

This evening Elders Jonathan Golden and Elias Kimball met with a large and appreciative audience. They have recently been called, with Elder E. M. Pugnire, of St. Charles, this Stake, to act as the Stake Presidency of the Y. M. M. I. A. Association. They reported that they had, with the exception of Randolph and Woodruff, to the south of us, which they purpose visiting the next two days, met with all the associations in the Stake.

Elder Elias Kimball gave us a brief narrative of his late experience in the Southern States as a missionary, which was of an animating, faith-promoting character.

Brother Golden Kimball counseled the officers of the associations to be broad and liberal-minded and especially to use good judgment in giving a wide range of subjects, and to suit subjects to the capacity of the person appointed and to take a course to draw by persuasion and loving kindness our young men into line as sons of Zion.

By the way, Rich County is blessed with a half dozen returned missionaries. Five of them have come home within the past year, and the other within the past two years. The prudence of the Presidency of the Stake is manifested in having these men in active service as home missionaries and at the head of the Y. M. M. I. A.'s of the Stake.

With such and many other similar helps and agencies in operation, "Mormonism" will be found a hard plant to kill in Bear Lake valley, as also in many other places on our little sphere.

On Friday evening Brother John Cox of Woodruff and three others were lifting a very heavy log over one end of a wagon here in town. It seems that the four were on the side nearest the wagon, when Brother Cox found that he could not lift with one shoulder, and he got on the other side of the log, and as it was about to be thrown over he slipped and it fell on him and he very narrowly escaped with his life. As it was, there was a piece of flesh ripped off his head as large as a mule's snout, starting from the upper part of his forehead to the middle of his crown. Assistance was rendered him immediately, the flesh put in place and stitched together and since has been dressed. He is a man of great faith and will power and is doing marvellously well, all circumstances considered, at this writing. Respectfully yours, JOSEPH IRWIN.

A WORD FROM THE OLD NORTH STATE.

KINGS MOUNTAIN, N. C.,
November 20, 1886.

Editor Desert News:

While looking over some of the latest issues of your semi-weekly, it occurred to my mind that perhaps it had come my turn to give an account of myself.

On the 11th of September, 1885, I left Salt Lake City on a mission to the Southern States. The journey from Salt Lake to my destination was consummated without any accident or noteworthy incident. At Chattanooga I was met by Elder Robbins, who appointed me to labor in the South Carolina Conference, where I have since been assiduously laboring for the spread of the truth. During the past fourteen months, I have had a splendid opportunity to notice the progress of the work of God in the south and to hear words of praise and blame concerning the same, but must say I have heard nothing more about the Latter-day Saints than was said about the Former-day Saints by the scribes and Pharisees.

It is astonishing to see the amount of wickedness that exists among people of all classes. It appears that all are fast filling their cups of iniquity and preparing for swift destruction.

The people in this section of the country are very indifferent in regard to religious matters. Their whole interest appears to be chiefly centered upon worldly matters.

It is reported that some of the most religiously inclined, who by the way are nearly as scarce as hen's teeth, have been greatly strengthened in their faith by a woman preacher, who claims to be sanctified. She gets her authority to preach from the passage in the New Testament where Jesus tells Mary Magdalene to go and inform his brethren that he had risen from the dead. She believes in preaching the Gospel without money and tells her hearers that if they want to give her anything just to hand it over to her husband, as she don't wish to abuse her power in the Gospel. This, according to an old radical, is simply beating the devil round the stump. A mob spirit is still rife in the lower settlements. A few days ago, the mobocrats, supposing a meeting would be held in their immediate neighborhood, organized and repaired to where they expected to find the Elders. Their disappointment can readily be imagined when on their arrival they discovered that the Mormon Elder, like the Irishman's flea, were somewhere else. Two of the local brethren that have been quite bold in advocating "Mormonism" have also been threatened with violence. The main instigator of these unallowed proceedings is one Joseph Hoffman, accused of preaching for ducks and divvying for coffee.

Ever praying for the prosperity of your valuable exponent of truth and liberty, I remain your brother in the Gospel, JOSEPH THORUP.

OGDEN DEPARTMENT.

DISTRICT COURT PROCEEDINGS.

FRIDAY, DECEMBER 3D. — At ten o'clock this morning, the Judge, in a brief, clear, comprehensive manner, charged the jury in the case of the United States vs. P. A. Nielsen. The penalty attached to the crime with which he is charged is a fine of not more than \$500, or imprisonment in the penitentiary not more than one year. At 10:10 the jury retired.

The grand jury then filed into court, and through their foreman, presented a large bundle of documents of formidable sizes, supposed to contain indictments.

In the case of Edward Roth vs. Cummings et al., the attorney for plaintiff moved the court for judgment on the pleadings for the amount admitted to be due. The attorney for the defendant waived notice and the motion was granted.

The attorney for the defense then opened the argument on the motion to dismiss the indictment against Abraham Chadwick, on the ground that the name of one of the witnesses was not endorsed on the foot of the indictment. He argued that there were two rules or reasons why the motion should be granted and why the document should be thrown out—one is, that it is the right of the accused to know by whom he is accused, and another is that he may have time to ascertain the character of the accusers, and have time to accept or impeach the credibility of those witnesses. He read various authorities to sustain his position. He proved from competent authorities that the names of all the witnesses must appear in the indictment in order to warrant a proper finding. He also showed another defect in the indictment, which was that instead of a lady and a gentleman, the names of two ladies were endorsed on the document as witnesses, which renders it imperfect and invalid.

After a few remarks in reply from Mr. Hiles, the Court took the matter under advisement.

The case of the People, etc., against Thomas Read, Sen., and Thomas Hull, charged with obstructing a public road, was called. The defense offered to waive a jury and have the case tried before the Court. He remarked that the question involved was one more of law than of fact. The Court, however, preferred to have a jury impaneled, which was done, and E. Powers was called and sworn as a witness for the prosecution.

At this juncture the defense requested the prosecution to state what section of the statute the indictment was drawn under. Mr. Hiles said it was either under section 309 or 2106 of the Compiled Laws, or both. The defense here interposed an objection to the introduction of any testimony in the case, for the reason that the indictment does not charge the commission of any public offense. In support of this motion, he showed that section 309 had been repealed before the indictment was found, and that the indictment did not charge any offense under section 2106, which only applied to a person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, etc. In this case the indictment charges that defendants had obstructed a public road by placing a barbed wire fence across it, but this did not come within the meaning of Section 2106, and, if it did, the indictment was fatally defective in that it did not charge that the act was done maliciously. Counsel then read section 21 of "An act pertaining to highways," approved March 11, 1886, and which he said was intended to reach this class of cases. The section reads: "Any person who has erected or maintained, or may hereafter erect and maintain a fence or other structure along and upon any portion of a public highway, and who, after being duly notified by the County Court to remove the same, shall neglect or refuse to do so within twenty days, or such further time not exceeding three months as may be determined by such County Court, is guilty of a misdemeanor." The court then asked Mr. Hiles what he had to say about it. That gentleman, after some hesitancy, replied that he thought the motion would have to be allowed.

His Honor sustained the objection, and at once instructed the jury to bring in a verdict of "Not guilty," which they did without leaving their seats.

This case has been before the courts and the public for a considerable time, and much interest has been manifested by the people in relation to the result, which seemed to give general satisfaction.

At 2:20 p.m. the jury in the Nielsen case came into court and stated that they had not been able to arrive at a verdict. They were again remanded to the jury room for consideration of the matter. A recess was taken till 2 p.m.

This afternoon Henry B. Gwilliams was arraigned on a three-count indictment and pleaded "not guilty" to all of them. The trial is set for Wednesday, Dec. 8th.

At 2:40 the jury came in and stated that they could not agree on a verdict in the Neilson case. They had balloted a great number of times on the case, but always with the same result. That result was not stated. Feeling that they had exhausted all the means they had in endeavoring to arrive at a verdict and failing to do so, the jury were discharged. Unless the prosecution abandons the case, it will necessitate a new trial.

The court then took a recess until five o'clock p.m.

MISCELLANEOUS.

BOUNCED AGAIN! In the hupaneling of the jury in the case of The People vs. Thomas Read, charged with misdemeanor, after eleven jurors were called and "passed for cause," there was one lacking. The name of Wm. Studer was then called. That gentleman appeared, was examined, and promptly "excused" by Mr. Hiles. Was there any animosity in this proceeding, or was the challenge purely in the interest of justice, with a desire to get "twelve good men and true?" Other challenges followed, but "Billy's" was a summary one and the first.

To-day the grand jury ignored the charges against the following persons: Henry Tribe, for unlawful cohabitation; John Jacobs, for a similar offense, and John Oberlander, charged with attempting to obtain money under false pretenses.

JUDGE HENDERSON does not practice nor believe in passing two sentences on one person for a penitentiary offense in one day; but he nevertheless considers that as soon as one term expires, the defendant should be called up for sentence on the other count.

THE DRAMATIC ASSOCIATION of the Second Ward have under consideration another entertainment. This time it is "British Born," but which they will present under a new caption—"Condemned to Death." There is no doubt but that their performance on this occasion will be successful and appreciated. They will certainly be greeted with a full house of warm friends.

TWO INDICTMENTS were found by the grand jury against P. C. Neilson, one for obtaining money under false pretenses, and one for forgery. In a sort of chamber session the court announced that the first charge against this defendant had been dismissed, and the order would be continued for the term.

DURING RECESS to-day the Court and counsel held a lengthy conversation or conference, and made arrangements for labors during the coming week. There are quite a large number of cases, both civil and criminal, to be tried and disposed of, if possible, between this and the 15th inst. His honor is anxious to finish up all the civil cases he can the coming week.

TO-DAY several persons of gambling dispositions will be arraigned in the justice's court and tried for breaches of the ordinances against casting dice for gaming purposes, etc.

L. S. SWENSEN, P. & N. Nielsen and W. Neilson, Scandinavians, were this afternoon made citizens of the United States.

THIS MORNING (December 1st) H. B. Gwilliam was arraigned and took the statutory time to plead. There are three counts in the indictment charging him with unlawful cohabitation.

THE TRIAL OF BERGEN

was then continued to the final. Mr. Rawlins occupied some time addressing the Court for the purpose of showing that the marriage of defendant with Maria Madsen was illegal—his lawful wife Caroline being alive in 1874. He asked that the jury be so instructed.

The court said the question of a prior marriage of the defendant with Madsen, and the fact as to whether the alleged first wife was alive at the time he married Maria Madsen, was purely a question for the jury to find. If they find the fact of such prior marriage they must also find that she was still alive at the time of the marriage with Madsen.

Mr. Dickson argued that it is incumbent on the defense to show the fact, of not only the New York marriage, but show the existence alive of the wife Caroline Peterson, at the time Bergen married Madsen. This, he claimed the defense had not done. Each gentleman read authorities in support of their respective positions. But the doctors disagreed, and the Court still adhered to its ruling, and the fact of a marriage prior to that of Bergen with Madsen was left to the jury; but not as a point of law. But thus the burden of proof of the fact rests with the defense.

Mr. Rawlins continued his address to the jury in which he still labored to prove to them that the marriage to Maud is illegal, and that if defendant has married Matilda Lundstedt she was the lawful wife of Bergen and that the only just verdict the jury can find is that of "not guilty," for his client. The address which was very earnest, eloquent and logical, embraced in its range a review of the marriage career from the first period of his wedded life to the time he is alleged to have married Matilda in Logan, and occupied 70 minutes in its delivery.

Mr. Dickson addressed the jury for the prosecution. He started out by saying that yesterday the defense said that Anna was the lawful wife, but to-day on a new theory of the law Matilda Lundstedt is the lawful wife. Yesterday they said the law was one thing and to-day they say it is entirely another thing. But the speaker believed that the jury were satisfied from the beginning that the defendant was guilty as charged. He said his oath bound him, as well as did his duty to the government compel him, to ask the jury to convict the defendant, if the evidence warranted it. But if they were satisfied from the evidence ad-

duced, that he was innocent, it was his duty to ask the jury to acquit him, and counsel would do so. Mr. Dickson said, however, that it made no earthly difference to him what became of this case, neither did it to the Government; but he was there to do his duty in the premises. He said counsel for the defense had declared that Matilda was the lawful wife of defendant.

[Mr. Rawlins denied this statement, and explained what he did say.] He traveled over a good deal of ground covered by his remarks yesterday, dwelt at considerable length on the fact that defendant was a member of the "Mormon" Church, that that church commanded its members to practice polygamy, and that defendant had obeyed that command when he went to the Temple with Matilda Lundstedt.

He claimed that it had been proved that Bergen had been married to Matilda, or that he was a lecherous beast. He continued his usual tirade of abuse and vulgarity about the "Mormon" Church, which occasionally found an echo in the minds of a few sensation-alists in the audience, and which they demonstrated by audible smiles; but which were suppressed by the Court. In reviewing the marriages of defendant with his several wives, he appeared to take special pains frequently to stigmatize Matilda Lundstedt as a harlot, a strumpet, etc. In regard to the life or death of the wife Anna, counsel said it was the duty of defendant to put himself in communication with her relatives or acquaintances, and thus determine facts in the case, that such facts could be placed before the jury for their information and action at this trial. This he had not done, yet the defense asks the jury to acquit him on the merest presumption in regard to her existence. But counsel declared she was dead when he married Madsen, and he knew it or she would have been heard from soon after that matrimonial alliance.

Fifteen minutes to four he closed his speech, and the Judge charged the jury. He said in order to convict the defendant they must first find beyond a reasonable doubt that on or about November 2nd, 1874 he married Maria Madsen, and that both parties were legally competent to contract the marriage, there being no legal impediment in the way. If they find these to be facts, then they must find beyond a reasonable doubt that on or about the 12th day of April, 1886, defendant married Matilda Lundstedt, and that his wife Maud was still alive, living and cohabiting with defendant as his lawful wife. The jury retired at 4 o'clock. In an hour and a half a verdict of guilty was rendered. Defendant was given until January 3d, 1887, to perfect a motion for a new trial.

THOMAS BULLOCK was called for sentence. He stated through his counsel, Capt. R. Smith, that he had no legal objection to give why judgment should not be passed on him; but he asked the clemency of the court as he was poor and had no means to pay a fine. He could not give the promise that would suspend the sentence and would submit to the judgment of the court. His honor regretted that Mr. Bullock could not give the promise, and sentenced him to six months in the penitentiary.

MYRON W. BUTLER was called. There are two counts in the indictment against him. He is also a poor man and has but little property. He could not make any promise for the future as to obeying the Edmunds law. He was sentenced on one count only. It is six months in the penitentiary and a fine of one hundred dollars, to stand committed until the fine is paid.

THIS MORNING Governor Stanford arrived from the Bay City and went to Evanston, Wyoming. He was accompanied by Congressman Felton and Morrow, of the Golden State.

B. C. SANDBERGH, an Englishman, made application this morning for citizenship. In reply to the court, he said he "knew polygamy was a crime." He was willing to sit on juries, go into the American army, fight for the Republic and do all other things he may be required to do to promote the interests of his new country. He was admitted.

BIRTH.

GREENWOOD.—In Brighton, Bannack Stake of Zion, Idaho, Nov. 23, 1886, to the wife of Robert Greenwood, a fine boy. All doing well.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One dark sorrel STALLION, 3 years old, strip in face, front feet white, left hind foot white; no brands visible.

If not claimed and taken away within ten days from the date hereof, I will sell the same to the highest cash bidder, at 2 o'clock p.m., at my corral.

SAMUEL J. POLLOCK,
District Poundkeeper.
Kanarra, Dec. 1, 1886.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One dark brindle and white 2 year old HEIFER, dark around head; no brand or mark visible.

If said animal is not claimed it will be sold at my corral, December 18th, 1886, to the highest cash bidder, at 2 o'clock p.m.

DAVID MOORE,
Echo Precinct Poundkeeper.
Castle Rock, Summit Co., Utah, Dec. 1, 1886.

LEGAL NOTICE.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of John Lindgren, deceased.

Order appointing time and place for settlement of final account and to hear petition for distribution.

ON READING AND FILING THE PETITION of Z. Snow, Administrator of the estate of John Lindgren, deceased, setting forth that he has filed his final account of his administration upon said estate in this Court, that all the debts of said estate have been fully paid, and that a portion of said estate remains to be divided among the heirs of said deceased, and praying among other things for an order allowing said final account and of distribution of the residue of said estate among the persons entitled.

It is ordered that all persons interested in the estate of the said John Lindgren, deceased, be and appear before the Probate Court of the County of Salt Lake, at the Court Room of said Court, in the County Court House, on the 3rd day of December, 1886, at 11 o'clock a.m., then and there to show cause why an order allowing said final account and of distribution should not be made of the residue of said estate among the heirs and devisees of the said John Lindgren, deceased, according to law.

It is further ordered that the Clerk cause copies of this order to be posted in three public places in Salt Lake County, and published in the DESERT WEEKLY NEWS, a newspaper printed and circulated in Salt Lake County, three weeks successively prior to said 20th day of December, 1886.

ELIAS A. SMITH,
Probate Judge.

Dated November 27th, 1886.

TERRITORY OF UTAH,
County of Salt Lake.

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of order appointing time and place for settlement of final account and to hear petition for distribution, in the matter of the Estate of John Lindgren, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 27th day of November, A. D. 1886.

JOHN C. CUTLER,
Probate Clerk.
By H. S. CUTLER, Deputy. w 3w

CURE FITS!

When I say cure I do not mean merely to stop them for a time and then have them return again. I mean a radical cure. I have made the disease of FITS, EPILEPSY or FALLING SICKNESS a life-long study. I want my remedy to cure the worst cases. Because others have failed I am not for not new remedies a cure. Send at once for a free trial and a Free Bottle of my infallible remedy. Give Express and Post Office. It costs you nothing for a trial, and I will cure you. Dr. H. G. BOOT, 26 Pearl St., N. Y.

NOTICE TO CREDITORS.

Estate of William Squire, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administrator of the estate of William Squire, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said administrator at his residence in St. George, the same being the place for the transaction of the business of the said estate.

THOMAS P. COTTAM,
Administrator of the Estate of William Squire, deceased.
Dated at St. George, Washington County, Utah, November 23rd, 1886. w 4w

LEGAL NOTICE.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of Mary B. Gollightly, deceased.

Order appointing time and place to hear petition for distribution.

ON READING AND FILING THE PETITION of Isaac Brockbank, Administrator of the Estate of Mary B. Gollightly, deceased, setting forth that he has filed his final account of his administration upon said estate in this Court, that all the debts have been fully paid, and that a portion of said estate remains to be divided among the heirs of said deceased, and praying among other things for an order allowing the final account and of distribution of the residue of said estate among the persons entitled.

It is ordered that all persons interested in the estate of the said Mary B. Gollightly, deceased, be and appear before the Probate Court of the County of Salt Lake, at the Court Room of said Court, in the County Court House, on the 30th day of October, 1886, at 11 o'clock a.m., then and there to show cause why an order allowing said final account and distribution should not be made of the residue of said estate among the heirs and devisees of the said Mary B. Gollightly, deceased, according to law.

It is further ordered that the Clerk cause copies of this order to be posted in three public places in Salt Lake County, and published in the DESERT WEEKLY NEWS, a newspaper printed and circulated in Salt Lake County, three weeks successively prior to said 30th day of October, 1886.

ELIAS A. SMITH,
Probate Judge.

Dated September 24th, 1886.

TERRITORY OF UTAH,
County of Salt Lake.

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of order appointing time and place for settlement of account and distribution in the matter of the Estate of Mary B. Gollightly, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 24th day of September, A. D. 1886.

JOHN C. CUTLER,
Probate Clerk.
w 3w