

# THE EVENING DISPATCH.

No 267--Vol 3.

PROVO CITY, UTAH, WEDNESDAY, OCTOBER 10, 1894.

PRICE FIVE CENTS A COPY

## A. O. SMOOT

SUCCESSOR TO

### Provo Lumber, Manufacturing & Building Co.

Wholesale and Retail Dealer in

LUMBER, DOORS, WINDOWS, BLINDS AND MOULDINGS.

RUSTIC SIDING, TONGUED & GROOVED FLOORING, LATH, SHINGLES, PAINTS & BUILDERS MATERIALS, HARDWARE, UTAH VALLEY IRON PAINT.

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## HOWE & TAFT, Wholesale Grocers.

The Merchants of Southern Utah, Especially those of Utah Co. will find it to their Advantage to Trade with

## HOWE & TAFT,

WHOLESALE GROCERS,

Provo, Utah

## The Provo Co-op

Congratulates its friends and customers on the signs of returned prosperity and the improved condition of trade throughout the country, realizing that with the advent of good times you will undoubtedly purchase your Winter Supplies. We desire in a modest way to remind you that we are at your service with an exceptionally fine line of General Merchandise, selected with especial care and bought at bedrock prices.

A. SINGLETON, Superintendent

### NOT YET DECIDED

#### Habeas Corpus Case Submitted to the Court

#### M'CANNE FOUND GUILTY.

Young Jackson Committed to the Reform School—He Thinks it Will do Him "Lots of Good"—Other Legal Business.

TUESDAY AFTERNOON.

City Marshal Ballard of Payson was the first witness in the McCann case, keeping his saloon open on Sunday. He testified that he knew where the defendant's place of business was located. The building where the business is carried on has two rooms; one a bar room and the other a pool room. At about 11 o'clock on Sunday June 3d 1894, he had seen over twenty men and boys go into the saloon. Marina Ballard named a number of the men he had seen enter the place. He did not know how long they were in the saloon.

Mr. Bingham gave similar testimony. The defendant took the stand and testified that the saloon had been opened about 11 o'clock on the date named. He and his bartender had been there, and the butcher had brought in some meat ordered by defendant. Two or three other men had also been admitted, they had come there for the purpose of asking for a Mr. Patton.

W. Colvin, bartender for Mr. McCann, testified that some men had been in the pool room, but had not been in the room where liquor was sold.

After arguments of counsel and instructions from the court, a verdict of guilty was rendered.

The habeas corpus case against Sheriff Searies of Uintah county was next called up. The writ of habeas corpus had been issued commanding Sheriff Searies to bring George Hinton into court. Hinton was confined in the county jail of Uintah county in expiration of a verdict rendered by Justice E. F. Harmon of Vernal for misdemeanor. Messrs. Houtz and Anderson appeared for Hinton, and Thurman and S. A. King for Sheriff Searies. The application for the writ was made upon the grounds that the justice's court had no jurisdiction in the case, for the reason that the complaint did not charge an offense. The complaint charged in fact on the 19th of September, in Bush creek, Uintah county, the defendant committed a misdemeanor by entering upon the property of Louis Ward, and holding possession of the same by threats and profane language by saying, "— you, I make you move by the house off the ranch before I get through with you."

The complaint further alleges that defendant came inside his foreclosure and started to build a house, and was notified by complainant to remove the same, but refused to remove it. The case was argued by Mr. Houtz and authorities cited to show that the words force and violence were necessary to be used in order to make the complaint valid.

A further allegation by defendant was that no judgment had been rendered and if so it was so indefinite as to be void.

Mr. Thurman read from the transcript of the justice's docket which stated that a jury had found a verdict of guilty on the first ballot, and that defendant had been sentenced to pay a fine of \$5.00 and costs, which amounted to \$116.65, or for each dollar of the fine and costs to be confined in the county jail for one day. Mr. Houtz argued that the judgement was faulty in not providing that if any part of the fine was paid the imprisonment would be lessened by such payment.

Mr. Thurman argued that the objection to the complaint, raised by Mr. Houtz, was not one for an action of habeas corpus, but was a case for a court of error. In regard to the sentence he held that it was such as could be understood and that this was sufficient.

Court adjourned before the arguments was closed, further hearing to be continued this morning.

OTHER BUSINESS.

In the case of Caroline Black et al. vs. Hiram Dewsnap et al., Receiver Follard was permitted to buy staple merchandise to an amount not to exceed \$300.00, for the purpose of better enabling him to dispose of the merchandise which he has in possession as receiver.

WEDNESDAY FORENOON.

Nearly all the forenoon was taken up in hearing further arguments in the writ of habeas corpus proceedings against Sheriff Searies. Judge King took the matter under advisement till 2 o'clock.

Wesley Jackson, aged seventeen, the eldest of the trio brought from Lehi charged with house-breaking changed his plea of not guilty to a plea of guilty, "if it was house-breaking." He had gone into a cellar in a house in Lehi and taken a shirt, which he did not think was any harm. His attorney, Mr. Dudley, asked that the defendant be committed to the reform school. City Marshal Karrens was present and was asked by the court if the boy had been charged with any offense before. He replied that he had been charged with a similar offense previous to this. Judge King remarked that he did not know whether it would do the boy any good to be sent to the reform school. Young Jackson broke in with the remark that he thought it would do him "lots of good." After some good advice the court ordered the young culprit committed to the reform school.

THIS AFTERNOON.

Judge King announced when court opened this afternoon, that he was not

yet fully prepared to give his decision in the habeas corpus case. He would do so later in the day.

Catherine Johnson was granted a divorce from Hans Johnson. Plaintiff's testimony was to the effect that she had married defendant about fifteen years ago, and had lived in this city since that time. Seven years ago defendant took a notion to leave and went to Colorado. He had only sent her \$50 for her support during that time. Mrs. Johnson's testimony was corroborated by her son. The decree was granted, and the plaintiff was given custody of one minor child, the issue of their marriage. The property was divided as by stipulations between the parties.

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BOARD OF EDUCATION.

A Short Session Held Last Evening—New Teacher for the Franklin School.

A meeting of the board of education was held last evening. All the members were present. President Booth presided.

A communication from Skelton & Co. offering to furnish ink and other school supplies, was received. The communication was read.

Mr. Newell of the committee on furniture and supplies, reported that five 10-inch dial clocks could be obtained for \$5.00 each. Eight-inch dial clocks could be obtained at \$4.00 each. On motion of Mr. Tanner Mr. Newell was authorized to purchase five clocks, such as he may consider best adapted for the schools.

Mr. Tanner moved that all claims be filed till there is money in the treasury, and that they then be acted upon in the order of their filing. Carried.

Superintendent Rawlins asked what course to pursue in regard to pupils from other places who were desirous of attending the city schools. Some of them had acknowledged that they were from other places but wished to attend the schools for the winter. Others had come in and not informed the superintendent that they were from other places. He was assigned to do the best he could to regulate this question, the resident children should be known to some of the teachers.

The superintendent also reported that he had received favorable terms from Cannon & Sons of Salt Lake city for text books. The terms were nearly as low as the publisher's contract price for the territory. This will enable the people to obtain the text books at the prices published in the local papers by the superintendent.

He also presented a list of a number of repairs that should be made, and of articles that were needed in the schools. Referred to the committee on utilities and buildings, and the committee on furniture and supplies.

Mr. DeMoisy asked if there had been any action of the board in regard to meetings being held in the school houses. He was informed that there was an order to the effect that no one could obtain the school houses for meetings, except on an order from the president. While this question was under consideration it came out that at several public meetings, lately held, cigar stumps had been left on the floor, and tobacco chewers had not refrained from using the floor in lieu of cuspidors.

A motion of Mr. Tanner to the effect that Miss Fulzifer be employed as a teacher in the Franklin school at a salary of \$35 a month, was carried. The appointment of Miss Fulzifer is to be made as soon as another teacher is needed.

The board adjourned for two weeks.

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The man who attacked Miss Judson is about 25 years of age. During the afternoon he applied at several residences, and in cases where he met with refusal for something to eat, he grew violent.

About 7 o'clock, while the family were at dinner, he called at Mr. McClelland's place, and a servant gave him some bread and butter. On leaving he seized the fence that divides the property from that of Dr. Judson. He knocked at the side door of Dr. Judson's residence and got some cold meat and bread, just as Miss Judson left the house to visit a friend. As she reached the gate she stopped to button her shoe, when a noise behind her startled her. The night was dark, and the shade cast by the overhanging trees rendered it impossible to see any great distance, but as she turned she made out a figure of a man within arm's length, and a moment later his arms were about her.

She was paralyzed with terror, and made a desperate effort to shriek for assistance, but divining her intent the fellow clapped his hands over her mouth and dragged her back. As she slipped he struck her on the mouth several times.

The man dragged her toward some bushes, holding her closely. She fought inch by inch, and her clothing was completely torn from her body, and her arms and legs were bruised in her struggle.

At last the villain forced the girl to the ground, and she felt her senses leaving her; but when it seemed that she could struggle no longer she managed to wrench her face free and then she shrieked only as a terrified woman can.

Her father heard the scream, rushed from the house and found her lying on the ground. Her assailant had fled. Her father carried her senseless into the house, and then organized a posse consisting of himself, Dr. Kellogg, DeWitt, Wells, Senator Charles McClelland and others of his neighborhood, and went in search of the fiend. But all night long and through Sunday and yesterday the search was prosecuted without success.

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Superintendent Morris Williams of the Mineral Railroad and Mining company says while Irven Buffington, John Anderson, J. J., and others were retreating No. 1 shaft, Buffington disobeyed orders by lighting a naked lamp in an air course for the purpose of testing the air. A spark set fire to timber as dry as powder, and the current carried the flames up and down the shaft like lightning. Buffington returned to the bottom of the shaft to exchange his gum boots for shoes. This delay cost him his life.

Superintendent Williams, Mine Inspector Brennan and Inside Foreman Fiehr and Kennedy formed relief parties and rescued eighty imprisoned workmen by way of the coal run workings. Workmen cannot get near the fire on account of the smoke and gas, and the flames cannot be fought with any success.

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