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TRUTH AND LIBERTY.

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THE DESERET NEWS CO.,
SALT LAKE CITY, UTAH.

FROM TUESDAY'S DAILY, APRIL 3, 1888.

Immigrant Fares.

The fares for this season's immigration will be as follows:
From Liverpool to Ogden, Salt Lake City, Provo and Spanish Fork and intermediate points, \$55.00.
Children under 12 years and over 5 years of age, half fare.
The first company will leave Liverpool about the middle of May.

Representatives from Utah.

The Washington Post of the 25th ult. contains a list of the members of the Woman's Council which has just been holding a session at Washington. Among the names appear those of the following Utah ladies: Mrs. N. S. Richards, representing the Relief Society; Mrs. L. D. S. Young, the Primaries; and Mrs. Nettie Y. Snell, the Y. L. M. I. A.

Indians Lynched.

Advices from Ashley, Montana, of March 31st, say: At a camp some distance north of here, on the 15th inst., two Indians were arrested and placed in charge of a deputy sheriff. During the deputy's absence they were taken from his guard by a party of fifty citizens and lynched. They were charged with helping to murder three prospectors on Wolf Creek last June. Trouble is now feared with others of the same band, and the residents of the country are much excited.

Raid at American Fork.

Deputy Marshals raided American Fork at 2 o'clock this morning and arrested John Durrant, who some months since served a term in the Penitentiary for a similar offense to that with which he is now charged—living with his wives. He was taken to Provo to appear before a commissioner, and some members of his family were subpoenaed to appear before the same functionary today. Several other houses in American Fork were visited by the deputies but no one who was wanted was found.

Peoa.

"A Subscriber" writing from Peoa, Summit County, says that farmers there are about to begin work. There has been considerable sickness among the children of late, and J. W. Neel and G. J. Marchant have each lost one recently. A large amount of timber has been cut along the Weber for mining purposes, which is to be floated down the river, and it is feared that damage to farms will be done thereby. The Peoa co-operative store has gone into the hands of "ex-Mormons." The district school is in good running order, as also is the Sunday school. The people of Summit County have leased large tracts of land from the Union Pacific Railroad Co. for range purposes.

Testimonial to Prof. Careless.

Last evening Zion's Choral Union held a regular practice in the Assembly Hall just before the time for adjournment. Thomas C. Hull arose and made a neat address expressive of the desire which members of the Union entertained, to extend to Prof. Careless tangible evidence of their appreciation of his labors in the interest of the organization, as its vice-president and chief conductor. He finished by presenting to Prof. Careless a purse of \$100.

The latter made a brief reply, expressive of his gratitude for the gift, and the kindly sentiments which prompted it. President Angus M. Cannon, who was present, made a few appropriate remarks, when the meeting was dismissed.

Appreciative.

We are in receipt of the following communication, dated Ogden, March 10th, and signed "A Friend to the Young":

During my short stay in Utah I have been much interested in the talent displayed by the young people in their Improvement and other Associations. I had the pleasure of attending an entertainment given by the members of the Y. M. M. I. A. of Syracuse on the 28th inst. The programme was excellent and the execution very good, particularly the parts taken by Messrs. Cook, Singleton, Cotes and a few others whose names I did not learn. The singing by the ladies was very good. Great credit is due their President and his assistants for the admirable way the entertainment was carried out.

New Timber Suit.

The government has brought suit against the Union Pacific Railroad and the Big Hole Lumber Company for cutting ties on government land. The lumber company is composed of W. A. Clarke, S. Ross Clarke, S. A. Estes and F. R. Miles, and the amount which is sued for is \$42,500. The timber is charged to have been cut between July 1st, 1886, and January 1st, 1887, on lands adjacent to the Big Hole River, and amounted to 90,000 railroad ties, as charged in the complaint. It is understood that the railroad company had a permit from the government to cut ties for its road on government land, and it was under this permit that the lumber company was working, which would seem to be an effective defense to the action. It is also reported that the Hume Company at Divide has also been sued for cutting and furnishing ties to the Union Pacific, which road, as in the other case, is made a party to the suit.—Butte Miner, March 23.

Death of H. W. Egan.

Hiram W. Egan, well favorably known in the vicinity of Oakley and Little Basin, died in Albion at 5 o'clock last Saturday evening of what has been termed perforation of the bowels. He had been ailing for a short time past from the effects of injuries received several years ago by hitting, and came to Albion last Friday evening to try the Chinese doctor. China Charley prescribed for him Friday evening but he grew worse on the following day and sent for Dr. Richardson. Dr. Richardson arrived at his bedside at the Montgomery lodging house, just as he was gasping his last breath. The coroner's attention was called to the case, and after examination and inquiry, decided that an inquest was unnecessary. Mrs. Egan, wife of the deceased, who resides at Little Basin, was notified of his death and hastened over. She arrived here Sunday morning and conveyed the remains to Little Basin for burial. The deceased leaves a wife and four children. He came to this county from Utah, where he has a number of relatives, and located near Oakley in 1880. He has many friends throughout the county and Utah who will be pained to learn of his untimely death. Although there was no inquest held the doctors agree that death was caused by the bursting of ulcers on the bowels, caused by riding on horseback. Deceased was in his 37th year.—Cassia County (Idaho) Times.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate and guardianship of Rosina E. Shingleton and Heber J. Shingleton, minors; order made appointing W. L. Price, Joseph H. Raleigh and J. R. Sands appraisers of the estate of said minors.

Estate of Hugh McKinney, deceased; proof of publication of notice of time and place of hearing made; order made appointing Jane McKinney administratrix of said estate.

Estate of Edward Davis, deceased; bond of Mary Ann Davis filed and approved.

In the matter of the estate and guardianship of Alphens Rockwood, et al., minors; order made appointing P. S. Free, Peter Hansen and John Titcomb appraisers of said estate.

Estate of David Love, deceased; order made appointing time and place to hear petition for letters of administration.

Estate of Samuel Steward, deceased; same order.

Estate of Robt. Maginnis, deceased; same order.

Estate of Charles Hoyt, deceased; bond of Emma Hoyt, administratrix, filed and approved.

Estate of Carlos N. Gillett, deceased; order made appointing John Williams, Joshua Pendleton and Abraham Pendleton, appraisers of said estate.

In the matter of the incorporation of

Little, Roundy & Co.; order made directing clerk to issue certificate.

Estate of William W. Taylor, deceased; petition of H. G. Park, asking that letters of administration be issued to John W. Taylor, filed, and order made appointing time and place to hear said petition.

Fatal Accident.

A very sad accident occurred at about 1 o'clock this afternoon at the residence of Chas. S. Warren on the corner of Montana and Quartz streets. Willie Jack, son of Hon. William M. Jack, and Wesley Warren, son of Chas. S. Warren, were playing by themselves in an upstairs room. Both are about 12 years of age. Mr. and Mrs. Warren were both away from home at the time, the only person in the house besides the children being Mr. Birdseye, who was sitting down stairs. He heard a shot and somebody fall upon the floor. On investigation it was found that Willie Jack had been shot through the head, the bullet entering at the back of the head, passing through it, and coming out at the forehead, but lodging under the skin. Wesley was at first so terrified by the accident that nothing coherent could be gained from him as to the true circumstances of the sad affair, but when his father and mother came home they quieted him sufficiently to learn the facts. It appears the boys each had a pistol and were talking of trading. Willie took Wesley's pistol and tried to remove the chamber which contains the cartridges, but being unable to do so handed it back to Wesley, who proceeded to show him how it was done. While attempting to do so, however, the pistol was discharged and the bullet struck Willie in the manner above related. What makes the accident more sad is the fact that neither Mr. nor Mrs. Jack are in Butte, having been in California for several weeks. They are on their way home, however, and are supposed to have left Portland this morning. They will be home tomorrow. A special train will await their arrival at Garrison so that there will be no delay. The wounded boy lived but a few hours.—Butte Inter-Mountain, March 29.

Suing for Damages.

Today, in the Third District Court, a suit for damages was tried before a jury. The plaintiff is F. Ephraim, of San Francisco, and the defendant is the Union Pacific Railway Company. In June, 1886, Mr. Ephraim was a commercial traveler, and disposed of wines for his own account and cigars for a San Francisco firm. On the 2d of June, in the year named, he purchased a ticket at the Union Pacific office in Omaha, paying \$60 therefor. It was from Omaha to Portland, Oregon, and limited to 30 days. He had explained to the ticket agent that he wanted stopover privileges en route, and permission to ride on all trains, in order to meet his business appointments and canvass at the various towns along the line. This was given, and he started out. At Carbon, Wyoming, on the 7th of June, he left the passenger train and after spending some hours in business in the place, boarded the next train, riding in the caboose. He had asked the ticket agent whether it was necessary to get a special permit, and was answered in the negative. On the train, however, the conductor told him he could not honor the ticket. Mr. Ephraim insisted that he must. The conductor telegraphed to the U. P. officials for instructions in the premises and the result was that Mr. Ephraim was put off at Edison station, about noon on the 7th. Here he was compelled to remain until 2 a. m. next day, and as there was no hotel or accommodation of any kind at the station, the wait was rather monotonous. He subsequently laid the matter before the railway officials who promised to settle it, but did no more. For thus being ejected from the train, and the consequent inconvenience and delay, he commenced a suit for \$2,000 damages. The defense claim that the train from which he was ejected was not carrying passengers, and that therefore the railway was authorized to put and keep him off.

AN APPEAL TAKEN.

The Sheets Case Will Go Before the U. S. Supreme Court.

Last evening at about 5 o'clock, another step was taken in the case of M. M. Sheets, who refused to testify in the suit against the Church. After waiting till Mr. Sheets was taken to prison, Messrs. Sheets & Rawlins, his attorneys, prepared an application for a writ of habeas corpus, which Mr. Sheets presented to the Territorial Supreme Court. It reads as follows: To the Honorable Supreme Court of the Territory:

The petition of Moroni M. Sheets respectfully shows:

That he is unlawfully imprisoned, detained, confined and restrained of his liberty by Frank H. Dyer, at the Utah Penitentiary, at the County of Salt Lake, in the Territory of Utah.

That the said imprisonment, detention, confinement and restraint

ARE ILLEGAL

and that the illegality thereof consists in this, to wit: That the said Supreme Court of the Territory of Utah, in a case pending therein, wherein the United States of America is plaintiff and the said corporation of the Church of Jesus Christ of Latter-day and others defendants, did on the second day of April, 1888, make an order requiring your petitioner to answer as a witness certain questions then and there propounded to him, upon the application of the receiver in said case for a writ of assistance, which order your petitioner refused to obey; whereupon said court adjudged your petitioner guilty of contempt of court for refusing to answer said questions and made an order that your petitioner stand committed to jail for contempt of said court until he should answer said questions—and your petitioner shows that he is informed, advised and believes; that the said order of said court was and is without authority of law in this, that the act of Congress pretending to give the said court jurisdiction, to hear and determine the matters involved and being litigated in the said action, is

UNCONSTITUTIONAL AND VOID,

and that the said court has no authority in law to compel your petitioner to give testimony in said cause. Copies of the complaint, demurrer and answer, of the order appointing a receiver in said cause, and of the interrogatories propounded to your petitioner, and of the petition for a writ of assistance and the answer thereto, and also of the warrant of commitment, by virtue of which your petitioner is now imprisoned are hereto attached, marked exhibits 1, 2, 3, 4, 5, 6 and 7, and made part hereof.

Wherefore, your petitioner prays that a writ of habeas corpus may be granted to the said Frank H. Dyer, commanding him to have your petitioner before this honorable court, at a time and place therein specified, to do and receive what shall then and there be considered by this honorable court concerning him together with the time and cause of his detention and said writ, that he may be restored to liberty.

M. M. SHEETS.

As was anticipated, the court promptly refused the application, and the bond on appeal to the United States Supreme Court was fixed and given. The matter will be brought up as early as possible and will bring squarely before the highest tribunal in the land the question of the constitutionality of the act which authorizes the prosecution against the Church of Jesus Christ of Latter-day Saints, by the government, and the seizure of Church property.

FROM WEDNESDAY'S DAILY, APRIL 4, 1888

Arrested.

Yesterday afternoon Deputy Marshal Cannon went to Bountiful, Davis County, and arrested Soren Jacobsen on a charge of unlawful cohabitation. The accused was brought to this city, and gave bonds for his appearance when wanted.

In Favor of the Railroad.

Last evening the suit of F. Ephraim vs. the Union Pacific Railway, for \$2,000 damages, was given to the jury, with instructions to return a sealed verdict if they agreed before 10 a. m. today. This morning the verdict was opened, and gave judgment in favor of the railway company.

Not Published.

We have received a communication from "Adolphus," the main purpose of which is a personal reference to a clergyman who recently spoke in Ogden, and a criticism of his policy. On account of its personal character, and for other reasons, it is deemed unsuitable for our columns, and hence is not published.

Free Again.

John Warwood, of Nephi, and Chas. Anderson, of Hyrum, have been released from the penitentiary, where they have served terms for unlawful cohabitation.

Frederick Paterson, of the Second Ward of this city, was also released this morning, having spent six months in the mud mansion for living with two wives.

Arrested at Huntsville.

Yesterday Mr. Peter Anderson, of Huntsville, was brought down from that place on a charge of unlawful cohabitation. He was taken before Commissioner Black and bound over to await the action of the grand jury. Messrs. W. H. Wright and M. S. Browning went security for him. He has only recently returned from serving a term in the pen for living with his wives.—Ogden Standard, April 3.

Out of Prison.

Last night the official notification of the pardon of Wm. D. Newsom, of this city, and Peter S. Barson, of Clarkston, Cache County, was received, by Marshal Dyer, and this morning both men were liberated.

In regard to the pardon of Mr. Barson, the President's comment appeared to reflect severely on Judge Henderson. This came about through some error in the statement of the case, and such an interpretation of the President's remarks does the Judge an injustice.

A Good Map.

From F. T. Neely, map and book publisher, 252 to 260 Clark Street, Chicago, we have received "Houghton's Political and United States Map Combined," which is certainly a unique and valuable compendium of knowledge, particularly with respect to the political history and statistics of the Union. It is the result of a great amount of ingenuity and labor, and gives at a glance any prominent fact relative to the political history, finances, etc., of the country. The system of diagrams adopted greatly aids in making facts quickly accessible.

Educational Association Rates.

The D. & R. G. W. has issued the following announcement of rates to the National Educational Association meeting to be held in San Francisco from the 17th to the 20th of July next:

Salt Lake City to San Francisco and return	\$38.50
Provo, "	40.40
Price, "	45.70
Bingham, "	40.25

Tickets will be placed on sale at the above stations on July 10th, and sales will be discontinued at close of business July 15th. These tickets will be limited for going trip to July 18th, and for return trip to September 15th, 1888.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate and guardianship of Rosina E. Shingleton and Heber J. Shingleton, minors; order made appointing time and place to hear petition for sale of real estate.

Estate of George Nebeker, deceased; order made appointing time and place for settlement of executors' accounts.

Estate of Carlos N. Gillett, deceased; orders made appointing time and place for hearing and settlement of administrator's accounts, and to hear petition for sale of real estate.

Estate of Mary E. Tate, deceased; order made appointing Joseph Tate administrator of said estate, upon filing a bond in the sum of \$300.

Estate and guardianship of Mary L. Naylor, minor; order made appointing S. J. Layton guardian of the estate, and Joseph Tate guardian of the person of said minor, and the bonds in each guardianship were fixed at \$200.

The "Household" Exhibit.

The exhibition of fancy needlework done on the "Household" sewing machine is now in progress at the Burton-Gardner Company's salesrooms, opposite east of the Theatre. There are there some fine samples of decorative sewing, mostly on silk, velvet and plush, and representing flowers, vines, animals, etc. The display is worth a visit. Each lady who calls will receive a ticket in the drawing for a \$75 "Household" to be given away. Nearly all of the specimens of work have been made in this city. H. B. Creighton, an eastern expert, is on hand to give any desired instruction as to the execution of the needlework or the manipulation of the machine. The exhibition will be open till Tuesday next. Each visitor will also receive as a souvenir, a pretty book mark, made on the machine while she waits. Call and see for yourselves.

Died on His Birthday.

Joseph Watkins, of Alpine, Utah County, died from pneumonia, last Monday afternoon. He was 34 years of age the day he died, being the second man to die on his birthday at the same place this year. He was born at Cottonwood, Salt Lake County, and was well and at work plowing on Thursday before his death. The funeral was held Wednesday, Henry Muyle, Hyrum Healy and W. J. Strong offering words of consolation. He leaves a wife and four children. The most singular coincidence about the affair is that his brother-in-law died suddenly some weeks ago, leaving a wife, and four children. Now the two sisters are both widows, their husbands having died suddenly, and each being left with the same sized families.—Utah Enquirer.

DES MOINES, Iowa, April 8. — The Des Moines River at this point is higher now than for seven years and is still rising. It is thought that before morning the entire south part of the city will be submerged.