EVENINGINEWS. Jan. 11, 1887 Friday

FRAGMENTS.

MICHARL FLEMING was fined \$10 this morning for:drunkenness.

THE Grismer - Davies combination appear to-night at the Theatre in

COMMENDATORY comments on Delegate Caine's speech, printed in full in visor in Salt Lake County opened the yesterday's NEWS, are heard on every hand.

PHIL. CARROLL was taken to the City Hall in a back last night. He was drunk and this morning was assessed \$7.50 for the offense.

THE current number of the Woman's Exponent is before us, and a cursory glance through the pages reveals the fact that there is much upon them that is worthy a careful perusal and thoughtful consideration.

On Thursday evening next a select social party is to be given in the Fourteenth Ward Hall, commencing at 7 o'clock. The committee to macage the affair are John M. Whitaker, E. T. Taylor and Hubert L. Hail.

A ROCK SPRINGS, Wyo., correspondent informs us that, since the Saints completed the new meeting house at that place, the meetings there are attended by quite a number of people who are not identified with the Church.

SINCE the death of the little daughter of Mr. Henry White, of the Second Ward, from diphtheria, the place has been thoroughly disinfected. All necessary precautions were taken to prevent any one being exposed to the contagion.

WAGENER'S force of men in Emigration Cafion, numbering about a dozen,

worked all Wednesday night, on ac-count of the moderation in the weather, putting up ice. The ponds were completely denuded, and two large and between Lot 1 or Block 48 and Lot 10 of one small cellars filled.

THIRTY-SEVEN years ago to-day P P. Pratt's company, after having explored Southern Utah as far as the mouth of the Santa Clara, beyond the Rim of the Basin, went into winter quarters on Chalk Creek, being unable to proceed further with wagons on account of the deep snow.

THE funeral service over the remains of the late John P. Horne was largely attended in the Fourteenth Ward Assembly Half yesterday afternoon. The speakers on the occasion were Apostles John Henry Smith, H. J. Grant and John W. Taylor, President Angus M. Cannon and Bishop George H. Tay.

Is the Police Court yesterday afternoon the trial of James Park, James

TERRITORIAL SUPREME COURT. THE HIGHWAY QUESTION-SALT LAKE COUNTY WINS ANOTHER VICTORY. The Territorial Supreme Court met at 10 o'clock this morning, Chief Justice Zane and Associate Justices Henderson and Boreman being present. A decision was rendered in the case of William Bufrows vs. Edward F. M. Guest, reversing the judgment of the

Third District Court, which was adverse to Mr. Guest, who, in the dis-charge of his duties as a Road Superhighway in question and was sued for trespass. The opinion of the Supreme Court is as follows:

TERRITORY OF UTAH, SUPREME COURT. Wm. Burrows, respondent, vs. Edward F. M. Guest, appellant.

M. Guest, appellant. Henderson, J.-The complaint in this cause alleges a trespass quare clausum, and deacribes the close as a surp of land forty-six rods east and west by four rods north and south, and being the land between Lot 10, Block 40, and Lot 1, Block 33, of Ten-Acre Plat, Big Field Survey, Salt Lake Cousty, Utah Territory; and complains that the defendant entered thereon and dug up, cut down, and destroyed fruit and shade trees and irait bearing bushes thereon growing, to the plaintiff's damage, etc. The defendant answered to this complaint that the premises and all thereof were at the time of the alleged trespass a highway,

the time of the alleged trespass a high ray, and were situated in Road District No. 4, Sait Lake County, that the defendant was road supervisor for said district, and that in committing the acts complained of he acted nuder the direction and order of the County County as and supervisor. The case

court. (Further citation of authorities.) In determining the extent of the dedica-ered—the width of the highways in the vi-ered—the width of the highways in the vi-ered and the public of definite and fixed limits. It is but matter of common understanding and experience that streets and highways should be and are of uniform width; and when a plot or survey of a tract of land is in existence showing uniform width of streets, and the public acted under the direction and order of the County Court as such supervisor. The case was inted before a jury, and on the trial the plaintiff put in evidence a patent from the United States to John Eddins, dated June 5th, 1371, conveying the lands in ques-tion, with other lands, by Gov ernment subdivision, and a deed from Eddins to himself, dated April 24th, 1876, conveying the lands in question and other lands by the following description:

"All of Lots 1 and 16, in Block 40, Ten-acre Plat, Big Field survey, together with one-half of the adjacent streets, containing in all 2148 acres more or less; also that eastern portion of Lot 2, Block, Plat and Survey aforesaid, together with one-half of the adjacent street, containing in all 92 acres more or less." ers of

hereof, and who have in any way recog-lized such plan and survey, when the public y user establish a highway on one of such lotted streets and commence to improve (Here follows a further description of the property). And the plaintiff

the same, that the dedication by such owners is of the extent as plotted, and that it is a question of fact for the jury. The continued use of the lands by the plaintiff was not absolutely as mat-ter of law inconsistent with the essement testified in his own behalf as follows: "The land described in the complaint is not a part of Lots 1, 16, or 3, of Block 40, or Lot 10 of Block 33, referred to in my deed from Eddins It is a narrow street, referred to in my deed as a street. It lays created by the right of way as a highway; the owner of the fee has the right to use the between Lot 1 of Block 48 and Lot 10 of Block 33. It is what defendant claims as a street. It opens in the State Road, and runs west to the Church Farm. This strip is four rods wide. The land mentaoned in my deed is a part of this Ten-acre Piat, Big Field Survey, spoken of. The 4 by 48 rods de-scribed in the complaint is the street in con-troversy, the trespass by defendant Guest was committed on this street. There is a waterditch running west along the south side of this strip; it is about a rod north of the south ling of this strip in con-troversy. troversy; the trespass by defendant Guest was committed on this street. There is a waterditch running west along the south side of this strip; it is about a rod north of the south line of this strip in con-troversy. Defendant Guest is road super-visor of the road district in which this land is contact. Zane, C, J., and Boreman A. J., concuring. situate. He came to me at the time men-The case of James C. Armstrong vs.

tioned in the complaint, and said he had been ordered by the County Court of Sail Lake County to widen out this street to its fail width. I objected and forbid him and his men from doing it. I had a great many trees growing on the south side of this street, between the water ditch and the John Brown et al., on appeal from the First District Court, was argued, submitted and taken under advisement, This suit grew out of the fatlure of south line of the street. I planted them there; they have been growing for a good many years; they were fruit trees, plum and currant bushes, locust and mulberry trees. That is how 1 have been in possession of this street. Defendant Guest cat out these trees and days up the dist and put Mr. H. Beardsley, at the Broom Hotel. Ogden, and involves a construction of the law relating to chattel mortgages. from July 1, to Dec. 31, 1886, were, on

trees and dug up the dirt and put it to the centre of the street, It was in widening this street, as supervisor, that de-fendant committed this treepas. It is bemotion of District Attorney Dickson, approved.

This record presents to us the ques-tion as to what may be considered in determining the with and limits of a highway established by user. The trial Judge, while submitting to the jury the facture of while submitting to the function of a highway had been established our a part of the been established over a part of the land, charged the jury that there was no exidence thereof, upon the theory that the limits of a highway could not be shown to extend beyond the portion actually made and covered by the traveled track, and that the owner's continued possession and use of a strip along the south side thereof, as before stated, was conclusive

and use of a strip along the south side thereof, as before stated, was conclusive evidence against its dedication for the use of the public as a highway. If this there was error. The question should have been submitted to the jury. When a highway is established by user merely over a fract of iand of the usual width of a highway, or over a tract of land where, by a survey and plat which has been recognized and adopted by the owner, a street or highway of a certain width a laid out, the right of the public to use the whole tract as a highway by widening the traveled part or therwise, as the increased travel and the exigencies of the public may require. (Here 4 aumher ly enjoyed by each other. A genera-tion is youth so vile and wicked must of the public may require. (Here a sumbar of anthoritles are cited.) In this case there was evidence abow-ing that the public had been using portions of this street continually as a

becauses it bids fairly to surpass in bomination the older members of the commanity who have nursed and highway for over thirty years; that the

highway for over thirty years; that the public had from time to time improved, widened and repaired the road at great ex-pense, without objection from the plaintiff or his grantor; and the plaintiff received his title to the premises by a deed which not only expressly recognized this street, but recognized it as a street four rods will and including all the land in question. This was evidence which should at least bave been submitted to the jury, tending to show that the dedication extended over the jury, aided by proper instructions from the court. (Further citation of authorities.) trained it in their own inighty. Athis is but one of the citles of the world, and by no means the worst in crime. Even under her protecting wing lies in scentrity the old town of Leith, and a place continuing more Leith, and a place containing more drankenness, wretchedness and immorality, in comparison to its size, does not, I believe, exist. The ishab-itants of the lower class generally are mill workers, and the female portion (the majority) it is certain can "quaff the bowl" without a wink. A Satur-day evening in the lower parts of the sown, revents to the gaze drunkenness, ribting and mise; y shocking to behold. The young of this community are infinitely, worse in every respect than the old.

old. The clouds of divine wrath hang over the world, awaiting the decree of the Aimighty to pour down destruc-tion, desolation and death upon all who do wickedly. But God in His mercy has appointed a time for re-pared an ark of safety for all those • ho are willing to serve Him. His good ness and mercy are firmilite, but His judgments are terrible, and will come to pass as surely as they have been predicted; therefore let those who seek for safety flee to Ziou and forsake Babylon, that they partake not of her slus, and receive not of her plagues. In Millennics Star. are entering upon and improving the streets pursuant to the general plan of such sur-vey, it is evidence more or less strong, acs of such lands who have knowledge by

n Millennial Star.

A pet parrot attacked a baby six weeks o'd in its aradle the other day and picked a hole through its skull, at Mad son, Ind. The injuries are pr--bably fatal.

J. B. KEYSOR, IDENTINT. Teeth extracted without pain. Best Set of Teeth, \$12.00. Extracting free. All work warranted. Lo Office in Herald Building.

PROVO MILLS Woolen Goods for Sale, Wholesale or Retail, at the Agency, Gentlemen's Suits Made to Order. JNO. C. CUTLER & BRO., The accounts of U. S. Marshal Dyer, Agents, No. 36 East Temple



H. Wright and Buscky Due, for braaking windows in & D. & R. G. W. passenger car while the train was pass-ing the Hot Springs, resulted in a ver-dict of guilty. As sentence had been same defendants, the court could not feel justified in granting any leniency, and sentenced them to 100 days' im-prisonment. senger car while the train was pass-

LOCAL NEWS.

Already Published -We have received from an American Fork correspondent an excellent description of he old folks' entertainment, given at that place on January 19th. As we have already published a report of the proceedings, those sending the communications, which are appreciated, will understand why their contributions do not appear in our columns.

The "Copper Act."-The question

as to whether the' last copper act passed by the Legislature is applicable to all those in prison after the time of its passage, even though they were sentenced prior to that date, came up before Judge Henderson yesterday afternoon, in a case under the Territorial laws, the applicant for discharge being a man named Waters, who was sentenced in the. First District Court, on March 6th, 1883, to six years' imprisonment for grand larceny. Mr. Brown, attorney for the applicant, contended that his client should be discharged, as, if the new copper act was made applicable to him after it went into effect, his term would have expired. Mr. Dickson took the same position as on a former occasion in the Third District Court, claiming that if the act applied to the term of those sentenced before its passage, even though it only effected the portion subsequent thereto, it was retroactive and therefore invalid in that respect. If such a rule were to govern, he considered that the effect of any sentence could be annulled, as if a Governor

and Legislature should be in accord, they could pass an act allowing five months' and twenty-nine days' copper on a six months' sentence, and thereby liberate from imprisonment all persons confined in the penitestiary. Judge Henderson took the matter under advisement,

"Called Sinck."—Salt Lake audi-ences may be exacting and critical to some extent, and thus the size and quality of, the turnouts be somewhat flactuating. But when they are pleased they retain the impression of their pleasure longer and more vividly than other people do as a rule, and reward the authors of it more handsomely in proportion than perhaps any other community does in the country. Let them but once takes a liking to an actor or a piece, and the regard fades very slowly if at all, and even then falling of on the part of the attraction, not through wighiness or caprice on our part. When last here, more than a year ago, Grismer, and Phoebe Davies made so favorable an impression that they were at once listed as favorites, and as such their audience last night tendered them a substantial token of regard, the heuse being well filled in all parts. The iffacts thus the weather was bad, that walking was something bad, that walking was something road, and that public user has been made of

mprovements on this street north of th water ditch. My house and barn are across the north line on Lot 1. This strip, 4 by 4 elsewhere: is, the three rods in width on the north aide of it was." The defendant gave evidence tending to

The defendant give evidence tending to show that the survey and plat mentioned in the deed from Eddins to plaintiff was made as early as 1849, and that the plat was filed in the offices of the Surveyor-General of Utah, and of the County Recorder of Salt Snow. Lake County, over thirty years prior to the alleged trespass, and had been generally acted upon and received as correct during all that time, and offered the same evidence as showing the location and width of streets, but it was rejected by the court besinging class had a merry time last night, singing, dancing, conversing, etc., until the midnight hour. About as showing the bound of the court be-cause it was not shown to have been made by authority of the Government, but that part of the plat and survey showing the par-ticular land in question was admitted in evidence, from which it appeared that the land in question was surveyed, and platted as a street running east and west between Lots 1, Block 40, and 10, of Block 33; and continuing on past said lots both east and west to other intersecting streets. One Brockbank testified, among other things, as follows: "Poil taxes have been worked out on that road since 1871. The true width was four rods. It was turnpiked in 1873, on the north side, and that was the portion of the road mostly used. In early days it was wet, swamey land and was principally used in summer time. Atter it was turnpiked it was better, but two loaded hay teams could not weil pass each other then in very wet weather, 100 people were present. Besides the regular exercises of the chorus, some

and Mr. Stephens, to the great delight of all present. The class took advantage of the occasion to present their teacher with Shakespeare's works, elegantly bound, in four volumes, and a copy of Bryant's poems, as a slight token of their esteem for him, and appreciation of his labors.

THIS afternoon a civil case was on but two loaded hay teams could not went pass each other then in very wet weather, on account of which it was ordered wid-ened in the spring of 1879. There never has been any objection to the use of this as a road to my knowledge. That in 1873 and 1874, he (Brockbank) repaired and turn-piked said road from the State Road west, a full month to the Church Kann. That trial before Justice Pyper, arising out

piced said road from the State Road west, its full length, to the Church Farm. That he did this under the direction of the Coun-ty Court of Sait Lake County, which paid for these repairs. The total paid by the County for these repairs was \$545." Defendant also gave evidence tending to show that said street had been used as a pub-lia his way for over there the the cupboard, and were purchased by Hans Madsen, keeper of a second-hand store. When it was learned, where they were, Mr. Madsen was notified not to dispose of any more articles, but it is alleged that he did so, and is now being sued for the value of the stolen property, \$20.

show that said street had been used as a pub-lic highway for over thirty years; that he was road supervisor of the district in which the lands were situated, and toat the acts complained of were done in the line of his duty as such. The following statement of the trial Judge is contained in the statement on mo tion for a new trial. "Both the witnesses of the plaintiff and derendant testified that no portion of the plattsd street had ever beed used by any person as a road, except a strip in the centre of the same, about two roads wide; that there was a ditch on each rods wide; that there was a duch on each side of this strip, and that the street runs

east and weak; and that the plaintiff had been in uninterrupted possession of the land lying up to and along the line of the south disch for more that: eight years continuously before the institution, of this suit; that he had planted thereon fruit and what there and covernat husbes, and used a shade trees and currant bushes, and used a considerable portion thereof as meadow land; that the same was embraced by the deed of Eddins, and the premises described in the complaint, and that the procipie damage done to the plaintiff by the defend-antGrest was caused by digging up a portion of said treas and bushes and destroying a portion of said meadow land. As to the al-cessed destruction and possession of the

the world at the present time?

portrayed in the most glowing terms by writers and lovers of nature not unworthily; yet with all her pomp-osity, grandeur and the chains of Christianity which she holds fourth in the eyes of the nation, under her man-tle of dazzing gaudiness she covers a multitude of sins. Debauchery and misery allound, and that great social misery at ound, and that great social curse-debauchery-has its abode in the highest as well as the lowest society in a degree awfor to behend. Contemplate for a moment the sight of thousands of women parading the streets day after day and night after night in solicitous pursuit of their vile protession, and no effort or reme-dy attempted nor proposed by those vile protession, and no effort or reme-dy attempted nor proposed by those in authority to check the consuming and increasing calamity. The minis-ters of religion, nearly all of them, and their vigilance societies, shut their eyes to the evils surrounding them, and turn a deaf car to the voice of misery which ascends to heaven, while the victims of vice fill the poorhouses and nospitals to overflowing. It is no won, der that some of the energence are be-ciming to see things as they really are, and, stepping to the front, raise



Street.

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A Merry Time. - Stephens' adult singing class had a merry time last aight, singing, dancing, conversing. A Merry Time. - Stephens' adult diffice, Wasatch Corner

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fine gems were rendered by Mr. and Naved His Lite. Mrs. Hull, Miss Dean, Mr. Goddard

Maved His Lite. Mr. D. L. Wilcoxson, of Horse Cave, Ky., says he was, for many years, badly afficted with Phthisic, also Diabetes; the pains were almost unendurable and would sometimes almost throw, him into convulsions. He tried Elec-trie Bitters and got relief from the first bottle and after taking six bottles, was entirely cured, and had gained in flesh righteen pounds. Says he positively beileves he would have died, had it not been for the relief afforded by Electric Bitters. Sold at fifty cents a bottle al Z C. M. I. Brug Store.

of a theft at the G. A. R. quarters some time ago. A quantity of sliver knives, forks and spoons belong-ing to the G. A. R. was stolen from Ingly effective."- Christian World, London, Eng.

Angestura Bitters were prepared by br.J. G. S. Siegert for his private ase. Theif reputation is such to-day that they have become generally known as the best appetizing tonic. Beware of counterfelts. Ask your grocer or druggist for the genuine article manndruggist for the genuine article, manu-factured by Dr. J. G. B. Slegert & Sons.

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rules the universe, and who has called upon all men to repeat of their wicked-ness and turn to Him and live. Who shall say that Sodem and Gometran excelled in iniquity the great citles of Don's Experim

Don't Experiment. For cannot afford to waste time in experimenting when your longs are in langer. Consumption atways seems at first, only a cold. Do not permit any dealer to impose upon you with some cheap imitation of Dr. King's New Discovery for Consumption. Coughs and Colds, but be sure you got he genuine Because he can make more profit he may tell you he has something just as good, or just the some Don't be deserved, but insist upon getting Dr. King's New Dis-covery, which is guaranteed to give re-life in all Throst, Lung and Chest al-fections. Trial Bottles Free at Z. C. M.1. Drug Store. The superb city of Edinburgh has been extelled and praised without ceasing. Her matchless beauty and magnificence have been painted and portrayed in the most glowing terms

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