

FROM WEDNESDAY'S DAILY OCT. 26.

SHE WAS PUT OUT.**The Obstreperous Mrs. Brightmore Again in Court.**

It has been a cause of frequent annoyance at the emigrant house in the Tithing yard, this city, when a company of "Mormon" emigrants arrived, for people who had no qualms with them to crowd into the house and interfere with the new comers in various ways. This has been all the more disagreeable from the fact that the building is emphatically not a public one, so the janitor was instructed to keep the place free from such objectionable persons.

This morning Mrs. Hannah Brightmore, frequently visited the Grantsville "territory," went into the dining room of the place, against the rules, and without permission from anyone. Mr. James M. Pyper, who has charge, requested her to leave, and upon being met by a refusal in language more forcible than elegant, he proceeded to eject her. The result was that she swore out a complaint, before Commissioner Norrell, charging Mr. Pyper with assault, and an arrest followed.

The case was tried today, Mr. Richards appearing for the defendant.

Mrs. Brightmore was the first witness. She testified: "I went to the Tithing office to meet a lady with whom I had made an appointment; she was not there, and I went into a room and began talking with some emigrants; they were strangers to me; Mr. Pyper came in and pointed me out as a woman who had been in the penitentiary for robbery; I denied it, and said the papers said so; I said I had been pardoned; he ordered me out of the emigrant house; I refused and he pushed me out and struck me; he also hit me on the head with a stick; I never struck him at all; he said he wanted to keep me out of the room; I was not acquainted with any of them; they were newly arrived emigrants."

To Mr. Richards—Ferdinand Leach testified: "I don't know how he came to strike me; I did not use abusive language; was not angry; was only a little 'fired'; he said he put me out because he had orders to do so."

Mrs. Margaret Spencer was the next witness. She said: "I was present this morning at the time of the occurrence at the Emigrant House; Mrs. Brightmore was a stranger; she was talking to me, and Mr. Pyper told her she had no right in the room, and told her to go out; she would not do it, and he took the chair on which she was sitting, and pushed her out through the door; he said he had orders to put her out; I did not see him strike her."

William White testified: "I was present during this trouble; Mr. Pyper pointed to Mrs. Brightmore as a woman who had just come out of the penitentiary where she had been put for robbery; she swore and called him a liar; he said he had orders to put her out; he told her to go, and she would not; he put her out; her head struck the door by her trying to keep herself in the house; she shouted considerable after she got out; he did not strike her; I saw it all."

Wm. H. Lawley and Herbert Grier corroborated Mr. White's testimony.

The defendant testified that he had but done his duty in requesting Mrs. Brightmore to go out; he knew her character and had been ordered to keep all such out of the place; he requested her quietly to go out, but she refused, using vulgar language to him; he repeated his request and as she persisted in her refusal, he put her out, using only such force as was necessary to get her outside; he had not struck her nor handled her roughly in any way.

The case was submitted on this testimony, and Mr. Pyper was discharged from custody.

Mrs. Brightmore left the room shortly after, giving the Commissioner, as she did so, a warning that she would "return with something more for him."

FIRST DISTRICT COURT.**Business Transacted at Provo and Ogden.**

The following business was done at Provo yesterday:

President A. O. Smoot was arraigned on a charge of unlawful cohabitation, and when asked if he was guilty or not guilty, replied, "Not guilty, most decidedly."

Mariontha Loverag was arraigned before the court on a charge of perjury in giving testimony in the case of her father, charged with unlawful cohabitation. Pleading not guilty; to be heard Nov. 3d.

Ovid Johnson and R. A. Deat were excused as jurors.

Harvey H. Cluff was arraigned on a charge of unlawful cohabitation. Took the statutory time to plead.

Bishop J. P. R. Johnson was arraigned on a similar charge. Took time to plead.

John Jacob Walsen was arraigned for unlawful cohabitation, entered a plea of not guilty.

David S. Kitz was arraigned on a charge of assault with intent to commit rape upon one Elizabeth J. Thornton; entered a plea of not guilty.

Carlsson Anderson was again called for service. It was stated that he had a misunderstanding in the matter and sentence was set for November 3d.

The grand jury returned four indictments under the law of the United States, rendered an account of their doings for the term, and were discharged.

The grand jury reported over a hundred indictments in thirty-two days, three or more a day; seventy-two United States cases and thirty-three territorial. They had worked thirty days on United States cases and two days on territorial cases.

The application of J. W. Pike, reporter, for a permanent position as court reporter, was finally settled, and Mr. Pike is now the official stenographer of the court.

L. B. Best was sworn in as a bailiff, making now four bailiffs in attendance on the court.

Twelve more jurors were ordered subpoenaed as special jurors.

BEFORE JUDGE BOREMAN AT OGDEN.

Rachel A. Herold vs. R. W. Herold, decree of divorce granted.

United States vs. B. O. Critchlow; unlawful cohabitation; defendant arraigned. He took the statutory time in which to plead.

United States vs. H. Fack; unlawful cohabitation; defendant arraigned and plea of guilty entered.

United States vs. Jens P. Gasberg; unlawful cohabitation; defendant arraigned and took the statutory time to plead.

United States vs. Alvin Nichols; unlawful cohabitation; defendant arraigned and a plea of not guilty entered.

J. C. Armstrong vs. E. M. Beardsley et al.; order confirming the final report of the receivers.

United States vs. C. Hansen; unlawful cohabitation; defendant arraigned and plea of guilty entered.

United States vs. Ole Hansen; unlawful cohabitation; time for sentence extended till October 25th.

United States vs. Henry Hughes; unlawful cohabitation; plea of not guilty withdrawn and plea of guilty entered; sentence set for November 19th.

United States vs. Richard Fry; unlawful cohabitation; plea of not guilty withdrawn and plea of guilty entered; sentence set for November 19th.

United States vs. A. E. Barline; unlawful cohabitation; sentence of six months' imprisonment and \$200 and costs fine.

United States vs. Christian Peterson; unlawful cohabitation; sentence of six months' imprisonment and a fine of \$300 and costs.

P. J. Smith vs. T. J. Dee; this case came on to be heard on the application for a peremptory writ of prohibition; taken under advisement by the court.

J. G. Emerson vs. C. W. Hestmark; motion for dismissal taken under advisement.

The case of D. C. Carty vs. The Deseret Salt Co.; trial in progress.

FROM THURSDAY'S DAILY, OCTOBER 27.

Changes.

Elder W. M. Hill is released from the Leeds Conference, and appointed to labor in the Nottingham Conference.

The President of this London Conference has changed his address. It is now: Henry Ballard, 11 Chichester Place, Harrow Road, London, W.

The address of the President of the Newcastle Conference will be: John H. K. Ison, 7 Hendon Valley Road, Sunderland, Durham County.—*Millennial Star*.

Declared Void.

In the Gilmore-Sears suit, in the Third District Court yesterday afternoon, the question of the validity of Section 17, Chapter VIII, Laws of Utah, 1886, was raised. The court held that the action was invalid. It provides for the appointment of two disinterested persons to appraise, within ten days, the damage done by trespassing animals, as a pre-requisite to a suit for the recovery of the same.

Probate Court.

Proceedings before Judge Smith, in the Salt Lake County Probate Court yesterday:

Decree filed showing that legal notice to creditors had been given in the matter of the estate of Christian J. Swanner.

In the matter of the estate of Thos. J. Jones, deceased, an order was made appointing time and place for settlement of final account and for publication and proof of posting notices. The 21st of November was the day fixed.

In the matter of the estate of Samuel Sharp Walker, an order admitting to probate the will was made, and appointing Joseph R. and Matthew H. Walker executors.

The marriage certificate of Martin Aukstrand and Maria Mathilda Erickson was filed.

From Prison.

This morning five "Mormons" who were sentenced in the First District Court at Ogden on May 28, for living with their wives, were released from the penitentiary. They were:

Willard Bingham, of Wilson, Weber County, sentenced to imprisonment for six months, and to pay the costs of the prosecution, \$65.95.

Daniel B. Rawson, of Harrisville, Weber County, six months, \$100 fine and \$62.10 costs.

Levi J. Taylor, of Harrisville, Weber County, six months, \$100 fine and \$45 costs.

Ralph Douglas, of Ogden, six months, \$50 fine and costs.

Joseph Wadsworth, of Hooper,

Weber County, six months and costs of case.

Brothers Rawson and Douglas were members of the "Mormon" Battalion.

Laid to Rest.

The funeral of Mother Symons, of the Eighth Ward, was held yesterday afternoon at one o'clock, in the ward meeting-house, in the presence of a congregation of friends of the deceased, whose long life of usefulness and integrity, with her many noble qualities, had endeared her to all who knew her. The services were conducted by Bishop's Counselor, Joseph McMurrin. Counselor Brockbank offered prayer, and Bishop O. F. Whitney delivered a discourse appropriate to the occasion, after which brief remarks were made by Elders George Goddard, Solon Foster and Joseph McMurrin. The Eighth Ward choir, with Brother John Chamberlain at the organ, furnished music sweet and suitable.

Sister Symons was nearly 95 years of age when she passed away, and lived and died a staunch and faithful Latter-day Saint. Peace to her ashes.

The New Venue.

On the last open venue issued out of the Third District Court, the following were subpoenaed to serve:

John Titcomb, Mill Creek.
Robert Pike, Mill Creek.
Chas. Halford, Mill Creek.
Robert Wilson, Mill Creek.
Will Winder, Farmer's.
Oliver Nowell, Farmer's.
John Winegar, Davis County.
George K. Jones, Hot Springs.
W. C. A. Smoot, Sugar House.
Willard Richards, Sugar House.
S. P. Teasdel, Salt Lake.
Thomas Hancock, Hot Springs.

No regular examination was held, but on the trial of the civil suit of Young vs. Broughton, this afternoon, Messrs. S. P. Teasdel, John Titcomb, Robert Pike, Charles Halford and Robert Wilson were called on the jury. Mr. Teasdel knew of some of the facts in the case, and was excused. Mr. Halford was relieved from further service as he was not a citizen.

Wm. Winder and Oliver Nowell were called and sworn. Mr. Nowell was released because he was unable to read or write, and John Winegar was called.

The Court called on the new jurors to take the oath, which was read to them.

Mr. Titcomb said he could not conscientiously take the oath.

Mr. Pike was in a similar position.

Mr. Wilson at first said he did not know whether he could take the oath or not. Finally he said he could not.

Mr. Winder could not conscientiously take the oath in the form required by the court.

Judge Hoge asked—You are registered?

Mr. Winder—Yes, sir.

Judge Hoge—You voted for the Constitution?

Mr. Winder—Yes, sir.

Court—You promised to obey the law then; why can you not now?

Mr. Winder—Because there is a difference in the oaths.

Court—No, there is no substantial difference. They both mean the same thing.

Mr. Winder took it.

Mr. Winegar could not take it. In reply to the Court he said he was not registered.

George R. Jones, Thomas Hancock, W. C. A. Smoot and Willard Richards were then called.

Mr. Jones refused to take the oath. To the Court he said he had taken the registration oath, and had kept it. He said he considered the present oath essentially a different one, and did not take it.

Mr. Hancock was in a similar position. He could not take the present oath, but had been registered.

The Court said there was no difference between the two and inquired why he could not take one as well as the other.

He said he could not do so, and was excused.

Mr. Smoot took the oath, as did also Mr. Richards.

FIRST DISTRICT COURT.**The Eather Murder Case—Business at Ogden.**

The following business was transacted yesterday at Provo:

The jury was completed and sworn in the case of The People vs. Albert Eather and the case was in progress during the day.

The following arraignments for unlawful cohabitation were made before the Eather case opened in the morning: Henry G. Boyle, German Ellsworth, Joseph S. Jones and Ferdinand Oberhensli. Pleas were to be made at 2 p. m.

In the case of Henry G. Boyle, as soon as the first arraignments were made, another indictment was read to him, charging him with adultery. The latter case was set for Nov. 3d, to take the plea.

Thos. McAdam was admitted to citizenship.

The jury in the Eather case are: Reuben Christiansen, John L. Hemmings, Thatcher Hallett, Alexander Ellis, Lester Taylor, Robert Knieson, Henry Chappell, W. C. A. Smoot, I. Fordonskie, C. E. Loose, John Kirgan and Walter Jones.

All the witnesses in the case were sworn and excluded from the court room. Dr. F. H. Simmons was the

first witness, and testified to having examined the body of Mike Flaherty, deceased; that the ball entered between the eyebrows and went out at the back of the head in nearly a direct line.

H. C. Sautenire said that he was night foreman at Mammoth Hollow; was there on the 7th of the month; was acquainted with Flaherty; the occupants of the cabin where the shooting occurred were Leech, Donahue and Eather; I went to the cabin about ten o'clock the night of the seventh and saw Leech, in the first or east room; he told me what was done; I passed into the other room, and saw Flaherty lying dead on the bunk; his legs were hanging one across the other, and touching the floor; his head was on his right arm; there was a wound in his forehead; saw Donahue at the head of the bed, apparently asleep, his face burned with powder and a bullet hole in the wall close by his head. I sent notice to Diamond and he went a few minutes ahead of me to the cabin and was there when I arrived. Mr. Phillips went to town for the officers; I met him and Joseph Blanchard on my way to the cabin.

John T. Sullivan testified: Was constable for Tithing precinct; was called to go to Mammoth Hollow the night of the 7th; arrived there before one o'clock in the night. Witness testified to finding the persons testified to by previous witnesses in the room of the cabin and the same position and condition of deceased and of Donahue. Aroused Donahue and said, "Hello, you look like 'some one had been taking a shot at you.'" He replied, maybe you think they 'aint." His face was powder burnt and there was a hole in the wall close to his head. Leech asked me to take a drink, and passed some whisky around.

Thomas Diamond testified: Knew Flaherty; I was called out from work at the mine about 10 o'clock the night of the 7th, and went to the cabin; found Leech, Donahue and deceased there; blood was running from Flaherty's head, and there was a pool of blood on the bed. Donahue lay curled up on the bunk. I remained there until the officers came. The body was not moved during that time. Leech went out once; was gone about twenty minutes and returned with a bottle of whisky. Passed it around; I did not drink. Am quite sure Mansfield was there.

Noon recess was then taken, after which Peter Gillespie testified: Was at Mammoth Hollow Oct. 7th. At 8 o'clock that evening heard a shot fired in the direction of the cabins; directly afterwards heard a second shot. Did not look the first time towards the cabin; did the second; thought it was at the cabin; was about 150 yards away. There was a dance in town that night, and a good many people around.

Mr. Adams testified as to location of premises, etc.

Mr. Donahue testified as to being at the cabin when the shooting occurred; was talking with Leech and Flaherty, when Eather came in; Leech asked Eather to go after whisky; when Eather came back I said something about being on a skylark. When Eather came in with the whisky and said something about shooting, I said to him: "You s—b, you can't shoot." Eather then went out, and soon came in with two pistols; he threw one on the bed and told me to defend myself. It was empty. He fired a shot, and then went out and soon returned; he then shot directly at Flaherty; was about three feet away.

Leech picked the pistol up the first time and said: "You s—b, what do you give an empty pistol for to defend with?" The shot came near my head; the second shot was at Flaherty. Witness testified that he was born in Pennsylvania, and came west in an early day; was 33 years old; had been in Nevada and New Mexico; had killed a man in the latter territory and served a term in the penitentiary for it. His testimony was contrary to that before the commissioner, as shown in court. He said before the commissioner also that he did not remember anything he said to Eather on the day of the shooting in the saloon; now he testified as to what was said.

Vedra Loverage entered a plea of not guilty.

The McGrath case was set for Nov. 12.

German Ellsworth entered a plea of guilty; set for sentence Nov. 19th.

Joseph S. Jones entered a plea of not guilty.

Henry G. Boyle's case set for plea to be entered Nov. 3d.

Before Judge Boreman, at Ogden:

United States vs. Jens C. Gasburg, unlawful cohabitation. Plea of not guilty entered.

Wm. Skeen vs. the Central Pacific Railroad Company. Trial set for November 5th.

The People vs. N. S. Bell, burglary; plea changed to guilty. Sentenced to two years' imprisonment.

United States vs. Oscar Farley, unlawful cohabitation; plea changed to guilty.

Harry Booth et al. vs. William Crawford; order for injunction.

United States vs. Andrew Stromberg, unlawful cohabitation; plea of not guilty withdrawn; sentence set for Thursday.

United States vs. Andrew Stromberg, adultery; plea of not guilty withdrawn and plea of guilty entered; sentence set for Thursday.

The case of D. P. Tarper vs. The Deseret Salt Company was argued at length by C. S. Varian for the plaintiff

and P. L. Williams for the defense. The case went to the jury soon after 5 o'clock, and a verdict was rendered for the plaintiff.

Thomas J. Smith vs. Thomas D. Dee; order for writ of prohibition to issue.

FROM FRIDAY'S DAILY, OCT. 28.

Third District Court.

Proceedings before Judge Zane today:

Charles Gilmore vs. Nathan Sears; verdict of \$50 for plaintiff; stay of ten days allowed to file notice of motion for new trial.

A. N. Young vs. Joseph Broughton; trial before a jury; verdict for plaintiff for \$180.

Held for Bigamy.

In the commissioner's court yesterday the case of the United States vs. Francis L. Patterson, bigamy, was brought up. Messrs. Smith & Smith appeared for the defendant. No evidence was given by the defense and Commissioner Rogers bound Patterson over in the sum of \$2,500 to await the action of the grand jury.—*Ogden Herald*, Oct. 27.

The Alleged Embezzler.

W. C. Crandall, who was arrested on a dispatch from the chief of police of St. Louis, was taken before Commissioner Norrell today, on the charge of embezzlement. The commissioner, being busy today, set the case for Monday at 10 a. m., and fixed the amount of bail at \$1,500. The defendant admitted having used \$250 that did not belong to him. He is charged with having embezzled that amount of the funds of A. Gast & Co., lithographers, St. Louis.

This afternoon an effort was being made to have Crandall liberated on a writ of habeas corpus, which was to come up before Judge Zane.

Labored in Ireland.

We had a call today from Elder Edward Clyde of Heber City, who returned on Wednesday from a mission to Europe, on which he was absent a little over two and a half years he having left Utah April 14th, 1885. During the first two years of his absence he labored in Ireland, and, considering the field, met with excellent success. He baptized seventeen persons in that country and formed many acquaintances out of the Church who always welcomed him. He was in Belfast at the time of the great riots there last year.

The last six months of his absence were spent in England. While laboring in London he baptized three persons. He returns in excellent health and spirits.

Three More.

Last evening three more "Mormons" were placed in the penitentiary, their offense consisting in living with their wives. One, Orlando F. Herron, was sentenced at Provo, for unlawful cohabitation, and received a penalty of six months' imprisonment and \$50 fine. The others received the judgment of the court in Ogden. Christian Hansen, for unlawful cohabitation, was sentenced to imprisonment for six months and to pay a fine of \$300 and costs. Andrew Stromberg, for a similar offense, received the full term of imprisonment and a fine of \$50 and costs. He was also accused of adultery, because he had lived with his plural wife, and was given an additional six months on that account.

Hurt in Idaho.

We have received reliable information of a severe accident which happened to John J. Latimer, a young man of the Eighteenth Ward, this city, son of the late Thomas Latimer, who has for some time past, been employed at a mine in Bay Horse, Idaho. On Saturday last he undertook to drive a wagon loaded with ore from the mouth of the mine to the smelter, and on the way, in descending a steep declivity, undertook to put on the brake. The snow prevented the brake from working properly, and he was thrown from the wagon, and sustained severe injuries. Two letters have been received from the young man's brother, Thomas, who is with him, and both describe him as lying in a comatose condition. His skull is fractured and it is supposed that concussion of the brain exists. From all accounts the patient's condition is critical.

THE CHINESE MURDER.**An Examination in Progress Before Commissioner Norrell.**

Today the examination of the charge of murder against Ah Gung alias "Little Charlie" was commenced before Commissioner Norrell. The complaint in the case, charging Charlie with having murdered Sun Yow, or "Chilsee Mary," on the night of Sunday, October 9th, at Alta, Salt Lake County, was read, and the defendant pleaded not guilty.

The witnesses for the prosecution were sworn, Jake Sam being among the number.

H. C. Wallace was the first witness. He testified: I live in Alta; am acquainted with the defendant, "Little Charlie," or Ah Gung; he has been in that vicinity eight or ten years; his