

# THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 49

Salt Lake City, Wednesday, December 23, 1885.

Vol. XXXIV

ESTABLISHED 1850.

## DESERET NEWS:

WEEKLY.

PUBLISHED EVERY WEDNESDAY.

One Copy, one year, with Postage, \$3.50  
" " six months, " 1.75  
" " three months, " .90

## DESERET NEWS:

SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY

One Copy, one year, with Postage, \$4.00  
" " six months, " 2.00  
" " three months, " 1.00

## EVENING NEWS:

Published every Evening, except Sunday.

One Copy, one year, with Postage, \$10.00  
" " six months, " 5.00  
" " three months, " 3.00

TERMS IN ADVANCE.

OFFICE—Corner South and East Temple Sts.

### LOCAL NEWS.

FROM TUESDAY'S DAILY, DEC. 15

**Released.**—Immediately after the receipt of the news yesterday of the Supreme Court's decision in his case, President A. M. Cannon, who had already served more than two months over the term for which he was sentenced, paid his fine and was released from the Penitentiary.

**Diphtheria.**—This dreaded disease, which seemed to have been kept down for some time, has again commenced to spread. A week ago there were no known cases, but two were reported during the week, and to-day the quarantine physician stated that the number had increased to six, one each in the 15th and 17th, and four in the 19th wards. Two of the cases are considered very severe, the other four being of a mild form.

**Collision.**—A collision between two fast freight trains, numbers 19 and 20, occurred on the U. P. at a small station east of Cheyenne, on Friday. No. 19 was coming west and was met by No. 20. One of the trains had just started to sidetrack when the other engine ran into the side of the one on the switch. The two engines were thrown from the track and four cars were ditched. One engine and two cars were pretty badly wrecked. A brakeman, in jumping from the train, sprained his ankle. No further damage was done.—*Ogden Herald*, Dec. 14

**Returned Missionary.**—We have had the pleasure of a visit from Elder Martin Jensen, of Richfield, Sevier County, who returned from a mission to the Northwestern States last Thursday evening, upon which he started April 12th, 1884. His labors extended over portions of Minnesota, Dakota and Wisconsin—districts that were somewhat sparsely settled and in which considerable walking was required. He thus traveled 4,010 miles during his absence. Most of his efforts at proselyting were at the fireside, it being very difficult in many places to obtain houses in which to hold public meetings, but he held 70 meetings. The treatment he received was generally kind and tolerant but he was many times threatened with violence, and twice he was ordered out of towns within a few minutes, the alternate in one instance being hanging by a mob, the rope being at hand for the purpose. He enjoyed his labors and gained an experience which he prizes very highly.

**The Way It Goes.**—It is customary to construe an enactment or an ordinance of whatever nature in the broad light of public policy, because the public are affected, and if the measure be really a good one, all efforts should tend toward upholding, rather than tearing it to tatters because of some unsubstantial informality. How has it been here? Our local courts have been overthrown in their efforts to enforce what little of moral law has been left to us, and it has been accomplished by means previously unheard of; the District Court sets everything aside, and assumes functions which belong to juries; the guilty are permitted to go, not because they are innocent but because the prosecuting power is not permitted to show their guilt. Is this right? Is it just? Have the lower tribunals nothing in the way of jurisdiction which those of higher resort can be compelled to respect?

**From Moab.**—Brother W. A. Peirce, of Moab, Emery County, who, with two other residents of that place happened to be in the city last week on land matters, made us a brief visit and gave a few items concerning the interesting region from which he hails. Moab is an Indian name for the mosquito, but why is it applied to the pleasant little settlement in Little Grande Valley is not stated. The Indians were the

sole occupants of the valley until March 1879, when a few settlers from this Territory and several ranchmen from other parts simultaneously entered it and laid claim to the tillable land, which includes some 7,000 to 8,000 acres. The anticipations which these enthusiastic settlers then indulged in as to the climate and adaptability of the soil have since been more than realized. Although the altitude is considerably greater than that of Salt Lake Valley, its climate is much milder, owing probably to its being surrounded by high, precipitous bluffs. There are but two openings to the valley, one on the northwest and the other at the southeast point. All the various products of the extreme southern part of the Territory, including sweet potatoes, peanuts, etc., there flourish, and the soil seems to be very prolific, so that a person does not require so extensive a farm there to make a living upon as in most places. There is a good chance now for persons who have means to purchase a home to make a start there, as the ranchmen of the locality who are not in sympathy with the Latter-day Saints, and who prefer to keep on the outskirts of civilization, are willing to sell out their claims, of which, however, they are not yet in possession of the Government title to, and move away.

Though this settlement is in Emery County, it is hereafter to be included in the San Juan Stake, the capital of which—Bluff City—is only 80 miles distant, while the nearest settlement in Emery County—Castle Dale—is 110 miles away. The nearest railway station is Thompson Springs, on the D. & R. G. W., 35 miles away.

Indians, both Navajoes and Utes, often pass to and fro through the valley between their respective reservations, and are always friendly and peaceable. Brother Peirce acts as interpreter for those of them who do not speak English, having learned the Ute language while a boy at Springfield, and acquired some knowledge of the Navajo and Spanish while living among the Navajoes on the San Juan between 1876 and 1879.

FROM WEDNESDAY'S DAILY, DEC. 16

**Off to the Bay State.**—Sister E. B. Wells started this morning for a visit to her birthplace in Massachusetts, where she has a large circle of relatives whom she has not seen for forty years. She will probably be absent about a month. Her daughter Louie will attend to the business of the *Exponent* office in her absence. We wish her a pleasant journey and visit and safe return.

**Embalmed.**—The body of the late Francis Platt has been embalmed by Dr. Benedict, in order that the funeral services may be deferred until the arrival of the son of the deceased, Francis D., now on a mission in the Southern States. The family are grief-stricken, and the eldest child, Mrs. C. M. Brown, and her husband, have been sitting up and working ever since the death, being now quite exhausted. The son cannot reach here for several days.

**Reduction in Rates.**—On and after the present date the prices of the semi-weekly and weekly editions of the *DESERET NEWS* are to be reduced \$1.00 each per year; that is, the SEMI-WEEKLY from \$4.00 to \$3.00 and the WEEKLY from \$3.50 to \$2.50 per annum.

The *DESERET NEWS* is not only the oldest paper published west of the Missouri river, but by this reduction it is also made the cheapest paper in this region, and it is to be hoped that the efforts of the company to place the paper within the reach of the whole people will be met by a disposition on their part to extend it the necessary increase of patronage to compensate for the reduction in price. The *NEWS* should be in every family of Latter-day Saints at least, and no head of a family in the community who is alive to his own interests and those of the Church will willingly be without it.

### JUDGE BOREMAN'S COURT.

HE INFLICTS A SEVERE LECTURE IN ADDITION TO THE EXTREME PENALTY ALLOWED BY LAW UPON AN AGED INVALID BECAUSE HE WOULD NOT PROMISE.

BEAVER, Dec. 16th, 1885.

*Editor Deseret News:*

Henry Gale, convicted of cohabiting with his wives, was arraigned yesterday to receive his sentence. Judge Boreman asked the usual questions as to what he intended to do in the future, whereupon the aged invalid stated that he could not promise. Knowing that celestial marriage was of God, he felt under obligation to stand by it whatever might be the consequence.

Judge Boreman then gave vent to a long, fanatical harangue in which he denounced "Mormon" revelations as being from the devil, and declared that the Priesthood, if allowed to govern, would destroy any nation or

people; that plural marriage must be put down if the valleys and mountains of Utah had to be filled with troops to accomplish it, and lots of other cheap rant. He then sentenced the old man to six months in the penitentiary and to pay a fine of \$300 and costs of trial, and to stand committed until the fine be paid. Father Gale left this morning in charge of a deputy marshal for the penitentiary. MOONSHINE.

### B. Y. HAMPTON'S TRIAL

CONTINUED UNTIL TUESDAY NEXT.

The charge of conspiracy against B. Y. Hampton was taken up in the Third District Court this morning, the following being called as witnesses: Wm. Salmon, A. J. Burt, Moss Marks, W. J. Phillips, H. H. Shafer, B. Y. Hampton, Isaac Woolf, P. W. Macsen, Jas. Short, E. G. Matthews, H. M. Wells, E. L. Butterfield, T. C. Armstrong, J. E. Stewart, Henry Sadler, Lizzie Short, John Y. Smith, H. Dinwoodey, C. H. Crow, Charles Mulhall, Francis Armstrong, Wm. McKay, P. H. Lannan, S. J. Field, Mrs. Hamstead, M. L. Cummings, Sarah Springhall, R. B. Young, Lizzie Bailey.

By consent, the witnesses were excused until 2 p. m.

The following are the names of the petit jurors summoned on open venire: Samuel Ewing, T. R. Jones, A. C. Bixen, R. Alf, Geo. Davis, J. E. Dooley, B. Allen, Geo. Davis, A. J. Phillips, J. H. Morton, H. T. Barbee, J. J. O'Toole, Frank Foote, R. McIntosh, T. S. Austin, Jos. Foreman, Harry Haynes, Isaac Hazelgrove, Fulton Haight, H. W. Lawrence, Jas. Glendinning, W. E. Smedley, Sol. Seigel, Julius Malsh.

Mr. Burmester, for the defendant, moved that the order setting the case for trial be set aside, on the ground that the setting was improperly made, and was in contravention of the provisions of the statute; the records of the Court did not show what it was required by law they should. The case had been set for trial three days after it was presented in open court, on the mere suggestion of the assistant U. S. district attorney, and not for any good cause, as the statute required. There was no reason why the case should be set for trial so much out of its proper order, and in making the setting without good cause, the Court acted without authority of law. There should have been a showing of facts made before the Court, and the defendant should have been given an opportunity to refute that showing. The setting should be set aside as improvident, if it were only as a simple matter of justice to the defendant.

Assistant District Attorney Varian replied, in opposition to the motion, contending that the case should go to trial immediately, for the reason that a witness from outside the Territory was in custody. He argued that it was to the interest of the government to have the trial go on. He had no objection to delaying the trial for a few days, but opposed its continuance for the term. There was no suggestion on the part of defendant's counsel that they had not had time to prepare for trial. It was not usual for the People to demand speedy trial, but there were some occasions when this could be done, and this was one of those occasions.

Mr. Burmester stated that the case had been forced for trial on the bare application of G. S. Varian, without giving the defendant time for preparation. If this was an "ordinary" case, instead of an "extraordinary" case, there would have been no such action on the part of the prosecution, who had followed that course because of the peculiar situation of this community, and had taken advantage of the defendant. There was nothing in the case that required its trial after the jury for the term had been discharged. (The Court interrupted Mr. Burmester, and stated that it was improper to refer to any outside feeling in the community.) Mr. Burmester continued, affirming that the proper time for trial of this case was at the term following that in which the indictment had been found, and the prosecutor had no right to take the step he had. The defendant simply asked that the statute be complied with.

Judge Hoge asked that the name of Mr. Sheeks be entered as of counsel for defense, and after a short review of the summary proceedings in the case, stated that the defendant had not had time for preparation. It was not the defendant's fault that the prosecution had imprisoned their own witness. He was willing, however, that the deposition of the imprisoned witness might be taken.

The Court again reminded Mr. Burmester that any reference, in the arguments before court, to outside clamor was improper. In regard to the motion, said the usual practice in courts of justice was to have parties tried at the next term to that in which the indictments were found, but there were exceptions to this rule, and the Court had had such in its experience. The motion to set aside the order setting the case for trial was denied.

The Court, however, continued the case until Tuesday, Dec. 22d, and ordered that all the witnesses be present at the time stated.

The open venire jurors were excused from further attendance on the court, and the court adjourned.

### DEPUTY COLLIN.

HE APPLIES TO BE ADMITTED TO BAIL, BONDS FIXED AT \$1,500.

In the Third District Court this afternoon, Mr. J. S. Rawlins, for Deputy Marshal H. F. Collin, presented the question before the Court on writ of *habeas corpus*, with a view of having Collin admitted to bail, the petitioner having been confined at Fort Douglas on the charge of assault with intent to murder.

Mr. Varian said that he was informed by Dr. Benedict that it would be dangerous to bring McMurrin out as a witness, owing to the latter's condition, but he had understood that a statement had been made in the presence of Judge Speirs and City Recorder H. M. Wells, and would take testimony relating thereto.

H. M. Wells was called as a witness. He was present when Jos. W. McMurrin made his statement, after being shot by Collin; witness reduced the statement to writing, and gave the document to Judge Speirs; Judge Speirs and Dr. Benedict were the only ones beside himself who heard the full statement; witness had not seen the paper since; knew of no other statement by McMurrin; Judge Speirs propounded the questions to Mr. McMurrin.

Judge Speirs was next sworn and testified that the statement of Joseph W. McMurrin was in his possession.

The Court instructed Judge Speirs that it was his duty to produce the statement.

Judge Speirs conformed with the Court's requirement, and Mr. Varian read the following as

McMURRIN'S DEPOSITION:

Q.—Do you know who fired the shots?

A.—Deputy Marshal Collin.

Q.—Do you know his first name?

A.—No.

Q.—Did you see him plainly so as to recognize him?

A.—Yes, sir.

Q.—How close were you to him?

A.—He was right against me.

Q.—Where were you when the shooting occurred?

A.—In the alleyway by the Social Hall. I was on the south side of the alleyway. I crossed over to the north side. As I crossed I saw a person coming along. I saw who it was when he got close to me.

Q.—Who was it?

A.—Deputy Marshal Collin.

Q.—What happened then?

A.—Collins and I, you know, had words down in the Third Ward, when he came to subpoena witnesses. We ran against each other in the alleyway, Collin and I. I struck at him. He stuck a pistol up against my stomach and fired.

Q.—How many shots were fired?

A.—Two shots.

Q.—Did you fall?

A.—No, sir.

Q.—How far did you go after getting shot?

A.—I guess it was four or five rods.

Q.—What took place after the shooting?

A.—Nothing; he disappeared.

Q.—Didn't you speak to each other at all?

A.—No; not a word.

Q.—Was it light or dark?

A.—It was pretty dark.

Q.—Was any person else present?

A.—No, sir.

Q.—When you struck at him did the blow hit him?

A.—I think I struck over him.

Q.—Did you feel the effects of the wound immediately?

A.—I should think I did.

Q.—Was that all that took place between you?

A.—That's all.

Just put down that I returned that fire in the excitement, but then I guess I missed him.

Q.—Did you have a pistol?

A.—Yes; I am a watchman; I always carry one.

Q.—Which direction were you going in?

A.—From the east to west.

JOSEPH W. McMURRIN.

Judge Speirs stated that those present when the deposition was taken were Dr. Benedict, H. M. Wells, Gus. King and himself; McMurrin made remarks expressing his conviction that he was going to die; Dr. Benedict propounded some of the questions; thought McMurrin's exact language was used in the statement; inferred that the blow was struck by McMurrin with his fist; did not state how far from the end of the alley the affray took place; McMurrin's mind seemed perfectly clear; the signature was appended after the entire statement was made.

Mr. Rawlins stated that Dr. Benedict had informed him the wounded

man would probably recover, though his condition was such that he could not undergo examination.

Mr. Varian suggested that bail be fixed at \$2,500. Mr. Rawlins said, as Collin was a poor man, he thought \$1,000 bail to be enough.

The Court finally fixed the bond at \$1,500.

FROM THURSDAY'S DAILY, DEC. 17

**Good Ore.**—Joshua Fielding, Esq., of Parowan, is in this city with a thousand pounds of ore from a discovery he has lately made near Pine Creek, Beaver County. Assays of the ore by Conklin and McVicker show gold and silver running up pretty well in the hundreds, and there is plenty of it. Mr. Fielding is a merchant of Parowan, and has been a respected citizen there for twenty-five years. He is well backed by capital of this city in his new field of operations, and is apparently on the road to wealth.

**Tall People.**—For men whose caput overtops all their surroundings, the village of Parowan takes the palm. Brother Niels Mortensen, a young man of that place but now visiting this city, is only twenty years of age, stands six feet eight inches in height as he walks around, and weighs 220 pounds; seven young men born in that same place stand considerably over six feet, and three are over six feet six. They never were charged with a crime, and never cohabited with any woman outside of the marriage relation. Utah is a great country; it will be greater further on.

**From South Carolina.**—We had a call this morning from Elder R. M. Humphrey, who returned by the D. & R. G. last evening from a mission to the Southern States. He left here on the 7th of April, 1884, and labored in South Carolina, the State in which his mother was born and where he has many relatives living. He spent considerable time among the Catawba Indians, about sixty of whom have embraced the Gospel, and are organized as a branch. He and his companion were more successful among these than any other class of inhabitants of that region, but they occasionally found others who were willing to listen to their testimony and investigate the principles of the Gospel, and once in a while one who had the courage to embrace the same. He received kind treatment as a rule there, but many times was threatened with violence, and upon one occasion he and his companion were overtaken by a mob numbering twenty-five men, who had followed them with the intention of whipping them and compelling them to leave the country and cease their proselyting. The Elders parleyed with them for a couple of hours, giving their reasons for being in the country and expressing their determination to stay until recalled by the same power which appointed them. Some of the older men of the party were finally inclined to listen to reason and the promptings of their better nature, and tried to persuade the others to let the Elders go, but in vain. The young men alighted from their horses and cut and trimmed a lot of hickories with which to castigate them, but while in the act of doing so the Elders made a break for liberty, and by running through the thick timber where their pursuers could not follow them on horseback, succeeded in getting away from them.

Upon another occasion the Elders had a meeting which they were holding in a school house broken up by a mob headed by three Baptist preachers, who subsequently searched for them a good part of the night for the purpose of venting their rage upon them, but without finding them.

Elder Humphrey also visited Georgia, his native State, where, as well as in South Carolina, he was successful in collecting considerable genealogical data, and on his return stayed for awhile in Independence, Mo., where he has an uncle living, the only Latter-day Saint in that place. There he visited a number of the "Josephites" and "Headrickites," apostate "Mormons," the latter of whom have possession of the "Temple Lot," which they have fenced and set out in trees. On reaching Colorado he remained three months, laboring among the Saints in the San Luis Stake, most of whom are from the South. His health was not very good while he was absent, his lungs being somewhat affected, and he still suffers from pain and soreness in them.

On the whole he enjoyed his labors while absent, and is happy at being once more in Utah. He will leave for his home in Salina, Sevier County, tomorrow morning.

**BAND UNIFORMS!**

Send for our Beautifully Illustrated Catalogue of BAND AND DRUM CORPS UNIFORMS. 30 colored fashion plates. Illustrations and prices of Hats, Helmets, Caps, Pouches, Belts, Drum Major Outfits, Pompons, Plumes, Epaulettes, Shoulder Knots, Gold Cord and Laces, Buttons, Ornaments, Ears and Procession Flags and Banners, Cap Lamps, etc.

Mailed free. LYON & HEALY, Chicago.