

because of the amount of blood in the skull, though a blow with a sandbag could have produced a similar effect. All the bruises and marks found upon the body might have been caused by the fall upon the gravel. If he had been struck with a sandbag greater marks would have been left.

Dr. Anderson stated that apoplexy is the hemorrhage of a vessel in the brain which bursts. Deceased had a diseased condition of the brain, having endured severe pains in his head, which incapacitated him from work at times. There is not sufficient evidence to show that he received a blow from a club or bludgeon, and if struck at all, it must have been with some yielding weapon like a sandbag. He had fallen with pain once before.

Sarah Hague went out at 5 a. m., Sunday morning and saw the body, which was found opposite her bedroom, Mr. Burt and an old gentleman were standing near. Dreamed that she heard some one cry "help."

Peter A. Burt, night watchman, testified as follows: At ten minutes to five I saw old man Brown near the Cliff House, and, passing along, saw this body lying on the ground. Thought the man was drunk, and called to Brown. Then discovered the body was cold. The head was lying west with the right arm crooked. I saw no marks of feet.

A. S. Chapman heard two blows about 11.30 p. m. on Saturday evening. They were in rapid succession, were accompanied by an angry exclamation of three or four words, and succeeded by a scuffling noise. Saw a large, round shouldered man, with a drunken swing to his walk, pass, going west. The man was traveling faster than a usual gait, and appeared under the influence of liquor.

Mrs. M. A. Chapman also heard two blows and some angry remarks. This was between 11 and 12 o'clock.

The testimony in the case being closed, the jurors returned the following

VERDICT:

Territory of Utah,
County of Salt Lake.

An inquisition, holden at the residence of Mr. Faubel, in the Second Precinct of Salt Lake County, Territory of Utah, on the 17th day of August, A. D. 1879, before George J. Taylor, Coroner of said county, upon the body of Valentine Faubel, there lying dead, by the jurors whose names are hereunto subscribed.

The said jurors upon their oaths do say, from the evidence before them, that he died from the effects of a diseased brain; that his death occurred on the south side of Third South street, between East and West Temple streets, between the hours of 1 1/2 p. m. last night and 5 o'clock this morning.

In testimony whereof, the said jurors have hereunto set their hands, the day and year first above written.

CHARLES POPPER,
JOS. W. JOHNSON,
DAVID JAMES,

Jurors.

GEORGE J. TAYLOR,
Coroner.

The deceased man has a wife who is visiting in some of the northern settlements. She has been telegraphed for, and the body will be preserved until her return.

The Latest Proceedings.—The following is the assignment of errors presented in the Supreme Court on Saturday by Judge Bennett, in the matter of the writ of *certiorari*. The case will probably receive no further attention until Friday next.

Emeline A. Young et al.
vs.
Geo. Q. Cannon, et al.

And now comes the defendants, George Q. Cannon, Albert Carrington and Brigham Young, and upon their petition for a writ of *certiorari* and the record of the proceedings against these defendants for contempt, allege and assign the following errors in said record, to wit:

First—It appearing from the record that the order for the delivery of property to a receiver, was to deliver the assets of an estate without specifying the property; that these defendants delivered property, and answered under oath they had delivered all, the Court had no power to proceed as for contempt, until after an inquiry into the matter by some proceeding in the case and the ascertainment of what, if any, property was in the hands of defendants, and deferring a delivery

of the same by particular specification.

Second—The affidavits and proceedings upon which the attachment issued are not positive, or certain, they do not charge that since the commencement of the suit these defendants had any assets in their hands, or specify any assets.

Third—The affidavits, on their face, show the charge of contempt is based on past waste alleged, and for a mere thing in action, and not on a retention of assets, and state no subject matter in reference to which a contempt could be committed.

Fourth—The court exceeded its jurisdiction in making the finding and judgment of July 30th, 1879, there being no subject matter on which the same could be based.

Fifth—The court exceeded its jurisdiction in finding the defendants retained and should deliver each of these items, and in adjudging their imprisonment until compliance, to wit: That they retained \$24,000 per centage on \$822,000 distributed, such a charge not being made in the principal suit or affidavits; that they retained \$11,000 interest paid on borrowed money, no such charge being before the court; that they retained \$31,000 paid out on claims barred by the statute of limitations, no such charge being before the court; that they retained \$53,682.22 paid out on debts of John W. Young, the affidavits only charge about \$31,000; that they retained \$566 paid to M. J. Young, and \$500 paid to L. S. Hills, no charges of that nature being before the court; that they retained and should pay over in gross \$142,955.52, the several items passed amounting to but \$132,013.22.

Sixth—The record shows the Court went into an examination in the nature of an accounting, to charge defendants with waste, the subject matter of the inquiry being in issue in the main case, and the Court had no jurisdiction to try such issues in a summary examination of this nature.

Seventh—The Court exceeded its jurisdiction in adjudging the defendants retained and should deliver, and be imprisoned until compliance, the items of personal property distributed to Brigham Young as devisee, no such charge being made in any of the proceedings.

SHEEKS & RAWLINS,
BENNETT & HARKNESS,
Attorneys for said defendants.

Subsequently the following order, commanding the clerk of the Third District Court to certify the records and proceedings in the case up to the Supreme Court, was issued and served:

The People of the United States, in the Territory of Utah, to the District Court for the Third Judicial District of said Territory, greeting:

Whereas, We have been informed by the affidavits and complaint of George Q. Cannon, Albert Carrington and Brigham Young that certain proceedings were lately had before you in a certain action, wherein Emeline A. Young, in behalf of herself and the heirs and devisees of Brigham Young, deceased, was plaintiff, and the said George Q. Cannon, Albert Carrington and Brigham Young, impleaded with others, were defendants, in which the said George Q. Cannon, Albert Carrington and Brigham Young were, on or about the 30th day of July, 1879, adjudged guilty of contempt, and ordered to be imprisoned until they complied with the requirements of the order and judgment of conviction, or until the further order of the court, and it being represented by said George Q. Cannon, Albert Carrington and Brigham Young that their said conviction for contempt and the proceedings relating to the same are without authority of law and in excess of the authority and jurisdiction of said district court, and we being willing, for certain reasons, to be certified of the said proceedings, order and judgment, and all things pertaining thereto, do command you that you certify the same fully to our supreme court for the Territory of Utah, at a session of the June term of said court, to be held at the court room in the Wasatch Building, in the City of Salt Lake, in said Territory, on the 22nd day of August, 1879, at 10 o'clock a. m. of that day, and that you annex to this writ, and then and there certify to said Supreme Court, a transcript of the record of such action in which the said Emeline A. Young, on behalf of herself and the heirs and devisees

of Brigham Young, deceased, is plaintiff, and the said George Q. Cannon, Albert Carrington and Brigham Young and others are defendants, and the record of the proceedings therein against said Geo. Q. Cannon and others for contempt, under your seal, as fully as the same remain before you, that our said Supreme Court may cause to be done therein what of right and law ought to be done, and that said proceedings be reviewed by said Supreme Court, and have you then and there this writ.

Witness the Honorable John A. Hunter, Chief Justice of the Supreme Court of the Territory of Utah, and the seal of said court, at Salt Lake City, in said Territory, this 16th day of August, A. D., 1879.

E. T. SPRAGUE,
Clerk of the Supreme Court of Utah Territory.

THE MORMON FEUD.

HISTORY OF ITS RISE IN GEORGIA.

The killing of Joseph Standing, the young Mormon elder, in North Georgia, has created discussion all over the country. The interest that it has drawn to the section in which he was killed has brought out some interesting facts concerning the progress made by the Mormons there. Let us premise what we have to say by remarking that no one can tell why the Mormons have devoted so much time to the counties of Cherokee, Georgia, in which they have been working so long. They are not to be found elsewhere, and they seem to be determined upon captivating the section spoken of. The Mormons sent their first emissary into Georgia about seven years ago. This man was named Morgan, and is described as an extraordinary person. He was brave, aggressive, shifty and eloquent. He begged no quarter and made no concessions, but went ahead preaching his faith as one inspired. Nothing could daunt him, and very few men could argue with him. He was thoroughly prepared upon all points of his faith, and he argued it everywhere. As might be expected, he made converts. At first there were only one or two, but he gradually brought more over, until he had them scattered over Walker and the adjoining counties pretty freely. Then he summoned new Elders, who came out to aid him. Since then, fully one dozen have been sent into this section. They are all under the direction of Elder Morgan, who was after a while made "superintendent of missions in the south."

The ground most closely occupied by these proselyting Elders was Chattooga County (the half this side of the mountain), Walker County, Catoosa, Whitfield. They have a post or two in Floyd County and in Murray and Dade, and have gone into Pickens and Fannin. They drifted on towards Tennessee and North Carolina, appearing to shun the railroad and stick to the mountainous districts. They have made many converts in these counties, and have established what they call flocks in many neighborhoods. Their policy is not, as has been supposed, to take all their converts to Utah. The truth is, they take only a small portion of them. At one time they took over 40 converts on one train, the crowd being gathered from several counties. At various other times they have sent batches of 10 or 12. It is probable that 150 or 200 will cover all that they have sent out from North Georgia. These people were mostly poor and shiftless folks, and generally past middle age. One or two pretty girls are known to have gone, but the most of the women were old and ugly and not liable to be pressed into polygamic relations. Many husbands and wives went, the wives insisting that as the Mormons based their polygamic theory upon the fact that Rachel selected new wives for Jacob, they would be allowed to select new wives for their husbands, whenever, if ever, like Rachel, they deemed it necessary.

But the elders made many converts that still live in Georgia. These are persons who are Mormons in everything, save that they do not attempt to practice under Georgia laws the polygamic part of their creed. They believe in the Book of Mormon—in the divine inspiration of Joe Smith—and in all theory and teaching of the Mormon church. They have been

baptized by the elders and are known as "saints." Their houses are used as headquarters. These native Mormons are scattered throughout the various counties, in what exact numbers it is hard to tell. They are usually quiet, illiterate people, of small means, but there are some few families of property and intelligence, which have embraced this faith. When they once become converted, they are never reclaimed. The elders go through the circuit and preach to them, pray with them and attend to their spiritual wants, just as other preachers do with their charges. They have even organized a conference of the several congregations of native converts. Joseph Standing was the presiding Elder of this conference and was on his way to Rome to attend a conference meeting when he was killed. In a talk with Senators Hawkins, of Chattooga, and Clements, of Walker, they both expressed the belief that the cause was progressing and growing stronger. "They are gradually getting new converts," said Mr. Hawkins, "and I hear they never lose a single one." A most excellent preacher from Whitfield told us that he occasionally heard of some member of his own or other churches who was turning to Mormonism.

We learn that there has never been any trouble from mob-law throughout the circuit generally. The Elders have preached in the court houses of probably every county, have had good audiences and have never been disturbed. They preached, we believe, once or twice in the city hall or court house at Rome. They have never been annoyed or threatened, that we can hear of, except at Varnells Station. They have had fair and courteous treatment. At first they attracted crowds through curiosity—and at last built up regular congregations. The people have become used to them and take no notice of them.

These Elders have been singularly circumspect and careful. They have not preached licentious doctrines at all, but have kept the polygamic feature of their religion in the background. Even when asked if polygamy is allowed in Utah, they reply: "We have our marriage customs and you have yours. We shall not interfere with yours, and you ought not to interfere with ours." Of course there has been a great deal of scandal about the morality of these Elders, but we could find no man who believed it. Said one gentleman: "I do not know of a single case where they have been guilty of immoral practices, even in the families of their 'saints.'" They seem to be bent upon their work of proselyting and upon nothing else. To this they devote all their energies and their lives.

It appears that there has been considerable trouble at the little station of Varnells. Some of the people there, it seems, were determined not to submit to see Christians led astray and families broken up by these Elders. So they have never given them any encouragement.

Standing was a young man of 23 years of age, but had great courage and ability. If he had lived he would have risen to great prominence in his Church. He was buried in Salt Lake City on Sunday, with impressive ceremonies.

We learn that the field in North Georgia will not be abandoned, but will be canvassed with greater vigor than ever. Elder Morgan is coming out, and the blood of standing will but incite these monstrous fanatics to still greater exertions.

Efforts are being made to capture the murderers, and if caught they will be prosecuted vigorously. We learn that there were personal reasons that led many of the attacking mob to try and drive Standing out of Varnells. He had endangered the peace and integrity of many homes, and he was attacked in defense of these homes.—*Atlanta, Georgia, Constitution.*

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March 30, 1870.

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