

FROM FRIDAY'S DAILY APRIL 1.

### Court Notes.—Proceedings in the Third District Court to-day:

The United States vs. Archibald Parker; by agreement of attorneys, continued for the term.

In the matter of Aurilla Hood's estate: motion to discharge rule for payment of money into court by administrator overruled. Stay allowed for payment till the 9th inst.

The Court announced that on Tuesday, April 5th, he will proceed to the hearing and trial of chancery cases.

Adjourned till Monday next, April 4.

**Rather Old.**—A correspondent of Glenwood, "A. H.," sends us an account of the celebration of the "golden wedding" of Father Powell and his wife, of that place. The event occurred on the 26th of February, a fact that precludes the advisability of inserting the communication in our columns. However, the affair appears to have been very pleasant, and highly enjoyed by the aged couple. That does not relieve it from the journalistic objection to its being over a month old. "A. H.," should not forget that whatever a contributor sends for publication should be fresh.

**Small-pox in Los Angeles.**—Information received in this city states that the daughter of Judge J. G. Sutherland, residing in Los Angeles, Cal., has lost all four of her children by small-pox. Mrs. Sutherland is now in that city with her daughter. It is also stated that the telegraphic news from Los Angeles to the effect that small-pox had ceased to exist was incorrect. The facts are asserted to be that the Los Angeles officials are interested in "booming" the city and neighborhood, they are anxious to have tourists and others visit the place, and with this object cover up the true state of affairs, instead of making it known as a warning for travelers to keep away for a while.

**Gilmore vs. Sears.**—This suit came up before Commissioner McKay at 10:30 this morning. It is the plain claim damages in the sum of \$275. The defendant's mule, on the 7th instant, broke into his corral and severely kicked a \$500 colt and performed the same operation upon a \$150 mare with foal, so that a premature and dead birth was the result. Two hundred dollars is asked for the latter and \$75 for the former injury. The evidence, in addition to this, showed that the wire fence where the mule got through was not over two and a half feet high and that the mule had no trouble in effecting an entrance; also that the owner of the stock held the mule for some time in default of payment of \$1.50 damages which he claimed for breakage on the fence, and was arrested for it.

The case was not concluded when an adjournment was taken at noon; both sides have several witnesses.

**A Big Establishment.**—The undertaking establishment of J. E. Taylor, at 2nd E., First South Street, is one of the big enterprises of the city. It is at present conducted by the son of the proprietor, Edward T. Taylor, a graduate of the celebrated Prof. A. Reaumur, the most accomplished embalmer and chemist in the country. The building is two stories, 50 by 130 feet, and there are besides numerous storerooms, warehouses, etc. It is necessary to keep on hand constantly 100,000 feet of poplar lumber, which, with certain articles of ornamentation, are the only things imported, everything else being of home manufacture and material. A full stock is constantly kept on hand, twenty men are employed, and it takes less than thirty minutes to get any kind of any order to the depot. A gas engine of ten horse capacity furnishes the power, and the whole establishment, with its different departments, presents a scene of activity. Nearly \$50,000 is invested in the enterprise, and it supplies the greater part of Utah as well as many points beyond.

### MEETING-HOUSE BURNED.

LATTER-DAY SAINTS' PLACE OF WORSHIP DESTROYED BY FIRE.

Last Monday the Latter-day Saints' meeting-house at Hoytsville, Summit County, was burned. Our correspondent at that place gives the following account of the unfortunate occurrence: On the 28th inst., at about 8:30 a. m., the meeting-house at this place was partially destroyed by fire. The building was being used by the district trustees for day school purposes; a fire had been started in the stove at 8 o'clock, previous to the commencement of the school. It is supposed that the stovepipe, passing through the roof, became unjointed between the ceiling and the roof, owing to which the latter took fire. No water supply being available and but few persons being in the vicinity at the commencement of the fire, the building soon became an easy prey to the devouring element, and in a short time all the woodwork of the structure was consumed. By great exertion on the part of those who had gathered at the alarm of fire, the stand, benches, windows and doors were saved, some, however, in a demoralized condition.

The building was substantially built of rock and was completed something over two years since, at a cost of upwards of \$5,000. It was a very creditable place of worship, considering the size of the village and resources of the inhabitants. It is estimated that

it will cost \$1,500 to restore it. The misfortune will be seriously felt by the members of the ward who are thus deprived of their place of worship. It is hoped that, with the well known enterprising spirit of the people, it will not be long before the building will be restored. A chimney was built with the house on the east end, but owing to it "not drawing" the trustees had passed the stovepipe through the ceiling and roof in the centre of the building.

### DOINGS IN PROVO.

LOYAL LEAGUE JURORS TO TRY "MORMONS."

Provo, March 31, 1887.

The examination of witnesses in the case of J. W. Bean, before the Commissioner last night, resulted in the discharge of the defendant. There was no evidence brought out against him to the effect that he had more than one wife, and after examining two witnesses, a third was called, but was not present. Prosecutor Hiles took an adjournment all to himself, the witness soon came in, the court waited for an hour for the prosecutor to return, and finally getting impatient, discharged the defendant, released the bondsmen, and let all go their way rejoicing. In the

### FIRST DISTRICT COURT.

The jury brought in a verdict in the case of the People vs. John Gardner and one Holgate, of guilty of petit larceny.

In the trial of the case of the United States vs. James Smith, on the charge of unlawful cohabitation, a new feature was developed in the examination of jurors, to ascertain whether they would admit having any bias against "Mormon" defendants.

A. G. Sutherland, Jr., and S. R. Thurman were counsel for the defense, Mr. Sutherland conducting the examination.

Mr. Knudson was one of those called in the box to serve as a juror in the case, and with him the following occurred:

Mr. Sutherland—Mr. Knudson, you are from Denmark? When you left that country to come to Utah were you a Mormon?

Knudson—Yes, sir.

Are you a member, now, of the church?

No, sir; severed my connection 10 years ago.

Q.—How did you sever it?

A.—I was cut off.

Q.—For what cause?

A.—Because of non obedience.

Q.—Is polygamy one of the doctrines of the Church?

A.—Yes, sir.

Q.—Did you ever believe in that?

A.—Yes, I have.

Q.—Was your disobedience to that the cause of your being cut off?

A.—No, I believed in it then, but have changed my mind since in regard to the matter.

The juror assured Mr. Sutherland that he had no bias, and the fact of his being severed from the Church would cast no reflection upon the case. He did not believe in any other church or society that encourages the practice of polygamy.

Mr. Shaw was the next juror examined.

Mr. Sutherland—Are you a Mormon?

Mr. Shaw—I have never been from the Church; I am still a Mormon; do not believe in polygamy; would have no bias and could sit impartially on the case.

Mr. Sutherland (to Mr. Fairbanks, another juror)—Are you a Mormon?

Mr. Fairbanks—No, sir.

Q.—Ever were?

A.—Yes, was a Mormon about six years ago.

Q.—Did you voluntarily leave the Church or were you cut off?

A.—I just picked up my hat and left.

Q.—What is the reason you left it?

A.—Because I did not believe in it.

Q.—What part did you not believe in?

A.—None of it.

Q.—Do you know the doctrines of the Church?

A.—Yes, sir.

Q.—What are they?

A.—It would take me the balance of this term to tell you.

Q.—Can you tell any of them?

A.—Polygamy and blind obedience.

Q.—What next? State them from the beginning. Was not one of the first faith; another repentance? You do not believe in those principles?

A.—Yes, I believe in repentance; do not believe in being baptized.

Q.—Did you not leave the church because of polygamy?

A.—Yes.

Q.—Is that all?

A.—No, sir; I kicked at all of it. That will not bias me.

Q.—Do you know the LOYAL LEAGUE?

A.—I do.

Q.—Are you a member of it?

A.—I am.

Q.—What is its object?

A.—Oh, I don't know; peace and plenty.

Q.—Plenty of what?

(It was suggested, plenty of votes.)

Q.—Well, what else?

A.—Less contending and

PLENTY OF FUN.

Q.—Do you know the object is to bitterly fight and bitterly oppose the Mormon Church?

A.—No, I think not.

Q.—Do you believe it right to oppose the Mormon Church and its principles?

A.—Yes.

A.—Only politically, sir.

Q.—Politically means a great many ways; can you tell?

Mr. Fairbanks appealed to the Court if he was obliged to answer that question.

The Court told him yes, in a general way.

A.—Its general object is to become united as a political organization.

Q.—Is not one of its main objects the suppression of polygamy?

A.—No, sir.

Q.—Is it not a fact that you, as a member of that league, pay fifty cents a month for the open and avowed object to suppress polygamy?

A.—No, sir.

Q.—Is it not a fact that before you become a member of that organization you

### TAKE AN OATH

that you will use your best endeavors to keep men in Washington for that purpose?

A.—No, it is not the fact.

Q.—Your dues are for the support of the organization?

The Court asked what this examination was for.

Mr. Thurman replied that it led up to the inference of bias and ground of challenge and referred the Court to Massachusetts cases and other authorities, showing that if jurors belonged to any organization for the suppression of or violation of a law for which the defendant was being tried, it would be ground for challenge for cause.

The examination continued in this way until a jury was obtained.

Messrs. Fairbanks and Knudson were challenged and excused.

Mr. Staton, in answer to a question, said he was a member of a society one of the objects of which was to suppress any crime, that of polygamy among others. That society is the Presbyterian church. Was also a member of the loyal league, and one of the objects of that league and the payment of dues was to

### PREVENT UTAH

coming into the union under Mormon rule.

Mr. Sutherland challenged him, as he contributed to an association otherwise than a private citizen for the enforcement of a law.

The challenge was denied.

The jury was made up and the case went to trial at 3 p. m.

Sarah Jane Smith was the first witness and testified—My husband is Jas. Smith; we were married 33 years ago, in Provo City; he was not a married man when I was married to him.

Mr. Sutherland testified—Jas. Smith is my husband; have been married 30 years; he was a married man at that time; I have a family of children; my youngest is three years old; for the last eighteen years I have lived in my own home; for the past six or seven years he has lived exclusively with me as I am an invalid and he helps me. I don't know of any separation or divorce from Sarah Smith.

The examination was in progress at close of mail.

FROM SATURDAY'S DAILY APRIL 2.

**Looking for Prest. Morgan.**—At 1 o'clock a. m. yesterday, as Mrs. John Morgan, of the Fourteenth Ward, who had remained up late, was seated at a table reading, a knock was heard at the door. She inquired who was there and was answered, "United States Marshals." She asked who they were looking for, the reply being "John Morgan." "I guess Mrs. Morgan will do," remarked the lady, as she opened the door, and met Deputy Greenman, Pratt and Franks. The trio entered and searched the house throughout, but went away empty-handed.

**A Big Undertaking.**—Pitts, Watson & Co., of this city, have taken a contract to build a dam in Bear River, one and a half miles above Hampton's bridge, and expect to go to work at once. The dam will supply an immense amount of water to the big ditch that will lead from it, and thus make arable a great tract of land rich in itself but hitherto practically valueless. The dam, with its adjuncts, it is expected, will cost from \$50,000 to \$100,000, and be composed mostly of rock. The contract was signed this afternoon, and an interview with the chief contractor shows that he is confident of performing the work in first-class style and within the prescribed time.

**Declared Insane.**—This morning an official examination was made by Drs. J. S. and H. J. Richards, to ascertain the mental condition of Major W. Trumbo, who figured in the shooting scrape with his brother a few days ago. The evidence adduced showed conclusively that the young man was not in a condition to be permitted at large. He is a victim of the most absurd delusions, and from their nature and his actions, it is extremely probable that unless he is taken care of he will commit some shocking crime. After considering all the features of the case, the physicians gave their conclusions, which were, of course, to the effect that the young man was insane, and should be sent to the Territorial Insane Asylum. In accordance with this action he will be forwarded to that institution at an early date.

**Dastardly Assault on an Officer's Wife.**—A correspondent writing from Price, Emery County, March 31st, says that on the evening previous a courier arrived there from Fort Duchesne with

the news of a detestable outrage that had occurred at that post a few days previous. A colored soldier named Watson Freeman went to the residence of one of his officers, entered it, and, seizing the officer's wife, attempted to outrage her person. In this he was not successful, and abandoning his devilish purpose, he fled from the post. He remained away only a day or two, when he returned and surrendered himself. It is said that the lowest penalty for this crime is fifteen years' imprisonment. The lady is said to be a niece of Col. Benteen, late commander at the post. She was not seriously injured.

**Accident to Mr. Snell.**—Mr. Jno. W. Snell's nose presents the appearance of having been struck by a crooked streak of lightning, but it hasn't. It seems that Doman runs a milk wagon which stood in front of Mr. Snell's place of business at the time that the horses had determined on a run down the street. Instigated by sentiments of humanity, Mr. Snell observing their intention, threw himself toward the wagon, at the same time grasping the reins, but before he could turn the matter over in his mind, the front wheel of the wagon turned him over and jumped on him several times, the hind wheel following suit. He says he don't know exactly how it all occurred, but he was hit pretty hard in several places.

Mr. Snell was a man full of the milk of human kindness and generous impulses. He says he still has all the milk he wants, but has lost several of his generous impulses. Anyone finding them will be suitably rewarded by leaving them at this Office. The wagon and horses are doing as well as can be expected under the circumstances and Mr. Snell will be as handsome as ever in a few days.

**Eagle Rock.**—Our correspondent "J. M. C.," writing from Eagle Rock, Idaho, under date of March 31, 1887, says:

Pool Island was raided on the night of March 16th, by deputy marshal Wm. Hopson and a posse. After searching several houses, Nephi Stephens was arrested for unlawful cohabitation and brought to this place and then conveyed to Blackfoot, where he was placed under \$1,000 bonds to appear before the district court, May term. Brother Jas. Thomas and the firm of Glen, Wheeler & Co. going his bonds. The island was raided last night by the same officers, in search of A. G. Green. After an unsuccessful search they were invited to a sociable at the residence of Brother William Poole, where they enjoyed themselves until morning.

Sister Sarah Caroline, wife of Esdras Jones, after an illness of three weeks, departed this life March 25th, 1887, at their residence in Eagle Rock. Deceased was the daughter of Thomas and Phoebe Holgate, born March 1st 1869, in Beaver City, Beaver County, Utah Territory. She left one child, a boy, ten months old; it was taken to Brigham City by the sorrow-stricken father to his grandmother. The funeral was largely attended and much sympathy expressed. Utah papers please copy.

**Sudden Death.**—Brother John A. Halvorsen, of the Fourth Ward of this city, arose yesterday morning, apparently in his usual health, and went outside to milk his cow and attend to other necessary chores before going to his daily labor as a machinist. Returning to the house shortly afterwards, he complained to his family of feeling ill, lay down upon a bed and began vomiting. He appeared to be in great pain, soon lost the power to articulate distinctly, his organs of speech seeming to gradually become paralyzed and in the course of a few hours lapsed into unconsciousness. Everything was done for him that affection and sympathy could suggest, but all without avail. He grew easier after a while and appeared to be sleeping naturally except that he could not be aroused, and remained unconscious up to the time of his death, which occurred at two o'clock this morning.

Brother Halvorsen was born in Norway, August 3rd, 1842; was baptized March 8th, 1860, and for four years thereafter served as a Traveling Elder in Scandinavia, at the end of which time he migrated to Utah. He made his home in this city, where he has since resided, except during two years which he spent upon a mission to his native land.

He was a man of much more than ordinary intelligence, but very modest, and a more faithful Latter-day Saint is perhaps not living to-day than he was. He was a useful man in the ward in which he resided, and was greatly respected by all who knew him. He leaves two wives and four children, besides his aged mother who resided with him, to cherish his memory and emulate the noble qualities that characterized his life.

**Cache Items.**—From the Logan Journal of March 30: Men are being hired and sent north to work on the railroad every day, and many more are wanted. The wages are \$1.75 per day, and the work is to help lay the third rail north of Pocatello on the U. & N.

On Tuesday morning between one and two o'clock Deputies Steele, Whetstone and Thomas, visited the residences of James A. Leishman, on the island, and made a thorough search but failed to find their intended victim.

Last Saturday Lars Hanson, an aged gentleman who resides in the 14th Ward, this city, was arrested by the Deputy Marshals on a charge of unlawful co-

habitation. He was bound over till Monday Edward Hanson and L. R. Martineau being the securities. On the latter date he was examined, and, as no evidence was produced to prove guilt, he was discharged.

Reverend Fjerm, of this city, was arrested yesterday morning on the charge of assault with an attempt to commit rape upon the person of a little girl eight years of age. The warrant for his arrest was dated March 8th, but owing to the severe illness of the man it was not served, although the marshals had been down to his house three times, until yesterday morning. He was taken before Judge McAllister when he pleaded guilty to the charge. His bonds were placed at \$500.

Deputy Marshals Whetstone and Thomas and three others visited the residence of Mrs. Rice, situated between Logan and Providence, yesterday morning at about 3 o'clock. They made a thorough search, and stated that they were looking for President John Taylor. In one room they found a bed which had been occupied the night before, and one of the party exclaimed, "With some feeling of disappointment, 'He's gone!'" The search was fruitless so far as getting any prey was concerned, but the deputies had the satisfaction of knowing that they disturbed the rest of a peaceful woman and her daughters.

### UNDER THE NEW LAW.

A U. S. COMMISSIONER'S SON IN LIMBO.

The *Ogden Herald*, of April 1 has the following concerning the charge of adultery against a son of United States Commissioner Black, of that city:

This afternoon Ed. Black, who was arrested by Deputy Harris, at Evanston, on Wednesday, on a charge of adultery alleged to have been committed at Logan, on March 5th, with Mary S. Whitely, was examined before Commissioner Nelson in the District Court room.

W. R. White appeared for the prosecution and Mr. J. N. Kimball represented defendant.

Mrs. Black, wife of defendant, was called and sworn, but she did not testify, the objection of the defense on the ground that witness is the wife of defendant being sustained.

Mary J. Whitely was sworn and testified that she was 18 years of age. She saw defendant at the house of Mrs. Robins of Logan on the 5th of March. Witness and defendant occupied a room in the house on that date. They slept in the same bed, and the offense charged was committed at that time. Defendant had admitted that he was married. The defense made no cross-examination and Marshal Ballantyne was called. His testimony was not material and Miss Whitely was asked if she was the wife of defendant. She answered in the negative.

This closed the testimony and the defense asked that the defendant be discharged on the ground that the testimony was insufficient.

Commissioner Nelson held the defendant Black to await the action of the grand jury, fixing the bail at \$1,000. Defendant secured the required bondmen and was released.

Another step in the case was the arrest of the complaining witness on a charge growing out of the same action. The same newspaper says:

Last evening, Deputy Exum went to the residence of Mr. E. Black and arrested Miss Mary J. Whitely, the young lady who figures as the complaining witness in the adultery case against E. Black, on a charge of fornication laid under Section 5 of the new act. Miss Whitely claims to have been told that the law would not touch her, but it appears she was misinformed. She appeared before Commissioner Wardleigh this morning, and, waiving examination, was bound over to appear before the grand jury with bail in the sum of \$500.

### THE GILMORE CASE.

COMMISSIONER M'KAY DISMISSES THE COMPLAINT.

The defense in the above case occupied most of yesterday afternoon with a presentation of their side of the trouble under investigation, and after they concluded, Commissioner McKay took the whole matter under advisement until this morning at 11 o'clock, when he rendered the following decision, completely upsetting the plaintiff's case:

In the United States Commissioner's Court, City and County of Salt Lake, and Territory of Utah.

Before Wm. McKay, Esq., Commissioner.

Gilmore vs. Sears. } Action for damages.

The motion of defendant's attorney to dismiss plaintiff's complaint, because it appears upon the face thereof that plaintiff failed and neglected to get two disinterested persons of his precinct to appraise the damages alleged to have been sustained herein, and to give said plaintiff a certificate thereof in writing, under their hands, within 10 days after the time the alleged trespass was committed, and because said plaintiff failed and neglected to have such certificate, if any were made, accompany the complaint herein as part thereof, as required by Sec. 17, Chap. 8 Laws of 1886, is allowed. This on the authority of a rule