

judges, is not this kind of a wagon. It is a high priced wagon; but something more than high prices and an old reputation are needed to make a wagon desirable to the people. It must have the qualities which will wear—good, well-seasoned timber, etc. We regret to say that we hear from purchasers that they consider that this is not the case with Mr. Schuttler's wagons. But in securing the agency of a wagon Zion's Co-operative Mercantile Institution should secure one that will combine all the essentials needed for use here. That institution owes it to its own character and to the people of the Territory who have shown their confidence in its operations and management, that it should sell none but the best of wagons, as of everything else.

#### HINTS ABOUT SMALLPOX.

WE have met with a communication in an Eastern paper on the subject of Smallpox, which contains some information that may be of value to our readers at the present time. The writer was attacked with varioloid in a mild form, so mild that he had but two small pustules in the edge of his hair, and he did not know what ailed him until he gave the disease to his family. His vaccination had held good for thirty years; but as a proof that vaccinations will run out in some systems and not in others, he quotes the case of the man from whose arm he was vaccinated. He died from what the doctors called smallpox, the effects of vaccination having been driven out of his system by hard drink. This writer thinks that the safer way is to vaccinate again, especially after a hard fit of sickness. After communicating the disease to his family he says he lost a little girl seven years old. He was told by a physician that she died for want of a little spirit made into milk punch, which would have sent the disease to the surface. After that he tried this remedy and found it very successful. Milk punch, he says, answers for drink, nutriment and the necessary stimulant for four to six days. The greatest danger from contagion, he thinks, is when the patient gets about. He carried a patient through in a house of six families of some thirty persons, and not one took it. All the clothing, bedding, carpets, etc., he sank under water over night. This he says will kill the infection sure. He protests strongly against the practice of burning any substance—rags, straw, paper, etc.—that has been in contact with the disease, for he says it will spread it as far as the smoke reaches. The patient to whom he alludes caught the disease through the smoke of a burning straw bed some seventy-five rods from his house. He would have taken it, he asserts, a mile off if he smelled the smoke. He recommends an upper room for the patients, and that he or she be kept warm, clean, and suitably stimulated, especially when the disease is on the turn, or the second fever is about leaving, when the system needs bracing, and one may die for the want of a few spoonfuls of spirit. Out of fifteen hundred cases, but two have died, he says, under one man's treatment in the above way.

In addition to the above we think care should be taken to exclude dogs from rooms where smallpox patients are lying or where contagion can be caught. We were told this morning that a large dog had been seen to go in and out of the premises in this city where the yellow flag is raised and the smallpox is known to exist. In this way an animal might be the means of spreading contagion through a neighborhood without the least suspicion being excited as to the cause or the manner in which those attacked had been exposed.

SALT LAKE CITY, March 22d, 1873.

To the Bishops throughout the Territory: We wish you to use every precaution, so that persons exposed to smallpox shall not attend general conference.

We do not wish to postpone it because of the disease, but if we are not careful there may be danger.

Quarantine and health officers should be instructed to prevent any exposed persons leaving their neighborhoods, and the greatest vigilance must be exercised.

We depend on you to see it attended to as it should be, and this responsibility must rest upon you.

We shall do all in our power to fumigate here, and use every precaution to preserve the people from danger.

It will be prudent for those visiting the city, to make sure there is no smallpox in the houses before they visit their friends.

BRIGHAM YOUNG.  
DANIEL H. WELLS.

#### LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, MARCH 18.

**RETURNED.**—Hon. Z. Snow returned on Sunday night from a mission to the States, in good health and spirits.

**WOMAN'S EXPOSURE.** No. 20, for March 15, contains a number of interesting articles and other matter, including two letters from Miss E. R. Snow.

**SPRING WHEAT.**—Robert L. Campbell, Esq., Secretary of the D. A. and M. Society, has handed in a number of samples of Spring wheat, which he has received from the Department of Agriculture, Washington. Farmers who would like to experiment with some of these samples can get them by calling at this office.

**DISINFECTED.**—Dr. J. M. Benedict carried out his intention of visiting Mill Creek Ward yesterday. While there he disinfected every house in the district between Murphy's and Hansen's places, where the small-pox had appeared. There are some cases of measles in the district, but no new ones of small-pox. The people in that locality do not feel very comfortable at the idea of being quarantined for a week or two, but it is considered necessary by the quarantine physician, and they must abide by his instructions. It is a matter for congratulation that he is taking such efficient measures to prevent the spread of the small pox contagion.

**ACCIDENT.**—The new fire company lately organized in the 20th Ward, were out drilling last night and, after the exercises, as the engine was being run back to its station, in Bishop Sharp's barn, Mr. Charles Napper, who was assisting to draw the engine stepped upon a boulder. Had he let go his hold instead of holding on as he did, the engine would have passed over his body, and doubtless he would have been injured very seriously. As it was, one of the wheels passed over his left foot, bruising it very badly, incapacitating him from leaving his home for the present.

**A LIQUOR CASE.**—The case of William Smith, who keeps a saloon on Second South Street, for selling liquor without license, was before Justice Clinton to-day. The charge was fully sustained and Mr. Smith was fined \$100. The defendant's counsel, Mr. R. H. Robertson, informed the court that he desired to give notice of an appeal to a higher court. The Justice stated that the Chief Justice of the Territory had ruled that there was no appeal from his, Mr. Clinton's, court, and although he, Mr. Clinton, differed from this view of the matter, he was notwithstanding bound to respect the rulings of Judge McKean's court, as it was a superior court, or court of review. Mr. Robertson said cases could certainly be appealed from the Justice's court. Justice Clinton said he also thought the law provided for such appeals, but a higher court had ruled differently and he intended to adhere to such ruling, for however he might differ in his opinion from those expressed in the decision he had no authority to set the latter aside in his court.

There is another charge against Mr. Smith of the same nature as the one for which he was fined.

**THE TURBETT CASE.**—It was stated in yesterday's News that James R. Turbett was taken before Judge C. M. Hawley, on a writ of *habeas corpus*, and an examination of the proceedings of the case commenced. The matter was finally adjourned until next Thursday, to give time for the production of farther evidence, and Turbett was released in the meantime on \$200 bonds.

After his release Turbett went to the City Hall and requested the officers there to hand over his watch, pistol and some other articles which he had when first imprisoned. He was politely informed that it would be time enough to do that if he should be discharged. Turbett said he knew he would be discharged, and the parties he addressed assured him they were about as confident of that as he was himself, as he was in the hands of the great *habeas corpus*ser.

Turbett was blowing around considerably yesterday among his late fellow associates in the city jail, stating that he would not take \$10,000 for his chances of mauling the city by suit for false imprisonment.

**SMALL-POX.**—In another column we published a letter from Dr. Crookwell in relation to the recent case of small-pox in his family, and concerning which strictures have been made of which he complains. He feels himself aggrieved by what has been published, and wishes to set his conduct before the public in its true light. He complains also, in some sentences which we do not publish, of quarantine regulations which leave to the relations of departed ones the duty of burying their own dead. While we give the Dr. this opportunity of stating his own case, we must say, that though he may have feelings concerning the treatment he has received, there is a strong feeling in the community in relation to the imprudence of his own conduct. It is understood that there are several cases of small-pox on his premises on which he is in attendance, and yet he is frequently seen on the streets, in crowded stores and other places where he is in close contact with the people. Whether well-founded or not, there is an impression that there has not been that care exercised which should have been to prevent the spread of contagion, and the freedom with which Dr. Crookwell moves about confirms the impression. We say this with the kindest of feelings to him in his affliction. There is a dread of the spread of small-pox in the community, and in judging of the actions and feelings of the people this must be taken into account. They are justified in requiring that the strictest regulations be enforced to prevent the spread of this loathsome disease.

**AT IT AGAIN.**—James Dunn, who was sentenced by the Probate Court, on the 8th of March, for highway robbery, and who was yesterday forenoon set at liberty, on a writ of *habeas corpus* by Judge C. M. Hawley, was arrested last night for shooting his pistol off in the National Saloon, the ball lodging in the ceiling, and for doing the same thing in Smith's Saloon. The latter time the ball passed through the door and hit John Shultz, who was standing on the street just outside, in the left elbow and passed out about three or four inches below the joint, inflicting a very severe flesh wound. The charges against Dunn were fully sustained by evidence this morning, and Justice Clinton deferred his decision in the case until three o'clock this afternoon.

We announce to our readers that Dunn is again in custody. Judge Hawley may also be interested in knowing the fact. Here is an opportunity for another writ of *habeas corpus*. By the time this meets the eyes of our readers, Dunn's counsel may have had the necessary interview with the Judge.

We hear of a moving among the friends of sundry criminals now under confinement to raise a few dollars to hand over to a certain pettifogger to make application for the necessary writs. They now see an excellent chance to be once more free, that they may revel in opportunities of doing as was done by Dunn, breathe the free air of heaven for a few hours until they shoot or rob somebody.

It appears as if the Judge was determined to go out of official existence with a hurrah and grand flourish of trumpets. If he were to continue in his present position for any length of time, it would be a splendid harvest for criminals.

Who will be the next candidate for *habeas corpus*?

**OUR DELEGATE.**—It is rarely that a warmer demonstration of friendly feeling and kind regard is ever witnessed than was manifested on last Saturday afternoon upon the arrival of the Eastern train at Ogden, which brought Hon. W. H. Hooper, his family, and his successor, Hon. Geo. Q. Cannon, to that point. A special train on the Utah Central Railroad had brought a large number of leading citizens from this city, who were accompanied by Capt. Croxall's brass band and Capt. Beesley's martial band, and were joined at Ogden by many prominent persons of that vicinity, to meet the Delegate on his return from Washington. When the Eastern train arrived at the platform these friends extended such a greeting to him as must have satisfied him that his labors in Congress during the session which has just terminated were fully appreciated by his constituents. From the U. P. R. R. platform he and his family were escorted by the Bands, playing lively airs, and the procession of friends to the Special train. The journey from Ogden to this city was quickly made, for time sped rapidly enlivened by such excellent music and interesting conversation.

Hon. W. H. Hooper was first elected Delegate to Congress from this Territory in 1859. He took his seat at the opening of the session in that year, and served his constituents during that Congress with a fidelity and zeal which elicited favorable comments from his fellow members. When a constitution was framed and adopted with a view to the admission of the Territory as a State in the Union in 1892, he was elected under that constitution U. S. Senator, and repaid with his colleague to Washington to present the constitution and urge the admission of the Territory as a State. Hon. J. M. Bernhisel was then the Delegate from the Territory, and under the State constitution had been elected Member of Congress. The U. S. Senators elect and the Member labored conjointly for admission. Captain Hooper spent that summer and the succeeding winter in Washington endeavoring to carry into effect the wishes of the people of the Territory in regard to admission. In 1885 he was again elected as Delegate from the Territory to Congress, and has been elected three times Delegate since that time, making in all ten years' service as Delegate to Congress and the greater part of two years as United States Senator elect from the embryonic State. Previous to the nomination of Delegate last year he notified his friends that he did not wish to be a candidate for their suffrages, as he felt that his labors had been so continuous and arduous that he needed rest. Captain Hooper's career as a Delegate to Congress has been most successful. His industry and vigilance, his genial manners and unobtrusive conduct, have gained him the credit of being one of the most indefatigable workers and one of the most pleasant gentlemen in Congress. The tact and aptitude for business which marked his career previous to his election to Congress, he carried with him there, and they have been of great service to his constituents. Those who had schemes to push through Congress inimical to Utah had an opponent in him whose sleepless activity and wise management were always presages of the defeat which they received.

FROM WEDNESDAY'S DAILY, MARCH 19.

**IRON COUNTY.**—Brother Wm. Marsden writes from Paragonah, March 14, that "Clark, Lyman & Co. have sold out their new steam saw mill to the Co-operative Store, and give up possession of the same on the 15th inst."

**SECURED.**—The Representatives' Hall, in the City Hall building, has been secured for the holding of the sessions of the United States and Third District Courts. Court will be opened there, for the first time, to-morrow morning.

**AN ENGINE.**—Mr. Richard B. Margetts recently purchased the engine and boiler of the *Kate Connor*, which he has placed in his brewery. The engine is six-horse power, and is capable of grinding thirty bushels of malt an hour. He commenced running it yesterday. Mr. Margetts has also made several other improvements on his premises.

**RESUMPTION.**—The Turbett case, on writ of *habeas corpus*, was to be resumed, before Judge C. M. Hawley, this afternoon, at three o'clock. Justice Clinton has been summoned to appear with his docket.

**ELDER MARK LINDSEY.**—We clip the following from the West Jersey *Pioneer*, of Bridgetown, N. J., March 14th:

"Elder Lindsay, of Salt Lake, has lately returned from a visit to his parents in England, and has been stopping in this city for a week or more past, visiting his brother. The Elder is undoubtedly a sincere believer in the doctrines promulgated by him. He believes that the Lord will sustain the Mormons, and seems resigned entirely to his will. If all who denounce the Mormon faith, were as sincere in the belief they profess, and as zealous in the practice of that belief, there would be more converts to Christianity."

**COMPROMISED.**—William Anderson, of the late firm of Anderson & Porter, was brought to town from Ogden, last night, by officer Hampton, having been arrested at that place on a charge of seducing and debauching a young woman who resides in the 19th Ward of this City. He was brought before Justice Clinton for examination to-day, when he declared his willingness to compromise by marrying the young woman, and as the latter acquiesced, Mr. Clinton married them.

At the conclusion of the ceremony Justice Clinton informed Anderson that he would have to pay the officers' fees, which, however, he refused to do, but offered Mr. Clinton a five dollar bill as the magistrate's fee for performing the marriage ceremony. Mr. Clinton told him he had better keep it, as a man who was mean enough to refuse to pay the officers' fees must surely need the money worse than he did. Anderson then returned the bill to his pocket and walked out of court. Before leaving he indulged in some very dignified and unbecoming remarks towards the mother of the young woman in question.

**NEARLY A FIRE.**—About twenty minutes to eight o'clock this morning a young man named Henry C. Kiesel noticed that the roof of the White House, corner of East Temple and Second South Streets, was on fire, and he immediately gave the alarm, and, being a member of the fire brigade, rushed to the City Hall. In eight minutes from the time of the first alarm the hook and ladder company were on the ground, and the hose company immediately y behind them, and the engine was on the spot within ten minutes of the sounding of the alarm, with steam up, and about fifteen minutes afterwards, Wasatch engine number 2 made its appearance, from the 20th Ward.

In the meantime, however, a ladder had been procured from Mr. Joshua Midgley's paint shop by Young Callahan and Felix Reinbold, who, by tearing away a portion of the shingles and applying a few buckets of water, succeeded in extinguishing the flames.

Although the services of the fire department were happily not needed, their promptitude in hastening to the spot, prepared for any emergency, is very commendable.

The cause of this incipient re is a very prolific one—a stovepipe, insufficiently protected, projecting through the roof of the building. We are informed that the shingles were within an inch of the pipe. It is presumable that the pipe had not been cleaned out for a considerable period, that the soot took fire, heating it to such an extent that the shingles caught fire. This is another case of apparently gross carelessness, but it seems as if no amount of warning will teach some people to adopt common sense measures for the prevention of fires.

**RETURNED.**—Elder Mark Lindsey, who has been on a mission to the States and to England, called to-day, having returned to the City last night. His visit to England was of two months duration, during which time he visited a number of conferences in England and Wales. He brought with him quite a large variety of English plants and flowers, among the latter are some genuine primroses and century plants. He also has thirty different varieties of evergreens, from the Crystal Palace Gardens, Sydenham.

While traveling in the States Elder Lindsey visited Middletown, Orange Co., N. Y., where he met with Mr. William J. Groo, brother to Mr. Isaac Groo, of this City, and with the Rev. Mr. Corry, who had the privilege of speaking in the New Tabernacle last fall. Those gentlemen showed much kindness to Elder Lindsey, and procured a public hall for him to lecture in.

Brother Lindsey brought his niece with him, from Bridgeton, New Jersey, and it is probable that his brother and the other members of the latter's family will also come here for the purpose of taking up their residence permanently. He must have traveled faster than the mails, as we only received a paper this morning which he posted to us several days before he left Bridgeton; clipping from which paper was in type before we saw Brother Lindsey to-day.

**SENTENCED.**—Yesterday afternoon Justice Clinton sentenced James Dunn to pay a fine of \$100 for bringing his pistol on two occasions, the last time shooting John Shultz in the left arm. Dunn being unable to pay the amount, will, unless *habeas corpus* again, have to labor one hundred days on the public works.

In passing judgment the court alluded to the fact of the prisoner having been convicted of highway robbery and sentenced to two years imprisonment, and of his having been liberated, on *habeas corpus*, on the same day on which he committed the crime of which he had just been found guilty. The people thought that such characters as Dunn were dangerous and should be taken care of, but Judge Hawley appeared to think differently. The Justice alluded to an occasion when eleven lewd women were before him on a certain charge, all of whom were liberated by Judge Hawley. It was plain, however, that all of the Judges did not agree on this point of setting criminals at large to prey on decent members of society and multiply immorality, for another person, charged with a criminal offense, being encouraged by Judge Hawley's course, applied to the Chief Justice of the Territory for a similar writ, which was peremptorily refused, the answer of that functionary being that the Justice's Court had jurisdiction and that its jurisdiction had been properly exercised in the case in question. The law appeared to be clear enough on such matters, but the constructions placed upon it by different judges were, to say the least, somewhat mixed.

FROM THURSDAY'S DAILY, MARCH 20.

**DULL.**—A gentleman who arrived from Pioche on Tuesday says business is somewhat dull at that place, there being nearly a hundred men who are out of employment.

**OF CALIFORNIA.**—The William Anderson mentioned in the News yesterday as having been arrested at Ogden is late of California, the same who, in connection with his partner, was arrested on a charge of swindling a San Francisco firm.

**CROSSINGS.**—The laying down of the paved crossings on First South and other

streets in the vicinity is going on rapidly. Mr. Henry Grow, the contractor, pushes the business.

**MORE CASES.**—Two more cases of smallpox are reported, this time in the 4th Ward. We are informed the patients are daughters of Mr. Davies. Dr. Clinton went to the residence of the latter this afternoon, for the purpose of adopting necessary measures to prevent the spread of the contagion.

**MUSICAL.**—Mr. Van Nostrand, at one time organist at Plymouth Church, Brooklyn, and at Trinity Church, New York, and, previous to coming to this country, leader of the orchestra of the Grand Opera House, Berlin, Germany, arrived in this city a few days ago. He visited the Tabernacle and examined the grand organ. He played a few airs on that instrument, and being the possessor of a fine soprano voice, he accompanied therewith. He expressed great admiration for the organ, stating that it was one of the finest he had ever seen.

**ANOTHER PRISONER RELEASED.**—As was generally expected, Judge Hawley turned J. K. Turbett loose, yesterday. The case was resumed at three o'clock in the afternoon, and the proceedings were probably as peculiar, not to say farcical, as anything of a judicial character that has transpired in this country during the last quarter of a century or so.

Judge Snow appeared on the part of the City and Mr. Wells Spicer for Turbett. As a general rule the counsel on each side submit their arguments to the magistrate, that the latter may decide the case upon its merits. Instead of this being the case in the matter in question, however, Judge Hawley enacted the duplicate role of counsel for the defense and sitting magistrate, thereby dispensing almost totally with the services of Mr. Spicer, this latter gentleman merely making a very few exceedingly pointless remarks, which he repeated four times over.

Judge Snow had made no preparation to argue the matter, yet he displayed both tact and ability on the spur of the moment, and successfully and incontrovertibly drove Judge Hawley, while the latter was playing the role of Turbett's counsel, from several positions in which he imagined himself safely entrenched.

The first position assumed by Judge Hawley in favor of Turbett was that the proceedings against the latter, in the Justice's Court, were illegal and consequently null and void, because they were commenced in the name of the "people of Salt Lake City" instead of in the name of the "people of the United States in the Territory of Utah." His position was based upon a statute adopted by the Legislature, March 6th, 1852. Judge Snow knocked this on the head by producing later legislative enactments, among them being the charter of Salt Lake City, adopted Jan. 13th, 1860, which gives the city authority to "sue and be sued, to plead and be impleaded, &c., in all actions whatsoever." Judge Snow argued that, "in all actions whatsoever" was surely sufficiently broad in application to cover the quasi-criminal one under consideration.

Being driven from this position, Judge Hawley, while acting as Turbett's counsel, next took the ground that the proceedings against the latter were illegal, because in docketing judgment in the case the Justice had omitted to specify the nature of the charge against Turbett, and to show that this was the case he read the latter portion of the judgment as entered. Judge Snow, however, took the record and showed that Judge Hawley did not go far enough back in his reading, for if he had commenced at the top of the page he would have found that Turbett was charged with "selling liquor on Sunday." That our readers may understand the matter clearly we publish the subjoined copy of the entry, from Justice Clinton's record:

SALT LAKE CITY, Jan. 14th, 1873.

Salt Lake City, vs. James R. Turbett, for selling liquor on the Sabbath day.

A warrant was issued, directed to the city Marshal, made returnable forthwith.

Warrant returned endorsed: I return this warrant, having served the same, by arresting the within named Turbett, who is now before the Court.

JOHN Y. SMITH,  
Deputy Marshal.

SALT LAKE CITY, Jan. 14th, 1873.

The above entitled suit was continued, by consent of parties, until two o'clock on Wednesday, Jan. 14th, 1873.

At the above specified time the parties appeared in court, the case was called up and a trial was had, when the court was satisfied that said Turbett was guilty as charged, and adjudged and ordered that Salt Lake City have and recover from the said James R. Turbett, the sum of one hundred dollars, and that said Turbett be imprisoned in the City prison.

Sixty days' notice of an appeal was given. A mittimus was issued, directed to the City Marshal.

Driven from this point, Judge Hawley next took exception to the fact that the record, in stating that Turbett was sentenced to imprisonment for sixty days and to pay a fine of \$100, did not also state that he should stand committed in default of payment of the fine. He said Turbett had served out his sixty days imprisonment, and as the judgment was defective, in that it did not provide for his commitment in default of payment of \$100, he could see no alternative but to set the prisoner at liberty.

Judge Snow said it might be an erroneous judgment, but it was not necessarily a void one, and consequently did not come under *habeas corpus*, but must be remedied by writ of error.

Judge Hawley then informed the prisoner that he was discharged, and there was a general smile among the few spectators, not as evincing satisfaction at the liberation of Turbett, by any means, but at the peculiar way Judge Hawley has of dealing with such matters, although the result of the proceedings was anticipated by those who had given the case any attention. It was patent to everybody present that Judge Hawley, from the beginning, had his mind made up with regard to the decision he should give in the matter.