

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 32.

Salt Lake City, U. T., Wednesday, August 24, 1887.

Vol. XXXVI.

ESTABLISHED 1850.

DESERET NEWS:

WEEKLY.

PUBLISHED EVERY WEDNESDAY.

One Copy, one year, with Postage, \$2 50
Six months, 1 50
Three months, .80

DESERET NEWS:

SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY.

One Copy, one year, with Postage, \$3 00
Six months, 1 75
Three months, 1 00

EVENING NEWS:

Published every Evening, except Sunday.

One Copy, one year, with Postage, \$10 00
Six months, 5 00
Three months, 2 50

Papers sent to subscribers by mail have the names stamped upon them, with figures opposite to indicate when the subscriptions will expire. For instance, John Smith, 4-11-7, means that John Smith's subscription will expire on the 4th day of the 11th month of this year, or November 4th, 18-7. Subscribers will please notice the figures on their papers, to see that they have their proper credits, and also to know when to renew their subscriptions, the rule being to stop the paper when the subscription expires.

PUBLISHED BY

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

FROM TUESDAY'S DAILY, AUG. 18.

Correct Date of Birth.

The correct date of birth of Feramorz Little was June 14th, 1820, instead of 1830, as inadvertently stated in our issue of yesterday. He was aged sixty-seven years and two months.

Hurt by a Team.

Bishop A. Goodliffe, of Snowville, furnishes us the following account of an accident:

"On Wednesday, the 10th inst., Bro. Torbin Torbinson drove into Snowville. He left his team standing in front of George Dayley's house while he and his wife went in. The horses got frightened and ran into Mr. Dayley's house. Bro. Torbinson got hold of the rear horse, which took him along, throwing him against a corner post of the corral. The wheels of the wagon squeezed him about the hip and shoulders. The post gave way and the wagon continued on. The wagon turned completely over, alighting again on the wheels, breaking nothing but the double tree. Bro. Torbinson is doing well. No bones broken."

Opening of the Idanha.

On the evening of the 12th instant the opening of the Idanha, the new hotel at Soda Springs, took place, the event being signalized by a ball. It is a fine summer hotel, and contains forty-one rooms. It is well fitted with modern conveniences as the electric light and a thorough system of sewerage. While the plumbers are getting the water pipes put into the building it is supplied temporarily by a force pump that drives the water from the Bear River through pipes to a tank at the top of the house; at the rate of a gallon a stroke, a man being continually employed for this purpose. The architecture is of the Swiss style and very pretty. It looks especially brilliant at night while all lit up with the electric light. It is built entirely of wood and in the event of a fire getting a start would last but a very short time. The late John H. Burton was the architect.

The Funeral.

The funeral service over the remains of Hon. Feramorz Little was held at the late residence of the deceased at 4 p.m. yesterday. There was a large attendance of friends of the departed. The opening prayer was offered by President D. H. Wells. After the singing exercises, Bishop John Sharp, Bishop Orson F. Whitney, Elder John T. Caine and Bishop Milten Atwood made consolatory remarks to the family and friends. They spoke of the many noble qualities of heart and mind which the deceased had exhibited in his active and useful life, and of the strong ties of friendship that united him to those with whom he had associated. The energy and tact he had manifested in public and private life, and the many deeds of charity which marked his career, were commented on by the speakers. The closing prayer was offered by Bishop H. B. Clawson.

The remains were followed to the cemetery by a large number of vehicles. The pall bearers were Mayor F. Armstrong, ex-Mayor James Saarn, Councilor John Clark, Alderman F. Cope, Recorder H. M. Wells and Judge E. A. Smith. The prayer at the grave was offered by Elder H. S. Eldredge.

Sees Through It.

The Free Press, published at Grangeville, Idaho, says this of the effort to confiscate the property of the "Mormons":

"The U. S. Attorney General has instituted a suit in the Territorial Supreme Court at Salt Lake City, against the Mormon Church for confiscation of \$3,000,000 in property, and for the appointment of a receiver to wind up the affairs of the Church of Jesus Christ of Latter-day Saints. The proceedings are instituted in conformity with the Edmunds law, which escheats all its property to the government in excess of \$50,000. What an uproar would be caused if proceedings were begun to confiscate the property of other religious denominations!"

A PROTEST FILED.

An Enlivening Episode in Connection with the Canvass.

The monotony of canvassing the election returns was interrupted today by an episode of some interest, followed by a discussion among the members of the canvassing board and the Utah Commission, which consumed some hours. Le Grand Young, Esq., appeared before the board of canvassers and in behalf of the People's Party filed a protest against canvassing the returns of votes cast for Wm. Farrell, the

"LIBERAL" CANDIDATE

for treasurer of Weber County. The protest was based on the ground that the office was not vacant. Each member of the board of canvassers, five in all, had his own method of meeting the difficulty, and while good nature prevailed, there was for a time a deadlock, and work stopped. The canvassing board listened to arguments by Mr. Young, in behalf of the People's Party, and Ramsford Smith, Esq., in behalf of Mr. Farrell, and, being hopelessly divided, appealed to the Commission. The latter refused to assume any responsibility in the case until the matter should come regularly before them. They merely instructed the board of canvassers to discharge their duty under the order of the commission appointing them, leaving them to

INTERPRET THE ORDER FOR THEMSELVES.

The board of canvassers at length reached the conclusion that, under that order, and taking the law and the circumstances into consideration, they had no alternative but to take the returns as they found them, and canvass and certify to them. The members of the board conceded that they were purely a ministerial body, having no judicial authority nor any right or power to go behind or reject any election returns coming regularly before them to be canvassed.

In the late election the People's party of Weber County acted upon the assumption that the office of county treasurer was not vacant and so put up no candidate for it. The "Liberals" secretly cast a number of ballots for Wm. Farrell, their candidate for the office, and they are trying to show that for certain technical reasons, the election of the present incumbent was invalid, and that the office is vacant.

THE PARK MURDER.

A Case that Appears as if Mulloy Would Follow Hopt.

The preliminary examination into the charge of murder against Neal Mulloy, who shot G. J. Hughes at Park City on the evening of August 1, commenced before Commissioner Norrell yesterday afternoon. C. W. Zane, Assistant District Attorney, appeared for the prosecution and Attorney John A. Marshall for the defendant.

The first witness called for the prosecution was Policeman W. H. Bennett, of Park City. He testified that on the evening of August 1st he saw Mulloy and John T. Sweeney in the rear of Cupit & Brennan's saloon. He had been drawn to the place by the sound of a pistol report. He had said, "Who did that shooting?" Sweeney answered, "That's what we're looking for." Mulloy said the shooting occurred in a shed near by, and witness had started for this shed when he met Shear and Moffatt coming out of the rear of the saloon. They had told him to arrest Mulloy, and he turned back to do so, but Mulloy was missing. He followed him up and out on the street, finally overtaking him, and saying to him, "Mulloy, it was you fired that shot?" Mulloy answered, "It was not." He had his hand on his side pocket and witness said, "Take your hand out of your pocket." Mulloy answered that he hadn't got anything, but he took out a pistol from his pocket when witness insisted. Witness said, "I thought you said you didn't fire that shot." He answered, "The d—n son of a b—h challenged me out, and I'll go out with anybody that challenges me." Bennett said, There was a good deal of

excitement and Mulloy asked for protection. I said I would do so and I took him past the crowd. The revolver had five balls in it, one chamber empty. (The pistol was here produced and identified.) Later on that same evening I saw Jo. Hughes lying on two tables in the saloon. This was about fifteen minutes after I made the arrest. Hughes had a bullet hole in the left breast above the nipple; he was still alive then; saw him dead on the 3d.

On cross-examination, the witness said he had in his possession at the Park an American bull-dog pistol, said to have been found on the table where Hughes was laid. It was loaded full up. Tom Cupit gave him the pistol, saying, "This was found on the table after Hughes was taken off."

Dr. Eugene Le Compte testified that when he was called to Cupit & Brennan's saloon he found Hughes on the floor, supported by one or two men, apparently gasping his last. He had him laid on the table; administered brandy and did everything possible to revive him. There were half a dozen people in the saloon, and a large crowd at the front door. There was something taken out of Hughes' back pocket, but witness was not sure what it was. After ten or fifteen minutes, Hughes was put into a wagon and taken to his home. He lived just 48 hours, and was conscious most of the time until about two hours before he died. A post mortem examination resulted in finding the bullet in the right side of the body.

On cross-examination, the witness said it was Judge Cupit and some one else who removed the object from Hughes' pocket. Witness thought he was going to die at once. As they were taking him away in a wagon, a Catholic priest jumped into the wagon to find out whether he was a Catholic or not, but Hughes was not able to return any answer. Witness could hardly say whether the man who fired the shot was on a level or not with Hughes, but the wound ranged slightly downward. Hughes was a very strong man, 5 feet 11 inches high, and would weigh 190 pounds.

John S. Gibson and Oscar L. Hartwell heard the dispute between Mulloy and Hughes in the saloon, and saw them go out. They also saw Sweeney hand Mulloy a pistol. Did not see the shooting.

Police Justice F. E. James testified that a post mortem examination had been held at his request as acting coroner. The bullet had been found in two pieces.

The ball was produced and identified. An adjournment was then taken until 10 a. m. to-day.

This morning Edward A. Shear was the first witness. He testified—I live in Park City; am a carpenter and builder; have lived there since 1879; was there on August 1, last; was acquainted with G. J. Hughes; know Neal Mulloy; on August 1, in the evening, I saw Mulloy and Hughes in Cupit & Brennan's saloon; did not see them come in; the first I remember noticing was when Hughes and Mulloy were talking at the bar; there were several others there; I heard Mulloy and Hughes discussing some subject; the first words I noticed were when Mulloy said, "You were on the train and with the crowd that took Jack Murphy and lynched him." Hughes replied, "Yes, I was on the train, but not because I wanted to be; I was forced to go." Mulloy said, "You must have known all the men on that train, or that had a hand in it." Hughes answered, "No, I did not know them." Mulloy then exclaimed, "You're a d—d liar." Hughes said, "No, I am not a liar. How could I know them when they were all masked?" Mulloy again spoke, "You knew them all; and you're a d—d liar and a coward." I then stepped up and remarked that Hughes was no coward, nor did I think Mulloy was one. I tried to separate them. Mulloy again exclaimed to Hughes, "You're a d—d liar and a coward. You can come out and settle it." The crowd then started out of the back door; Mulloy called out to Hughes, "I may not be as good a man as you in one way, but I am in another." Hughes answered, "You can have it any way you want it." They then went out, Mulloy in the lead. I came next, and was followed by Hughes and the crowd; went along the alley and up the stairs to the floating platform, on the hill side, and at the back of the cellar behind the saloon; the platform is about 6 x 8 feet, and is covered; it slopes toward the steps; we went out of the door, which is about two feet wide; Mulloy went out first; I saw Moffatt and Sweeney there; I had been trying to persuade Hughes not to quarrel; finally I told both of them it was no use to go on that way, and asked them to let the matter drop; they both agreed to do this and started back; as they were going Hughes said, "I'll let it drop, but I would have settled it outside." Mulloy exclaimed, "Well, you d—n son of a b—h, come out and settle it!" Hughes was then in the door, at the platform, and Mulloy

outside, 15 to 20 feet away; Mulloy drew his pistol, and Hughes seeing it, jumped through the door, knocking me out of it, and started down stairs; Mulloy walked up to the door, pistol in hand, then, after a momentary pause, put his left hand on the side of the door, looked down the stairs on the other side, and fired; he then came back 10 or 15 feet towards the back street and stopped; I followed him and asked him what he was doing; he moved me back with one hand—the pistol was in the other—saying, "Ed., keep away from me." I kept approaching him, and he said, "Ed., G—d you, don't you come another step or 10—11—12—the rest I could not hear; I then stopped; I was alongside of Mulloy when he fired; he was in the door; I was between the parties when Hughes went through the door; did not see Hughes when the shot was fired, and did not know any one was hit; Mulloy was 15 or 20 feet from the door when he drew his pistol; Hughes jumped in, and never came out again; I next saw him on the floor inside of the saloon; the door is to the right of steps going up, and four or five feet away; four of us, including Sweeney, went out; Mulloy did not go back inside of the shed when we were coming up, he was in the front with Sweeney; I was with Hughes, trying to keep him back; I never saw Sweeney on the stairs, but in the saloon, and again at the head of the stairs; the men did not stop on the platform; I went out of the door ahead of Hughes; he and Mulloy talked up there about the difficulty; I did not think there would be any row or trouble; I thought it would be settled all right; I never saw the pistol till Mulloy drew it; there was no other weapon drawn, and only one shot was fired; do not know where Sweeney was when the shot was fired; I stopped when Mulloy threatened me; I went to the head of stairs, and was told that Hughes was shot; I asked Bennett to arrest Mulloy and he did so; this was before I went down into the saloon; when I went down Hughes knew me and spoke; I saw the wound in his breast; this was about five minutes after the shot was fired; his shirt had been torn open; I remained with Hughes till about 10 p.m.; we took him home after the doctors came and examined him; he has a residence in Park City; he was conscious up to the time I left; he was about forty years of age; I was not present when he died; the last time I saw him was the day before he died; I saw nothing taken from Hughes' pocket while he was in the saloon; he made no motion to draw a weapon that I know of; he could have done so without my having seen it; he jumped back through the door; he had only taken two steps outside when he jumped back and through the door; nothing was said about guns between the men.

Witness was closely cross examined, but his statements did not vary.

James Stephens testified—On August 1st I was at the saloon; was acquainted with Hughes; saw him and Mulloy in the saloon; saw them go out and followed them; Moffatt and Shear went out with them; Mulloy, Hughes, Shear, Moffatt and others went up stairs; I only got up about three steps, when Hughes returned, going down stairs sideways; I saw the men at the head of the stairs; heard the shot at Hughes; he fell into my arms, saying, "Jim, I'm shot." Mulloy was at the head of the stairs, in the doorway; I saw no one else at the time; I was playing cards when the quarrel was going on; Hughes had nothing in his hands when he fell; nothing was said before the shot; I pulled him into a doorway till Mulloy went away, when I took him into the saloon; I was the only one to help him there; he fell in the saloon.

This witness was evidently under the influence of liquor, and was excused. He was recalled, however, and admonished by the Commissioner not to drink anything until after the close of the examination this afternoon, when it was hoped he would be in a better condition to testify.

James Berry, of Park City, testified that he witnessed the shooting from about 50 feet away, but could not hear what words passed between the men.

An adjournment was then taken till this afternoon.

At the close of the examination this afternoon, Commissioner Norrell held Mulloy, without bail, to await the action of the grand jury on the charge of murder. He was taken back to the penitentiary.

MEMBERS ELECT.

Personnel of the Next Legislature.

Following are the names of the members of the Legislature, given in the numerical order of the districts they represent:

COUNCIL.

J. H. Carlisle, C. F. Olsen, L. W. Shurtliff, John M. Young, Thomas Marshall, Elias A. Smith, Richard Howe, Abraham O. Smoot, Jr., John

P. Wimmer, Wm. A. C. Bryan, Luther T. Tuttle, E. G. Woolley.

HOUSE.

Elias S. Kimball, Jos. Howell, R. H. Jones, C. C. Richards, Nathaniel Montgomerly, Thomas F. Ronche, D. C. McLaughlin, C. E. Allen, Wm. W. Ritter, John Clark, Jas. H. Moyle, Enos D. Hoge, Geo. W. Spencer, Levi P. Helm, Wm. Creer, Samuel R. Thorman, Lyman S. Wood, Abram Hatch, W. H. King, Anthon H. Lund, Wm. H. Seegmiller, P. T. Farnsworth, Robert W. Heyborne, Wm. T. Stewart.

LEGISLATIVE DISTRICTS.

Following is the result in the Council Districts not heretofore reported:

Ninth—J. P. Wimmer, 1,175; scattering, 3; total, 1,178.

Twelfth—E. G. Woolley, 930; John Houston, 1; total 931.

Thirteenth—Lewis W. Shurtliff, 886; A. R. Heywood, 332; scattering, 3; total, 1,221.

Following are the figures in the Representative Districts, not before published:

Eighteenth—Abram Hatch, 517; scattering, 6; total, 523.

Twenty-third—Robert W. Heyborne, 427.

Twenty-fourth—Wm. T. Stewart, 550; scattering, 4; total 554.

Fourth—Chas. C. Richards, 505; E. A. McDaniel, 216; total, 721.

Eighteenth—W. H. King, 553; T. C. Callister, 1; total, 554.

Fifth—Nathaniel Montgomery, 677; Edwin Dlx, 114; scattering, 7; total, 798.

THE CONSTITUTION.

13,000 Votes Cast in its Favor—Returns Nearly all In.

The following is the vote by counties in the Constitution. The canvass of the returns was completed this afternoon by Hon. John T. Caine, Judge E. A. Smith and Recorder H. M. Wells, the board appointed for the purpose by the Constitutional Convention:

	YES.	NO.
Beaver,	273	21
Box Elder,	471	21
Cedar,	936	10
Davis,	501	9
Emery,	275	53
Garfield,	156	14
Iron,	235	10
Juniper,	394	10
Kane,	137	1
Millard,	345	24
Morgan,	156	14
Platte,	210	61
Rich,	141	4
Salt Lake,	2,723	28
San Juan,	8	—
Sanpete,	205	33
Sevier,	444	13
Summit,	393	15
Tooele,	340	39
Utah,	110	28
Wasatch,	1,865	65
Washington,	301	7
Weber,	453	1
Total	12,837	435

A number of precincts remain to be heard from.

Kicked to Death.

Gunnison, Col., August 12.—A sad accident occurred at exactly 9 o'clock to-night, which resulted in the instant death of A. Rockefeller. He had been employed for a number of years past by Outcalt Bros., as superintendent of their hay ranches. This evening he brought a number of the men under his charge to the city and left them while he attended to some business with his employers. At the hour above stated he was ready to return to the ranch, and went to unhitch his horses, when they became frightened and started to run away. He became tangled in the lines and probably fell to the ground and then received a severe kick from one of the horses square on the top of the head. His skull was fractured, and death suddenly occurred within two minutes after the accident. A. Rockefeller is an old timer of the Gunnison country and is a well known character in Western Colorado. He owned a fine ranch near Gunnison, which he sold a few days ago and has quite a herd of cattle. He is a single man, about fifty years of age, and nothing is known of his relatives.—Denver News.

Diphtheria in Parowan.

A communication from "Subscriber" dated Parowan, the 18th inst., states that diphtheria has broken out in that place. Within the last two weeks three children have died with it. Two of them were sons of William and Mary E. Lister of this place, aged respectively eleven and nine years. They were bright little boys. The other died on the 16th inst., was named Rosetta, and was the daughter of N. S. and Sarah Whitney. She was in her fifteenth year, and was the oldest of the family, an amiable girl and the joy of her father and mother. Her death has plunged them in the deepest grief. A number more are sick, but it is hoped they will recover and that the disease may spread no further.