

conscience and will not make a promise that would compel me to.

Court.—There is considerable trouble in arresting, indicting and trying men for this offense. The law must be enforced and kept. Will you obey it? That is a simple question.

Mr. Steel—I have told you three times that I prefer to place myself under no obligations as to my future conduct. What more can I say to be understood?

Court (severely).—Well, if you will not obey the law you will be sentenced to imprisonment for six months on each count, and on each pay a fine of \$300 and costs of prosecution. That is, as there are two counts, you will be imprisoned for one year and pay a fine of \$600 and the costs of prosecution, and stand committed until the fine and costs are paid.

The defendant retired, in custody of a deputy, after having expressed himself that the aim of his life had always been, and still was, to stand by the truth, whether that course brought him freedom, to jail, or to the grave.

#### FROM FRIDAY'S DAILY, OCT. 15

David May.—The address of David May, who came to Utah with a company of immigrants that sailed from Liverpool August 29th, 1885, is wanted. Please send it to this office.

Drawing.—Gustavson's drawing took place to-day. No. 13 is the lucky number, which is recorded to the credit of a Mr. Parkinson, of Morgan City.

Gather the Leaves.—The interests of the public health suggest that the leaves now falling from the trees in great quantities ought to be gathered up and disposed of and not left to decay where they fall.

Free at Last.—The following dispatch tells its own tale:

DETROIT, Mich., 14.

Editor Deseret News:

Received pardons yesterday. Start home to-morrow. All well. Write soon. CHAS. I. KEMPE.

Logan Jots.—Copious rains have fallen during the last two days in Cache Valley and farmers are preparing for fall plowing. Many contemplate a severe winter and are making preparations accordingly. About a two-thirds crop of grain has been raised in most places.

Another Arrest in Logan.—On Wednesday, the 13th, inst. Chas. Frank, Esq., a prominent business man of Logan, was arrested on a charge of unlawful cohabitation with his wives. He was taken before Commissioner Goodwin, when he pleaded guilty, and was placed under \$1,000 bonds.

Court Notes.—The suit of Wm. E. Lemmon vs. J. C. Conklin et al., occupied most of the time to-day in the Third District Court.

The London Bank of Utah vs. Wm. M. Raymond; default and decree for plaintiff.

Ducheneau vs. Pfeister; default and judgment.

Wells Clark, petit juror, was excused for the term.

The Remains Identified.—A telephone message from Sheriff McBride, of Tooele, to the News this afternoon, conveyed the information that a coroner's inquest had been held over the human remains discovered a few days ago, on the south shore of the lake, and that a verdict had been rendered identifying them as those of the Jewish merchant, J. D. Farmer. Mr. Coln, who was present at the inquest, will bring the remains to this city on the train this evening, and Undertaker Joseph E. Taylor will take charge of them. The funeral services will be held by the Jewish congregation, next Sunday, the Mount Moriah Lodge of Masons, the Jordan Lodge of Odd Fellows, and the Society of Chosen Friends participating in the ceremonies. To-morrow friends and others desirous to view the remains can do so at Undertaker Joseph E. Taylor's establishment.

Bishop Bassett Arrested.—At six o'clock this morning Deputy Marshal Greenman and others called at the residence of Bishop Wm. E. Bassett, of the Twentieth Ward, and arrested him on the charge of unlawful cohabitation. The accused was held until 10:30 a. m., when he was arraigned before Commissioner McKay and pleaded not guilty to the charge. The complaint is signed by D. W. Rensch and alleges that from Nov. 8, 1883, to Oct. 1, 1886, the defendant lived and cohabited with Sarah Williams Bassett and Kate Smith Bassett as his wives, in Salt Lake County. The witness Sarah Williams Bassett is a resident of Logan, and as she could not reach here in time for examination to-day, the hearing was postponed until to-morrow at 10 a. m. The bonds of the defendant were fixed at \$1,500, David Hilton and John Lees being sureties.

Charged With Petit Larceny.—Last night G. M. Meakin, an individual with an unsavory reputation, was arrested by Officer Hilton on the charge of petit larceny. He is one of the persons suspected of complicity in the Carter burglary and several other thefts committed recently. Last night about 10 o'clock, he was in a saloon with W. Chatterton. The latter had with him a new shirt wrapped in a parcel, which he laid on the counter. Meakin seized and started out of the door, closely followed by the owner of the article and several other persons. The thief, however, suc-

ceeded in eluding his pursuers, and after dodging around for some time, started off along Second South Street at a lively gait. There he was observed by an officer and a night watchman, who intercepted him, and notwithstanding his protestations of innocence took him to the City Hall, with the parcel in his possession, and where the circumstances of the theft were made known. The case was set for trial this afternoon.

The "Man Ox."—A Utah gentleman, who is now in Nebraska, and who recently visited the State fair at Lincoln, furnishes us with an account of a singular curiosity which he states, constituted a "side show" at the fair. It resembled the skeleton of a man of gigantic proportions, being eight feet eight inches in height. It was found in a cave in South America, and the flesh and skin had dried upon the bones. The head was very large, the forehead low, the cheek bones prominent and the eye-sockets were as large as teacups. The nose was like that of a man, while the mouth resembled that of a baboon. The teeth were like those of a man, and there lacked but two of being a complete set. The lips and cheeks were dried and shriveled; the ears were like those of a human being, but had a leather-like appearance. The neck was long and was tipped back; the side cords of the neck were still as large as a man's arm; the shoulders were very broad and the chest was full and large. The breast bone spread from one arm to the other, and extended downward to a point below the navel. The bowels seemed very small in proportion. The arms were four feet long, and the hands and feet resembled those of a large sized man, finger and toe nails being present.

The reason why the name "Man Ox" is given to these remarkable remains is on account of the peculiarities of the body, chest and ribs. The latter are about the size of those of an ox and extend almost entirely around the trunk. The general appearance of the remains, aside from their enormous size, indicates them to be those of a human being of some white race. The frame was complete, and was partly petrified.

#### ANOTHER GUN ACCIDENT.

THE VICTIM SHOTS A HOLE THROUGH HIS FOOT.

LAYTON, Utah, Oct. 14, 1886.

Editor Deseret News:

A serious accident occurred here to-day. Ernest Layton, a young man of this place, while hunting, was accidentally shot through the foot. It appears that the tube of his gun was stopped up, and resting its muzzle downward upon his foot, he proceeded to reprime it with a pin. While doing so the gun was discharged, and the result was a hole the size of the bore completely through his foot, just behind the toes. Doctor Ingram attends the sufferer.

BARTON & Co.

#### FROM SATURDAY'S DAILY OCT. 16.

The Last Company.—A dispatch received in this city this morning, from Elder James H. Hart, says that a company of "Mormon" emigrants, numbering 310, left Liverpool on October 13th. The company is on board the American Steamship Company's vessel, the *British King*, which will land the emigrants at Baltimore.

Omission.—We have received from Ferron City, Emery County, a death notice in which the name of the deceased does not appear. To print it, therefore, would be manifestly absurd. When the News rejects a proper communication from any source it is invariably the fault of the writer, as in this instance.

Postponed till Monday.—The preliminary examination in the case of the United States vs. Wm. E. Bassett, accused of unlawful cohabitation, was called in Commissioner McKay's court to-day. Mr. Varian, for the prosecution, stated that he was not ready to proceed, and by agreement the matter went over until 2 p. m. on Monday.

Under Bonds.—This afternoon Fred. Newell, who was accused of larceny in having stolen a bag containing \$50 from the Elk saloon, was brought before Justice Pyper. He waived examination and was placed under \$1,000 bonds to await the action of the grand jury.

Henry Yinger, who threatened to shoot Captain Donnis, was required to furnish \$1,000 security that he would keep the peace in future. He was also fined \$5 for being drunk.

The Orphans' Home.—The monthly report of this institution, from September 13th to October 11th, 1886, shows the number of children in the Home to be 11; cash on hand September 13th, \$130.10; received on subscriptions, \$8.60; received on board, \$43.75; donations from Mr. Bemis, \$2.50; total, \$324.95; disbursements, \$48.00; cash on hand October 11th, \$323.55. Special gift from a number of ladies and gentlemen are reported, aggregating a neat sum. The society is making an effort to secure a permanent Home before many months.

Court Notes.—Proceedings in the Third District Court to-day: Wm. E. Lunnun, et al., vs. J. C. Conklin et al.; jury render a verdict for plaintiff of \$1,000 damages.

Salt Lake City vs. Louis Ordner et al.; verdict of not guilty.

United States vs. N. V. Jones et al.; motion for new trial and sentence postponed to Saturday, the 23d inst.

P. W. Madsen vs. John Beck; default and judgment.

J. L. Harding et al. vs. John Sharp, Jr., et al.; trial before court in progress.

A Close Legal Point.—To-day a peculiar case was tried before Judge Zane, in the Third District Court. John H. Rice, son-in-law of C. V. Spencer, of this city, died intestate. He had been a member of the A. O. U. W., and some years before his death had taken out a policy on his life for \$2,000, payable to his wife, Mrs. Susie Spencer Rice. Mrs. Rice, however, died before her husband, leaving two minor children, one by a former marriage. At Mr. Rice's death, John Sharp, Jr., was appointed guardian for the elder child, Frankie Spencer Rice, and D. S. Spencer for the younger, Judith Rice. The A. O. U. W. refused to pay \$1,000 to each of the children, but was willing to give the whole amount for the benefit of Judith, claiming that, as Frankie was not Mr. Rice's child, she was not entitled to any part of the money. D. S. Spencer was called as a witness and testified that the deceased had several times expressed it as his desire that the money should be equally divided between the children. It was also argued by counsel for the guardians that as the policy was payable to Mrs. Rice, her children were equal heirs. Judge Zane took the matter under advisement.

#### CAPTURED.

A DESPERATE CHARACTER IN LIMBO.

Our readers will remember that some time ago an account was given of an attempted brutal outrage upon two young ladies by Jim Pett, near Corinne, Box Elder County, in the accomplishment of which, however, the villain was foiled. He managed to escape at the time. The following special dispatch tells of his arrest:

BRIGHAM CITY, Oct. 16, 12:15 p. m.

Jim Pett, the would-be ravisher and assailant of the two girls Pitt and Keller, of Corinne, was captured at Park City and brought in this morning by Sheriff Jensen. The officers here have been aided greatly in the apprehension of Pett by Deputy Sheriff Newell, of Evanston, Wyoming.

#### AN OLD CASE.

THE CITY VS. ORDNER & JONES TRIED ON APPEAL.

AN ASTOUNDING VERDICT.

On the 4th of August, 1884, Ordner & Jones, then keeping a saloon opposite the Walker Opera House, were arrested on the charge of permitting music and disorderly conduct in their house. They were tried in the police court and convicted; an appeal was taken to the District Court and the case has been slumbering there ever since until to-day, when it was tried before a jury. Jones is in parts unknown, and Ordner appeared for both. The city was represented by E. S. Richards and J. H. Moyle, and the defendant by Frank Hoffman.

After the jury was impaneled, the prosecution offered the ordinance in evidence, after which Officer Hilton was sworn. He testified that on the day named he was on duty on the streets with Officer Sharp; heard music and dancing in the saloon; could hear it from Main Street; went to the saloon and told them that the noise was a violation of the ordinance, Jones said he paid a license, and was not going to notice us. G—d—s—h—s; I appealed to Ordner, who gave me the same reply. An Italian with an accordion produced the music, and the others were singing and dancing, etc.; we left and went back in about 20 minutes. Officers Malin and Pickett were there when we went back, and we heard Jones say to them, "G—d—n you, get out of here;" Ordner put his hand behind him as if to draw a pistol, and Ordner pushed Malin, who drew his club and stopped him; they were then placed under arrest; there were 20 or 30 people in the saloon; some of them were drunk, the proprietors and musician included.

On cross-examination witness testified that he arrested the musician next morning; did not arrest him in the evening, nor any of the others, because he thought the proprietors responsible; he tried to induce them to stop the noise before arresting anybody; the Italian staggered against Malin, and the latter pushed him off; did not see him bleed.

Officer Sharp took the stand. His testimony was substantially the same as that of the preceding witness.

A discussion ensued between the witness and defendant's attorney as to the manner of making arrests, which showed more tolerance on the part of the officers than they are obliged to extend.

Officer Pickett testified to the same effect, and the prosecution rested. J. W. Campbell was sworn for the defense. Knew Ordner's place of business in 1884; was there frequently. Being asked as to the reputation of the house, the prosecution objected and the objection was sustained.

Defendant Ordner took the stand. He was at his place the night in question; there was a side show across the

street, where the Italian played. He came over afterward, took some beer, and by request played a tune; the officers came in and ordered it stopped; the Italian asked why, when Malin struck him in the mouth; the police raised the row; the people were orderly enough; was arrested next day at 4 p. m., and was kept in jail till 7; the police did not try to stop the noise, but I stopped it when they said to; the music was not loud enough to be heard on Main Street.

In rebuttal, Officer Malin testified that they requested Ordner to stop the noise, but it got worse and the proprietors made no effort to stop it; he did not strike the Italian.

The jury, after being sent out, did not stay long. They surprised the Court, the bar and the spectators by returning the astounding verdict of not guilty, in the face of proof most conclusive as to guilt. Judge Zane's face seemed to glow for a moment, as this record of untoldfulness was handed in, and he said:

"Gentlemen of the Jury—there is one thing I want to say to you. Never allow yourselves to sit upon a jury unless you are prepared to determine the case according to the evidence, and not otherwise. You are discharged from this case."

The panel then filed out of the box, some of them looking a trifle crestfallen, and the defendants went on their way rejoicing.

#### WANTS OFFICE BADLY.

P. L. WILLIAMS' PLAN TO BE RECOGNIZED AS A TERRITORIAL OFFICER.

Yesterday afternoon the following order by the Third District Court was served on Wm. M. Stewart, Superintendent of District Schools in Salt Lake County. It was issued at the instance of P. L. Williams, who was appointed Territorial Superintendent of District Schools by ex-Governor Murray. The law requires County Superintendents to make their reports during the first week in October, and on these is based the \$20,000 school fund. Mr. Stewart, like the other county superintendents, has made his report to L. John Nuttall, elected by the people to the office of Territorial Superintendent. The document reads as follows:

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

P. L. WILLIAMS, Territorial Superintendent of District Schools for Utah Territory,

Plaintiff,

vs.

Wm. M. STEWART, Superintendent of District Schools for Salt Lake County, Utah Territory,

Defendant.

The People of the Territory of Utah, to William M. Stewart, Superintendent of District Schools for Salt Lake County, Utah Territory, Greeting:

Whereas, It manifestly appears to us by the affidavit of P. L. Williams, the above named plaintiff and the party beneficially interested herein, that the said plaintiff is the Territorial Superintendent of District Schools in and for said Territory, having been appointed and qualified as such officer in the month of March, 1886; that you the said William M. Stewart, ever since said date have been, and are now the Superintendent in and for Salt Lake County, in said Territory; that it is your duty as such County Superintendent to transmit to the plaintiff in or before the first Monday in October, A. D. 1886, the financial and statistical statements or reports specified in the act of the Legislature of Utah, approved February 20, 1886, entitled "An act providing for the establishment and support of District Schools, and for other purposes," and the subsequent acts of said Legislature, amendatory thereof.

That you have been requested by the plaintiff to make and furnish him the said statements or reports, but you have failed, neglected and refused, and do still neglect and refuse to furnish him as such Territorial Superintendent, or otherwise, the said statement or report whatever of the matters required by law to be so transmitted to the plaintiff.

That the reason why you fail to make such statements is that you pretend and claim that L. John Nuttall is the Territorial Superintendent of District Schools, and that such statement should be transmitted to him, but that said Nuttall is not such superintendent.

That all the facts relative to the connection of said Nuttall with said office are that in the year 1881, he was elected to said office at the general election held in August of that year, and thereafter he proceeded to act in said office, under and by virtue of said election, and not otherwise, and has not at any time since been appointed, or received, or been invested with any manner of authority whatever to obtain said office.

That said election of said Nuttall to said office was null and void, and conferred no authority whatever upon him to enter upon or assume the duties of said office, and in doing so he usurped and intruded into the same. That prior to and on the 2d day of March, 1882, the said L. John Nuttall was, ever since has been, and is still a polygamist; that during all said time he has had and has now living and undivorced two wives, viz.: Elizabeth Clarkson Nuttall, his first and lawful

wife, and Taylor (whose full name is unknown to plaintiff) as his polygamous wife; and that a long time, to wit, one year prior to the date of plaintiff's appointment to said office, said L. John Nuttall either secretly departed from said Territory or concealed himself therein, and ever since that time has and does still either remain secretly without said Territory, or concealed within it, and that in consequence of such absence or concealment, process either civil or criminal could not any time since plaintiff's appointment to said office, and cannot now be served upon him, and that there is not a plain, speedy and adequate remedy in the ordinary course of law.

Therefore, We do command you that immediately after the receipt of this writ you transmit to said plaintiff a Territorial Superintendent of District Schools the said financial and statistical statements and reports required by the aforesaid act of the Legislature of Utah and the several amendments thereto, or that you show cause before this Court at the court room thereof in Salt Lake City in said County and Territory on the 23rd day of October, A. D. 1886, at the opening of the court on that day, why you have not done so.

Witness the Hon. C. S. Zane, Judge of said District Court, and the seal thereof, this 14th day of October, A. D. 1886.

J. M. ZANK, Clerk.

By H. G. McMILLAN,

Deputy Clerk.

#### FROM MONDAY'S DAILY, OCT. 11.

Fire.—On Saturday a barn and haystack belonging to John Hill, of Mill Creek, was destroyed by fire. The loss is about \$400; insured.

Paid Their Dollar.—The Southern Utah Times has the following item: "Milford has enrolled 60 members in its Loyal League who have each paid a dollar into the treasury and are right in on the work."

Robbery.—On Saturday night David James & Co's men were engaged in repairing some pipes in one of the city hotels, and frequently passed to and from the store. It is thought that on one of these occasions a door was left open, and that some one who had been on the lookout took advantage of this and entered the office. At any rate, some time during the night the office was ransacked, and about \$30 taken from a drawer. Of this amount \$21 belonged to an employee and the remainder to the firm. There is no clue to the thief.

Third District Court.—Following were the proceedings in the District Court to-day: J. L. Harding et al. vs. John Sharp et al., guardians. The Court finds that promise of the association should go equally to the two children.

Mary Idleman et al. vs. Thos. Cupit. Dismissed.

Isaac Rosebaum et al. vs. E. Pickering. Judgment on the pleadings.

Wm. Lennon et al. vs. J. C. Conklin et al. Costs rated at \$113.

S. L. Richards vs. John Gerrans. Verdict for plaintiff for \$30.

Daniel Eyer vs. David Butman. Case in progress.

Fire Alarms.—On Saturday night a barrel of straw in the rear of Arter & Murphy's saloon, on First South Street, was set on fire by some hot ashes thrown carelessly in. The fire department was called out, but their services were unnecessary. No damage was done.

Last night a lighted lamp fell from a bracket in Mr. Raybould's house, near the corner of Sixth South and West Temple streets, and striking on a table, broke. The oil ignited, but the blaze was extinguished by some one throwing a blanket over the mass. A neighbor telephoned to the fire department, but when the firemen arrived on the premises the excitement had subsided.

The "Contributor."—The new volume of this excellent periodical begins next month instead of this, as has been the custom, because of a delay in the receipt of new type ordered for the commencement of Volume 8. A prospectus now before us announces some fine literary efforts by local and favorite writers on topics of interest and information, which, together with its usual departments and statistics, will make the publication more interesting and useful than ever. One feature of the initial number of the new volume will be two fine engravings representing the ruins of the residence of General D. H. Wells at Nauvoo (then Commerce) in 1837, and the old Parade Ground at Nauvoo, both both pronounced lifelike by those who have seen them. The Contributor is \$2 a year, or \$2.25 with the privilege of blinding free.

Arrests.—On Saturday evening Wm. Haig, of West Jordan, was arrested on a charge of unlawful cohabitation. He had been in this city in the afternoon attending to business, and had gone several miles on his journey homeward when he was overtaken by a deputy with a warrant for his arrest. He went before Commissioner McKay and gave \$1,500 bail for his appearance for trial. He was ordered to appear for arraignment in the Third District Court this afternoon.

On Saturday afternoon George W. Thatcher, of Logan, was also arrested for living with more than one wife. He waived examination and was placed under \$1,500 bonds to await the action of the grand jury in the First District.

Wm. Palmer, also of Logan, was on Saturday made another victim of the crusade. He acknowledged having