

FROM FRIDAY'S DAILY NOVEMBER 4.

Bound Over.

At the close of the examination yesterday afternoon, Mrs. Anna Marks, Isaac Reese and P. T. Cook were required by Commissioner Norrell to give \$500 bail pending the investigation of the charge of riot against them.

The Forgery Case.

The testimony in the trial of N. E. Osborne, of Wichita, Kansas, on the charge of forgery, was closed at noon today, and counsel were making the arguments this afternoon. The defendant Osborne was on the witness stand, and denied having forged the Rev. John Murphy's signature.

Murder Cases Set.

The murder case of A. H. Martin, who killed John H. Burton, is set for Monday next.

The People vs. Reese Jones, who killed his brother some months ago, is set for Wednesday next.

Fire at Ogden.

At 9 o'clock last night at Ogden, a building owned by James Horrocks, and occupied by Mrs. Ingram as a boarding house was discovered to be on fire. The fire department was called out and soon had the flames under control. The loss is nearly \$1,000, fully insured.

Commissioners' Jurisdiction.

The civil suit of W. H. Culmer vs. Anna Marks was before Commissioner Norrell this afternoon. The plaintiff claims \$25 damages for trespass. As the damage was committed in Juab County, the defense raised the question of the commissioner's jurisdiction to go out of the judicial district in civil cases. It was taken under advisement till tomorrow.

Troops for Chicago.

Tomorrow morning Companies F and K, Sixth Infantry, will leave this city for Chicago, to be there on Nov. 11, at the time of the execution of the condemned anarchists. They will go via the Union Pacific, and at 8 a.m. tomorrow their train, consisting of three emigrant sleepers, one Pullman and three baggage cars, will leave the Utah Central depot.

Accidentally Shot.

Yesterday John Burns, a barber, and a young man named Arnold were out hunting. They went down the Jordan River, and when about half a mile below Pettit's they got down in the grass to avoid being seen by the game. The two young men were but a few feet apart, and Arnold, in raising the hammer of his weapon, let it slip, causing the charge to explode. Mr. Burns was lying in front of him and a portion of the load struck him under the left shoulder blade, making a large and painful, though not necessarily fatal, wound. He was brought to the city and received the necessary attendance from Dr. Benedict. The shooting was purely accidental.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of A. W. Taylor, deceased a decree was filed allowing final account.

In the matter of the estate and guardianship of Sidney K. Hooper, minor, the petition of the guardians for the sale of real estate and the order to show cause on said application were filed.

In the matter of the estate of John B. Kimball, deceased, the agreement between the administrator, Henry W. Lawrence, and the widow and heirs of said deceased, as to the latter's share in the distribution of the estate, was filed and the agreement was allowed and approved.

An order confirming the sale of real estate in the matter of the estate of John McGuire, deceased, was made and filed.

The marriage certificate of M. S. Gunnerson and Erika Soderman, of Salt Lake City, and Charles L. Hamilton, of Ogden, and Minnie J. Taylor, of West Jordan, were filed for record.

Sudden Death.

Shortly after six o'clock this morning a lamentable occurrence took place in the Fifth Ward of this city, a young man, Thomas Wm. Stephenson, being stricken with death. He had kindled a fire in one room, and then went outside for some wood with which to start a fire in an adjoining room. About ten minutes had elapsed when his wife, Mrs. Alice Stephenson, looked out of the window and saw him lying stretched out on his back on the ground. She ran to him and made a vain effort to arouse him from what she thought was a fainting spell. She next called in some neighbors, and her husband was taken into the house and Dr. Benedict summoned. The latter could do nothing, however, as it was evident that the spark of life had fled when Mrs. Stephenson first saw her husband prostrate.

The body was carefully examined, but no bruises could be found. There was not the slightest evidence of suffering or of any struggle. He had apparently dropped and expired without making any further movement.

The physician gave it as his opinion the cause of the sudden demise was with either the heart or the brain.

Brother Stephenson was 29 years of age, and bore an excellent character. He was a son-in-law to Counselor Jesse West, of the Sixth Ward. He was the very picture of health, and had made no complaint of suffering of any kind. A short time ago his shoulder was dislocated in handling a refractory mule at the street car stables, where he was employed. Once since then he was raising his arm, when the shoulder was again thrown out of its place, causing him to faint, and it was supposed at first that a similar occurrence had taken place. He was born in Provo, in 1858, and his parents, who now reside at Nephi, Juab County, have been notified of his death. He leaves a wife and one child.

First District Court.

At Provo, yesterday, Jim Young was admitted to citizenship.

John Harwood, unlawful cohabitation; sentence, six months and cost of prosecution.

Hansen C. Hansen for a similar offense was sentenced to three months' imprisonment.

The Eather case was expected to close last evening and arguments were to begin this morning.

Before Judge Boreman at Ogden: Rosenheim, Lewis & Co. vs. J. J. Brewer and L. A. West; in this cause the clerk of the court, after computing the interest, made his report and judgment was made against the defendants in the sum of \$969.20 with interest at 10 per cent. and costs \$59.30.

J. J. Kelley et al. vs. A. J. Kershaw et al; a motion made for an order to the marshal to make a return on the order of sale in this cause, was filed and taken under examination by the court.

C. J. Coffey was sworn in as bailiff.

Nathan Stein vs. Geo. G. Griffith; trial completed and a verdict rendered in favor of the defendant.

J. S. Lewis et al. vs. E. A. Ireland; a jury was impaneled and sworn and a verdict for \$20.50 and costs was rendered in favor of the plaintiff.

Frank Young vs. Lillie F. Young; order for a decree of divorce.

PETER ANDERSEN KILLED.

Another Fatal Shooting Affray at Park City.

Last night a Scandinavian named Peter Andersen, aged about 50 years, was shot and instantly killed at Park City. He had been on a spree, and on going to Grant & Clark's saloon made himself offensive. Three times Richard Grant, one of the proprietors of the place, put his out. Andersen came in again with his open pocket knife in his hand, and advanced toward Grant in a threatening manner, when the latter drew a revolver, exclaiming, "Get out of here and keep out, or I'll kill you." At the same time snapping the hammer. The weapon was not discharged, and Grant drew the trigger again and fired twice in rapid succession. Both of the bullets took effect near Andersen's heart, and he turned partly around and fell dead. He was standing in the doorway at the time of the shooting, and fell on to the sidewalk. Grant was arrested and is now in the custody of an officer. The dead body was taken charge of by undertaker Fennimore, and an inquest set for 10 o'clock this morning. At that hour the proceedings were instituted, and the result was that the jury found that "Peter Andersen there lying dead, came to his death from wounds inflicted by Richard Grant, with felonious intent." The examination of Grant on the charge of murder will be held before Justice F. E. James at 10 o'clock tomorrow morning.

THE NORTH.

Notes and Occurrences in Cache County.

Geo. Baugh has struck a dowing well on his premises at the depot. Will Harris of Benson, did the work.

Jens Christiansen, of Hyde Park, was arrested by the deputies on Monday on the charge of unlawful cohabitation. He was brought before Commissioner Goodwin and bound over to appear for examination today. His bonds were placed at \$1,000. Nels Hansen and John R. Follet are his bondsmen.

On Monday, at the appointed time, John Barber was before the Commissioner on the charge of unlawful cohabitation. Mrs. Esther Eames was examined as a witness. Attorney Maughan objected to her evidence on the ground that it was inadmissible. The objection, however, was overruled, and Mr. Barber was bound over to await the action of the grand jury.

The case of Paterson Griffiths, unlawful cohabitation, which had been continued for want of evidence, was brought up in the Commissioner's court on Monday, by W. W. Maughan. As no evidence had been obtained to sustain the charge against Mr. Griffiths, Mr. Maughan moved that the case be dismissed. The motion was granted and Mr. Griffiths was released.

The examination of witnesses in the case of William McNeil, who is charged with unlawful cohabitation, took place yesterday at 2 p.m. The complaint was read to Mr. McNeil, when he

pleaded not guilty. The following witnesses were sworn and examined: Anna Hoth, a widow lady living in the Fifth Ward, Alena Hoth, a young daughter of Anna Hoth, Ellen Smith, a young lady living at Mr. McNeil's, and Emma McNeil, a daughter-in-law of the defendant. The evidence given by these witnesses was evidently of an unsatisfactory character to the prosecution, for Deputy Steele asked that Robert Henderson, who was present in the court room, be sworn as a witness. Mr. Henderson was sworn and a number of questions relative to Mr. McNeil and his family relations were asked him, after which the case was continued until next Friday at 2 p.m., for the purpose of giving the deputies time to have other witnesses present.

The fact of a mare having three colts within the space of six weeks was not the only peculiar thing connected with the trial of last Friday. Commissioner Goodwin got up a decidedly original and

PECULIAR OATH.

which he administered to the two expert witnesses, Doctors Ormsby and Snow. As there has been considerable comment concerning it, we give it as our reporter took it verbatim:

Hold up your hand. You hereby swear that you will truthfully answer all the questions that are put to you by the counsel for the plaintiff, Mr. Ecklund here, or of the defendant, Mr. Turner over there, and that you will tell—hold up your hand please—that you will tell all that you may know regarding the anatomical construction of the animal kingdom or of the human species, hearing on the question at issue; whether, with the knowledge you possess, three colts could be foaled by a mare within a period of seven weeks or whether in your experience as a surgeon and physician any such case has ever come under your observation, or whether you have ever heard or read of anything which would lead you to believe that such a thing could transpire; or whether in your mind, it is probable, that after a mare had had two colts, she could foal a third six or seven weeks subsequent, and if it would be possible for the last one to be born alive, and to live in a good, healthy condition, or any other items bearing on this case which would serve to advance the cause of justice or enlighten the understanding of these gentlemen of the jury, in helping them to arrive at a proper verdict. You get my meaning?—*Logan Journal, Nov. 2.*

HELD OVER.

Donald Chisholm Under Bonds for the Grand Jury.

This morning Commissioner Norrell made a preliminary examination into the charge of assault with intent to murder, made against Donald Chisholm by James Kelly. The defendant was represented by J. H. Woolcott and J. A. Marshall.

Mr. Woolcott, at the opening of the examination, stated that on Oct. 21st the defendant had had an examination before the justice of the peace at Stockton and was discharged.

The first witness today was James Kelly, who testified—I was in Ophir, Tooele County, on Wednesday, Oct. 19; was in the saloon; I had located a mining claim, and Chisholm told me I had no right to do it; I said I had as good a right as him; he called me a d—d liar; we started for each other; I don't know who struck first; he drew his knife and struck me several times, cutting me in the forehead, on the nose, and on my thigh; at the same time George St. Clair covered me with a pistol; I got out of the saloon as soon as I could get up from where I had fallen, and St. Clair followed me; I received eight wounds all together; Woolcott, the defendant's attorney, and Chisholm are disputing my right to the mining claim; it is put a up job on me; Chisholm was in the saloon when I went there, and spoke to me first; he said I had no right to the ground, and that I was not an American citizen; I said he was not a citizen, and he called me a liar; then I struck him.

Cross-examined—Chisholm was sitting by the stove in the saloon when I came in; we had a drink, and he afterwards spoke to me; he spoke first; when he called me a liar I struck him; it was a pocket knife; did not see the knife in his hand when I went into the saloon; he may have been whittling; I do not know; do not know whether I was cut after I fell or not.

Isaac Rowland testified—I saw the assault in which Mr. Kelly was hurt; Chisholm was sitting by a table near the stove, and Mr. Kelly was standing up near by; a young man came in and we all took a drink and then went back to our places; Chisholm spoke first and told Kelly he had no right on the ground; they wrangled a little, and Chisholm sprang up and called Kelly a liar; Kelly struck at him, when Chisholm grappled him, and threw him down; Chisholm had a pocket knife and struck Kelly; George St. Clair jumped in and exclaimed that for half a cent he would kill Kelly; Kelly went out and was followed by St. Clair; I watched the latter, for he had a pistol and I did not know but he would shoot me; St. Clair got a cut in the hand from Chisholm; I only saw Chisholm make two cuts at Kelly; he did it very quick; Kelly struck the first blow, which was not a heavy one; Chisholm handled Kelly easily; the latter got out of the saloon as soon as he could, and Chisholm went back and sat down saying, "If I had been properly healed I would have killed him."

Cross-examined—Chisholm had the name of being decent; I testified in this case at Stockton; Chisholm was at the saloon most of the time when I was there; did not hear Kelly call him a liar.

H. E. Wiley testified that he also saw the fracas. He said they commenced to talk about the mining ground; Kelly began the conversation, I think; he afterwards called Chisholm a liar, and Chisholm applied the same epithet to him; Kelly struck the first blow and both grappled, Kelly going partly down; I did not see any cutting; saw the blood on Kelly's face, but did not know where it came from; before the fight started Chisholm said he did not want any fuss.

Donald Chisholm, the defendant, testified—I was at Ophir on October 19; was in the saloon when Kelly came in with St. Clair; both were pretty full; St. Clair called all to take a drink; I refused but finally drank and then sat down; Kelly was out of humor; he commenced talking to me about other matters before we came to the disputed ground; I told him his boy was not of age and could not hold the ground; he replied that he did not think I was a citizen; we talked on, and I called him a liar; he went to strike me and I told him I didn't want a fuss; I got up and he struck me; we grappled; I made a pass at him with the hand in which my knife was; I did not intend to cut him, but I suppose I did so.

The Commissioner said the evidence showed that the defendant was not justified in his action; the claim that the cutting was accidental was improbable in view of the fact of Mr. Kelly having so many wounds. The defendant was therefore placed under \$500 bonds.

George St. Clair was tried before a justice of the peace and a jury of twelve men at Stockton, on October 21st, for his part in the affair and was convicted of exhibiting a deadly weapon. The justice fined him \$1 and costs.

This fact, taken with Chisholm's discharge, in the light of the evidence introduced at the examination today leads to the belief that prejudice rather than the meeting out of justice was the controlling feature at the former hearing.

FROM SATURDAY'S DAILY, NOV. 5.

Sudden Death.

Brother Douglas Adamson, of South Cottonwood, died at his home on the 3d inst. quite suddenly, and without warning to his family. He had complained of feeling somewhat unwell, but it was not thought that anything serious threatened him. He was the son of William and Agnes Adamson, and was born December 24th, 1824, in Barony Parish, Lanarkshire, Scotland. He was baptized in 1843, crossed the plains in 1848, and was a faithful Latter-day Saint. The funeral will take place at the South Cottonwood meeting-house tomorrow, Sunday, at 2 p.m.

A Hanging Jury.

The case of the People vs. Norman E. Osborne, charged with forgery, was given to the jury at 9:30 last night. The prosecution made out a pretty strong case against the Wichita man, but the jury were evidently divided as to the merits of the case. The parties interested waited about the court room all day, but up to 3:30 p.m. the jury had not reported. It looks as though an agreement is impossible, and that the defendant will have to stand another trial. This is all the more unfortunate, as most of the witnesses reside at a distance, several being from Kansas and one from New Jersey.

The Colored Murderer.

Thomas Collins, a private in the company of colored troops located at Fort Duchesne, Uintah County, Utah, and who killed Sergeant Frank Washington in a quarrel about a woman, on October 1st, is to be brought to the penitentiary to await trial in the First District Court. A warrant was made out, and a deputy marshal was to have started for Fort Duchesne today to get the prisoner, but through an arrangement with the post commander to deliver Collins at Price railroad station, it was rendered unnecessary to send the officer until next week.

This Morning's Fire.

Shortly after four o'clock this morning a barn belonging to Mrs. Radcliffe, and located at the corner of South Temple and Twelfth East streets, was discovered to be on fire. The alarm was telephoned to the fire department, but the informant unfortunately stated that the burning building was near the Seventeenth Ward schoolhouse, so the firemen hastened in that direction only to find that they had been misled. Chief Ottinger had by this time discovered the proper location, and the firemen reached the place as the building was falling in and extinguished the flames. There was a quantity of hay in the barn, all of which was destroyed. A hog was also kept in the place, and was roasted to death. The loss will amount to \$600. The fire is believed to be the work of an incendiary. Mrs. Radcliffe is now in the east, and had left the property in charge of another party, who was out of town last night.

Children Burned With Powder.

Bishop John Clark writes as follows from Upton, Summit County, Oct. 30th:

On Sunday afternoon about four o'clock, a serious accident occurred to

the family of Brother Thomas Fewkes through which five of his children were severely burned on their faces, hands and legs. One little boy had his clothes burned off his body, also the hair off his head. It is feared that he will lose his sight. The accident occurred through the explosion of a can of powder which was placed on a shelf in the back room. While the parents were absent attending meeting, the little girl, aged 11 years, took the powder down from the shelf. She placed a portion upon the ground, and while in the act of returning the can to the shelf it is supposed that one of the little boys touched a match to the powder on the ground, igniting the same. The girl returned with the can in her hands, containing about four pounds of blasting powder, which exploded burning her in a frightful manner, and injuring the other children as stated. The victims of the accident are receiving the best care possible.

First District Court.

Arthur Brown opened the argument for the prosecution yesterday morning in the Eather case at Provo. S. R. Thurman took up the argument for the defense in the afternoon. W. H. Dickson will follow, and D. Evans will close for the prosecution.

David Broadhead entered a plea of guilty to a charge of unlawful cohabitation. Sentence set for 12th inst.

The sentence in the case of Isaac Bullock, unlawful cohabitation, is postponed until the 12th.

The trial of Albert Eather for the killing of Flaherty at Tintic, which has occupied the attention of the First District Court at Provo for some days past, was concluded this morning. The jury, after being charged by the Judge, retired, and after an absence of about 20 minutes returned with a verdict of not guilty.

Frederick C. Peterson, convicted of adultery, was sentenced to eighteen months' imprisonment in the penitentiary.

Peter K. Gillespie, charged with battery, changed his plea of "not guilty" to "guilty," and was fined \$25.

A Northern Trip.

Brother Richard G. Lambert has started north on a business trip in the interest of the News, and in that capacity will visit the settlements of northern Utah and Southern Idaho. He will carry with him samples of wrapping and other papers of home manufacture. We bespeak for him a kindly reception from our northern friends, which they will doubtless allow him.

Dismissed.

In Commissioner Norrell's court this morning the civil suit of W. H. Culmer vs. Anna Marks was dismissed. The question of commissioner's jurisdiction, raised by counsel for the defendant, was not passed upon, as the case, which was one of forcible entry and unlawful detainer is of a special class whose prosecution is provided for by the law in an order that takes it out of the commissioner's court.

FROM MONDAY'S DAILY, NOV. 7.

Sentenced to Two Years.

In the Third District Court today Joseph Hedges, a semi-lunatic, was arraigned on two charges of assault with intent to commit rape. The dates of the offense were Dec. 20, 1886, and Jan. 28, 1887. He pleaded guilty and was sentenced to one year in the penitentiary on each charge.

An Explosion.

At 1 o'clock this afternoon a loud explosion occurred in Dr. Dunford's dental office. The sound attracted a large crowd of people, who rushed to see what was the matter. The vulcanizer in use in the Doctor's place of business had exploded, bursting the furnace into fragments, and filling the room with dust and smoke. No further damage was done.

From the Sandwich Islands.

Elders James Oswald, H. S. Harris, R. B. T. Taylor and A. J. Merrill returned on Saturday last, from a mission to the Sandwich Island. The first named has been absent two years and the others three years. They were in good health and spirits. They report the work in their field as being in a flourishing condition, making substantially the same showing as appeared in the conference report published in the News a few days ago.

The New Jurors.

On Saturday afternoon another open venire for petit jurors was issued out of the Third District Court. It was returned this morning with the following names:

Con. O'Keefe,	J. J. O'Reilly,
John Huttie,	John Creamer,
John Stillwell,	Frank Glenn,
A. Mayberry,	John Goldswaite,
Jas. McTierney,	F. B. Howland,
E. Kuhn,	Jas. Hague,
W. Almy,	W. P. Seckaver,
Dan Hutchison,	Chas. Whiting,
T. J. Ward,	Alfred Godde,
Jos. Ferrau,	G. S. Ellis,

Messrs. Glenn, Howland, Hutchison, Whiting, Godde and Ferrau were excused for various causes. The remaining fourteen took the oath and were added to the list.