

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

DENVER, 12.—The foreclosure of the mortgage held to secure \$19,000,000 of the second mortgage bonds of the Denver and Rio Grande, with a view to reorganization, and which was expected to pass the courts without trouble, received a check on Monday, the holders of the general mortgage instituting proceedings to prevent the foreclosure.

ST. LOUIS, 13.—Hon. B. Gratz Brown died at his residence in Kirkwood, a suburb of this city this morning of pneumonia, complicated with heart disease. He was 59 years of age. Mr. Brown was a prominent figure in the politics of this State for a number of years and also earned a national reputation. He made the first emancipation speech ever delivered in the Missouri legislature, and in connection with Frank Blair, became an active promoter of that cause. He entered the Union service at the outbreak of the war and after its close joined what was known at that time as the liberal movement in this State, which resulted in his election as governor of the State and the re-enfranchisement of the rebels. Subsequently he was elected to the United States Senate, and served one term, and later was nominated for Vice-President of the United States on the Greely ticket. He ranked high as a man of ability; was philosophical in his tendencies and was regarded as a profound thinker.

Mr. Brown had been ailing only about a week. On Friday last he came into the city to be present at the sale of the St. Louis, Hannibal and Keokuk railroad, with which he was legally connected, and it is supposed he then took additional cold, which resulted in a violent and rapid attack of pneumonia. He gradually sank from midnight last night till 7 o'clock this morning, when he quietly passed away, surrounded by all the members of his family and attended by his physician. The time of his funeral has not yet been fixed.

INDIANAPOLIS, 13.—The committee having in charge the Hendricks Monument Fund have issued an appeal inviting the co-operation "of every lover of personal and official probity, of every acquaintance, admirer and friend of the illustrious dead." Contributions may be sent to Francis M. Churchman, Treasurer, Indianapolis, and receipt thereof will be promptly acknowledged through Indianapolis as well as by mail.

PITTSBURG, 13.—The Commercial Gazette will publish to-morrow a lengthy communication from James Briggs, a miner employed at the Altiguippa mines of Lynn & Co., in which he makes the startling statement that as an outcome of last week's riots at Pine Run the working miners have organized for the purpose of defending themselves against future attacks of strikers. He says they have sworn to a fearful compact, demanding life for life if any of their number falls while going to work. Having always lived honest, honorable lives, and being good citizens, they will not be shot down without revenge. The letter defends the working miners and asserts that few persons not located near Monongahela Valley have any idea of the terrorizing threats or intimidations used towards those refusing to join strikes.

SANTIAGO DE CUBA, 13.—The directory of the Liberal and Radical parties to-day publishes a manifesto, calling a convention for the second of January. The candidate for the presidency of the republic in order to be eligible must receive a vote of two-thirds of the convention. A mass for the repose of the soul of King Alfonso was celebrated in the cathedral here to-day.

WASHINGTON, 14.—The Supreme Court to-day affirmed the judgment of the Supreme Court of Utah in case of Angus M. Cannon, plaintiff in error, against the United States. Cannon was indicted under the Edmunds act for unlawful cohabitation with more than one woman. Defendant objected to giving of any evidence on the ground that the indictment did not allege that he was a male person, nor that the cohabitation was with the women as wives. The objection was overruled and a verdict of guilty returned and defendant sentenced to pay a fine of \$300 and to be imprisoned for six months, and to be further imprisoned till payment of the fine. Justice Miller dissented from the opinion of the court.

FOREIGN.

PARIS, 8.—All the powers represented at the London monetary conference will sign the monetary convention to-day.

LONDON, 9.—The cabinet will meet on Monday next. The Daily News says it learns on high authority that the government has abandoned the policy of conciliating Parnell and will endeavor to form a coalition with the Whigs to resist Parnell unless Gladstone moves a vote of want of confidence in the government. The new Parliament will immediately adjourn until February.

CONSTANTINOPLE, 9.—The Sultan has informed Herr Von Radowitz, the German ambassador here, that Turkish troops should invade Eastern Roumelia should Prince Alexander oppose the Turkish commission.

BELGRADE, 9.—King Milan has tele-

graphed to Queen Natalie that the forty-eight hours have expired in which Prince Alexander was to have replied to the terms of peace proposed by Serbia, but that no reply has been received.

The government (in a note to the Porte admits the suzerainty of the Sultan over Bulgaria, but says that military exigencies compel Serbia to treat directly with Prince Alexander.

Constantinople, 9.—Majid Pasha has been intrusted with a special mission to Prince Alexander, the object of which is to assist in arranging peace between Serbia and Bulgaria.

Prince Alexander has telegraphed the Porte that knowing nothing of the proceedings of the conference on the Balkan question, he is unable to decide on a course of action respecting the Bulgaro-Roumelian affairs without having the assistance of the views of the National Assembly regarding the situation. He proposed to defer the settlement of the matter until February.

Vienna, 9.—The Neue Freie Presse professes to know that Germany has become reconciled with Austria and Russia, and that the three Powers have induced Prince Alexander to agree to the re-establishment of peace.

Piot, 9.—Lilanovico, Serbian Envoy, has departed with Prince Alexander's answer to King Milan, in which he rejects the Serbian peace proposals.

PARIS, 6.—The Gaulois says: Cholera has become epidemic in Brittany, and is committing frightful ravages, the scourge being worse at Audierne than it was at Marseilles.

MADRID, 9.—Senor Canovas Del Castillo, ex-prime minister, has declared and open rupture with Premier Sagasta, in consequence of the latter's alliance with General Dominguez, Conservative. Deputies and Senators will meet at the house of Senor Canovas. Queen Christiana gave an audience yesterday, to Senator Canovas, and presented him with a diamond pin which King Alfonso used to wear.

MADRID, 10.—The Robledo faction of the Extreme Right has dissolved, and fifteen Deputies will abandon Senor Robledo and adhere to Senor Canovas under an arrangement between Premier Sagasta and Senor Canovas.

The general elections have been postponed until May.

Diario asserts that negotiations have been opened with Don Carlos under the assent of Senors Canovas and Sagasta and General Dominguez for the marriage of Jaime, the son of Don Carlos, with the Princess of the Asturias, and that an embassy has been sent to Don Carlos to exact as a condition his acceptance of the constitutional form of government.

BELGRADE, 11.—It is officially announced that Serbia will abide by the decision of the powers if compatible with her interests and dignity.

LONDON, 11.—The Daily News suggests a conference of the Liberal, Conservative and Parnellite leaders to arrange the basis of a new Home Rule measure, in a manner similar to that by which the redistribution of seats was settled.

LONDON, 12.—The Times says: The Eastern difficulty may be regarded as virtually settled. The Powers have agreed to recognize the Union of the Bulgarians. A demarcation commission has been appointed, which ensures an armistice of a month and will hardly fail to secure peace.

Belgrade, 12.—A telegram from the front states that a long and bloody engagement occurred to-day between the Servians and the Bulgarians. The town of Veniki Isok was wrested from the possession of the two battalions belonging to the first division of the Bulgarian army, who attacked the Servians. Upon finding themselves outnumbered, the Bulgarians made signs that they wished to surrender. The Servians, who were most elderly men, belonging to the second reserves, shouted in reply: "You have already deluded our children (meaning the youths of the first reserve) in that fashion, but you will not deceive us." Thereupon they charged the Bulgarians with bayonets, scattering them in every direction. The Bulgarians left many dead and wounded on the field. The Servians claim a brilliant victory. Much enthusiasm is manifested in Belgrade over the success of the Servians.

MADRID, 12.—The funeral services over the remains of the late King Alfonso took place to-day at the church of St. Francis the Great. The large edifice was crowded with distinguished people and the sovereign heads of Europe were represented by members of the diplomatic corps. The civil and military pageant, which was an imposing spectacle, was witnessed by an imposing throng.

ST. PETERSBURG, 13.—Russia has made overtures to Prince Alexander offering to assent to the personal union of Bulgaria and Roumelia, on condition that the policy of Bulgaria be subordinated to Russia's policy. Russian agents are actively intriguing at Belgrade to dethrone Milan in favor of Karagergević.

THE VANDERCOOK HABEAS CORPUS.

JUDGE M'BRIDE MAKES AN ARGUMENT IN FAVOR OF THE LECHERS.

"THESE PROSECUTIONS MUST BE STOPPED."

MR. YOUNG REPLIES.

The hearing of the proceedings in the application of Oscar C. Vander-

cook for a writ of habeas corpus, came up in the Third District Court this morning. Judge McBride opened the argument, taking up the petitioner's assertion that no crime was charged in the complaint. He held that the word "lewdness" had no legal definition. Mr. McBride's own interpretation of the word was that it meant prostitution. If the word was to be left to its own meaning, it would be impossible to reasonably construe it to refer to any specific crime. He held that the Legislature could not mean to designate as an offense the going to a house for vile and contemptible purposes. Webster defined the word as "lustfulness; ephery; libidinousness." The court could not accept such a general definition, and the meaning of the word being so indefinite, it could not be applied to refer to a distinct crime. It therefore must be applied in the other meaning, that of "prostitution." The Territory of Utah was the only place where there existed a statute providing a punishment for resorting to a house of ill-fame for purposes of lewdness. A person could resort to such a house for the purpose of committing unlawful cohabitation or adultery, and not be liable under the statute. Eliminating these elements, there was nothing in the statute defining a punishable crime. The word, then, must be construed to intend the punishment of persons who resorted to the house for purposes of prostitution. The words "prostitute" and "prostitution" had a legal meaning, applicable only to women, and not affecting men. The purpose of the law was to abolish the "trap," the "bait," and it was not intended to apply to men. There could be no male prostitutes. The complaint, therefore, charged no offense, although in the language of the act. If there was any doubt as to the meaning of the term, that doubt should be resolved in favor of the person accused, as against the State. If the speaker were to call on a dozen attorneys of this court, he would venture the assertion that not one of them would give the same definition of the word "lewdness" as any of the other eleven. He had been experimenting on this, and found it so. (If the Judge's assertion be correct, it indicates a woeful ignorance of Webster's dictionary on the part of some members of the bar.) Mr. McBride insisted that Vandercook could not visit a house for the purpose of prostitution, for the reason that he was incapable of committing the offense. The word "resort," too, should be construed to mean commonly resorting to, and a single act constituted no offense. A single going was not enough; it required more than one visit. The complaint, therefore, under these constructions was insufficient.

The next point at issue was that the justice of the peace had no jurisdiction. The laws of 1884, page 163, gave justices of the peace power to try these offenses. He held that the Legislature had no authority to grant this power. The Organic Act did not authorize such a law. The act of Congress known as the Poland Bill extended the jurisdiction of the justices' courts to the trial of civil cases involving any sum less than \$300. There was no prohibition of the Legislature in empowering justices as they had done in criminal cases, but in the absence of a specific grant, such authorization was void. The jurisdiction of justices in criminal cases should be limited to what it was at common law, i. e., to inflict a fine of \$25 or imprisonment not to exceed 90 days, or to commit as a magistrate, and the Legislature transcended its powers in authorizing justices to do more. The case of the petitioner was an indictable offense. If the justices had such power as was claimed, it would include more than half the offenses tried in the district courts, including that of unlawful cohabitation, and the complainant against Vandercook, who was indicted for an offense, might have avoided the penalty of the law by being convicted in a justice's court and paying a light fine. The Legislature could only extend jurisdiction in criminal cases to where the punishment did not exceed the extent of civil jurisdiction. If there was anything in the case at bar, it was an offense against the moral law, and could only be tried before a jury, and was an offense over which the Legislature could not extend the justices' jurisdiction. The case at issue was of a class which of all others should go before a grand jury, where the investigation could be secret, and the particulars be kept from the public gaze, that society might not be scandalized. If the grand jury report on this subject was true, the present prosecution of cases for lewdness was to scandalize citizens, heretofore deemed respectable, and was not in the interest of morality, or for the protection of wife and home, and therefore should not be permitted. This class of misdemeanors should be only brought before the District Courts on presentment of a grand jury.

At the conclusion of Judge McBride's argument, the Court took recess until 2 p. m.

This afternoon Le Grande Young, Esq., took up the argument on behalf of the county. He reviewed the reasons which led to the repeal of the law against adultery by the Legislature—because of its misconstruction by the courts—and maintained that it was the intent of the legislative power to retain the section punishing lewdness—the lewd association together of a man and woman—in a house of ill-fame. The clause in the Utah statute was not found in the law of any other State or Territory, and was special-

ly inserted to punish offenses like the one with which the defendant was charged. The counsel for defendant had argued that the word "lewdness" had no meaning, and should be stricken out. On the contrary, the word had a legal, as well as a general definition. It was used by all the commentators, and in the statutes of various States. Blackstone names, as one of the offenses against religion and morality, open and notorious lewdness, either by frequenting houses of ill-fame, or by some other grossly scandalous and indecent act punishable by fine and imprisonment. A single act of private lewdness was not a crime at common law, but visiting a house of ill-fame was a public act. Lexicographers agreed as to the meaning of lewdness: lecherous. The fact of connecting the word with resorting to a house of ill-fame showed the intention of the legislators. The complaint set forth the charge with sufficient clearness, and was sufficient. Bishop defined lewdness as differing from prostitution, and included illicit sexual intercourse and the indulgence of lust, whether public or private. The term was definite as regarded the offense charged. The language of the statute used in the complaint was sufficiently specific, and the present class of cases was not an exception to the rule.

On the question of jurisdiction of justices of the peace, Mr. Young insisted that these officers originally had jurisdiction of all offenses in the nature of misdemeanors—all crimes not indictable as felonies. This was their province, and it was not within the power of the Legislature to eliminate this jurisdiction from their powers as modified by the acts of Congress. (A large number of authorities were cited in support of this proposition.) As to the word "resort," Mr. Young argued that going once was included within the term. This was the view taken by courts as well as the definition given by lexicographers. The Legislature of Utah had not made the jurisdiction of justices and district courts concurrent, and the superior court could not remove cases triable in the inferior court, nor obtain jurisdiction therein, except on appeal. There was no conflict of authority. The Legislature had made special provision against this. The applicant in this case had his relief, after a trial in the justice's court, by an appeal to the district court.

P. L. Williams, Esq., followed for the county, and was delivering his argument when we went to press.

SOLDIERS IN SALT LAKE.

THE CITY UNDER MARTIAL RULE.

DETAILED DESCRIPTION OF THE TRAGEDY LEADING UP TO GOV. MURRAY'S CALL FOR TROOPS—MORMONS UNSUCCESSFULLY ATTEMPT A LYNCHING.

OMAHA, Neb., 6.—The movement of troops to Salt Lake continues with the greatest dispatch, and in addition to those which left here yesterday others are now being taken in similar detachments from all convenient points of the department. Three companies left Fort Sydney this morning by a special, and a detachment from Fort Leavenworth is reported to have left for Ft. Steele over the Kansas branch of the Union Pacific. Meanwhile the greatest secrecy is enjoined upon all attaches, as well as the principal officers of the railroads and the army. This injunction is so severe that the superintendent of the Pullman Pacific Car company to-day said to your correspondent:

I cannot be questioned as to the number of cars we are furnishing the government for the conveyance of officers on special trains. We are merely called upon to have cars at certain points at a certain time, and that is all we know. It makes little difference to us where the car is going, the result of the order for cars being fully apparent when the returns of the conductors are made.

George Carr, passenger who arrived this morning from Salt Lake City, gives this version of the situation:

The Mormons are apparently determined to avenge the shooting of McMurrin, and the officers of the government are greatly alarmed. The peril of the gentiles at Salt Lake is greater than any one can know who has never been there. There are only about two thousand able-bodied gentiles in Salt Lake and the contiguous territory who would oppose a Mormon uprising, and against whom it would be directed. On the other hand, the Mormons have in the Nauvoo Legion 20,000 soldiers, drilled and well equipped for service, secreted in the enclosure of the Endowment House. They have, it is thought, at least 20 field pieces equal, if not superior, to those of the government at Fort Douglas.

When I left Salt Lake Thursday, the members of the Legion were quietly stealing into the city, and several thousand had then arrived from the Cache Valley, Sanpete and Washington County settlements. They are a blood-thirsty set, and are lashed into violence by the leaders of the Church, in the columns of the press, and their counsels. They are at the mercy of the Elders, and will do anything to which the Church incites them. For two or three days before I left business was virtually suspended and they were holding secret meetings.

The excitement is due to the shooting of a Mormon by a U. S. Marshal. One of the officers who has been conspicuous in the punishment of poly-

amists was Deputy Marshal Collin. Every attempt had been made to put him out of the way by imprisonment, but the attempts had failed. Finally it was determined that he should be assassinated, and a villainous churchman named McMurrin was assigned to the work. At 7:30 o'clock Collin met McMurrin and three men. They undertook to provoke a cause for killing Collin, but the deputy refused to quarrel with them. When he was about to start home they took a position, under cover, in an alley adjoining the hotel. Surmising their intention the deputy changed his weapon to his overcoat on starting home. As he was passing the alley the assassins sprang out, and, fearing to create alarm by firing a pistol, McMurrin felled him with a club. The officer at once regained his feet, and, drawing his gun, began a fusillade at close quarters. McMurrin received two wounds in the breast and abdomen, and, though more than a dozen shots were fired, Collin was not hit beyond having his coat-sleeve punctured by the bullets and his hat shot off his head. McMurrin fell with the remark that he was killed.

A crowd at once collected, and Collin hastened to surrender to the federal authorities. He was placed in the penitentiary for safe-keeping, and when this became known the fury of the Mormons attained desperation. The Salt Lake Herald at once issued an extra edition, calling upon the church to avenge the murder of the saint, and used every means of inciting mob violence. In quick response to its lashing the faithful of the church assembled at their political headquarters, the City Hall, and organized to murder Collin. A rope was procured, and a leader of the mob, standing upon an elevation, made a bloody speech, ending with the words: "We will make mincemeat of him if we can get him. On to the jail. Let the murder of at least one saint be avenged." The mob at once made a rush for the penitentiary, where they found that in a very short time United States Marshal Ireland had prepared to receive them. Seeing that an attack at that time would be useless, they fell back and the strategy of the Mormon officers was brought into requisition.

The Mormons then tried to get Collin tried before the city marshal, but failed. The situation rapidly assumed a serious aspect, and Gov. Murray called for troops. The troops were rapidly brought in from Fort Douglas, and the town and telegraph are now under the control of the military. McMurrin, who was supposed to have been fatally shot, is recovering.—Special to the Chicago Daily News.

MR. VARIAN said to-day, in reference to the testimony adduced in the prosecutions for lewdness, that he "would not believe such witnesses even before the court of heaven." He need not trouble himself; he will never get a chance to do so.

THE BEST EVIDENCE.

Of the merits of a remedy is the effect on the system, so there can be no doubt that the California Fig Syrup Company is pursuing the wisest plan possible to make known the wonderful efficacy of Syrup of Figs for all the ills arising from an inactive condition of the Liver, Kidneys, Stomach and Bowels, in giving away sample bottles free of charge. Ask our enterprising druggists for a free sample bottle, or you can buy large bottles for fifty cents or one dollar.

Don't Forget—Peruvian Bitters. Life burdened with doubts and misgivings is not worth living. This Royal Tonic will make the clouds rosy; the heart light, and life enjoyable.

Coughs, Colds and Sore-Throat yield readily to B. H. Jouglass & Sons' Capicum Cough drops.

Beautiful pearly white teeth assured to all who use Kalliodont. Sold by Z. C. M. I.

Beauty greatly enhanced by the use of Fragrant Kalliodont. Sold by Z. C. M. I.

Brown's Bronchial Troches will relieve Bronchitis, Asthma, Catarrh, Consumption and Throat Diseases. They are used always with good success.

A Safe Laxative.

Sprup of Prunes is the only true fruit laxative in the market. Splendid for constipation. Agreeable and effective. Peculiarly adapted to ladies, children and delicate constitutions. Sold by Z. C. M. I.

NOTICE.

December 10, 1885.

HAVING BEEN UNDER THE TUITION of Dr. Wm. Jones, and gained an understanding of the science of the Electric Battery, I am now prepared to treat many of the ailments of the body with good results and on reasonable terms at my residence No. 373 5th West and Third North Streets, 19 Ward, Salt Lake City. Woman in attendance.

A. N. HILL.

I, Dr. Wm. Jones, Electrophath, have instructed Mr. A. N. Hill and wife to properly apply electricity to cure those before thought to be incurable by any other method. DR. WM. JONES, Salt Lake City, Office First South, Street west of Theatre.