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FROM TUESDAY'S DAILY, MARCH 8.

E. Collett Arraigned.—Yesterday afternoon Richard Collett, of the Nineteenth Ward, was arraigned on a one-count indictment charging him with unlawful cohabitation with his wife Mary A. Collett and Sarah Linnell Collett, from March 1, 1884, to Feb. 14, 1887. He pleaded not guilty.

Continued.—This morning, the case of the United States vs. B. H. Schetler was called up in the Third District Court. The defendant is charged with unlawful cohabitation, the indictment being divided into five counts. Mr. Dickson stated that the prosecution had been unable to find an important witness—the alleged plural wife—and moved that the case be continued for the term. The motion was granted.

To the "Pen."—Six of the brethren who have been convicted in the First District Court at Provo of living with and acknowledging their wives, have been placed in the penitentiary, there to suffer imprisonment for conscience sake. These are: David John, R. C. Kirkwood and William Webb, each sentenced to pay a fine of \$300 in addition to a six months' confinement, and Edward Peay, Christian P. Christensen and Soren C. Peterson, each under a penalty of six months' imprisonment, without fine.

Harrington Pleads Guilty.—Today in the Third District Court, when the case of John Harrington, who was associated with David R. Musselmann in the assault upon the two Finlanders at Brigham, was called, his attorneys informed the court that he wished to withdraw his plea of not guilty to the indictments, one of which charged battery and the other assault with intent to murder, and plead guilty to battery in both cases. This was permitted, and he will receive sentence for both offenses on March 18th.

The case of battery against Mr. Musselmann was postponed to the next term for trial.

Two Unfortunates.—"Misfortunes never come singly." This is an old saying and is sadly illustrated in the case of widow Annie Espjorn, of Wilson Ward, Weber County, who some three weeks since was hooked in the breast by a cow from which injury she is just able to be arround. On Saturday last she was using a butcher knife cutting meat, when the knife slipped and severed the left radial artery; and but for the presence of Richard Hordman, would have bled to death in a very short time.

Sunday, March 6th, a six year old son of Charles Stallings, of Eden, Weber County, was playing in the barn, when he slipped and fell 17 feet, alighting on the hard ground, fracturing his left thigh and otherwise seriously bruising himself.—*Ogden Herald.*

Probate Court.—The following business was transacted before the Probate Judge of Salt Lake County yesterday:

In the matter of the estate of E. E. Brain, deceased, a decree has been made showing that due and legal notice to creditors has been given.

In the matter of the estate of Wm. A. McMaster, deceased, order has been made appointing time and place for hearing of the petition of Alexander McMaster, praying for the issuance to himself of letters of administration on the said estate.

In the matter of the estate of James Robbins, deceased, an order has been made appointing time and place for settlement of administrator's first account, and directing notice to be given.

Called.—Brothers Riley Davis and James Head, of Clifton, Idaho, now on their way to the Southern States on a mission, paid us a friendly visit today. They are looking and feeling well, and go upon their calling with confidence and encouragement. We wish them the best of prosperity and a safe return.

They report a time of feasting over the return of the horses that had previously been removed from Clifton; it being decided to have the town fixed where it was in the first place, all the structures, sheds, etc., were taken to the original site, eighty horses and all the available human bipeds being brought into requisition for the purpose. One barn, 40x50 feet, was removed on skids two and a half miles across the prairie and dumped down in its former location without being injured in the least.

Logan Notes.—The Utah Journal of March 9th says:

Two ladies were driving down Second Street yesterday afternoon in a buggy, when their vehicle was run into by a wild colt attached to a load of gravel. The buggy was tipped over and the occupants thrown out, but were not hurt.

Yesterday morning Sheriff Crookston went to Wellsville and captured John Payne and W. H. Williams, who were charged with horse stealing at McCammon. They will be delivered to the officers of the north to-day. One is a negro.

A short time ago a burglary was committed in the Fifth Ward. The culprit broke into a henry and killed eighteen fat fowls. On the next night the fellow was trying to get away with the balance of the birds; but he was nabbed, and proved to be a nice fat and sleek mink.

Deputy Marshal Whetstone yesterday arrested P. A. Nielsen, of this city, on a charge of unlawful cohabitation. He was bound over in the sum of \$1,000, and Annie Nielsen was put under bonds of \$100, to appear as a witness. John Archibald and Peter Conquist signed the bonds. Since our last issue the deputies have visited other places in town, but no other arrests have been made.

JOHN ENGLAND'S TRIAL.

MR. DICKSON PUZZLED AT THE JURORS' POSITION—A THIN CASE.

The trial of John England, of Tooele, on the charge of unlawful cohabitation, was held in the Third District Court to-day. When the proceedings were commenced a "Mormon" juror was called, when the attorneys for the defense suggested that the even numbers could be admitted, as has been done in most of the cases tried. But this rule, which has been so acceptable to the District Attorney in times past, was promptly rejected by him, the cause of his somersault evidently having been the taking of the test oath by some of the "Mormons" yesterday. He insisted that all should answer as called, and the following responded:

Oliver Hodgson,	Wm. Larabee,
Richard Howe,	B. H. Conklin,
W. H. Bowers,	Hiram Groesbeck,
Chas. Sansome,	John Mackay,
Louis Hyams,	O. H. Pettit,
Wm. H. Atwood,	D. B. Stover.

Mr. Dickson opened by asking Mr. Hodgson, "Do you believe it right for a man to have more than one living and undivorced wife at a time and to live in the practice of unlawful cohabitation?"

Mr. Hodgson—Yes, sir.

Mr. Dickson looked at the juror in a puzzled way, and inquired, "Did you take the oath yesterday?"

Mr. Hodgson—Yes, sir.

Mr. Dickson—Then will you violate your oath, or don't you intend to keep the law of God?

Mr. Hodgson—I have not broken any law.

Mr. Dickson—I challenge the juror.

Mr. Hodgson was excused, and for a similar reason Messrs. Howe, Sansome, Atwood, Groesbeck, Mackay and Pettit followed him. The remaining five jurors were not questioned, and the defense peremptorily excused two of them, D. B. Stover and W. H. H. Bowers, leaving but three in the box. The next called were

Mark Spencer,	James Ashman,
Louis Martin,	O. LeCheminant,
Robert Dye,	A. J. Stanchfield.

Messrs. Spencer and LeCheminant believed in plural marriage and were excused.

Robert Dye was asked whether he thought it right for a man to have more than one wife, or to practice polygamy.

Mr. Dye—I took the oath yesterday that I wouldn't help or sustain it, and I won't.

Mr. Dickson—That is not the question. Do you believe it right?

Mr. Dye—Not under the circumstances, I don't.

The juror was accepted, as were also Messrs. Martin, Ashman and Stanchfield. Wm. R. Whitenill was also called and sworn to try the case.

The regular panel being exhausted, the Court ordered that a special venire issue, for the following, returnable in thirty minutes:

157 J. O. Mather,	34 J. W. Jenkins, Sen.,
195 Arthur Wild,	60 Wm. Crowther,
125 W. J. McIntyre,	12 J. W. Ashton,
147 J. B. Walden,	11 J. Waters,
94 Wm. Naylor,	93 A. W. Carlson,
14 Hyram Yeager,	25 W. R. Mesick.

The half hour expired, but no re-

turn had been made by the Marshal and recess was taken until 1:30 p. m.

This afternoon J. O. Mather, J. Waters, W. R. Mesick and John W. Jenkins, Sr., were called and took the test oath.

Mr. Jenkins could not answer whether he believed it right for a man to practice plural marriage; considered the law of God above the law of the land, and would obey the former, and take the consequences; thought if God commanded plural marriage, it should be practiced; he would obey the law of God every time; he did not understand the recent law, because he had not read it. When he took the oath he understood that he would not commit bigamy or unlawful cohabitation, or advise others to do so; did not think he could decide what he would do, because he had not considered it; knew that polygamy was a law of God, but he would not violate the law of the land; under the circumstances he would obey the law of the land, because his belief was overpowered; would obey the law of God when it was not in conflict with the law of the land.

To the Court—I think it wrong to practice plural marriage under the present circumstances.

To Mr. Dickson—I am a member of the "Mormon" Church; am a Seventy; have never been advised to take this oath; nobody has talked to me about it; the President of the Church will not command me to take another wife; if he did I should use my own judgment; I would not do it to-day; do not think I would change my mind; I think plural marriage right in the sight of God, if it don't conflict with the law of the land.

The juror was challenged and excused.

Mr. Waters stated that it would injure his business to be kept on the jury, as he had no one to attend to it. He was, however, retained for the case.

J. O. Mather was peremptorily excused by the defense.

W. J. McIntyre and J. B. Walden were called, and as they possessed all the necessary qualifications, were sworn to try the case.

The indictment accused the defendant, John England, with having from March 1, 1884, to Feb. 9, 1887, lived with Mrs. England and Priscilla Bunn as his wives.

Miss Margaret England was the first witness. She testified—I live in Tooele City; the defendant is my father; my mother lives in Tooele; there are eight children in the family; I am not the eldest; the youngest is five months old; we live about two blocks from the co-operative store; have known Priscilla Bunn about 10 years; saw her last about two years ago, in Tooele; she was in the street; she lived five or six blocks from mother's house, in President Gowan's house; his father-in-law is Andrew Gowan; Priscilla Bunn lived in his house; she lived in mother's house a few months about five years ago, and had her own bedroom; she had one child; it was born in the house; she was reputed to be father's wife; she moved from mother's four or five years ago, and went to Idaho; she came back about three years ago, as near as I can recollect; she remained less than a year, and then went away; she lived in Mr. Gowan's house; there was a child born while she was in Tooele; my father has never been in Idaho; I was not in Tooele when she went away; did not see her at father's house on her last visit; I only heard that she had another child; she left over two years ago, the last time; I do not know how old the youngest child is; I think it is about five years old; I don't know anything of her since.

To Mr. Sheeks—I do not know that she has any but one child; I saw her on the street with an infant in her arms; do not know whether it was hers or not.

Hugh S. Gowan testified—I live in Tooele; I reside over the Stake; know where Mr. England lives; am acquainted with some of his family; know Priscilla Bunn; reuted Mr. England a house in September or October, 1883. Priscilla Bunn lived in the house about five months; she then moved into a house belonging to my wife, and lived there several months; she then left permanently, so far as I know; she was there between six months and a year; I cannot say exactly; she moved in about March 1st, 1884; I do not recollect when she left; I do not know whether she had a child or not; I have seen her with an infant some time before she left; John England paid the rent; I never saw him in Priscilla Bunn's house; it was rumored that she was married to Mr. England; I never saw but one child.

To Mr. Sheeks—She had been living in Idaho before she came to my house, I have understood; her parents live there; it was reported several years ago that she was the defendant's wife; I do not know where she went to.

Mrs. Catharine Rogers testified—I live in Tooele; know Priscilla Bunn; she lived, when in Tooele, across the street from me, in Mr. Gowan's house; did not know she had moved until two or three months after she had gone; she gave birth to a child before my-

ing; I do not know how long since; have visited her house twice; went to talk to her; never heard whether she was married or not; I suppose she was married to Mr. England.

Mrs. Eliza Skelton testified—I live in Tooele; know Priscilla Bunn; she lived next door to me, in Mrs. Gowan's house; I have called at her home; it is more than two years ago; she had a child; I know the defendant; I have heard that she was his wife; never saw but one child with her; do not know when she left or how long she stayed there; she left three or four years ago, I think, but cannot say; I have not seen her since; I have no definite recollection about it.

Mrs. Lydia Martin, (a non-Mormon), testified—I live in Tooele; know the England family and Priscilla Bunn; the latter is still a young woman; I heard she was married five or six years ago, to the defendant; heard that she went to Idaho; did not see her come back; think she is still away; know when she lived in the Gowan's house; I called on her once in the last house; she had a child with her; this was two or three years ago; do not know when she left; do not remember being asked about it before the grand jury; may have said it was over a year ago; saw her several times at my sister's, Mrs. Bates; she was visiting there; her child was with her; I think it was in the fall; never saw but one child; I do not know what year it was; I think it was in 1885.

To Mr. Sheeks—I do not know whether it was 1884 or 1885.

Mr. Varian—Is the defendant reputed to be the father of her child?

Objected to; objection sustained.

Mr. Varian—Did it bear a family name?

Witness—Not that I remember; when I last saw it, it was six or eight months old.

To Mr. Sheeks—I do not know what year I saw the child, whether 1885 or 1884.

Miss Margaret England was recalled by the prosecution, and testified—My mother is father's wife, and he lives with her.

The prosecution rested the case.

After the arguments of counsel the court charged the jury, who returned a verdict of guilty.

Mr. Moyle asked for a suspension of sentence pending a motion for a new trial, and the matter was laid over till 10 a. m. to-morrow.

THE RESULT AT BRIGHAM CITY.

THE "LIBERALS" SWAMPED—QUESTIONS PROPOUNDED.

There was a very light vote cast in Brigham City yesterday. The reason for this was not that the qualified voters failed to come out, but because of the obstructions caused by administering the test oath, and the asking of questions which, as will be readily seen, are beyond all authorization under the most rigid constructions of the law. The final result, however, was not in any way affected, the vote standing 100 for the People's Party candidates and 12 for the "Liberals." In addition to the administration of the oath framed by the Utah Commission, the following questions were put to voters:

1—You have just taken an oath to support the Constitution of the United States and obey the laws thereof—

2—You mean to say you will obey the Constitution and laws as interpreted by the legally constituted courts of the government? Or, in other words, where the decisions of the courts come in conflict as regards these crimes, with the instructions and laws of your organization, which would you obey?

3—Are you a member of any organization whose laws, revelations, or instructions you would obey before you would the laws of the United States as against the crimes of bigamy and polygamy?

4—Do you now regard as binding upon your honor or conscience any oath that you have formerly taken that is in conflict with the one to which you have just sworn and subscribed?

5—Are you a member of any society or organization whose pretended revelations from God would influence you to commit the crime of bigamy or polygamy as against the laws of the United States?

The substance of the interrogatories was contained in the News special dispatch from Brigham City yesterday. One voter took the oath, and afterwards declined to answer any of the questions, as he had already complied with the full requirements of the law. His vote was refused, and the matter will be tested. Notices of contest on other points connected with the oath were also served. The ladies whose votes were refused will also test the right of the law-makers to deprive them, without reason, of their franchise. The candidates on the successful ticket were:

For Mayor—A. Madsen.
For City Councilors—W. Horsley, J. M. Tibbets, J. F. Merrill, B. Wright, M. M. Jensen.

For Recorder—G. L. Graehl, Jr.
For Treasurer—O. N. Stahl.
For Assessor and Collector—J. C. Wilcox.
For Marshal—David Reese.
For Justices of the Peace—M. L. Ensign, A. H. Snow.

PROVO POINTS.

PROVO, March 8th.

James Rodeback, of Cedar Fort, said he could not conscientiously take the oath, and was excused as a juror.

Only four jurors were accepted at four p. m. to-day in the Tintic lynching case.

By J. W. Loveless came down from the "pen" yesterday to see his dead son, and returned in the evening. A large concourse of people followed the remains to the cemetery to-day, but the father was not permitted to remain at the funeral.

The Liberals are very sore and heart-sick, and can only talk of the political situation and especially the test oath.

To-day one Dr. H., who gets his support from the Mormon people, in conversation with an eastern editor, and some native "Leaguers," began his arraigne, unconscious that there was a man of the other party in the group. "They are the most depraved creatures in God's world, and would be a disgrace to the democratic party (meaning the Mormons), but it is the worst thing the Mormons ever did to advise their people to take the oath and vote. Now they will have a taste of liberty, and soon get weaned from the church."

"I don't think so much of my democratic President since he did not have the manhood to sign that bill. It is a law now, but would have been better if he had signed it."

"It would have been more manly and better for the Mormon people to have refused to take the oath for a few years anyway, so as to show to the world their tenacity," etc. A good deal of venom was spilt forth, not worth mentioning.

FIRST DISTRICT COURT.

PROVO, March 9.

More jurors were called this morning in the Tintic lynching case for examination.

W. H. Booth, Sr., said he could take the oath.

Mr. Hiles, the prosecutor, then asked: "Do you believe in polygamy?"

The defense objected to the prosecutor asking such questions in the examination for statutory cause. The prosecutor claimed to have the right. The defense then demanded that the prosecution ask all the questions in that bill, as to whether the juror was an adulterer, etc.

Hiles claimed to have the right to formulate his own questions.

Under the advice of the Court, however, he consented to withdraw the question and renew it again after the defense examined the juror.

Samuel Brockbakk refused to take the oath and was excused.

Jessie G. Stratford said he could not take the oath conscientiously and was excused.

Thomas G. Thomas would not take the oath and was excused.

R. W. Brereton took the oath and was accepted.

Five jurors were passed and the court adjourned at 3 p. m. till 7, and will hold an evening session to examine more jurors, as it is expected there will be more in on the evening train.

RETRIBUTION.

HOPT DOOMED AT LAST.

As will be seen by our dispatches to-day the United States Supreme Court has at last sustained the judgment of the Third District Court in the case of Frederick Hopt, which was before that tribunal on appeal for the fourth time. The remittitur will doubtless be here in the course of a week or ten days, and then Hopt will be brought in to receive his final sentence, the carrying into effect of which will be the end of this criminal's life, unless the Governor should interfere and either pardon or commute; neither of these is at all likely, as the Executive would hardly use his authority to prevent the fulfillment of the law's demands after so many thousands of dollars and so much labor have been spent in hunting the murderer down. It is safe to say that Hopt can count his existence upon this earth by days without running into months.

Some people are so hard to satisfy that those who undertake the task of accomplishing the feat have but one satisfaction—they have a never-ending job.

DEAFNESS Its causes, and a new and successful cure at your own home, by one who was deaf twenty-eight years. Treated by most of the noted specialists without benefit. Cured himself in three months, and since then hundreds of others. Full particulars sent on application.
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