terday morning a daring case of burglary took place at the residence of John M. Hays, proprietor of the Central Bakery. The entrance was made by forcing the lock off with some peculiar instrument of the cracksman's trade. The scoundrels succeeded in unlocking a drawer containing considerable money, all silver coin, and a soft felt hat suitable to place the money in, in the absence of a bag or pocket. Several other articles of clothing were taken away, some of which were found a distance from the door, apparently dropped in the flight. The only clues yet found are a sneaking appearance, evidences of a guilty conscience and foot prints, which are good grounds to judge from. It would be wise for the people in the neighborhood to watch as well as pray, as there are characters of unsavory repute near by, who are well known to make their living in an unlawful manner.

Diphtheria in Coalville. — We learn from parties in from Coalville, that diphtheria broke out at that place about ten days ago in the family of Charles Lusty, and within a few days one of the children, a little girl about eight years of age, succumbed to the disease; and now another is suffering from it. Day before yesterday it became necessary to quarantine the house of Samuel Fletcher in another part of the town, the malady having developed in one member of a numerous family. The child had been ailing for several days, but it had not been suspected before that it was diphtheria he had. The last day he attended school he had a high fever, and fears are now entertained that some of the children who were exposed to contact with him may have contracted the disease. The school has since been closed because of the danger of spreading the contagion.

The Hampton Cases.—In the Third District Court this morning, Judge Hoge asked permission of the Court for B. Y. Hampton to withdraw his plea of not guilty, that a demurrer to the indictment might be interposed. Assistant District Attorney Varian, objected, because such an act might delay the cases indefinitely, and it was necessary for the prosecution that the trials be hastened, as one witness who had turned states evidence was now in confinement, being unable to give bail. Judge Hoge remarked that he did not understand why the prosecution showed so much feeling in these cases, and went on to state that Mr. Hampton had asked the prosecution for copies of the indictments, but was told that he could not have them without pleading.

Mr. Varian interrupted with, "Don't state what that man said about me, for I don't want to be mentioned with him." (We should hope not, for Mr. Hampton's sake.)

Judge Hoge further insisted that he should be allowed a privilege which the Court had never before denied. They asked only what was due, and did not want to delay. After some further cross-firing between the attorneys, the Court granted Judge Hoge's request, and a hearing was set for to-morrow at 10 a.m.

ASSISTANT U. S. DISTRICT ATTORNEY LEWIS

CONVICTED OF VISITING A HOUSE OF ILL-FAME.

The trial of Assistant U. S. District Attorney Samuel H. Lewis, on a charge of having visited a house of ill-fame kept by one Fanny Davenport, for the purpose of lewdness, was held before Justice Speirs this afternoon. The defendant interposed a demurrer, setting forth that the complaint did not state facts sufficient to constitute an offense; and that the justice of the peace had no jurisdiction. The demurrer was overruled. The defendant waived proof of the character of the house.

J. B. Stewart, R. B. Young and Officer Wm. Salmon were called as witnesses, and testified that on the evening of the 9th of September, 1885, the day named in the complaint, they saw defendant in Fanny Davenport's house of ill-fame, on West Temple Street; Fanny Davenport was also in the room; Lewis took off part of his clothing—coat, vest and pants; the woman also took off part of her clothing; went to bed together; committed the act of copulation; then arose, and after some conversation, the defendant departed.

The case was submitted without argument.

The court then reviewed the testimony, which showed the defendant to be guilty of the offense as charged. The judgment of the Court was that the defendant be imprisoned in the county jail for three months, and pay a fine of $299, and stand committed until the fine be paid.

An appeal was taken to the District Court, with bonds fixed at $800.

VANDERCOOK REMANDED.

CHIEF JUSTICE ZANE SAYS JUSTICES OF THE PEACE HAVE JURISDICTION IN THESE CASES.

WHAT WILL BE THE LECHERS' NEXT MOVE TO COVER THEIR CRIMES?

In his argument yesterday afternoon, Mr. Williams urged that the absolute meaning of the word "lewdness" should not be taken in this case, but the general meaning in the community where it is used; lewdness referred rather to profligate and licentious conduct, than to prostitution. Neither in the popular nor legal dictionaries do we find that lewdness is a synonym of prostitution. The Legislature clearly meant to refer to both sexes by the term. The very fact that the Legislature named an offense committed indoors shows that they did not intend to punish the open and notorious lewdness referred to by counsel for the petitioner. A recent arrest for vagrancy had been made in this city, whereupon the prisoner urged that he was an inmate of a house of prostitution having care of the keeper's horse; that person, though discharged for vagrancy, could be arrested and convicted as being an inmate of a house of ill-fame. Mr. Williams discussed the question of jurisdiction at considerable length, and called the attention of the Court to the uniform legislation of other Territories in authorizing justices of the peace to try and determine misdemeanors. He insisted that their jurisdiction in cases of misdemeanor was exclusive, and that the Legislature had power to confer it.

F. S. Richards, Esq., called the attention of the Court to a few points in the case which he considered important. The petitioner Vandercook, was not charged in the complaint with lewdness, but he was charged with resorting to a house of ill-fame for the purpose of lewdness. The particular offense charged consisted in resorting to such a house for immoral and lewd purposes and the crime was completed whenever a person resorted to such a house for lewdness, whether he actually committed such acts there or not. It was the act of resorting thereto with such an intent and purpose that made the offense, and the particular acts which he might be guilty of while at the house would only be material as tending to show his purpose in resorting to it. The statute under which this prosecution was brought, first prohibits the keeping of a house of ill-fame and then provides a penalty for wilfully residing in such a house, or resorting thereto for lewdness; the evident object of the Legislature being to prevent persons from visiting such a house at all, unless for some lawful and legitimate purpose. This being so, when the complaint charges, in the language of the statute, as in this case, the resorting to such a place for lewdness, it is good and meets every requirement of the rules of criminal pleading. Had the prosecution been merely for lewdness, it might have been necessary to specify the acts complained of as was insisted by the opposing counsel, but in a complaint for resorting to a house of ill-fame for lewdness in could not possibly be necessary to do so. In this view of the case it was entirely immaterial what the intention of the Legislature was *in repealing the laws against* adultery and other kindred crimes, which counsel for petitioner had placed so much stress upon, and this court could not in the present case decide what were acts of lewdness because that was a matter of evidence with which this court had nothing to do; it was confined in its inquiry to the simple question whether the offense was properly charged in the complaint and could not consider what would be the proof adduced at the trial.

Referring to the meaning of the word "resort," as used in the staute, Mr. Richards showed that there was nothing in the complaint indicating how many times the defendant visited the house referred to on the day mentioned; he may have have gone there several times for all the court knew, and allegation that he resorted to the house meant that he went there as many times as were necessary to make it a resort, although the speaker did not concede that more than one visit was necessary to fill the requirement of the law.

As to the question of jurisdiction and the assertion of opposing counsel that the latest act would prevail, it was clear that Sec. 48 of the Civil Procedure Act, Laws of 1884, p. 162, was the last expression of the legislative will upon the subject, and that section in express terms gives justices' courts jurisdiction of all misdemeanors punishable by a fine less than $300, or imprisonment in the county or city prison not exceeding six months, or by both such fine and imprisonment. The decision of Judge Zane in liquor cases taken before him were cited in support of this position, the Judge having, in those instances, sustained the justice's jurisdiction where the penalty provided was precisely the same as in this case.

Judge McBride then took up the closing argument for the petioner, contending that justices should not have jurisdiction of such offenses. If they had, they would be attempting to try for murder, and every other felony, and would be ousting the powers of the district courts.

Mr. Richards interposed and asked whether that would be true if the jurisdiction was *concurrent*. If such were the case would not the court first taking cognizance in the matter have the right to dispose of it?

Mr. Young also asked whether the defendant would not have the right to appeal, and if so, how could the superior court be ousted?

Judge McBride was compelled to concede these points, and continued his argument by declaring that it was bad policy to give justices power to send men to jail for half a year and impose a heavy fine. Such a condition of things should not be.

Mr. Williams—I agree with the gentleman that it ought not to be, but it is.

The argument for the petition was then concluded, Judge McBride contending that the offense was an indictable one, and should come up on original trial only in the district court. A man could not be punished for having a purpose in his mind, or for living in a house of ill-fame, unless he were guilty of carnal acts. Counsel then seemed to comprehend the gravity of the situation, and rising on tiptoe, concentrated all the oratorical power at his command in the following lackadaisical peroration: "I know enough of the passions of men, your honor, to know that if this thing is to go on broadcast, there is going to be trouble! This class of offenses is indictable, and should not be spread abroad before it is known whether or not there is ample ground on which to proceed. This thing is going to involve a class of men who will not stand the exposure, and I can tell you that, as sure as the rising of the sun, there will be trouble if it is persisted in!"

The Court then took the matter under advisement and adjourned until 10 a.m. to-day.

FROM SATURDAY'S DAILY, DEC. 12

Notaries.—The following have been appointed notaries public. R. Maeser, Beaver County; James Pingree, Weber County; Boge Tye, Uintah County.

Charged with Libel. — Chas. H. Hemenway, editor of the Ogden *Herald*, was arrested yesterday on a charge of libel, the offense being alleged to have been committed in an article criticizing the course of a Federal judge. He was released on giving $1,500 bail.

Jail Delivery.—Three prisoners effected their escape from the county jail in Butte, Montana, on the 9th. They were "French Joe," convicted of horse stealing and sentenced for four years; Wm. McKay, "The Kid," convicted of attempting to set fire to the city jail and sentenced to three years, and Frank Kellerhan, recently arrested at Lemhi on the charge of horse stealing.

Commissioned.—The Governor has issued commissions to the following officers:

John E. Booth, justice of the peace, Provo precinct, Utah County.

Thomas Stanley, constable, Tintic precinct, Juab County.

William J. Robinson, justice of the peace, Grantsville City, Tooele County.

Albert Clayton, justice of the peace, Clover Flat precinct, Garfield County.

A Correction.—The special dispatch from Beaver which we published a few days since, concerning the charge of Judge Boreman to the grand jury, conveyed the impression that he alluded to Presidents Taylor and Cannon as ex-convicts. Our correspondent now writes to us to explain that the telegram was, owing to its brevity, slightly misconstrued. It was Brother Wm. Fotheringham, who was reporting in the court, who was referred to as an ex-convict. The Judge said also that he would rather have the cursings of such men than their blessings.

Demurrer Overruled. — This morning, in the Third District Court, Hoge and Burmester, for B. Y. Hampton, submitted their demurrer to the indictments, for the reasons that the grand jury which found the bills had no right to investigate the alleged offenses; that the facts stated in the indictments do not constitute an offense; and that the indictments do not conform to the requirements of the statute. No arguments were made, and court overruled the demurrer. The defendant then entered his plea of not guilty to each charge.

The Liars' Work.—As an indication of how the villainous work of the anti-"Mormon" ring in this Territory is believed in some parts of the east, Z. C. M. I. yesterday received a circular from a prominent hardware firm in New York, stating that it had on hand a quantity of military fire-arms, bayonets, swords, saddles, etc., the list amounting to enough to equip a large army, the lot of which could be shipped at a few hours' notice, as they were already packed, and the prices were the bottom figures! The reply was sent back that the establishment could not afford to carry so much dead stock, there being no demand for such goods here. Surely the king of liars rejoices as never before at the work of his children.

Visit to Maine.—Brother A. E. Eastman, of Woodruff, writes under date of 7th inst.

"I have just returned from a visit to my folks in the State of Maine, in company with W. K. Walton, of Woodruff, Utah. We had a good time and made many friends. We did some preaching, but more fireside talking with our own people, and also received a large list of names from the genealogy of my forefathers, which I went mostly to obtain. I was glad to return and once more see the sage brush and our mountain home; would not change it for all the world; am better contented than ever.

"A little snow here this morning."

A Tribute of Honor.—At the regular monthly meeting of the Board of Directors and Executive Committee of the Deseret Hospital Association held Monday December 7th, 1885, the ladies very feelingly expressed their regret at the loss one of their active members, Sister Phoebe W. Woodruff. She had been associated with them in all their labors ever since the establishment of the institution, and was always on hand to perform her portion of the work devolving upon the Board. Sister Woodruff has always been recognized by the ladies as wise in counsel ever ready with good suggestions, and had at all times faithfully discharged her duty as a member of the Board and Executive Committee.

Wholesale Killing. — A telegram from Albuquerque, New Mexico, of Dec. 7, says:

A terrible tragedy, in which two persons were killed and one mortally wounded, was enacted in Cañon Blanco, an isolated place, last Friday, the news just reaching this city. It appears that an old Mexican, Juan Jose Barcla, and his son, had the overseeing of about 5,000 head of sheep. The job being quite too much for them, Barcla hired a Mexican herder to help attend the flock. The herder proved to be a desperado, and in a few days became overbearing and abusive. Last Friday, the day on which the tragedy occurred, Barcla ordered the herder to do something, when he became angry, at the same time pulling out a pistol and shooting the old man, mortally wounding him. The son came to his father's rescue, and was in turn fatally wounded, but before dying, raised his Winchester and sent a bullet crashing through the murderer's head. The boy died that night, and last accounts say that his father cannot live.

News From Beaver.—Our correspondent at Beaver, "Moonshee," sends us the following per Deseret Telegraph

BEAVER, Utah, Dec. 12, 1885.

Editor Deseret News:

Henry Gale, aged 70 years, who has been indicted for some time on a charge of unlawful cohabitation with his wives, withdrew former plea of not guilty to-day, and entered one of guilty. He will receive sentence on Tuesday.

The grand jury have found one indictment for larceny, and three against Bishop Culbert King, for cohabitation with his wives. He gave bonds of $2,500.

James Marshall, charged with a Territorial offense, and arrested in Salt Lake, procuring no bondsmen, was lodged in the Beaver jail.

Deputy marshals are out east and south of Beaver subpœnaing witnesses to appear before the grand jury.

From Bear Lake.—Brother Christopher Merkley, of this city, returned last evening from a six weeks' visit to Bear Lake, and reports a time of general peace and prosperity as prevailing there. The weather has been very fine there until last Sunday night, when a light fall of snow occurred. On his way down, when at McCammon Station, he heard that anarchy prevailed here and that *the city was about to be* placed under martial law. He expresses himself as being by no means alarmed by the present aspect of affairs or disposed to give up his religion after having clung to it for the past forty-eight-and-a-half years.

He has for some time past been engaged in building a grist mill at St. Charles, in which there are two run of French burhs, which is now so far completed that before he left there over 700 bushels of grain had been chopped.

His health is better than it has been for years, and considering that he will be 77 years of age on the 18th of this month, he is quite active.

Court Proceedings.—In the Third District Court to-day, in the case of Samuel Bennion vs. Dirk Bockholt, a writ of assistance was awarded to plaintiff.

Laura G. Tufts vs. Don C. Tufts; an action was brought by the plaintiff for decree of divorce and alimony, and custody and control of their two children. The grounds alleged are "habitual drunkenness of defendant and his cruel and inhuman treatment of plaintiff by language and acts." An order to show cause at this time having been issued, the case came up for hearing, defendant not appearing. The Court awarded to plaintiff an order for $100 counsel fees and $30 for expenses of court, with $50 per month for temporary alimony; the above sums payable within ten days from this time, and that hereafter the $50 per month alimony be paid on or before the twelfth of each month.

The People vs. Daniel T. Manning; uttering forged paper; the defendant withdrew the plea of not guilty, and entered one of guilty. On motion of the prosecution, sentence was suspended, and Manning was set at liberty.

In the case of the People vs. B. Y. Hampton, an open *venire* of twenty-four names was issued for jurors, returnable on Wednesday, the 16th inst.

Niels Hansen was admitted to citizenship.

Accident on the Utah & Northern.—Early yesterday morning an accident occurred on the Utah & Northern, near Market Lake Station, Idaho, caused by a broken rail. Four cars were thrown down and one man, Wm. Palmer, Jr., of Logan, killed, and nine persons injured. The train was running at from fifteen to twenty miles per hour, when it struck the broken rail, a section eight or nine feet long being torn out and broken to pieces. The engine and mail car passed over safely, but the baggage, smoking, passenger and sleeping cars were derailed. The last car, Superintendent Dickinson's, was drawn over the break, and kept the track. After going along for a short distance, the car couplings broke, and the four cars capsized down the embankment, about nine feet; the lights were all extinguished, and everything was in confusion. The passengers who could extricate themselves did so, and with the train men, liberated the others from their unpleasant predicament. Palmer was found dead, his head and body having been badly crushed. Nine others, including three Colnamen, were injured, none seriously. The passengers were taken on the remaining cars, and the train moved on to Eagle Rock. Here the wounded were attended to, some of them continuing their journey to Ogden, where the train arrived last evening a couple of hours behind time. The body of young Palmer was left at Eagle Rock, where an inquest was held, the verdict being that his death was caused by accident, no blame being attached to the railway men. Word was sent to the wife and friends of the unfortunate man, who was employed by the railway company as foreman of a force of bridge builders. The cause of the broken rail at present remains a mystery. It is said a freight train passed over the track but a short time before the accident.

L. and L.—The prosecutions of the charges of lewd conduct were resumed this morning at the City Hall, before Justice Speirs. Owing to a misunderstanding on the part of the witnesses, the case of The People vs. Joe Bush was not commenced till 11 o'clock, at which time the proceedings began. The prosecution was conducted by Messrs. Moyle and Kenner, the defendant being represented by Mr. W. C. Hall. The complaint was fully proved in every particular, and the defense calling no witnesses, a judgment of guilty was pronounced and the defendant sentenced to three months' imprisonment in the County jail and to pay a fine of $299. Notice of appeal was given, which at the time of recess had not been perfected.

The case of the people vs. Charles E. Pearson, for the same offense was then proceeded with, Mr. Frank Hoffman appearing for the accused. The proceedings in this case were almost a duplicate of those in the other two except that the details were much more disgusting. The defendant was adjudged guilty, but at the request of the defense, judgment was suspended till 2 p. m., at which time it will be pronounced.

At 2 p.m. there was another eager audience, in expectation of the case of the People vs. Oscar Vandercook coming up, this being its third announcement. For the third time they were disappointed, a document having been received from the District Court, of which the following is a copy:

In the 'District Court for the Third Judicial District of Utah Territory, County of Salt Lake.

In the matter of the application of Oscar Vandercook for a writ of *habeas corpus*:

I, John M. Zane, clerk of the District Court for the Third Judicial District of Utah Territory, do hereby certify that an appeal has been allowed by said court and such appeal taken by the above-named applicant to the Supreme Court of the United States of America, and bail given as required, and all proceedings in said case stayed.

Witness myh and the seal of the said Third District Court of Utah, this 12th day of December, 1885.

J. M. ZANE, Clerk.
(Seal. By H. G. MCMILLAN, Deputy Clerk.

Pearson was sentenced to three months' imprisonment and to pay a fine of $299. One of his sureties was rejected and he went after another, that instrument being completed at 3 p.m., Messrs. S. W. Darke and P. Tomney being the sureties.

"INFAMOUS scoundrels" and "perjured wretches" can now obtain judgment and punishment with despatch; the word of a prosecuting attorney and the dictum of a court settles it quickly.

"In the bosoms of some men, impure motives are sufficient to overthrow the love of truth."—*Judge Zane.*

The Judge seems to be pretty well acquainted with the "officers" of his court.

THE "Brutus" phase of the situation is now dissolved into thin air, and the policy of "anything to protect the family" takes its place.