

(Continued from page 41.)
tion books were present and defendant's name was checked as having voted.]

Mr. Wm. Fuller.—I am an associate judge in the same precinct. I wrote the word "voted" after the name of defendant on the voter's list of 1884. She voted in that year.

Mrs. Margaret McMurrin.—Defendant is my daughter. I know Mr. Royal B. Young. He never lived at my house at all with my daughter. He never had intercourse with her. He never contributed to her support while there. I am positive that I am not mistaken.

David Henderson—I am 31 years of age. Have known defendant for five or six years. I live in the 8th Ward near where her father lives. Have known Mr. Royal B. Young for about eight years. Don't remember having told a Mrs. Lynne that I knew when defendant and Mr. Young were married. I am sure I never made such a statement.

Mr. O. P. Miles—I am one of the judges of election in the First Precinct. I have no books of elections. I cannot remember whether defendant voted at the election of Delegate in 1882 or not. [He was instructed to get the books, and left the court room.]

While he was absent for the books, Mr. Patterson read from defendant's testimony given in the case of U. S. vs. Royal B. Young, in which she admitted that she told Mr. Showell, the registration officer in 1882, that she was not married. Also that her husband had, within the last three months, provided her with a house and some provisions.

Miss Helen Mather—I know defendant. I have employed her. Had no conversation with her concerning her marriage while she was in my employ. I did a few months after. I believe she said she was not married. I was much interested in her and loved her much. I strongly begged her not to go into polygamy. Asked her if she did not know it was against the law. She said she was not married, but would not promise me that she would not marry a man who had another wife. Miss Georgie Mather (sister of the other witness)—I had a conversation with defendant about a year ago, in which she asked me jokingly if I would speak to her if she were to marry Mr. Young. She came to say this because I and others were teasing her about him, as she had been seen in his company. She did not say she was married to him.

Mr. Miles, having returned with the election list of 1882, it was examined, but defendant's name did not appear on it.

Nathan Young—I know where defendant lives. I once saw Mr. Young drive up in his buggy and enter the yard. On another occasion I saw him crawl through the fence to go to her house.

Defense objected to this testimony. Prosecution explained that the object of this testimony is to show that defendant's husband commenced to live with her sometime in October 1884, as a husband, and if it can be shown that he has visited there frequently—while at the same time she admits being his wife—we can form an idea as to the time when the marriage actually took place.

Prosecution here rested.
Defense offered as testimony such portion of defendant's testimony, given in the examination of her husband, as he would need.

In submitting the case, Mr. Dickson stated that in most of the U. S. cases tried in this Territory, and especially those tried during the last few months, the prosecution had had to encounter the most outrageous perjury, rendering the law powerless to accomplish its object. And in view of this condition of things here, he thought that the defendant in this case should receive a severe penalty. He desired that a severe example be made of this defendant and thought it would be an effectual check to false testimony in the future.

The decision had not been given when we went to press.

■ FROM SATURDAY'S DAILY JAN. 31.

Feet Frozen.—Jack Smith, a Park City miner, while walking between Santaquin and Goshen on Tuesday night, had both feet frozen. He was brought to this city and taken to St. Mary's Hospital. On Monday morning Dr. Benedict will amputate half of the left foot and all of the right foot.

Home Production.—"On the Beautiful Salt Lake" is the title of a fine set of waltzes, composed by Anton Pederson and published by Daynes & Coalter, all of our city. The mechanical work was done by a young man named Henry Aldous, and it does him credit, for, in appearance it compares very favorably with sheet music published by old established eastern houses.

Home Made Blacking.—Brother John Hamiton, a native of Finland, who now resides in South Cottonwood Ward, has commenced the manufacture of shoe blacking, which produces a ready and excellent polish, and contains no vitriol or other material injurious to leather, such as most of the imported blacking does. He feels sure he can successfully compete with the imported blacking in price, too, if the public will only patronize him, and we hope he will meet with all the encouragement necessary.

A Birthday Celebration.—The residence of President D. H. Wells in the 12th Ward was the scene last evening of a delightful gathering, in honor of the 81st birthday anniversary of "Grandmother" Free. The throng was

a joyous one, and consisted of all of Sister Free's children, 53 grandchildren and 23 great grandchildren, besides many friends of the family. After supper an adjournment was taken to the parlor, where a well prepared programme, consisting of recitations, music, etc., was faithfully carried out by the different children. One of the pleasant features was a short biographical sketch, of the old lady's life, prepared by her daughter Louisa. Many incidents were given from the time Sister Free became a member of the Church in Illinois, in 1833, to the present time. Dancing was indulged in by the younger members of the family, and at a late hour the party adjourned, after wishing many happy returns to the aged lady.

Supreme Court.—Quite a number of cases were disposed of to-day in the Supreme Court, as this is the last day of this term.

In the case of A. D. Bowers vs. the U. P. R. R. Company, the judgment of the lower court is affirmed and the company have to pay the damage prayed.

The case of Price vs. the U. & P. V. R. R. Company is remanded, with leave to file an answer.

The judgment of the District Court in the case of Owens vs. Oviatt is affirmed.

Cereghino vs. Cereghino was granted an order for a new trial.

In the matter of the estate of Horace Gibbs, the order refusing confirmation of sale was affirmed.

Judge Emerson was admitted to the bar on motion of Judge McBride.

In the case of the People vs. Rogerson, the time for filing petition for a re-hearing was extended to ten days after the filing of the opinion.

The account of E. T. Sprague, clerk, was approved, and court adjourned until Feb. 21, 1885.

An Unjust Fine.—There has been considerable comment concerning the fine imposed by Commissioner McKay upon Miss Jessie Grant for contempt, and to-day a News reporter interviewed parties who were eye witnesses of the manner in which Miss Grant was claimed to have been subpoenaed.

It seems that after Mr. Young had been arrested he accompanied Deputy Marshal Gilson to the house in which Miss Agnes McMurrin lives, and found Deputy Vandercook at the gate. The doors were locked, so Mr. Young went around the house and entered the back door. He told his wife that resistance was useless and, opening the front door, allowed Mr. Vandercook to enter. The officer then produced a subpoena for Miss Agnes and read it, informing her that she must appear before the Commissioner. The deputy then took a chair while Miss Agnes was getting ready to accompany him. In the meantime, Mr. Young stepped into the next door, where Miss Grant was, and asked that lady if she would be kind enough to take charge of the house while Agnes was away, as she had been subpoenaed as a witness. She readily consented after learning from Mr. Young that the officer had no subpoena for her. Mr. Young then departed, accompanying Deputy Gilson back to town.

Miss Grant went over and entered the back door of the room in which Miss Agnes and the officer were, whereupon Agnes said: "So you have come over, have you, Miss Jessie? You see they have their prisoner at last." The officer at once arose and started to say, "Miss Jessie I want"—when Agnes pushed her back, closed and locked the door she had partially entered, before the officer had finished his sentence.

On leaving the building Mr. Vandercook saw Miss Grant in the yard, and requested her to accompany Miss McMurrin to the Commissioner's office but she replied that she had not been subpoenaed, and would not go until she was. The officer did not present, read, nor leave a subpoena at the house for Miss Grant; and furthermore, he had told Mr. Young that he had no subpoena for anyone but Miss Agnes. He no doubt thought that Miss Grant would make a good witness, and wished to scare her into accompanying him to court. The circumstances go to show that the officer had no subpoena on his person for the young lady, or he could have served it on her in the yard; and to fine a lady \$25 for contempt under such circumstances certainly appears to be unjust.

COUNTY CLERK CUTLER'S REASONS

WHY A WRIT OF PEREMPTORY MANDAMUS SHOULD NOT ISSUE.

The following was filed to-day:

In the District Court, Third Judicial District, Territory of Utah, Sitting in Salt Lake County, before the Honorable C. S. Zane, Judge.

In the matter of the application of D. Bockholt for a writ of peremptory mandamus against John C. Cutler, County Clerk of Salt Lake County, Utah Territory.

Now comes John C. Cutler, Clerk of the County Court of Salt Lake County, Utah Territory, and upon his oath represents to the Court that he has not issued the County warrant referred to and described in the writ of alternate mandamus issued in this matter, on the 19th day of January, 1885, and duly served upon him, and herewith reports the following reasons:

1.—That said D. Bockholt for a period exceeding 14 years next preceding the 14th day of December, 1883, was the

duly qualified and acting Clerk of the County Court of Salt Lake County, and as such Clerk he kept, as it was his duty to do, the accounts with the officers of said County, and others with whom the said County had deal, and among these officers was himself as said Clerk; and in his account as said Clerk there was on the 3rd day of March, 1884, due to the said Salt Lake County from said D. Bockholt, the sum of \$11,913 60-100, over and above all just allowances made by said County Court to said D. Bockholt prior to that time. This condition of said account was created by the said Dirk Bockholt having issued County warrants in favor of himself greatly in excess of his just compensation, and of all allowances made him by said County Court.

2.—It is true that the said County Court at the time and place mentioned in the alternate mandate allowed as compensation for said D. Bockholt's services as Clerk of said County Court, the sum of eight hundred and seventy-five dollars for the time in said alternate mandate mentioned, yet as a part of said order the County Court directed that said sum of eight hundred and seventy-five dollars should be credited to him the said D. Bockholt on his said account. That I, as said County Clerk, in pursuance of the said order of the said County Court, then and there gave him, the said D. Bockholt, credit upon his said account in the said sum of eight hundred and seventy-five dollars. That after said sum had been so credited to the said account of said D. Bockholt there was still due and owing to the said County the sum of eleven thousand and thirty-eight dollars and sixty cents (\$11,038.60) from the said D. Bockholt.

3.—That prior to the application of the said D. Bockholt for said writ of peremptory mandate there had been an action commenced in this Court by said County against said D. Bockholt to recover the said sum of eleven thousand and thirty-eight dollars and sixty cents, which said action is now pending.

4.—By reason of the aforesaid, I deny that said D. Bockholt was entitled, according to law, and the usage and practice of said Court, to receive from me, the Clerk, aforesaid an order or warrant on the County Treasury for said sum so allowed, or any part thereof, or that it was my duty as said Clerk to issue and deliver to the said D. Bockholt, such warrant or order in the usual form, or that I have disregarded my said duty as such Clerk, or any part thereof, or that said County owes said D. Bockholt the said sum of eight hundred and seventy-five dollars, or any other sum whatever.

JOHN C. CUTLER,
County Clerk, Salt Lake County,
U. T.

TERRITORY OF UTAH,
County of Salt Lake. } s.s.

I, John C. Cutler, make oath and say that I am the County Clerk of said Salt Lake County, Utah Territory, the defendant in the foregoing action; that I have read the foregoing answer or report, and know the contents thereof, and that from my own knowledge I know the same is true, except the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

JOHN C. CUTLER,
Subscribed and sworn to before me this 23rd day of January, 1885, at said county.

(SEAL.) GEORGE M. CANNON,
Notary Public,
Salt Lake County, Utah.

TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

—Forty degrees below zero on the Yellowstone.

—Three or four cases of small-pox are reported in Oregon. Precautions have been taken to prevent the spread of the disease.

—A Dakota lake thirteen feet deep is said to be frozen solid clear to the bottom, and they are cutting the fish out with the axe.

—The best "Greeley Snow Flake" flour is quoted at Laramie at \$1.50 per sack of 100 pounds; and oats in sacks per 100 lbs. \$1.50.

—A fourteen-year-old boy named Christiansen, who lives near Homeville, Box Elder County, had his feet badly frozen last Tuesday, and it is feared they will have to be amputated. He had been out on the range and got lost, remaining out over night before he was able to find his way home.

—No less than twenty brawls or other fights are said to have recently occurred in Butte, Montana, within thirty-six hours, nearly all of them growing out of arguments over a public prize fight, or rather a pretence at one, engaged in there by two men named Murphy and Thorp.

—The Butte *Inter-Mountain* says: The failure of John W. Lowell company leaves C. D. Joslyn, the Deer Lodge partner of the firm, without a dollar. He not only lost all his stock in the concern, but also his private property, which he put up in the endeavor to carry the Salt Lake House through.

—A startling explosion occurred in Ogden on Tuesday night. A dentist by the name of Hetzler in attempting to do some vulcanizing, got too high a pressure of steam on the copper boiler which he was using, and the vessel exploded with a terrific noise, breaking the stove and other furniture about the room, but fortunately not injuring the dentist and two ladies who happened to be in the room.

The keepers of saloons and gambling houses in Montana are raising a large fund with which to defeat a gambling bill, and a bill providing that liquor licenses may be fixed at \$1,500, which have been introduced into the legislature of that Territory recently. Money is a most powerful auxiliary in these times and the bills will doubtless be defeated.

—A rancher on the Yellowstone, near Cañon creek, named Battles, started in company with Daniel Sullivan, about two months ago, for a hunt in Stinking Water country. Some apprehension is beginning to be felt that they have been frozen to death or met with some fatal casualty, as they expected to return some time ago, and no word has been received from them.

Last Tuesday night, the officers of Butte, found a man named Peter Johnson, in a fit, behind a boarding house in that town. He was immediately taken to the city jail and a physician summoned, but he continued to grow worse, notwithstanding all that was done for him. He now has spasms every few moments and there is little hope of his recovery. The attendant physician pronounces it a case of poisoning and says it was neglected so long before medical aid was procured, that the poison has gained a firm hold upon the unfortunate man's system.

—John A. Robinson, for some time a clerk at the D. & R. G. depot at Leadville, suddenly and mysteriously disappeared last Saturday and no clue to his whereabouts has yet been found. Mr. Robinson is from thirty to thirty-five years old, of rather quiet demeanor, and is unmarried. No one seems to be able to account for his strange disappearance. He had no enemies that any one knows of, and was perfectly well when last seen. Taking everything into consideration, his disappearance is certainly very strange.

FROM MONDAY'S DAILY FEB. 2.

Bound Over.—We inadvertently omitted to mention in Saturday's issue that Miss Agnes McMurrin, who was examined on Friday before Commissioner McKay's for perjury, was placed under \$1,000 bonds to await the action of the grand jury.

Priesthood Meeting.—The regular monthly meeting of the Priesthood of this Stake will convene in the Assembly Hall next Saturday, Feb. 7th, 1885 at 11 a.m.

Reports are expected from all the wards of the Stake.

By order of the Stake Presidency.

The Shooting Affair.—The shooting affray at Panguitch, mentioned in Saturday evening's issue, was between Jim Pace and Judd Woodward, and resulted in the killing of the latter. Woodward is the same person who murdered George Thurman, a school teacher, at Lehi some years since.

Information Wanted.—Mrs. Mary Ann Lee, of England, is desirous of knowing the whereabouts of her brother, Henry Andrew Hawkins, who emigrated about the year 1859 from Cheddar, Somersetshire, and went to Australia, but is supposed to be in Utah or California. Any information of his whereabouts will be gladly received. Address—Thomas Lee, Halladay Row, East Ardley, near Wakefield, Yorkshire, England.

Destructive Fire.—Some time during last night a fire broke out—or rather, it is believed it was started by some incendiary—in the green-house of John Reading, the florist of the 13th Ward. The material of which the building was constructed not being very combustible, the fire did not make very rapid headway, and was not discovered until about 7 o'clock this morning, when the proprietor, instead of sounding the alarm of fire, summoned what help he had at hand and set to work to extinguish it, which he accomplished in a short time. The damage was not confined to the building itself; in fact, that was the least part of it. A great number of valuable plants were destroyed, and Mr. Reading's loss will not be less than \$2,000.

Fatal Accident.—Riverton, the upper settlement on the western shore of the Jordan was the scene of a fatal accident yesterday. A young man by the name of William Cornelius Adkin, a son of Mrs. Cunningham of the 2nd Ward, who was over there on a visit to the house of a Mr. Nichols, to whose daughter he was paying his addresses, attempted to ride an unbroken horse, when the animal reared and fell over backward, alighting upon him and injuring him internally. He had rode the animal twice before without any serious trouble, and none was apprehended in making the third attempt, but he used a bridle with a curb bit in the last instance, and that doubtless caused the horse to rear. The accident occurred about three o'clock yesterday afternoon, and he lingered about twelve hours afterwards, when death released him from his suffering.

News of his death was sent to his mother this morning, and our reporter on calling at her residence to learn the particulars found her bowed down with grief and bewailing her son's sad fate. She said he was a good boy, from whom she had never received a cross word, nor known to be guilty of a disobedient act. He was twenty years of age. The body will be brought home to-morrow morning.

A Brutal Assault.—About noon on Saturday a fellow by the name of Wm. Stringfellow called upon Mrs. Serrine, who lives in the first house north of

the Metropolitan Hotel, ostensibly to seek work, claiming to be able to repair furniture and do other odd jobs. He was not entirely unknown to the lady of the house, having called there twice before in the same line of business. Upon the first occasion he told his name, and where he lived, and the lady was so impressed with the innocence and honesty of his intentions that she did not hesitate about allowing him to enter the house and take a seat. Just after calling on Saturday he saw a Mr. Sharp, a lodger at the house, pay Mrs. Serrine some money. Perhaps the sight of this excited his cupidity. At least, this is as charitable an excuse as we can offer for what followed. He waited until Mr. Sharp had left the house, and Mrs. Serrine's little boy had gone out of the room, and then requested that she would show him some rooms in the basement of the building which she had spoken about wishing to rent. She lit a lamp and proceeded with him down stairs, showed him the rooms, and was just in the act of pointing out some broken chairs which she was going to employ him to mend, when he snatched the lamp out of her hand and blew it out, threw her down, put his hand over her mouth and struck her a number of stunning blows on her face, neck and breast. She is a tolerably strong woman, and he is but a slight-built man, and the result was that he had rather more than he could manage. She struggled to free herself, and managed to get his hand off her mouth long enough to utter a few terrific screams. The refrain was taken up by her little girl, who was up stairs, and the brutal fellow, fearing detection, left her and ran for his life. The police were communicated with and Officer Andrew soon had the miscreant under arrest. The hearing of the case was set for to-day, but it is now postponed until Wednesday at 3 p.m.

In the meantime Mrs. Serrine is suffering severely from her injuries. A number of her teeth were knocked out, or loosened so that they came out, and her face and neck are badly bruised. However, she feels thankful that she is no worse, as she verily believed the fellow intended to kill her.

TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

—Freight business on the Union Pacific has been increasing lately. Two new crews of men were put on the western division on Thursday last.

—Men posted in Wyoming oil say Rawlins will this year have a boom unprecedented in the history of the West; that Eastern capitalists are becoming excited over the developments so far made, and are ready and anxious to put their money into oil lands.

—Says the Blackfoot (Idaho) Register: "A letter from Representative Green received this morning says the salary bill for Bingham County has passed the House. It fixes the salary of the following officers: Probate Judge \$600.00, Treasurer \$500.00, Auditor and Recorder \$400.00, District Attorney \$1,800.00, which is in full for all services except examinations before committing magistrates for felony.

—Last week Mr. Edward Tiddy, an employe of the Ontario mine, escaped a frightful accident by a miracle only. He was caught by the cage in the No. 2 shaft, across the back, and was fortunately liberated before any fatal injury was done to him. Those acquainted with the nature of the accident say it was simply a miracle that Mr. Tiddy was not crushed to death. His injuries, however, were of such a character as to compel him to lay off for a few days.

—This week Mr. John Huey, of Park City, Utah, came near having a fatal accident happen him. He was sinking a well at his residence and was assisted by another party. While in the bottom at work his assistant accidentally removed a boulder from the edge of the surface and it went crashing to the bottom, a distance of 12 or 15 feet, grazing Mr. Huey's head. He sustained some slight injuries, but if the boulder had struck him square on the head, it would have crushed his skull.

—Last Wednesday afternoon the people of Helena, M. T., were thrown into a tremor of excitement by receiving the news of the capture and killing of the notorious Montana deperado and horse-thief, Con. Murphy. The particulars are these: About midnight last Tuesday night J. H. McFarland and George Bashaw surprised and captured Murphy and his brother at O'Neil's ranch, 16 miles east of Helena, on the Bozeman road. They were guarded there until Wednesday morning, when Con. drew a small pistol, concealed in his stocking, and shot Bashaw through the hand. He and his brother then made a break to escape. A lively fight followed and several shots were exchanged before they were re-captured. At noon when on their way to Helena a party of Vigilantes took possession of the prisoners and at night hung Con. to a railroad bridge, two miles from the city and lodged his brother in jail.

PACKING A GRAND JURY.

THE ONE-SIDED PROCESS DONE UP TO PERFECTION.

The District Court convened this morning at 11 o'clock and proceeded to impanel a grand jury for the February