

FROM MONDAY'S DAILY, APRIL 9, 1888.

## STAKE CONFERENCE.

Appointments for Quarterly Conferences until October, 1888.

Weber, Juab and Cassia Stakes—April 21st and 22nd, and July 21st and 22nd.

Box Elder, Tooele and Oneida Stakes—April 28th and 29th, and July 28th and 29th.

Cache and Wasatch Stakes—May 5th and 6th, and August 4th and 5th.

Bear Lake, Emery, Summit and Uintah Stakes—May 12th and 13th, and August 11th and 12th.

Sagebrush, San Luis, Morgan and Bannock Stakes—May 19th and 20th, and August 18th and 19th.

Millard, San Juan and Sevier Stakes, May 26th and 27th, and August 25th and 26th.

Utah Panguitch and Snowflake Stakes, June 2d and 3d, and September 1st and 2d.

Davis, Kanab and St. John's Stakes, June 8th and 9th, and September 8th and 9th.

St. George, Malad and St. Joseph Stakes, June 16th and 17th, and September 15th and 16th.

Parowan, Beaver and Maricopa Stakes, June 23d and 24th, and September 22d and 23d.

## Law and Motion Calendar.

The following setting of cases was made today in the Third District Court:

MONDAY, April 9th.

43—M. H. Beardsley vs. W. H. Kimball et al. 7223.

44—Elizabeth M. Allsop vs. Thomas Allsop. 7225.

TUESDAY, April 10th.

12—Henry Prosser vs. J. F. Connor. 7011.

20—George Thackrah vs. Emil Haas et al. 4636.

20—Ira B. Kegler vs. C. C. Little. 7174.

24—William Daniels vs. U. P. Co. 7114.

48—E. D. Hoge vs. Ebenezer N. Child et al. 7234.

WEDNESDAY, April 11th.

41—A. M. Musser vs. Salt Lake and Fort Douglas Railway. 7168.

THURSDAY, April 12th.

10—S. C. Pancake vs. George E. Chandler, etc. 7112.

19—Cora B. Mesick vs. Wm. R. Mesick. 7108.

26—D. P. Tarpey vs. P. J. Lonergan et al. 6765.

83—L. P. Kelsey et al. vs. W. J. Crowther. 7095.

40—George A. Luke vs. Harriet A. Lewis. 7204.

42—John H. Bailey vs. Southern Pacific Railway Company. 7184.

47—Henry Whetstone vs. the Herald Company. 7245.

50—D. C. McLaughlin vs. Philip Schwariz et al. 7273.

51—Cora B. Mesick vs. W. R. Mesick. 7108.

FRIDAY, April 13.

36—John H. Linck vs. Salt Lake City et al. 7202.

45—A. C. Bixen vs. J. R. Walker et al. 7195.

49—John Buckle et al. vs. South Helena Mining Co. 7187.

SATURDAY, April 14.

Promontory Stock Ranch Co. vs. Isaac Houtz.

## D. &amp; R. G. W. ACCIDENT.

An Engineer and Fireman Reported Killed.

News reached this city today of an accident that occurred on the D. & R. G. W. last night to No. 10, the passenger train which left this city for the east yesterday, between Pleasant Valley Junction and Price, Emery County. It is stated that while the train was rounding a curve at a good rate of speed, the locomotive left the track and went down an embankment, killing the engineer and fireman; and that the bodies would be brought in on the 4:30 train this afternoon.

Inquiry for the full particulars was made of the D. & R. G. W. officials, but they had never even heard of the accident—so they said. It was finally admitted, however, that an accident had occurred as described, but that only the engineer was injured, and possibly not fatally. We incline to the belief, however, that the first statement of the case is substantially correct.

## THE HOLM CASE.

The Examination Before Commissioner Norrell.

The examination into the charge of unlawful cohabitation against J. P. Holm, of this city, took place before Commissioner Norrell this afternoon. Josephine Nelson, a child six and a half years of age, was called as a witness, and, in answer to questions by Mr. Zane, testified—I live with Mr. and Mrs. Holm; call Mr. Holm papa because I live at his house; mamma sometimes comes to see me, but does not stay very long at a time; I sometimes go to see mamma, and take dinner there; Mr. Holm sometimes takes me to mamma's; she first took me to Mr. Holm's; she used to live at Mr. Holm's.

Tillie Smith testified—I live at Mr. Hollander's, Third South Street; know Mr. Holm's family; am acquainted with Honrica Nelson; have seen her at Mr. Holm's, where she came to see her little girl, who was put at Mr. Holm's because Mrs. Nelson's husband was not here; she works and keeps herself; never saw Mr. Holm and Mrs. Nelson in company together; Mr. Holm sent me up to help her when she was sick; I did her washing one day; she has a young child; she is not called Mr. Holm's wife; never heard any one say she was; never heard her speak of her husband. Mrs. Christina Holm testified—I am Mr. Holm's wife; have known Honrica Nelson two years; she left her little daughter with us; she was at Logan at the time she hired out at Capt. Poulson's, of Fort Douglas; Mr. Holm was not there with her; she is not Mr. Holm's wife; I never saw her husband. C. M. Hansen testified that he had seen Mrs. Nelson call at Mr. Holm's three or four times; knew nothing else about the case.

J. A. Peterson testified—I have heard it rumored that Honrica Nelson was Mr. Holm's wife.

The examination was in progress when we went to press.

## CRIMINAL CALENDAR.

Cases Set for Trial During The April Term.

The following cases were today set for trial in the Third District Court on the dates named:

MONDAY, APRIL 16.

United States vs. William Jenkins; unlawful cohabitation.

United States vs. Wm. H. Tovey; unlawful cohabitation.

United States vs. George C. Watts; unlawful cohabitation.

United States vs. Hannah Brightmore; selling liquor without procuring government license.

TUESDAY, APRIL 17.

United States vs. John Squires; unlawful cohabitation.

United States vs. Wm. S. Muir; adultery.

United States vs. Lucy Darke; fornication.

WEDNESDAY, APRIL 18.

United States vs. Wm. Brown; unlawful cohabitation.

United States vs. John R. Barnes; unlawful cohabitation.

United States vs. W. L. Robinson and Lizzie Purman; fornication.

United States vs. William Brede-meyer; adultery.

THURSDAY, April 19.

United States vs. Peter Tong and Sarah Tong; incest.

United States vs. George B. Leonard; four indictments; making false returns as postmaster.

FRIDAY, April 20.

United States vs. Alexander Brown; adultery.

United States vs. Sarah W'negar; fornication.

The People vs. Mollie Thompson; grand larceny.

The People vs. Charles Gillette; grand larceny.

SATURDAY, April 21.

The People vs. H. Wilson; grand larceny.

The People vs. H. Wilson and George Harmon; grand larceny.

MONDAY, April 23.

The People vs. Ah Jung, alias "Little Charlie," and Ah Gee, alias "Old Jake;" murder in the first degree.

The People vs. Wm. J. Allen; grand larceny.

TUESDAY, April 24.

The People vs. Bridget Sweeney; unlawfully administering poison.

The People vs. Wm. L. Robinson; assault with deadly weapon.

WEDNESDAY, April 25.

The People vs. John T. Sweeney; murder in the first degree.

The People vs. Richard Grant; manslaughter.

THURSDAY, April 26.

The People vs. H. F. Friend and N. W. Osborne; forgery.

United States vs. John Q. Carson; polygamy.

United States vs. Harrison Severe; adultery.

United States vs. Lizzie Orr; fornication.

FRIDAY, APRIL 27.

The People vs. Joseph Brosh; two indictments; assault with deadly weapon.

GRAND JURORS.

Nine of Fifteen Secured From the Regular Panel.

At 11 o'clock this morning the April term of the Third District Court commenced in this city. The first business was the obtaining of a grand jury, and the following took their places in the box as their names were called:

160 Bryant Stringham,  
117 George J. Barry,  
154 John Mahstrom,  
150 Wm. Parker,  
158 Benj. F. Burton,  
132 Henry N. Bird,  
118 Benben Gardner,  
137 James Murdoch,  
135 Edward W. Berry,  
110 Oliver Nowell,  
174 Walter Steed,  
185 John P. Kelley,  
173 Wm. H. Smith,  
142 John Spencer,  
173 Samuel H. Bennion.

S. H. Bennion, of Vernon, Tooele County, and John Spencer, of Bluffdale, Salt Lake County, believed in the doctrine of plural marriage and were excused.

W. H. Smith was not a believer in polygamy and was accepted.

Walter Steed, of Farmington, was excused for his belief in plural marriage.

John P. Kelley was a resident of Nevada, and was excused.

Oliver Nowell believed plural marriage to be wrong; did not know whether or not he belonged to the "Mormon" Church; was baptised when he was a boy, but was never an active member; attended "Mormon" meetings sometimes, but not frequently during the past twenty years. He was accepted.

Wm. Taylor, in reply to Mr. Peters as to his belief in plural marriage, said he thought that was a matter that concerned him alone, but finally said he thought it right, and was excused.

E. W. Berry and James Murdoch were unbelievers and were accepted.

Reuben Gardner, of West Jordan, Henry N. Bird, of South Cottonwood, Benj. F. Burton, of Grantsville, John Mahstrom, of West Jordan, and Bryant Stringham, of West Bountiful, believed plural marriage to be right, and were excused.

George J. Barry did not believe in plural marriage, and was accepted.

The following were then called:

145 Phillip Morgan,  
101 Hiram Smith,  
187 John Duke,  
149 Louis A. Snyder,  
188 James Katchife,  
173 Henry Prosser,  
108 Onas W. Rockwood.

Sanford J. Hyde was out of the Territory; Oliver Despalne and John Stickley were out of the district, and were not served; James De Courcy was sick and Patrick Fallon had a broken leg; they were excused. These, with M. H. Hennessey, George Wright and W. O. Williams, had failed to respond to the call.

Charles W. Rockwood and James Katchife were excused for believing plural marriage to be right.

Philip Morgan, Henry Prosser, L. A. Snyder, John Duke and Hyrum Smith were unbelievers, and were accepted. Mr. Morgan was subsequently excused owing to the illness of his wife.

This gave but nine out of fifteen jurors, and an open venire for eight names was issued from which to secure the remaining six members of the grand jury, returnable at 10 a.m. tomorrow.

## MORRISON R. WAITE.

The Territorial Supreme Court's Tribute to His Memory.

In the Territorial Supreme Court on Saturday afternoon,

JUDGE CHAS. W. BENNETT

arose and made the following remarks:

May it please the Court, at the request of a committee of the Bar Association, and members of the bar generally of this city, it becomes my duty formally now, to announce to this court the death of Hon. Morrison R. Waite, late Chief Justice of the Supreme Court of the United States. The Chief Justice died on the 23d day of last month, as is well known. It is due certainly to his memory that notice of his demise be taken by this Court. For that purpose I arise.

I have no extended speech to make, but this will suggest itself to the mind of every lawyer and each member of this bench especially, that in the career, official and otherwise, of the late Chief Justice, we have an admirable illustration of the possibilities which our laws and system of government furnish and provide for every youth born under the stars and stripes. As we all know, the late Chief Justice sprang from lowly walks of life. Of good stock, his heritage was good principle and thorough Americanism. By dint of labor, extreme often, always earnest, he rose to this rank, Chief Justice of the greatest court in this land—I believe the greatest court in Christendom. It has, therefore, seemed proper to the members of the bar, and I have no doubt, will seem proper to the members of this court, that this notice be taken of the sad event of his demise. On behalf of the bar, I now present to this court resolutions adopted by a committee appointed by the Bar Association, and ask that they be spread upon the records of this court, with such order as this court may choose to make.

Resolved, That in the death of Honorable Morrison R. Waite, late Chief Justice of the Supreme Court of the United States, we recognize the loss to our country of a great and good man, a worthy and brave-minded citizen, a learned, wise and upright judge, a dignified and affable Chief Justice, and a distinguished member of the legal profession. That from lowly life, by dint of good ability, earnest industry and thorough integrity, he worthily reached and nobly maintained a place in the illustrious line of our great chief justices; and, departing life, left a record of patriotic and professional work well done, and an honored name as a legacy to his country and his kindred.

I move that the resolution be spread upon the journals of this court.

MR. C. S. VARIAN

Addressed the Court as follows:

May it please the court, I had hoped that some older member of the bar would have been present upon this occasion to second the motion made by my brother, Bennett. It seemed appropriate and fitting, how-

ever, that I, in my place as associate, should bear some additional testimony upon the subject upon which he has expressed himself.

Chief Justice Waite came to his high and exalted place comparatively an unknown man. I say unknown in the sense of one having a national fame, for it is not true that within the borders of the great State of Ohio he was unknown. Always a lawyer, with none of the characteristics of a politician, his proclivities had not carried him into the wider fields of political life outside of his native state, thus to bring him a reputation national in its character, and it was only, I believe, upon the occasion of his being called by President Grant, on behalf of the United States, to act in his capacity as a solicitor and attorney at the meeting at Geneva, that his merits became known to at least even a few of his fellow citizens. When he was first called to fill the station of Chief Justice, and after his confirmation by the Senate, it seems that it fell upon the profession and the country at large as, you might say, one of the surprises of history. How many evil prophecies were made relative to the future course of the Court and of the Chief Justice, I am unable to say, but I am able to say that all of them have happily been unfulfilled; so that at his death he carried with him into the grave the respect and veneration of the profession, that love and esteem which is ever dear to the lawyer's heart, above all others. He was admired as a man, as a citizen, father and head of his household, and he was revered and esteemed as the head of the great court which presides over the judicial destinies of this nation.

In his judicial life he exemplified in a great degree, it seems to me, and I understand it is so accorded to him by the profession at large, all those characteristics which go to make a great magistrate. Without, perhaps, the great technical blackletter learning of fancy, without perhaps all the greatness that went into Marshall's character, (for there is but one Marshall or Mansfield's) still he had within him some of those characteristics which enabled Mansfield and Marshall to build up, and brighten, and vivify and beautify the law of the country. He had that faculty which enabled him, as in a great degree Mansfield and Marshall were enabled, to measure justice, as distinguished from simply weighing and counting precedents. He measured justice in that true sense, the application of the law to ever changeable conditions of society, realizing that its elasticity permitted its adaptation, year by year, to the ever-changing conditions of society. One of his greatest judgments, in that sense, in my mind, was that delivered by him, speaking for the court in what is known as the Elevator Cases. That decision in one sense came as a surprise upon the profession of the country, yet the ever-recurring years since then have but made it more clearly appear that the judgment of the court in that case was right, and that the dissenting opinions were wrong. Learned, very learned judges, dissented; very learned lawyers dissented from the judgment of the Court in that case, but nevertheless it stands today as one of the monuments of Chief Justice Waite's fame, that will last longer than chiseled marble or beaten brass. Following that a few years, the decision in the sinking fund cases still gave evidence to the country that there was at the head of the Court a man who could be depended upon with a firm and temperate hand, with unflinching courage to maintain with inviolability and inviolability, the law, and adapt it to the ever-changing wants and conditions of the community.

I say, therefore, that it is fitting that this court should, as other courts will and have done, recognize the worth of this great man who has "gone forever and forever bye," that it is fitting that it should spread upon its records these resolutions by way of humble testimonial from the Salt Lake bar, and that it should adjourn out of respect for the memory of the late Chief Justice Waite.

CHIEF JUSTICE ZANE

said: A few remarks, in behalf of the court, are deemed appropriate on this occasion. The late Chief Justice Waite was a fortunate man in the opportunities accorded him to benefit his fellowmen, and for his own promotion. In the profession of the law which he selected, he found a field to which the capacities of his mind were peculiarly adapted, for he possessed a mind that was able to understand legal principles, to comprehend their relations, and to apply them to the facts of a given case. In his investigations, so far as I have been able to discover, he was guided by the love of truth and the love of justice. In all of his investigations he was able to consider and decide the contentions of his countrymen with deliberation and with impartiality. He was patient and industrious, and when the dread messenger came to summon him to his final rest beyond the life and perceptible, he was found busy with the duties of his great office, pursuing them with unabated vigor and energy. We are informed that he had a faith that reached beyond this world, to a life free from pain and disappointment, unattended with moral infirmities. The generation in which he lived receive immediate benefit of his labors, but his contributions to the science of the law, and the noble example that he has left behind him, will pass down to coming generations.

The Court concurs in the resolutions that have been presented, and orders them spread upon the records of the Court, with such remarks as have been made, and a copy thereof be forwarded to the widow of the late Chief Justice, and presented to the public papers for publication. The Court will adjourn out of respect to his memory.

NEW YORK, April 8.—The steamer *California*, from Hamburg March 21st, arrived today in tow of the steamer *Chateau Margaux*.

## BORN.

HAWES.—April 6th, 1888, in Salt Lake City, to the wife of N. W. Hawes, a son. All well.

## DEATHS.

FERN.—At Glenwood, Sevier County, Utah, on Friday, March 23d, 1888, Edna Fern, daughter of Hubert and Lucy Bell, aged 7 weeks and 5 days.

WILKINSON.—Passed away, at 9 p.m. Friday evening, April 6th, 1888, Mrs. Susan H. Wilkinson, wife of William B. Wilkinson, after an illness of eight months. Born December 5th, 1818, at Bucks County, Pennsylvania.

Deceased joined the Church of Jesus Christ of Latter-day Saints in Philadelphia in March, 1840; emigrated to Salt Lake City in 1862; was counselor in the Fourteenth Ward Relief Society for a number of years. Her home in Philadelphia was always open for the Elders and in her mother's home she helped to entertain the Prophets Joseph and Hyrum Smith.

Philadelphia papers please copy.

CLEMENS.—At Central, Graham County, A. T., March 13, 1888, of pneumonia, David Clemens. Deceased was well respected by all who knew him.

MOODY.—At Thatcher, Graham County, A. T., March 21st, 1888, John Moody. Deceased was the senior president of the 80th Quorum of Seavale, and was respected by all who knew him.

BROCKBANK.—At Spanish Fork, at 8:30 a.m., this morning, of general debility, Sarah Brown Brockbank, relict of the late Isaac Brockbank, Sr.

LEWIS.—At Schaffeld, Emery Co., March 27th, 1888, of measles, Emma Jane, daughter of Daniel and Letitia Lewis, aged 1 years and eight months.

Millennial Star and Welsh papers please copy.

JOHNSON.—At Paradise, March 27, 1888, of consumption, Kassius B. Johnson.

He was born June 15, 1833, in Storli, Norway; emigrated to the United States in 1874; heard the gospel in Minnesota, and was baptized there by Elder N. L. Lund, Sept. 1884. He came to Utah the same year. He ceased to work more than two years previous to his death. He was a consistent Latter-day Saint and died with the full hope of a glorious future. Brother Johnson had left a wife and six children, also a brother and a mother to mourn his departure. Quite a number attended the funeral services to sympathize with the bereaved and pay their respects to the departed. [Continued in Skandinavisk Tidning, please copy.]

LAY.—At Price, Emery County, March 21, 1888, of whooping cough, Elias Emanuel, son of William R. and Emily Keener Lay, aged 5 months and 25 days.

BYRNER.—At Price, Emery County, March 30, 1888, of pneumonia, Casper Harmon, son of Harmon C. and Edith Miles Bryner; aged 5 months.

WARREN.—At Price, Emery County, March 31, 1888, of quick consumption, Hattie May, daughter of William Z. and Mariah Powell Warren; born March 14, 1887.

WATKINS.—In the Ninth Ward, this city on the 1st inst., of old age and general debility, Sarah Watkins, relict of the late Edwin Watkins, who died in August last.

TAPP.—At Union Fort, Salt Lake County, April 3d, 1888, of croup, Charles Edward, son of John and Elizabeth Tapp, aged 5 weeks.

ZACHARIASEN.—In the Twelfth Ward, this city, April 3, 1888, Otheila Eleonora Zachariassen; born in Copenhagen, Denmark, September 7, 1845.

CLAY.—At East Bountiful, March 28, 1888, of dropsy, Mary Ann, wife of Henry Clay. Deceased was born at Nottingham, England, September 19, 1825, and was the daughter of Thomas and Elizabeth Fletcher Johnson.

BROWN.—In Springville, March 13, 1888, from the effects of a stroke of paralysis two years ago, E. R. Brown.

He was born in Wilmington, Delaware, June 6, 1843; was an active assistant in the Sunday school, and presiding teacher of one ward in Springville. He lived and died a faithful Latter-day Saint, respected by a host of friends. He leaves a wife and three sons to mourn his death. [Continued.]

WOOD.—At Butteville, Big Cottonwood, on the 3d inst., of dropsy, Mary Melvina Wood, relict of the late John B. Wood. She was born February 28, 1823, at Stockport, Cheshire, England.

Millennial Star, please copy.

O'RELL.—At Hyrum, Cache County, Utah, March 26, 1888, at 4 a.m., of abscess of the liver, after an illness of eight weeks, Charles E., son of Charles F. and Johanna O'Rell.

Deceased was born at Norrköping, Sweden, March 1st, 1833; he emigrated to Utah with his widowed mother in 1866, and settled in Hyrum in 1868, where he has made his home ever since. He married Anna Marie Nielsen at Salt Lake City, December 16, 1866, and leaves her and four children, the last a son, born at 11 p.m. on the day of his death. He died full in faith of the Gospel. [Continued.]

**RICHLY** REWARDER are those who read this and then act; they do not merely read the equipment and take their time from their homes and families. The profits are large and for every individual person, many have made great money making several hundred dollars a week. They say they are making \$5 and upwards per day, with little or no work. Either you, young or old, capital or no capital, we want you. Everything we do, no special ability required; you, reader, can do it as well as anyone. Write to us at once for full particulars, which we will send you. Address: *Seaside & Co., Portland, Maine.*