

FROM THURSDAY'S DAILY, DEC. 6.

Hot-headed Mexicans.

A freight brakeman named O'Brien is lying at the U. P. Hospital in this city, suffering from a bullet wound in the fleshy part of the leg near the knee joint. He is a freight brakeman running on the main line between Green River and Ogden. On the night of the fourth of December, at 10:30 o'clock, his train was standing at a little station named Bryan waiting for another train to pass. Three Mexicans who were there began to quarrel with O'Brien, and one of them drew a pistol and shot him in the leg, inflicting a very painful wound. The Mexicans got away and were not identified. O'Brien is in the care of the U. P. physician at this point. — *Ogden Standard.*

The Coming Examination.

A host of witnesses are being summoned for the examination into the charges against Receiver Dyer and the attorneys, made in the petition submitted by Judge Zane. Judge Powers will appear as counsel for the Receiver, Mr. Williams and Mr. Peters will act in their own behalf, and it is understood that other eminent legal counsel are to be associated with Judge Powers in defending the course taken by Receiver Dyer. Whether or not Judge Zane and his partner, John M. Zane, will have assistance is not yet developed, though it is stated that they will also be aided by leading lawyers. A few more demands for "compensation" out of the funds which it is proposed to escheat will leave but little for any other purpose.

IN WALES.**A Remarkable Revival of Interest in "Mormonism."**

Prior to about a year ago the Elders laboring in Wales had to contend with an apathetic indifference in regard to "Mormonism," which seemed almost universal, and prevented them from securing more than a small attendance at meetings, and from finding many persons who were willing to read tracts and Church works. We are informed that within about a year, however, a marked change has taken place in that country. Large crowds flock to hear the Elders, and in some instances the latter are obliged to throw tracts by the handful among the eager throngs which gather to listen to them, the process of handing the tracts, one at a time, to persons who ask for them being too slow to meet the avidity of the people. The tracts thus thrown among the audiences of the Elders are seized as if they were coins. An increased demand for the Book of Mormon and other Church works has sprung up. Many years ago a Welsh edition of the Book of Mormon was printed, but the demand for it was so small that a large portion of the edition was stored away and never bound. The recent urgent demand for the work has made it necessary to bring forth the rest of this old edition, and have the book bound, which is now being done.

A number of newspapers in Wales have opened their columns to articles and communications upon the subject and in favor of "Mormonism," and in this way thousands of people have had conveyed to them information concerning the great latter-day work. Simultaneous with this revival of interest in the work of the Elders, there has sprung up an intense hostility against them, the notorious Jarman being one of the principal agencies in fomenting the same. The result promises to be the thorough publication of the warning message throughout Wales.

THE WORK OF GOD.**It is Steadily Spreading Into All the World.**

We have received the following communication from one of the brethren who has received the Gospel in Asia. It is dated at Sivas, October, 1888, and was written in the Armenian language. This is the interpretation:

President George Teasdale:

Dear Brother—Thanks be to God for restoring the Gospel through Joseph Smith: and thanks be to the Prophets and Apostles and all the Saints, that the Gospel which has been committed to them has been preached, free of charge, in all the world, being testified of to all the Gentiles and nations, and they are gathering the people, Israel, and the Saints to Zion. I am thankful and happy that Brother Hinte also came and preached the Gospel to us, and baptized us; and that he has borne strong testimony both here and at Zara, and that it has been believed. We that have believed, and been baptized, have received divine testimonies, and we have also commenced to bear testimony. Times have been that Brother Hinte has preached till two o'clock in the night.

And now, dear brother, I pray you to bless us and those of ours, and pray for us, your children that are born in the Gospel, that we in every way may be made strong. Amen.

We, family like, kiss your hands, and kindly greet all our brethren and sisters. Firm prayers for one another.

DEKRAN SHAHABIAN.

who honestly embrace it have the same testimony that it is from God. Our Asiatic brother expresses the thankfulness to God we all feel, that He has restored His Gospel through His faithful servant Joseph Smith. The world have failed to disprove the divinity of the mission of that prophet and seer of these last days. On the other hand, all who seek wisdom of God and investigate the principles taught, become convinced of the truth of the message. When they obey this form of doctrine, they do, most assuredly, obtain the gift of the Holy Ghost, and rejoice in the knowledge that it imparts.

The Turkish Mission has been a hard one to establish. We have been interested in it ever since our arrival, and President Wells, our predecessor, was equally so. We have constantly helped to sustain the work there, waiting patiently for the recompense of reward, and it has come. Elder Hinte has mastered the Turkish language, and this is a source of joy to all of us. Now he is able to preach the Gospel to the people in their own tongue. Several converts have been baptized.

Some time ago Elder Hinte informed us that the Lord had drawn into His fold representatives of four races—a Serian, an Armenian, a Bulgarian and a Syrian, of the old Syrian race, and remarked: "Surely this Gospel net is gathering from all nations." This is its mission, and it is quietly extending, little by little, fulfilling the never-failing purposes of the Almighty. — *Millennial Star, Nov. 19.*

IN THE COURTS.**A Real Estate Case Before Judge Sandford.**

In the Third District Court this forenoon, the following business was transacted:

Margaret Hamilton vs. Emma Fulton; continued for the term.

L. C. Cone et al. vs. Esther Pettit et al.; answer and cross complaint withdrawn and decree for plaintiffs entered.

H. S. Young et al. vs. G. F. Culmer et al. This case involves the ownership of a valuable piece of land on First South Street, on a portion of which the store of G. F. Culmer & Bros. is located. It was in progress before a jury until the noon recess.

At 2 o'clock J. L. Rawlins offered three motions to dismiss proceedings in respect to three different pieces of property involved in the Church suits, and to stay all proceedings in said suits until the hearing of the motions. Tuesday next was fixed for the hearing on the motions, and a stay granted till then.

H. S. Young et al. vs. G. F. Culmer et al.; jury trial in progress.

BEFORE COMMISSIONER NORRELL.
A young man named Joseph Walkie was being tried before Commissioner Norrell this afternoon on a charge of petty larceny. He was accused of stealing some money from a sheep camp near the penitentiary.

FIRST DISTRICT COURT.
Court opened December 5th at 10 a. m.

Robert Davidson, charged with unlawful cohabitation, was arraigned and pleaded guilty to the last count in the indictment.

In the case of Ogden City vs. James Thompson, an order was entered dismissing the appeal.

In the case of S. and J. Horrocks, administrators, vs. Walter P. Dwyer, a motion to amend answer was allowed.

In the case of the United States vs. M. B. Wheelwright, unlawful cohabitation, the defendant entered a plea of not guilty.

The case of the United States vs. M. B. Wheelwright, adultery, was continued for the term.

The case of the United States vs. Catherine Wheelwright, fornication, was also continued for the term.

In the cases of Ogden City vs. Jas. Middleton and John D. Rowland the plaintiff was allowed to insert in the complaint the words, "the same then and there being the first day of the week commonly called Sunday."

In the case of Ogden City vs. Zachariah Astell an order was entered dismissing the appeal at defendant's cost.

The case of the People, etc., vs. Chris. Larsen and Lorenzo Olsen, malicious mischief in shooting a pig, was resumed.

Only another witness or two were examined and the case went to the jury.

After an absence of a couple of hours they filed into court and stated that they could not agree. It was a question of fact with them and they were unable to reach a verdict.

The court stated that the case was not very complicated, and the jury ought to be able to find a verdict. The court directed them to labor with the case a little longer, and he would order the marshal to bring them refreshments.

The case of the United States vs. Peter Swenson, unlawful cohabitation, was called for trial. Mr. Kimball conducted the defense. The only witness placed on the stand by the prosecution was Mary Larsen, the alleged plural wife. She testified that she had married defendant four years ago; did not know exactly when; had lived with defendant two weeks after marriage; since then she had not lived or associated with him, except as hired by him to do housework; defendant had

not held her out as his wife; witness had not assumed defendant's name.

The defense contended itself by cross-examining this witness upon which both sides rested.

Mr. Peters expressed a willingness to submit the case to the jury without argument.

Mr. Kimball moved the Court for a preliminary verdict of acquittal.

The Court did not think this was a case calling for its intervention and preferred having it go to the jury.

Mr. Kimball claimed it as his right to open and close the argument, if prosecution did not make a speech.

This Mr. Peters would not agree to and therefore gave a few moments address to the jury.

He was followed by Mr. Kimball who made the point that the prosecuting witness was a partaker or accomplice in the crime and if her testimony was uncorroborated, it should have no weight.

The court charged the jury that though the territorial law declared that no conviction could be had on the testimony of a *particeps criminis*, this being a United States case it did not come under that rule. Yet the jury should examine the testimony with great scrutiny and care. The jury retired for consultation and after a few minutes absence returned a verdict of guilty.

Sentence was set for December 24. The case of the United States vs. Peter Swenson, adultery, was continued for the term.

Robert Davidson was called for sentence, having been convicted of unlawful cohabitation by his plea of guilty. He was 49 years of age. His youngest child by the plural whom he married in 1880, was three years old. He had seven children by the first wife, yet living. He was sentenced to four months imprisonment and to pay a fine of \$100 and costs.

John Trappett, a native of England, now of Weber County, was admitted to citizenship.

A little before 5 p. m. the jury in the pig shooting case filed into court. This time they had agreed upon a verdict of guilty. Sentence was set for December 24th.

In the Provo branch of the First District Court yesterday, in the case of D. S. Dana vs. H. W. Lawrence et al.; original and cross bill were dismissed, with costs taxed against plaintiff, for which an order was entered to issue an execution.

At Ogden Judge Henderson heard the following cases:

United States vs. Robert Davidson; unlawful cohabitation; plea of guilty; sentenced to four months in the penitentiary and to pay a fine of \$100 and costs.

Ogden City vs. James Thompson; dismissed.

People vs. Christian Larsen and Lorenzo Olsen; maiming a pig; verdict of guilty; sentence set for Dec. 24.

S. Horrocks administrator, vs. Walter Dwyer et al.; defendants allowed to amend answer.

United States vs. M. B. Wheelwright; unlawful cohabitation; plea of guilty; Dec. 24 set for sentence.

United States vs. M. B. Wheelwright; adultery; continued for the term.

United States vs. Catherine Wheelwright; fornication; continued.

Ogden City vs. James Middleton and John D. Rowland; plaintiff allowed to amend.

Ogden City vs. Zachariah Astill; dismissed at defendant's cost.

United States vs. Oliver E. Smith; unlawful cohabitation; dismissed on motion of district attorney.

United States vs. Peter Swenson; unlawful cohabitation; trial and verdict of guilty; sentence set for Dec. 24.

John Traflet was admitted to citizenship.

FROM FRIDAY'S DAILY, NOV. 7.

Convicted.

In Commissioner Norrell's court yesterday, Joseph Walkie was tried for having stolen \$38 from a fellow sheep-herder. He was convicted and sentenced to pay a fine of \$15 and costs—\$48.50 in all. In default of payment he was sent to the county jail.

In the Police Court today Timothy Quinlan and Thomas Shane were fined \$5 each for drunkenness.

Yesterday afternoon Justice Pyper listened to the evidence in the case against Peter Elliot, a shoemaker, charged with an assault. The witnesses testified that he had endeavored to take improper liberties with a young lady who had called at his store. He denied having done so, but the evidence was such that the court adjudged him guilty, there being no doubt in the mind of those who heard the testimony of the lady that she told the truth. Sentence will be passed at 10 a. m. tomorrow.

Recovering Bets.

On the 3d of November last, a number of young men congregated at Jordan Park race track to witness a foot race between a couple of "sprinters" named Ingham and Caldwell. Some \$300 altogether was bet on the outcome, the latter being the favorite. At the start he "fell" before he had taken a step in the race, and by the advantage thus gained Ingham won. Those who had bet on Caldwell thought they had been "sold out" by him and demanded their money back from the stakeholder, Reuben Eardley, warning him at the same time that they would hold him responsible. Subsequently the judges of the race gave their decision in writing, which was to

the effect that the race had not been fairly run. The investors in the sport at once brought suit against Mr. Eardley for the recovery of their money—he having turned it over to the Ingham parties on the ground—and yesterday Justice Fuller, before whom the action was brought, granted the plaintiffs judgment for the recovery of their money and costs.

THE OGDEN TROUBLE.**Efforts to Have the Registration Ordinance Nullified.**

A few days since one C. D. Hays, of Ogden, applied in the First District Court at that place for a writ of mandamus to compel Registrar Corey to place his name on the rolls as an elector of the Second Ward of that city, under the ordinance recently passed. The officer proposed to enroll him as a voter at large, but this was not accepted, hence the suit, which has for its plain object and intent the setting of the ordinance aside. The case was being heard in Ogden today.

Following is Hays' petition, which tells its own story:

C. D. Hays, being duly sworn, says that on the 22d day of November, 1888, the City Council of Ogden City, Utah, duly passed an ordinance "Dividing Ogden City into wards and providing for the Registration of Electors," of which the following is a true copy:

Here follows the city ordinance in full.

That this affiant is an elector in Ogden City, Utah, and is a resident of the Second Ward of said city.

That this affiant is a duly qualified elector, and under the laws of the United States and of Utah Territory, and by virtue of the said ordinance he is entitled to be registered in said Second Ward, and to vote therein at the coming city election in said city.

That on the 5th day of December, 1888, George L. Corey was the duly qualified and acting Registrar of Ogden City, Utah, and on the day last aforesaid this affiant applied to said George L. Corey, at his office in said city, at the hour of 11 o'clock a. m. on that day, and requested to be registered as an elector of said Second Ward, in said city, as established by said ordinance, and then and there offered to take and subscribe the oath prescribed by law for electors to take as a condition precedent to the right to register and vote, but said George L. Corey then and there refused to register this affiant as an elector of the Second Ward, but did offer to register affiant as an elector at large in said city, which this affiant refused to permit.

The affiant is beneficially interested in having said George L. Corey, registrar as aforesaid, register this affiant as an elector in said Second Ward and that he has no plain, speedy and adequate remedy in the ordinary course of law.

Wherefore affiant prays the issuance of the writ of mandate in his behalf and that defendant be compelled to register affiant as elector in said Second Ward of said city, and that affiant recover his costs herein, and he prays for all proper relief.

Subscribed and sworn to Dec. 5th, 1888, before me, J. T. Black, U. S. Commissioner.

A. K. Heywood, attorney for petitioner.

THE TRANSFER "ROBBERY."**The Victim of It Perfectly Satisfied Regarding It.**

An unscrupulous morning paper of this city in its issue of yesterday, published an attack upon the Grant Brothers Company which reacts upon its source when the whole truth is stated, and the sequel of an incident referred to in the attack, is narrated in the article it is alleged that, on Wednesday evening last, a traveling man was doped into paying the Grant Brothers Transfer Company seventy-five cents for conveying himself and his baggage from the depot to the Walker House.

On the following day the traveler called at the stables of the Grant Brothers Company and inquired for the manager. He was introduced to Mr. Jacobs, and proceeded to complain that he had been imposed upon by the company's employees, who had charged him seventy-five cents for taking himself and his baggage to the Walker House, while the transfer to other hotels was made free, except for baggage.

Mr. Jacobs quickly made it plain that there was no imposition whatever in making the charge complained of. He explained that the proprietor of the Walker House was fighting the Company in every way in his power. The Grant Brothers Company conveyed passengers free to all the hotels in the city except the Walker and Metropolitan; and that passengers who preferred going to either of those were required to pay seventy-five cents for round trip for self and baggage, the Transfer Company having an unquestionable right to fix its own terms for transferring passengers. This charge is smaller than the usual fare for the same accommodation in some of the large cities of the east.

Mr. Jacobs further explained that the proprietorship of the Walker and Metropolitan hotels was an element in the combination which had so long been fighting the people who founded this city, and which had aided in effecting the passage of legislation for robbing them of their property.

The interview lasted nearly an hour, and near its close the traveler said: "One story is good till another is told; I've heard the other side, and now I'm glad to hear yours." In short the gentleman was convinced that the Transfer Company were amply justified in their course, and expressed himself as being perfectly satisfied with having been "robbed" in the manner stated.

THE CONFISCATION.**The Position Taken by the Defense as to the Suits.**

A short time ago the News recorded the filing of suits in the Third District Court for the escheating to the government of the Tithing Office, Historian's Office and Gardo House grounds. The case was entitled the United States vs. Certain Lands, etc., and the papers in the suit were directed to F. H. Dyer, marshal of the District of Utah. In response to the proceedings thus sought to be taken for the confiscation of the lands, Messrs. LeGrand Young and Sheeks & Rawlins have served the following notice upon the attorney for the government:

Please take notice that we appear in this action for Francis Armstrong, Angus M. Cannon, Jesse W. Fox, Jr., and the Church of Jesus Christ of Latter-day Saints, for the purpose of this motion only and no other purpose, and upon the information filed herein by A. H. Garland, Attorney-General of the United States, and George S. Peters, attorney of the United States for the Territory of Utah; the motion and attachment filed herein, directed to the marshal of the District of Utah, and the return of Frank H. Dyer, United States marshal, and all the proceedings of record in said matter.

We shall move this court at the Federal Court Room in Salt Lake City, Territory of Utah, on the 20th day of December, 1888, at the opening of court on that day, or as soon thereafter as counsel can be heard, for an order that the said motion and attachment, the alleged service thereon, and all proceedings thereon be set aside, and that the whole of said proceedings, including said information, be dismissed with costs, upon the following grounds:

I.—This court has no jurisdiction of the subject matter of said proceeding nor of the property or any part thereof described in said information; nor of the parties whose interests, right or title of, in or to said property, are sought to be affected, forfeited or escheated.

II.—There are no parties to, or named in said proceedings, or any of them, either plaintiffs or defendants; and said proceedings being directly against property *in rem* is contrary to law and practice of this court and wholly unauthorized.

III.—No complaint has been filed in said proceeding naming the proper or any parties—either plaintiff or defendant—stating any cause of action therein whatever, in conformity with law.

IV.—No summons has been issued in said proceeding directed to any officer for service, nor has any service been made of any summons, motion, attachment, or other process upon any person or party whose interest in said property is sought to be affected by said proceeding.

V.—Said proceedings and each and every part thereof are irregular and without warrant or authority of law, and contrary to the practices of the court.

VI.—This court has no jurisdiction of said real estate, for that same is in the custody of the Supreme Court of the Territory through its receiver, and no lawful attachment and seizure thereof has been or can be made under or by virtue of any process of this court. And said pretended attachment is irregular and void.

VII.—Said process of motion and attachment was not directed to any office known to the law, but to the Marshal of the District of Utah, and the pretended service thereof made by Frank H. Dyer, United States Marshal, who is and was at the time of said pretended service, the receiver appointed by and required to hold said property for said Supreme Court of Utah.

FIRST DISTRICT COURT.**Before the Judges at Provo and Ogden.****AT PROVO.**

The following cases were heard before Judge Judd yesterday:

Herbert Bate vs. American Fork City et al.; motion for a new trial ordered to be filed by the 20th of December.

Emma J. Thurstensen vs. J. A. Thurstensen; suit for a divorce; the decree was granted, the custody of the child given to the plaintiff, and an order entered that the defendant make over to the plaintiff all his property and pay her \$12.50 per month alimony.

After an examination in open court L. A. Wilson was admitted to practice at the bar.

Joel I. Jones vs. F. M. Caldwell; judgment for the plaintiff.

J. M. Thompson vs. White & Sons; order made overruling motion for a new trial; exception.

Charley and Peter Carlson admitted to become citizens of the United States.