

snow is a blessing to them as it will bring it up.
TRAVELER.
Santaquillo, March 1st, 1888.

SUPREME COURT.

Moroni M. Sheets Adjudged in Contempt.

The Territorial Supreme Court held a brief session today, Judges Boreman and Henderson being on the bench. Chief Justice Zane was engaged in the trial of Neal Mulloy, for murder.

The court appointed Julius Jordan, of Silver Reef, Washington County, United States Commissioner.

In the application for a rehearing of the Calton case, Judge Henderson delivered the opinion of the court, which denied the application, holding that the case had gone beyond the court's jurisdiction on appeal to the United States Supreme Court.

In the matter of Wm. Farrell vs. James Flungee, involving the Weber County treasurership, the application for a rehearing was denied.

A. C. Brisen vs. Deseret National Bank, application for rehearing denied.

Hon. John T. Morgan, late chief justice of Idaho, was admitted to practice as an attorney, on motion of Mr. Brown.

Mr. Sheets asked that, in the matter of the application of the Receiver to have certain personal property alleged to belong to the Church turned over to him, the Court make an order permitting the taking of further testimony before the examiner. This privilege was granted to both sides, the evidence to be all in by March 20th.

D. P. Farper vs. the Deseret Salt Company, on appeal to the United States Supreme Court; supersedeas bond fixed at \$5,000.

Judge Henderson delivered the opinion of the Court in regard to the contempt proceedings against Moroni M. Sheets, who was ordered to show cause why he should not be punished for contempt for refusing to testify before the examiner in the Church case. It was decided that the questions were proper and should be answered. The witness was referred back to the examiner to be given opportunity to purge himself of the contempt.

District Attorney Peters said that some costs had accrued in bringing the case before the Court.

Judge Henderson replied that that question would be considered after the witness had been before the examiner; he might purge himself of the contempt.

United States vs. John Bergen; the defendant is now in jail under sentence for polygamy, and his case has been appealed to the United States Supreme Court; application for admission to bail was made to the Territorial Supreme Court some time since, and when attention was called to it today, Judge Boreman said that it had slipped from their minds, and he promised a decision on the 2nd of April.

In the main suit of the United States vs. The Church of Jesus Christ of Latter-day Saints, Mr. Peters asked that the time for taking testimony be extended to June 1st. Granted.

The Court then adjourned to April 2, 1888.

THE MURDER CASE.

Mulloy Pleads Self-defense and Liquor in Justification.

In the continuation of the trial of Neal Mulloy, yesterday afternoon, for the murder of George J. Hughes, several witnesses were introduced by the defense to prove Mulloy's former good character, and that Hughes had called him hard names in the quarrel and made some threats against him.

Neal Mulloy, the defendant, then took the stand and testified—I am 35 years of age; was born in Ireland; I came to Utah six years ago next fall; I am unmarried and have no relatives in this country, except some cousins in Pennsylvania; I am a miner, and have followed that business ever since coming to the country. I first worked in the coal mines in Pennsylvania; went from there to Vancouver Island; from there went to San Francisco, where I worked as a waiter; then worked at mines in Bodie, California; went to Idaho, where I stayed for one summer; then to Park City, and after working in mines there for some time I went to work in the coal mines at Grass Creek; from there I went to Frisco, got loaded, and came to this city. After getting well, I went to Idaho again, and finally went back to Park City. I did not become personally acquainted with Hughes until a year ago last December, when we were working at the Ontario mine. I never had any difficulty with him prior to August 1st, and

HAD NO ILL WILL

towards him. I did not know "Black Jack" Murphy, and was not in Park City at the time he was lynched. On the 1st of August last I was in Park City, and was going around from one place to another. I took some interest in the election, and was drinking considerably; drank at Peter Holland's saloon, where I shook Brennan for the drinks; I then went to the polls, got both tickets, and voted. After this Mr. Newell asked me to go down to Cupit & Brennan's saloon, and we went down; this was about 6 o'clock in the afternoon; Moffatt was in the saloon both times when I went there; the first time some heated words passed between us. I made some remark

about McLaughlin, and Moffatt said, "On, take a rag off, pardner." He afterwards apologized and we took a drink. On my second visit to the saloon, some one said, "Mulloy, have you voted?" I said that I had, and had some lots of scratching. Hughes said he had voted the straight ticket, and I replied that I had voted for D. C., and thought that

EVERY IRISHMAN

In Park City ought to do the same, in order to show the clique that was trying to defeat him that they could not run Park City. Hughes inquired, "What clique do you mean?" I said, "It can make no difference as you are not one of them," he replied "I thought you referred to the clique that lynched Murphy, and I was on the train that took Murphy from Coalville." I said, I did not know this, and that he must know the men who were on the train. He replied that the men were all masked. I said, "I would know you, Joe, if you were masked," and he replied: "If you say I know them, you are a d—d lying s—of a b—." I replied that I might be a liar, but I was not a s—of a b—, and said, "You are a larger man than me, and I suppose you can abuse me." He replied: "Yes, G—d— you, I can throw you over the house, but to make matters even, I will meet you with anything from a toothpick to a cannon." I said: "If nothing will do but a gun fight, you can have it, but don't go out unless you are heeled." We then started out; Shears tried to prevent Joe from going, but Moffatt said: "Let Joe go, he is heeled;" they then went out, and some one put a gun in my hand; I went out very much excited; there was some talk, and Hughes started towards the door, and put his hand in his pocket; at this I wheeled and fired one shot; Hughes was at least sixteen feet from the door when I shot. (The witness here located on the diagram the position occupied by himself and Hughes at the time of the shooting.) I was not armed when I went into the saloon, and never owned a pistol in Park City; I saw Bennett after the shooting, and told him that the shot was fired down below; I was terribly excited, and probably did not realize what I was saying. I am naturally nervous, and at the time I went into the saloon, was

UNDER THE INFLUENCE OF LIQUOR. Hughes was a much larger man than I, standing about six feet, and weighing perhaps 220 pounds; the scar on my right hand was received in Bradford, Idaho, on July 3d, when I tried to separate some men who were fighting. I was only a spectator.

The court then adjourned till this morning, when the defendant again took the witness stand, for cross-examination. His story was generally the same as in the direct examination, but in some parts considerable more detail was given. He said—the first time I saw Hughes was when we were talking about the election, when he said he voted the straight ticket, though he did not like some of the men; the first harsh words were made use of by Hughes, when he called me a d—d liar; this was when I said that if I had seen him on the train, masked, I would have known him; he said I lied if I thought he knew anybody; he used strong epithets; also called me a cur and a coward, and not man enough to take my own part; he said he was a bigger man than me, and could throw me over the house; he offered to go outside with anything from a toothpick to a six pound cannon; I told him he could run no gun bluff on me; he asked if I was heeled, and I said I soon could be; he told me to get heeled; we talked for some time; he was abusing me; some one put a

REVOLVER IN MY HAND

while I was standing there; do not know who gave it to me; I had my hand back of me; was in the habit of carrying my hand that way, ever since I was hurt; I put the pistol in my hip pocket; did not examine it; did not take it out till we got upstairs and I drew it to shoot Hughes; I was very much excited; after the gun was put in my hand, and Hughes challenged me, I told him if he wanted to fight, I was his Indian; I meant by this that I was ready for him; he then said, "Come on outside;" I said, "Joe, don't go out with me unless you are heeled;" he started and I went with him; he said he could take care of himself; someone, I think Mr. Shears, took hold of him to stop him; I continued on, going past him; I do not remember having called Hughes a d—d liar, or coward; I don't know whether I did or not; we were both pretty angry; and talked loudly; heard Hughes say I could have it any way I wanted it; I went upstairs to the platform; up there Shears told me Hughes was willing to settle it, and asked me to go back; I said I was also willing to settle it, and turned back, part way down stairs; met Hughes and Moffatt coming up; Shears tried to get Hughes back, and he refused, saying he was going outside

TO KILL ME;

Moffatt took hold of Shears and said "Let Joe go outside—he is heeled;" Hughes then pushed past Shears; I got very angry at Hughes' conduct, and we all went upstairs; I did not know what I was doing, I was so excited; when I got to the platform, Hughes was outside; he had his right hand at his hip pocket; I rushed out and passed him; wheeled around and faced the door; do not re-

member what was said at the time; he had his right hand behind him when I shot. I shot him because I thought every minute he would shoot me; the understanding was that we would have a gun fight; I expected him to shoot me as soon as I appeared; He was

OUTSIDE OF THE DOOR

when I shot him; I suspected he was going to kill me, and I fired; I did not see him make a movement; did not observe the effect the shot had on him; I was too excited; he jumped back for the door, and I sprang forward; I then went back; did not see Hughes again; don't know what I did after that, till I saw Sweeney outside, a few minutes later; Policeman Bennett came up and spoke to me; I do not know what he said or what was my reply; I started down the back street, and had gone but a few yards when Bennett came and arrested me; I do not know what I said to him.

To the defense—When I shot Hughes was nearly facing me, with his right hand on his hip pocket.

Edward Capon testified—I know James Moffatt and Edward Shears; heard the shot which killed Hughes; Moffatt and Shears were intoxicated at the time.

To the prosecution—I saw Shears five minutes after the shooting, and Moffatt ten minutes later; the latter was shouting "Lynch him!" Their actions indicated that they were under the influence of liquor.

Thomas Cupit testified—I got a pistol from Hughes' pocket after he was shot; it was loaded.

To the prosecution—Hughes was lying on the table, and the weapon had partly fallen out of his pocket; saw no handkerchief; the doctors, Mrs. Hughes, Mr. Reese, Mr. Shears and others were there.

Policeman W. H. Bennett testified—I got a pistol from Mr. Cupit on the night of the shooting; it is now at my place in Park City; I thought I had seen the weapon once before, in the possession of Mr. Hughes' stepson; this must have been two years ago.

Mr. Varian announced that the defense had but one more witness, who was not present, and recess was taken till 2 p. m.

The testimony of the other witnesses was in corroboration of minor facts already mentioned in the evidence. The arguments will occupy the remainder of the afternoon and this evening, and will possibly go over till tomorrow. The prosecution will maintain that the murder was wilful, and that the story told by the defendant is untrue throughout, as they claim this is evident from the fact that he says he shot Hughes while both were outside, and on a level with each other; while the account of the witnesses for the prosecution is borne out by the fact that the bullet which entered Hughes' body ranged from the left breast to the right side, going downward about ten inches in passing through his body—a thing that would be impossible if the shot was fired in the position Mulloy describes. The defense, on the other hand, claim that the ball was deflected in its course by the rib and breast bone with which it came in contact, and its direction thus changed. This evening Mr. Varian will make his supreme effort before the jury in behalf of his client.

During the whole proceedings of the trial the actions of the defendant have denoted intense and suppressed excitement. Unlike most of those tried for the offense with which he is charged, there is nothing stolid about his demeanor or appearance. He is about five feet ten inches in height, of spare build, and light complexioned, his forehead is quite low. His restlessness while the trial has been conducted, has been most marked. It seems that he cannot keep still; he is either clasping his hands, pressing his fingers, stroking his forehead, or engaged in some other movement all the time. On the witness stand, it was equally difficult for him to keep still; in explaining he would frequently rise to his feet, and moving around, would sit down again—all showing how keenly he feels the dangerous position in which he is placed.

FIRST DISTRICT COURT.

The Week's Business Before Judge Henderson.

Provo, Feb. 23, 1888.

The People vs. Marion Draper; grand larceny; jury returned a verdict of not guilty.

The People vs. Joseph S. Bagley; bonds declared forfeited, and a bench warrant issued.

The following cases were set for hearing:

U. S. vs. Elmer Taylor, Feb. 27.

U. S. vs. David Udall, Feb. 27.

U. S. vs. Jesse Gardner, March 5.

U. S. vs. Ledue Loveridge, Mar. 5.

U. S. vs. Henry G. Boyle, March 5.

U. S. vs. Jos. S. Jones, March 5.

U. S. vs. Marantha Loveridge, Mar. 6.

The People vs. David B. Broadhead, March 6.

The People vs. Worthy Nash, March 7.

U. S. vs. George Storrs, March 7.

U. S. vs. J. J. Walsen, March 7.

U. S. vs. Archibald McKinley, March 8.

U. S. vs. Henry G. Boyle, March 8.

U. S. vs. George Udall, March 8.

U. S. vs. George Jagers, March 8.

U. S. vs. Phoebe Hollands, March 8.

U. S. vs. Jacob Schorrer, March 8.

In the case of U. S. vs. Thomas Harding, demurrer was overruled,

and case set for Monday, 27th. Court adjourned.

Feb. 27.

L. P. Best and Wm. Bennett were sworn in as bailiffs.

In the case of Babe Berglund vs. Oscar Berglund, divorce was granted and ordered that the defendant pay \$100 alimony.

In the case of the U. S. vs. John Harris, it was ordered that defendant be committed. The sentence was passed last term, 30 days and \$50.

Joseph Bagley, whose bonds were declared forfeited, put in an appearance this morning, and asked to withdraw his plea for the purpose of interposing a demurrer. Granted.

U. S. vs. Wm. Gallop; continued for the term.

The grand jury came into court and reported 16 indictments, 13 under the laws of the United States, and 3 under the Territorial laws, and ignored the following: U. S. vs. Geo. Mayson, and U. S. vs. Wm. Greenwood.

The case of the U. S. vs. Wm. Clyde was called for trial. A jury was called and the following is the examination of one juror professing to be a Mormon:

Port Ewing could not tell whether polygamy was a revelation from God or not; never had a revelation upon it himself, and did not know whether Joseph Smith or not; believed in the tenets of the "Mormon" Church as a general thing.

Q.—Is there anything you do not believe in in the tenets of the Church?

A.—Nothing only what the law has passed against.

Q.—Before the passing of the law you believed in having more than one wife?

A.—No sir. I know it is a law of the Church, but do not know whether it is a revelation from God or not.

Q.—Do you believe it to be a spurious revelation?

A.—Can't say that I do.

Q.—You believe it to be true, do you not?

A.—Sometimes I do and sometimes I do not.

Q.—At what time do you think it true, and what time spurious?

A.—Well, when there is a law against it I do not think it right.

Q.—Your Church is from God?

A.—I think so.

He was challenged by the prosecution.

To the defense—He thought polygamy wrong independent of any law, but thought a man could enter into that relation if there was no law against it. The challenge was allowed and he was excused.

The balance of the jury did not believe in plural marriage and were passed for statutory qualifications. The defendant was acquitted.

In the case of the U. S. vs. Elmer Taylor, defendant was arraigned and entered a plea of guilty to the charge of unlawful cohabitation. Sentence was set for March 5th.

U. S. vs. Peter Neilson; defendant was arraigned and entered a plea of guilty to the charge of unlawful cohabitation. He promised to renounce the practice of polygamy and obey the law. Sentence was set for the 5th of March.

U. S. vs. Lars Franson; defendant was arraigned on the charge of bigamy, and took the statutory time to plead.

In the case of the U. S. vs. Frank C. Boyer, the prosecution stated that an important witness could not be found, and the case was passed for the term.

Feb. 28.

The jury returned a verdict of guilty in the case of the United States vs. Thomas Harding, tried yesterday for unlawful cohabitation. Sentence set for March 10.

The People vs. Jos. Bagley; order overruling the demurrer; the defendant pleaded not guilty.

The People vs. Gabriel Huntsman; set for March 9th for trial.

U. S. vs. David Broadhead; continued for the term.

U. S. vs. Wm. T. Reed; defendant withdrew his former plea of not guilty and entered one of guilty. Sentence set for March 10.

U. S. vs. George Farnsworth; indictment for unlawful cohabitation; the jury returned a verdict of guilty. Sentence set for March 10.

U. S. vs. James Latimer; postponed until March 10.

U. S. vs. David Udall; order overruling the demurrer; defendant entered a plea of not guilty.

Wm. J. Gaulton and James Swallow were admitted to citizenship.

U. S. vs. Geo. Jagers; witnesses were ordered subpoenaed on behalf of the United States.

Christian McLain vs. Wm. McLain; divorce, granted on the grounds of cruelty.

The case of the U. S. vs. J. P. R. Johnson, unlawful cohabitation, was continued for the term.

Elizabeth Ann Brown was brought before the court for refusing to testify before the grand jury in the case of Lorenzo Argyle, under investigation, and was ordered to be committed to the penitentiary.

Feb. 29.

The case of the People vs. George Pearson was dismissed for want of jurisdiction in the justice's court from which it was appealed. It was a mining case involving the title to land.

The U. S. vs. Robert E. Klug; defendant found guilty. Sentence set for March 10.

The case of the People vs. Joseph Bagley, misdemeanor, was dismissed.

In the case of U. S. vs. Frederick Weight, defendant pleaded guilty to the charge of unlawful cohabitation. Sentence set for March 10th.

The grand jury returned 17 indictments, and ignored the following: S. vs. James Hansen, Peter Mad and Thos. Wright, People vs. Ch. tian Justensen; assault with deadly weapon.

Christian L. Thorp was arraigned on unlawful cohabitation, and pleaded guilty. He was sentenced to months and a fine of \$100.

John Williams was called for arraignment, but the defendant was present.

Soren N. Sorenson was arraigned on indictment for unlawful cohabitation, and pleaded guilty. Defendant was in very poor health. The sentence was four months and cost of prosecution.

Erick Ludrickson was arraigned on unlawful cohabitation, pleaded guilty and promised to obey the law. He was allowed to go on his own recognizance, and time for sentence was for the first day of the September term.

The People vs. Hank Parish order that subpoenas for defendant be issued. Set for trial on March 18th.

Millard County vs. P. C. Callist, dismissed on motion of the county, torney.

The court adjourned until Monday, March 5th.

Fatal Accident.

Hon. J. P. Wimmer, member of a Legislative Council, received a letter today, informing him of the death of his nephew, P. C. Birch, a bright little boy three years of age, which occurred at Huntington, Emery County, two three days ago. The child was standing in the door of the barn, when a heavy door slammed against him, striking him on the side of the head, the blow proving fatal.

Deputy Registrars.

The Utah Commission have made the following appointments of deputy registration officers:

Beaver County.—John Barraclough, Beane's Precinct; John Barto, Greenville Precinct; Joseph J. Josephs, Adamsville Precinct; J. Dupaix, Minersville Precinct; Al M. Stoddard, Star Precinct; Chas. Lammersday, Grampion Precinct; Garfield County.—Albert De Lot, Panguitch Precinct; James F. Johnson, Hillside Precinct; George Wilson, Escalante Precinct; James Tompson, Cannonville Precinct; Edmund Allen, Coyote Precinct.

Washington, Utah.

Under date of the 26th ult., J. Crawford, of Washington, Utah, furnishes the following:

Recently a sad accident happened to Minnie, a five-year-old daughter of Brother George M. Crawford, of Washington, Utah, who is now on mission. She had the four small toes on her left foot cut off by her little brother Joseph, while chopping wood. She is doing well. We have five cases of measles, but they seem to be of light form. Our town needs more inhabitants. We have splendid facilities for a city, but we are too few in number to improve. As it is we have six to ten lots to the family and can't keep up the improvements, and we need help. Our factory is not doing as well as we could wish. Spring is here and the farmer is busy.

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