

LOCAL AND OTHER MATTERS.

FROM THURSDAY'S DAILY, JAN. 2.

INVITATION TO VOCALISTS.—Professor Geo. Careless wishes to increase the number of members in the Tabernacle choir, and parties who desire to join that organization are invited and respectfully requested to call and see him at the Music Store, 37 East Temple St.

WALKING MATCH.—On Christmas day there was a singular walking match at Coalville. Conrad Staley was matched to walk against Isaac Seeley's horse—the best walking horse in town—to Echo, a distance of five miles for a purse of \$50. Staley beat the horse by seven minutes, taking the lead in the start and maintaining it to the end of the race—time 56 minutes. The road was in a miserable condition, snow and slush two inches deep, to say nothing of mud puddles. — *Ogden Junction, Dec. 31.*

SEXTON'S REPORT for December, 1872—Males 25, females 23, of these, adults 29, children 19. Died of the following causes as reported—Typhoid pneumonia 10, typhoid fever 6, inflammation of bowels 3, consumption 3, old age 3, strangulation 2, croup 2, measles 2, diphtheria 2, child bed 2, marasmus 1, cancer 1, convulsions 1, died at birth 1, spinal disease 1, liver complaint 1, paralysis 1, erysipelas 1, teething 1, heart disease 1, killed accidentally 1, shot 1, suicide 1. Total interments 48.

Total deaths during the year 537. Deducting 69 brought from country places for interment and 42 transient persons (111) would leave the total mortality of resident citizens at 426.

JOSEPH E. TAYLOR, Sexton.

Per Deseret Telegraph.
ST. GEORGE, Jan. 2nd.

Singularly enough we have not seen an Indian South of Nephi City clothed in the habiliments of Uncle Sam's annuities. Almost every one had a small Navajo and not a U. S. blanket around his shivering frame.

There is a constantly increasing demand for a money order office and a Wells, Fargo & Co's Express agency, at this point.

The late southern mission conference was attended by people from Kanab, Beaver, Panaca, and the intermediate settlements, and was held in the main hall of the new Tabernacle. President Young, whose health is gradually improving, spoke three times during the conference. Much valuable instruction was given by the several speakers.

For a past number of days and nights copious rain falls have quenched the earth's thirst. At this writing the weather remains threatening. A. M. M.

SPANISH FORK, Dec. 29th, 1872.

Editor Deseret News:

Dear Sir.—On reading the very interesting letter in your issue of December 27th, from your correspondent, George C. Lambert, dated at Spanish Fork, I thought another item, that probably did not come under his notice, might not be uninteresting, as indicating the progress of our town mentally and morally as well as financially. I allude to the existence of the Young Men's Literary Institute of Spanish Fork. This society was organized April 22nd, 1872, and now numbers thirty-five members. Weekly meetings are held for debate and mutual improvement. The society have purchased a building site in a central part of the town, and are erecting a lecture room 20 by 24 feet, built of squared timber, which is nearly completed. This room will also be used for a select school by the members of the society, who are awake to the importance of continuing their education, endeavoring thus to prepare themselves for the important future.

Respectfully,

SAMUEL L. CORNABY,

Sec. Y. M. L. I.

CASE OF WHOLESALE CATTLE STEALING.

It has long and strongly been suspected that certain residents of Corinne have been engaged almost ever since that town commenced to exist, in extensive cattle stealing operations. Until lately, however, the evidence was not thought to be sufficient to convict the parties supposed to have taken part in the matter. It will be remembered that the News, some months ago, published an extract from a communication on the subject, which was written by a gentleman of Brigham City.

Facts connected with those cattle stealing arrangements have at last come to light, through the instrumentality of one of the thieves whose name is Richard Martin, his wife also testifying to the correctness of her husband's testimony. These two appeared before Judge Elliott, at Corinne, on Saturday and made thirteen affidavits, implicating Martin himself, Alexander Topance, E. P. Johnson, A. S. Wright, William Schoonover and Thomas Heller. The latter, it will be remembered, was some time ago an auctioneer in this City, and the others have been considered among the leading citizens of Corinne.

As soon as the complaints were made out warrants for the arrest of the parties implicated were issued and placed in the

hands of the sheriff of the county, Mr. John Burt, of Brigham City. The latter proceeded to a rancho some distance north of Malad Valley, where he arrested Wright and Schoonover. He also proceeded to Corinne on Monday where he found Topance and Johnson. There were loud talk and tall threats among many of the residents of Corinne, about a hundred and fifty of whom declared that the prisoners should not be taken, and it was finally agreed to by Judge Elliott that bail amounting to \$5,000 each should be accepted in the cases of Topance and Johnson. A demand was also made by the rabble that Wright and Schoonover be liberated on bail, which was not acceded to, and they were placed in safe keeping at Brigham City, to which place Martin was also taken.

It appears from accounts which we have received, that Martin was induced to "split" on his alleged fellow plunderers on account of the blackmailing pressure brought to bear on him by them. He is a butcher, and says that he killed the stolen cattle which were not taken to the Snake River country and sold for cash, and that there was an agreement that he should supply his alleged confederates with all the choice meat they required and with occasional sums of money. The demands made upon him for a long time back in this way have been so overwhelming and exorbitant as to completely exasperate both himself and his better half and, as he stated the matter himself, their lives were a complete burden to them, as they were in a continual state of nervous apprehension. This is the reason why Martin concluded to make a clean breast of the whole matter. He was so worked up over the affair that he said he would rather die than endure the annoyance that he had been subjected to any longer. In making the affidavits he did not seek to screen himself in the least, but told unreservedly of his own complicity in the wholesale thieving transactions.

It is supposed that the extent of the stealing could not be covered by a less number than from two to three thousand head of cattle, and that, at least, one thousand of these were stolen and variously disposed of during last winter. Martin asserts that there were 180 head of stolen cattle at a rancho on Snake River.

It is generally believed that the depredations of this cattle stealing organization were the main cause of the great losses last winter to the herd of Mr. Peter Nebeker.

Thomas Heller was in Ogden when the warrant was issued for his arrest, and word was at once sent to Sheriff Brown, of that place, by whom he was promptly arrested.

The party from whom we received the above information said he supposed that the rabble who talked so loudly against the alleged cattle stealers being arrested belonged to the Corinne branch of Captain P.'s and Sargent M.'s G. L. U.'s, a large number of whom can frequently be seen at the Justice's Court in this city, especially when one of the number happens to be involved in any little affair requiring legal adjustment, which, by the way, is not unfrequently the case.

FROM FRIDAY'S DAILY, JAN. 3, 1872.

A FATAL CASE.—Mrs. Perkins, of the 19th Ward, who was attacked with smallpox some time ago, died on New Year's Day, at a house on the Jordan, about three miles north-west of the city. The quarantine physician, Dr. Clinton, attended to the burial yesterday afternoon. An obituary notice of deceased will be found in another column.

A SAD CASE.—We were informed this morning that Mrs. Wilson, a resident of the 20th Ward, who has lately been confined, took some medicine last night, and, desiring a drink of some kind immediately afterwards, her aged mother, by mistake, handed her some liquid lye, which she swallowed. We have not heard whether the necessary antidotes were at once administered. If not, the accident may result very seriously to the unfortunate lady, especially in her necessarily weak condition.

Whenever accidents of this kind occur, sweet oil or other fatty liquids should be at once administered in unmeasured quantities, as oil has the quality to mollify the effects of the lye, as well as other poisons.

THE PHILLIPS-KOLHYER CASE.

According to adjournment of Tuesday last, this case was resumed at two o'clock yesterday, Messrs. Haydon and Maxwell for the prosecution, and Mr. Miner for the defense. It will be remembered that Mr. Miner made a motion to quash the complaint against Mr. Phillips, because it contained two specific charges under two different sections of the statutes. The court put the prosecution on their election as to which charge should be proceeded upon, and the complaint was amended so as to contain but one specific charge, under section 12 of the criminal code. The affidavit against Mr. Phillips was made by George R. Maxwell.

Mr. Phil. Kolhyer, a burly German butcher, was the first witness. He appeared on the stand with the upper part of his huge head and face enwrapped in a large white cloth, his appearance causing a general smile among the spectators, who were very numerous, the court being crowded. It was evident that most of those

present had an idea that the mammoth cloth around the ponderous head might have been dispensed with so far as the severity of the injury was concerned, but then, such things have their effect sometimes.

The witness's testimony was delivered with a broad Dutch accent, and was interspersed with numerous oaths and vulgarities, for which latter he was gently rebuked by the Court, who said the force of habit was very strong, but it would be obliged to the witness if he would swear as little as possible during his examination. He was even rebuked by Mr. Haydon, of the prosecution, for the same thing and for being impertinent to defendant's counsel, Mr. Miner, when the latter was interrogating him.

Kolhyer's statement was, in effect, that on the evening of Dec. 22nd he had been giving "some good advice" to a Dutch friend, and that shortly afterwards Officer Phillips appeared at his shop and said witness was his prisoner. Witness told Phillips he would not be arrested without a warrant. He finally went with Phillips. On the way to the City Hall he wanted to go into Kahn's store, but Phillips objected and struck him on the upper part of the face.

Cross-examined by the defense:—The advice witness gave to his Dutch friend was pushing the latter about considerably. He told Mr. Phillips he thought he could not arrest him without a warrant.

Here a dispute arose between counsel as to whether the defense had the right to ask the witness why he thought he could not be arrested without a warrant.

Mr. Miner said his reason for asking the question was that it had come to the certain knowledge of the police and others that parties had been told by lawyers of this city that they could not be arrested without a warrant, and that they would be justified in resisting arrest when attempted to be made otherwise than by warrant.

The Court said it was well aware that such counsel had been given to individuals. One lawyer had even gone so far as to say, in open Court, that when policemen attempted to arrest parties without a warrant, the latter should shoot them down like dogs, and that others had expressed the same ideas, although not quite so strongly. The Court knew that such counsel was in direct opposition to the law, which expressly provides that not only a police officer, but even a private citizen, had the right to make arrests when there was probable cause for believing that a crime had been committed, and it was time that such matters were settled. The tendency of the course pursued by some lawyers was to encourage resistance to the officers.

The cross-examination of Kolhyer, by the defense, was then resumed. Witness had his pistol on when taken to the City Hall, and it was a "d—d good thing" for Phillips that it slipped down his pants into his boot. Did not say in the shop he would "put a head on" Phillips. Did not swear at nor abuse Phillips till the latter gave him the "fatal blow." Witness did want to go into the Elephant store. Mr. Cunningham and another man did, at that place, proffer to go security for him. Did not know the second man's name. Mr. Miner asked witness to take the huge cloth from his head and show the Court the extent of his injury, but he refused to do so.

Mr. Henry Hielbruner was the next witness for the prosecution. Saw officer Phillips go into Kolhyer's shop on the evening of the 22nd and say to the latter, "You are my prisoner." Kolhyer demanded to see a warrant and was told a warrant was not required. Kolhyer refused to go with the officer at first, but finally consented and went. Witness walked up the street behind them. They stopped a few minutes at the Elephant corner and talked with some men and then went on. Kolhyer wanted to go into Kahn's store, but the officer told him he must go right along. Kolhyer pulled back as if insisting on going into the store, when Phillips struck him on the upper part of the face.

Cross-examined by the defense:—Kolhyer said in the shop, to Mr. Phillips, that no "son of a b—h" would arrest him without a warrant. The man who made the complaint upon which Kolhyer was arrested was present in the shop when this took place.

At this juncture Mr. Haydon interposed an objection to the close nature of the cross-examination to which the witnesses for the prosecution were being subjected by the defense, stating that if the theory of the latter was to base the defense on Kolhyer's resistance to the officer by whom he was struck, and should such resistance be proved it could only be viewed as extenuating evidence. If the prosecution could prove the act itself on the accused, with which the latter was charged, it would be sufficient grounds for his committal, and that such extenuating circumstances could not be considered by the court, but could only be considered by a jury after the accused had been committed. Mr. H., who, it will be recollected, is of an extremely "bloody" turn of mind, as indicated by a former prognostical speech, in which he revelled in phantasmagorical stunts, deluged with imaginary human gore, made an inflammatory little speech to tickle the ears of the "vulgar multitude," and to the great delectation of a crowd of G. L. U. spectators.

Mr. Maxwell followed in the same strain. The latter intimated that an officer in no other country could arrest a person

for a misdemeanor without a warrant. He also endeavored to convince the Court that it could only consider one class of evidence.

The Court, to Mr. Maxwell:—"Do you mean to make me believe that as a committing magistrate I occupy the same position as a grand jury, and should only hear one side of the case?"

Mr. Maxwell:—"Yes."

The Court:—"Then you cannot cram that down my throat, as little as I know. I intend to hear both sides."

The cross-examination of Mr. Hielbruner, by Mr. Miner, was then resumed. Witness did not hear what was said by the parties at the Elephant corner. Before Mr. Phillips struck Kolhyer, he said to the latter, "Come along," and Kolhyer pushed Mr. Phillips back. He did not know what Mr. Phillips struck Kolhyer with.

Mr. Pardee was next examined by the prosecution. He was on East Temple St. on the evening of the 22nd and saw Kolhyer under charge of another party. His attention was not particularly directed to the two till he heard the sound of a blow, which was administered to Kolhyer by the party having him in charge. It was brass knuckles that were used in giving the blow. Witness did not recognize Mr. Phillips as the man who gave the blow. After the blow was given the party who gave it said, "I guess you will come along now."

Mr. Charles Adler testified to being in Col. Kahn's store on the evening of the 22nd, and to hearing Kolhyer shouting into the store. At that time some party had hold of the latter and he was pulling back from the party who held him.

The case was then adjourned till to-morrow at 2 o'clock.

FROM SATURDAY'S DAILY, JAN. 4.

THE funeral services over the remains of Peter Heagland were attended to this morning. In consequence of the accidental lack of public notice of the decease, not so many friends assembled as would otherwise have done so. Elders John and Thomas Taylor addressed the company convened, in an appropriate manner.

HOME MISSIONARY MEETINGS.—Sunday, Jan. 12th, at Sugar House Ward, Elders R. Miller, R. F. Nealen, George Teasdale, H. W. Naisbitt and George Swan will be present.

Meetings to commence at 10 a. m. and 2 p. m.

REUBEN MILLER, per R. F. N.

PUNCTUALITY.—We are requested to ask the attention of the Home Missionaries to their various appointments and to be punctual in attending to them. The appointments were made by the direction of Elder Reuben Miller, who acts as President of the Salt Lake County Home Mission in the absence of Elder Lorenzo Young.

FROM MONDAY'S DAILY, JAN. 6.

INJURED.—We regret to learn that Superintendent Sharp was injured on Saturday by the accident on the Utah Southern Railroad, when the snow blockade was being broken. We understand that one or more of his ribs were broken. We hope his recovery will be speedy.

SURGICAL OPERATION.—Mr. Lars Edler, about fifty years of age, residing at Mr. Peter Olson's, on the Tenth Ward bench, called to-day and informed us that Dr. Higgins Davis had, on Saturday evening, removed an encysted tumor, with a mass of disease, which the patient had carried some thirty-five years, causing much annoyance. It weighed between six and seven ounces, and grew over his left temporal artery. The time occupied in performing the operation was two minutes. No chloroform was used.

REMOVED.—On the day before Christmas Mr. Ed. Harris was accidentally wounded in the groin by a knife in the hands of John Kearnes, during a frolic. The wound reached within a fourth of an inch of the femoral artery, and has caused Mr. Harris much suffering. He was confined to his room over his store until to-day, his physicians considering that it would be dangerous to remove him to his home, in the Tenth Ward. He was removed to the latter place to-day, by means of a carriage.

A SINGULAR DISEASE.—Mr. John Ormond, of Logan, Cache County, writing of the recent death of his son Hyrum, in his eighth year, makes the following statement:

"The character of the disease in the above case was this—The patient was attacked with a pain in the left knee; he suffered two days with it, when the leg below the knee, down to the toes, became very much swollen, hardened and red. At this time the pain abated and only returned by spells. The swelling, though moderate, now commenced above the knee, and extended up to the body, when the inflammation seized upon the bowels. He died a few hours after this. Soon after death the leg was discovered to turn black, giving evidence of mortification. He was attended by Dr. Ormsby, jr., assisted by his father. Dr. Ormsby, sen., tells us that a Mr. Bradshaw, of Lehi, was attacked with the same kind of a disease, and died under similar circumstances; also a girl of American Fork City was taken the same way, and died. These three cases are the only ones of the kind he ever met with in forty years' practice. All treatment appears to be totally unavailing. The disease possesses a terrible fatality. The knee joint was the place of attack in all three cases."