eminent writers as John Boyle O'Reilly, C. F. G. Cumming, John Vance Cheney, Dr. Felix L. Oswald, Marquis D. Cheney and others.

## THE TEN THOUSAND DOLLARS

### Damage Suit Against the Union Pacific Railway Company

BEFORE JUDGE ZANE TODAY.

**The Evidence All in and the Case Submitted to the Jury.**

The case of John White, who is wanted in Wyoming on the charge of murder, and who is suing the Union Pacific Railway Company for $10,000 damages alleged to have been sustained in July last, by being put off defendant's train and maltreated by its employes, was resumed in the Third District Court before Judge Zane today.

After our columns closed yesterday afternoon the defense moved for a nonsuit.

Mr. Williams said that even if everything the plaintiff had said was true, it simply showed that certain men had committed certain wrongful acts for which the defendant could not be held liable, and it was not shown that any of the men were agents of the defendant.

Judge Powers opposed the motion. These men were acting within the scope of their employment. They had full control of the train, and if that were true, the defendant was liable.

Mr. Van Cott insisted the train men were not acting within the scope of their authority. The assault was not made to eject White from the train. It was made for some private purpose.

Judge Zane—The motion for a nonsuit was made on the grounds that the persons committing the act complained of were not employes of the defendant company, and second, that the acts were not committed within the scope of their employment. The plaintiff was certainly in the train wrongfully and the men had a right to put him off and to use the necessary force, but no more. Any act that they may have done to arrest him or make him confess would not have been within the scope of their employment unless upon some special authority. The question was whether or not the acts which followed the ejection from the train were not so connected as to constitute one act. It was so very closely connected that he was disposed to allow the question to go to the jury. As to whether these men were employes of the defendant company, the evidence indicated that they were.

The defense then opened by calling M. E. Michelson, who testified—On the night of July 8 I was at Salt Wells, Wyoming, and was braking for the Union Pacific. I had heard that a breakman named Taggett had been pushed from the freight train and killed, and when the train came in I went with a man named Hyberg to find the party who pushed Taggett off. We found the plaintiff standing by the cars and called him over. Then we took him to the end of the train and held him until Conductor Lockhart came up. He told White over the head and the latter broke and ran. Lockhart shot at him and I gave chase. Some more men were fired and White came back to us. We took him to the end of the train and tied a rope around his neck. I held one end of the rope, and then we started the train and I made him jump off. We ran about four hundred yards, when he got the rope off and ran north. White was were dragging him, he grabbed the drawhead. I did not touch his hands.

To Judge Powers—I have been in Missouri. Never went under the name of Enos Barnes there. Never have been known by any name other than the one given by my father. At the time in question, I believe I did hold a catcher over the plaintiff's head, but don't know whether I threatened to split him open or not. After White got the rope off of him I jumped the train and followed him for 400 yards. I had a pistol.

A. D. Hyberg testified—I was at Salt Wells on July 8. When the freight train pulled in that morning I went with Michelson to find the man who was supposed to have thrown Pat Taggett from the train. We found White standing by the train, and asked him if he was the man who threw Taggett off. He replied that he was innocent and that it was his partner who did it. Then Lockhart came up and told White to throw up his hands. White did not obey and Lockhart fell him over the head with his revolver. White then broke and ran and we followed him. Some shots were fired and he stopped. White was taken into the caboose and then to the end of the car, and I saw no more of him. Taggett was fired upon about ten miles east of Salt Wells, and I assumed his duties at Conductor Lockhart's request.

Jan Lockhart testified—I reside at Rawlins and am a conductor on the Union Pacific. On July 6th my brakemen were Pat Taggett and J. J. Sullivan. I first saw White at Latham. He was standing by the train and I got hold him that if he got on the train again he would be kicked off. The man who was with White said he was going to ride to Green River. I saw White get off and on the train at four or five places after that. Taggett was missed after we left Latham. At Salt Wells Michelson and Hyberg found White by the train. I went up and told him that he was my prisoner. I did this because I supposed he was the man who threw Taggett from the train. As he didn't give up, I hit him over the head with my revolver and knocked him down. He then ran off, but we afterwards overtook him and tressed him as detailed by the witnesses who have preceded me. On my information White was arrested and examined on the charge of murder. I also made the second complaint.

This closed the evidence for the prosecution and the defense called Mr. Fitts to show that the witness Michelson had lived in Missouri for years, that he was arrested there and that his true name was Enos Barnes. Michelson left the court room as soon as the witness went on the stand, but Judge Zane would not allow the defense to go into the collateral inquiry.

Mr. Williams then moved leave to go into the question of character, but this too was ruled out.

J. A. Williams then made the opening argument for the plaintiff, after which the court adjourned.

At ten o'clock this morning, Mr. Van Cott, associate counsel for the defendant, briefly reviewed the testimony of the witnesses and denied that the defendant company was responsible for the acts of its employes, inasmuch as what they did was out of the scope of their regular duties.

Judge Powers followed for the plaintiff. In substance he said: It makes no difference how or whom the plaintiff was injured. It is a question of fact and not of law, that the man had partially paid for his ride, and to that extent was entitled to consideration. True, at times he had been beating his way as a common tramp, but he could hardly be considered such when the assault was made. Even though he be classed as a trespasser, it was not a justification for the perpetrating of the terrible atrocities that have been recited in our hearing. Should you consider him a vagabond because he was not a regular or regular tariff rate of the company, the law does or should grant him the same protection as it does the millionaire who stands at the head of the gigantic corporation by which he was so cruelly treated. It is a suspicious circumstance, in my mind, that the plaintiff was represented in the charge of murder simply to take him away before this trial for damages commenced.

It must be remembered that he was arraigned for this supposed crime in the State of Wyoming and on a preliminary hearing was discharged by a court of competent jurisdiction. I contend, and strongly too, that such a case cannot be segregated. Mr. Van Cott, in his memory for the purpose, has plotted to you the alleged angelic virtues of Michelson and Hyberg. It is a matter that is only succeeded by his power of expression. Of that I only say that their testimony is on record, and their acts show that they are guilty of crimes that should scarcely be paralleled by the baseness of man. It makes no difference what motive influenced the act; it is the act itself. The wrong inflicted upon the plaintiff can hardly be made right in dollars and cents. Gentlemen of the jury, I ask that a verdict for the full amount, $10,000, with costs, be awarded the plaintiff in this case.

Judge Zane charged the jury as follows:

Gentlemen of the jury—This is an action brought by John White against the Union Pacific Railroad Company for assault and battery and false imprisonment by being forcibly ejected from one of the defendant's freight trains, for which he prays $10,000 damages. It is for you to determine whether or not the plaintiff is entitled to such damages. Whether the plaintiff was lawfully ejected from the defendant's train or got off of its own volition is also for you to decide. If unnecessary violence was used, then the question of exemplary damages will be in order. If the trainmen put him off the train and beat him through personal spite, then the defendant is not liable to the employes personally. In order to make the company liable it must be proven that the trainmen were acting within the scope of their duty.

You are the judges, gentlemen of the jury, of the credibility of the witnesses who have been examined in this case. You can take into consideration their demeanor while on the witness stand, their candor or want of it. If you find a verdict for the plaintiff, it will be necessary to designate the amount of damages. If you find a verdict in favor of the defendant, you will simply state, "We the jury find a verdict in favor of the defendant."

You may retire, gentlemen, and consider the case.

## SCHOOL BOARD MEETING.

**All Supplies to be Furnished by Contract.—Bills Allowed.**

The Board of Education met in regular session last night; Vice-President Nelson presided. The following trustees were present: Pike, Piper, Armstrong, Johnson, Newman, Colbath and Young.

EXTENSION OF TIME GRANTED.

Mr. Colbath, of the committee on sites, stated that the committee had met with Mr. Kletting and considered the latter's claim for architectural services. It was the unanimous opinion of the committee that Mr. Kletting should not be paid more than 3½ per cent on the estimated cost of the building for which he furnished the plans. The committee was granted further time.

CONCERNING SCHOOL BONDS.

The committee on finance asked for an extension of time in which to prepare an address to the people concerning the issuance of school bonds. Granted.

BILLS ALLOWED.

The following bills were allowed:

| | |
|---|---|
| C. D. Crouch, painting | $ 12 25 |
| Geiser & Co., supplies | 17 30 |
| Deseret News, printing | 3 50 |
| W. E. Wilson, repairs | 1 10 |
| Wm. Jennings, taxes | 20 00 |
| H. Dinwoodey, furniture | 16 75 |
| Gas Company, gas | 4 40 |
| Salt Lake Lumber Co., lumber | 1 75 |
| C. C. Goodwin, rent | 100 00 |
| J. E. Stevens, rent | 25 00 |
| M. Y. Stanley, rent | 45 00 |
| Wm. Jennings, rent | 40 00 |
| J. F. Millspaugh | 18 25 |
| Total | $322 30 |

BILLS REFERRED.

The following bills were referred to the finance committee:

| | |
|---|---|
| J. C. M. I. supplies | $ 12 00 |
| Daynes Music and Hardware Company, piano | 50 00 |
| Wm. Jennings, rent | 40 00 |
| Deseret News, printing | 3 50 |
| Geiser & Co., supplies | 2 75 |
| C. C. Goodwin, rent | 100 00 |
| Salt Lake Lumber Company | 1 75 |
| Total | $200 00 |

AS TO SUPPLIES.

Mr. Pike offered the following resolution, which was adopted:

Resolved, That our supplies or material for which this board is expected to pay about first have been ordered by the board, or by the committee on supplies, which has been duly authorized to incur the expense. As far as practicable all work, supplies and material shall be ordered and furnished by contract to the lowest responsible bidder.

Adjourned for one week.

### Teachers' Meeting

The county teachers met in the University building Saturday, March 14, 1891. The following is the programme for the day:

| | |
|---|---|
| Geography for Beginners | Methods of Teaching |
| Reading Lessons | Written Spelling |
| Reading Lessons | Methods of Teaching Reading |
| Arithmetic | Mental Arithmetic |
| Language Lessons | Use of Blackboard |
| Use of Blackboard Marks | Use of Blank Books |
| Compositions | Use of Blank Books |
| Supplementary Reading | Prepa. for Publication |
| Discussion | Teachers |

## FRIGHTFUL ACCIDENT.

**A Little Boy Crushed Under a Salt Lake City Street Car**

ON FIRST SOUTH STREET TODAY.

**Physicians Say That Recovery Is Impossible.**

About nine o'clock this morning, while the Salt Lake City street car, No. 25, with James Ward as motorman, was proceeding westward, at the corner of First South and Fifth West streets, the motorman suddenly noticed a small boy running in front of the car and but more than the length of one car distant. He shouted to him immediately and turned on the brake, but too late to prevent an accident, although there was no correct on at the time. The boy was struck, knocked down and run over, crushing his right leg from the knee to the thigh and hurting him internally to such an extent that physicians say he cannot recover.

The boy's name is John Lloyd, and he is the son of John Lloyd, of the Fifteenth Ward.

## CHAMBER OF COMMERCE.

**Quite an Interesting Discussion at Last Evening's Meeting.**

Last night a joint meeting of the directors of the Chamber of Commerce and Transportation Bureau took place, President Simon in the chair.

Colonel Donnellan remarked that the construction of the Parley's Canyon conduit would require from twelve to thirteen thousand barrels of cement, that a number of foreign cement men were in the city with a view to secure the sale of their cement, that the railroads had reduced the rate on cement, and that this would be a blow against the local factory. It was urged that action should be taken at once in favor of using local cement in this work.

This statement brought forth the following resolution which was adopted:

Resolved, That it is the sense of this board, repeatedly expressed, that it is the duty of the city and local authorities to give the preference to all public works whenever such produce will meet the proper requirements.

In accordance with a resolution passed by the Transportation Bureau February 10th, the chairman appointed the following named gentlemen as the executive committee of the Transportation Bureau: Messrs. O. F. Culmer, G. A. Lowe, W. H. Bennington and the chairman, who, by the original resolution, was made ex-officio chairman of the committee.

Heber M. Wells, E. R. Wicks and C. P. Mason were appointed a committee to invite the Press Literary Association to transfer its library, etc., to the new Chamber of Commerce Hall. Also to draw up an agreement for that purpose.

Mr. Anderson, pickle dealer, was present and made a statement of what he proposed to do. He had spent fifteen years of his life in learning every phase of the pickling business and had served as foreman of the leading pickling plants in Chicago and other cities. He said that Denver had two factories which sold down 50,000 bushels of cucumbers a year. They furnish many shipping cases to their products, and he thought Salt Lake should do the same for the Utah camps. He had $2500 to invest and wanted to get $2500 of outside capital interested, but was discouraged.

"I think you are too easily discouraged," said President Simon.

"I was up in Idaho a few days ago," replied Mr. Anderson, "as I took up a claim about nine miles from the city last winter."

Mr. Sherman asked Mr. Anderson if that five miles out of the city would suit him.

Mr. Anderson said the plant should not be farther than three miles from the city. He added that a number of farmers about Murray were anxious to raise the cucumbers, but he would show them how to raise them.

Mr. G. F. Culmer—We have all the materials here. We can make as good vinegar as any other in the country and raise as many cucumbers to the acre. There is no use seeing the wholesale business men, "as it won't amount to that." for such, snapping his fingers to illustrate the futility of doing so. We started soap works and are making money right along. The pickling plant could make fifty per cent with $10,000 capital, and with $50,000 ought to make 100 per cent. It is the best place in the world to go to the wholesale trade for subscriptions. We thought everybody was going to come in and take our soap, but we found they didn't come. We started out with a 60,000 gallon bottle, and in one year have doubled our capacity by selling another bottle. We have now 100 gallon vinegar and are making a good per cent."

A committee consisting of Messrs. Culmer, Wattland and Sherman was appointed to assist Mr. Anderson in securing the necessary plant for this city.

The success of this city, observed President Simon, depends entirely on the encouragement of just such enterprises as this. We must cease to rely on our raw material, but must instigate a manufacturing business.

President Simon made a report of his labors in behalf of an adjustment of rates. He said he had secured the members that the railroads will make a number of concessions within a few months.

Colonel Donnellan reported that the agent of the Pacific Insurance company was in the city and that he promised a reduction on rates based on the improvements made by the department and the enforcement of the fire ordinance to the erection of buildings.

### Probate Court.

The following orders were made in the Probate Court yesterday afternoon, by Judge Bartch:

Estate of James Saturday, April 4, to hear petition for settlement of account and distribution.

Estate of J. Harley Warner, Monday, March 23, as time to hear petition for letters of administration.

Estate of Peter Hahn; James Neilson appointed administrator.

Guardianship of Fend J. L. Lucas; John Brinkley appointed guardian.

## STONE LANDS

**Cannot Be Entered Under the Mineral Land Laws.**

The following important communication has been received at the United States Land Office in this city:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, WASHINGTON, D. C., March 7, 1891.

Register and Receiver, Salt Lake City, Utah.

SIRS—I am in receipt of your letter of the 13th ultimo, inclosing one from Mr. F. J. Culmer addressed to Hailey and by you forwarded with a request for an early reply thereto. Mr. Culmer proposes a question in substance as follows: Having taken up about 160 acres on land sea plain or sloping claim under the former promulgation of the department, he desires to be able to plant cultivated, nor contains any valuable constituents use, and of no value except for the purpose of landscape gardening, how can title be obtained in view of the decision decided in Castle vs. Kelly (12 L. D. 1)?

In answer to this question I can only say definitely that unless land contains such a tract as that described cannot be entered under the mineral land laws. Whether such land is subject to entry under other laws I do not know. If the area of that described would not render the land mountainous it subject to entry under the desert land act, or if it is of such a character as to come within the exemption entry. I cannot indeed in the present state of the record in the inquiry, nor should I express an opinion which might be construed as prejudging a case which may come before this office regularly for adjudication.

Very respectfully,
LEWIS A. GROFF,
Commissioner.

## COUNTY COURT MATTERS.

**Propositions to Change the Site of the Joint City and County Building Discussed.**

At a session of the County Court yesterday afternoon an application was made by the Salt Lake, Hailey & Pagot Round Railway for a right of way along a certain county road, and it was ordered that the court officials inspect the country over which the company desires a franchise.

The proposition to change the site of the joint city and county building from the present location on the Eighth West Square was informally discussed, but no action was taken.

The county surveyor reported his survey of the roads in question in the suit of Hayes vs. Howe et al., showing the points in dispute, and asked for instructions.

An appropriation of $1011.75 was made to Salt Lake City on sewer account.

A number of liquor licenses were granted, and the bond of J. A. Cowley was referred to the county attorney for information on the following points: 1—When a person has a license and desires to change from the place where he has sold to another within the same precinct must he file a new petition setting forth in particular the place where he desires to sell? 2—Can the county court demand that a petition of five freeholders accompany an application for license in the case of a person who has not before held a license, or who wishes to change his location in the precinct?

The clerk was instructed to prepare and send out to the various applicants blanks to be filled in by the petitioners specify the particular place where they wish to sell or manufacture intoxicants.

S. M. L. Vendahl and others asked that the street in South Cottonwood, along which the Union Pacific Railway Company has its line, be widened. Messrs. Howe and Cahoon were appointed a committee with power to act.

Messrs. Bartch and Howe were appointed a committee to consult with the Salt Lake Vinegar Company in reference to the alleged nuisance at Murray.

A bridge eighteen feet in width was ordered built over Mill Creek, on Second West Street.

St. Mark's, St. Mary's and the Deseret hospitals sent in communications in reference to rates on county patients. They were referred to the county physician.

The question of release of a tax sale by the county to J. C. Eldridge and W. A. Harvey was considered. The county attorney, the clerk having refused to issue a deed as prayed because he believed the county had no right to do so, the land which it had sold over two years for the non-payment of taxes.

Adjourned until Wednesday, March 18th.

### Information Wanted.

*Editor Deseret News:*

Will you be kind enough to ask, through the News, if there be any of the members of the Mormon Battalion who served in the second enlistment, and were mustered out at San Diego, California, that can tell me the name of the post doctor and hospital steward at the time of the death of Corporal Ashgate? Prof. Wells, who happened on the 6th of September, 1847? If there be any that can tell the names, please do so through the News, as the pension department requests me to find the above names, which I cannot do for I never knew them, as I was on detached service at Fort Louis Bay during the term, only while in the hospital in San Diego. The above information will be thankfully received.

Respectfully,
JAMES V. WILLIAMS,
Late private of Co. E, M. B.
MOUNTAIN, Sevier Co., Utah,
March 9, 1891.

### The Injunction Suit Commenced.

After many delays and postponements the arguments in the case of Mrs. L. Pickard vs. Salt Lake City, in which plaintiff seeks to enjoin the defendant from executing the contract to convey to James H. Bacon the Pioneer Square, was commenced in chambers before Judge Anderson at 2:45 this afternoon.

Messrs. Brown, Williams and Van Cott filed the following appearance for the persons mentioned therein, in which they pray to become party plaintiffs to the suit:

"In the Third Judicial District Court of Salt Lake County, Utah. Mrs. L. Pickard, plaintiff, vs. Salt Lake City, Geo. M. Scott and J. F. Jack defendants.

Now come James Sharp, W. W. Riter, James C. Watson, A. O. Gimmore and Spencer Clawson, and aver that they are residents, property holders and tax payers within the city of Salt Lake, and hereby offer to contribute to the expense of the above entitled case, and ask the benefit and relief therein sought."

Highest of all in Leavening Power.—U. S. Gov't Report, Aug. 17, 1889.

Royal Baking Powder

ABSOLUTELY PURE

## FIRST DISTRICT COURT.

**The Alleged Riot Case Submitted to the Jury.—Other Business.**

In the First District Court at Provo yesterday, the case against the fourteen alleged Italian rioters was resumed. John Bell took the witness stand, giving corroborative testimony to the effect that the Dagos began the riot by knocking down a Deseret Newsboy Jones, after which others were attached, himself taking an active part in the fight, knocking six of them out with clubs, chairs or anything he could get hold of.

The prosecution rested.

Mr. Sutherland, for the defense, had an interpreter sworn, and put Mr. Lombardi on the stand, who testified to being present at the row at Smith's saloon; that the frenzy was commenced by Cinck Weigaman Jones making a grab at Lazzeto, who in turn threw Jones to the floor, after which Jack Sammole struck Lazzeto. He denied that the Italians followed Jones up to the billiard table or into the corner, and stated that there were only four or five Italians that be indicted in the fracas who were beaten back, and after reaching the saloon, were fired at by the American boys. He did not say there was any firing done by the Italians.

James Daggs stated that the row began by Jones threatening to strike Lazzeto with a beer glass and calling him a—. Jones, who was at a card table, exempt one, were present in the saloon. After Jones was knocked down it was the English boys that took him to the corner. After the Italians were driven from the saloon the bullets from that direction came whistling over their heads. He was some difficulty in getting the testimony of the witnesses for the defense, but the evidence was made up of denials of the testimony introduced by the prosecution. Four dagos testified to the row being commenced by the Americans, who also fired the first shots.

This closed the taking of testimony and the case was submitted to the jury.

William Taylor, John Neiser, George Owens, Henry Doyle and Frank Hall (day, of Santaquin, were arraigned on a charge of riot by breaking up a dance at that town. They took the statutory time in which to plead.

OGDEN.

The following cases were heard before Judge Miner at Ogden yesterday:

In resuscitation of William C. Lowe to practice law, on presentation of a certificate from the supreme court of Nevada and on motion of Ogden Hiles ordered admitted.

Ogden State Bank vs. C. E. Mayner; on motion of W. C. Lowe order for publication of summons.

John A. Boyle vs. Elizabeth Boyle; by consent referred to A. C. Bishop; on motion of J. H. Bolton.

The People, etc., vs. Frank Monroe; arraignment on indictment of illegally procuring votes; plea, not guilty.

D. H. Peery, Jr., et al. vs. Ogden City et al.; on motion of David Evans and by consent time to answer and for hearing postponed till March 23, 1891.

Sidney Stevens vs. Bear River and Lake Waterworks Company; temporary injunction ordered on motion of Evans & Rogers; time for hearing set for March 21, 1891.

In re petition of United States marshal; order approving same.

The People vs. Charles Tarney; on motion of David Evans order releasing bond of J. H. Briscoe, witness, and releasing money.

Ogden Gas, Light and Fuel Company vs. Ogden City et al.; hearing to show cause; Ogden Hiles attorney for plaintiff; pending.

### Exaggerated Reports.

The following special telegram was received at the News office this afternoon from Tempe, A. T.:

"The telegraphic flood reports concerning Tempe and Lehi are much exaggerated. Lehi and people are all right."

## OBITUARY

TIDSWELL—February 10th, 1891, at Rickett, Ann Kjerstine Mortensen Tidswell, in the 19th year of her age.

Deceased was born September 19th, 1871, at Rasmussen, Denmark, and was a member of Jesus Christ of Latter-day Saints, March 15th, 1884. With her husband and children she emigrated the following autumn. After a brief sojourn of nine months, she moved to Salt Lake City on September 20th, 1890. She died in the first hope of a glorious resurrection. Deceased leaves a husband, one three-month-old child and a host of friends. A few, fourteen grand-children and two great-grandchildren passed away before her into eternity.—Com.

## DEATHS.

GILLETT—In South Cottonwood Ward, March 11, 1891, of la grippe and pulmonary attack, wife of Richard Gillett, born in England, Mar. 1821; came to Utah in Captain Ivans' hand-cart company in 1857. Was a faithful, loving wife and mother, and obedient to the principles of the Gospel.

The funeral services will be held in the South Cottonwood Ward House on Sunday at 12 o'clock.

MASON—February 26th, 1891, at Sonora, Lehi, of la grippe, Thomas Mason. Deceased was born August 20th, 1818, in Lindlesmear parish, Carlingsdoe, South Wales; baptized into the Church of Jesus Christ of Latter-day Saints in May, 1846, in Victoria, Monmouthshire, Wales; emigrated to Utah with his family in 1861; lived in Bountiful a few years, and then moved to Sonora. He lived and died in full faith of the Gospel. Com.

THOMAS—In the city, Dan R. Thomas, son of John and Mary Thomas; born June 24th, 1890, at Liverpool, Gloucestershire, South Wales.

Funeral services will be held on Sunday, March 15th, in the Sixteenth Ward meeting house, at 2 o'clock. Friends of the family are invited.

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Hoover, Mrs. A. F. Houpt, Mrs. Martha
Wilcken, David Houpt, A. A.
Wilcken, Mrs. Ella Houpt, Mrs. Ella
Ward, Deseret E. Houpt, W. W.
Ward, Mrs. Ella Houpt, Mrs. W.
Young, Miss A. Houpt, Mrs. E.
Cowgill, Lyal J. Houpt, Miss V. E.
Cowgill, Mrs. Ella Houpt, Mrs. Ella
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Marsh, Mrs. Ella Houpt, Mrs. Ella
Thomas, Mrs. E. H. Thomas, Mrs. Ruth
Thomas, Mrs. Ella Corbett, Miss Ella
Brown, Mrs. Ella Brown, Mrs. J.
Brown, Mrs. Ella Fox, Harvey E.
Brown, Mrs. Ella Fox, Mrs. Ella
Brown, Mrs. Ella Fox, Dr. N. L.
Brown, Mrs. Ella Fox, Mrs. Ella
Brown, Mrs. Ella Young, Mrs. Ella
Lowndes Lodge No. 1 Young, Mrs. V. E.
Lowndes, Mrs. E. Young, Mrs. Ella
Lowndes, Mrs. William Young, Mrs. J. A.
Lowndes, Mrs. Ella Young, Mrs. J. A.
Jennings, Mrs. Isaac Morgan, Mrs. Martha
Jennings, Mrs. Ella Morgan, Mrs. Ella
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NOTICE OF SALE OF REAL ESTATE.

NOTICE IS HEREBY GIVEN THAT ON the 14th day of April, A. D. 1891, at the hour of 10 o'clock in the forenoon of said day, at the Court of Salt Lake County, Utah Territory, made and entered in the Probate Court, in the matter of the estate of Thomas Ireland, deceased, the undersigned, the duly appointed and qualified administrator of said estate, will sell at public auction, to the highest bidder, for cash, the following described real estate, to wit: All the right, title and interest of said deceased at the time of his death, and all the right, title and interest of the said estate by reason of said deceased, in and to the following described real estate, to wit: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508