

LOCAL NEWS.

FROM FRIDAY'S DAILY, NOV. 13

Diphtheria at Morgan City.—By letter from Morgan City, we learn that Miss Sarah Ann Richards of that place lately went on a visit to Grass Creek and stayed for about a week at a house in which there had previously been some cases of diphtheria. While there she contracted the dreadful disease, and after being sick four or five days returned home, where, after three days' suffering, she succumbed to the destroyer. Four more children of the same family are now prostrated with the same malady. The house has been quarantined and hopes are entertained that the disease will spread no farther.

Back from Old England.—Among the missionaries who started homeward with the company of immigrants who arrived on Tuesday evening, was Elder Herbert L. James, but he did not arrive in this city until Wednesday evening, having remained behind the company in New York and come overland by another route. He was accompanied by his wife and little boy—one more in family than he started with when he went upon his mission to England two years ago last April—his wife at that time accompanying him on a visit to her relatives.

Elder James labored most efficiently during nearly the whole of his absence as chief bookkeeper and business manager in the emigration and publishing office of the Saints at 42 Islington, Liverpool, and also did good service in proclaiming the Gospel when opportunity was offered him for doing so.

He filled a worthy mission, won the friendship and confidence of all with whom he was associated and returns to his chosen home, of which he was a resident but little more than two years before his mission, with honor, ready to display equal faithfulness and zeal in some other department of the Lord's work. We bid Brother James and family welcome home.

The Burt Case.—In the matter of the contempt of Andrew Burt of the Third District Court, in obstructing the process of said court, the respondent's attorney to-day filed his answer to the charges in general. He claims that he was ignorant of the nature of the business in which Collin was engaged, and knew nothing of its nature till after it was transacted; that Collin was not interrupted, delayed or hindered by respondent in such or any service as relates to said court; denies that he beat or wounded Collin while the latter was so engaged, and does not believe that his action had the manifest tendency of bringing the administration of law into derision and contempt; shows that a difficulty occurred between Collin and himself, and admits striking him, but acted partly in self-defense, and that it was after the service of the subpoena and while Collin was walking on the street; that it was an entirely personal difficulty, and that respondent was arrested for it, tried, convicted and fined, the fine being paid and himself discharged thereupon. He claims that his assault was not upon the official but upon the person, and that under the circumstances the assault was no more than any other citizen; and that he had no intention or desire to be in contempt of the Court or its authority.

The case will be heard before Judge Zane at 10 a. m. to-morrow.

Cottrell's Death.—Last evening's News made mention of the killing of Henry Cottrell, of Kaysville, through his team running away, but at the late hour we were unable to give the particulars of the accident, which are as follows: Young Cottrell, who was about eighteen years of age, had been assisting to move a family from Kaysville to this city, and last evening was returning home in his wagon, in company with two other teams. As they were descending a hill near where the wagon road north of this city runs close to the Hot Springs Lake, the driver of the second wagon looked back and saw Cottrell, whose team was running away, reaching over the front of the wagon to recover one of his lines, which had slipped from his hands. A moment after the frightened animals turned out to one side and ran into a telegraph pole, the collision breaking the wagon tongue, and throwing Cottrell forward with great force. His body fell in a horizontal position, the stomach coming in contact with the telegraph pole, the body lapping completely around it. He dropped to the ground and straightened out, and his companions gathered around as quickly as possible, but the deceased did not draw a single breath after they reached him. There were no injuries on the body, except that the back of the left hand had the skin stripped off by striking the telegraph pole, and there were some slight bruises across the stomach. The probability is that the force of the blow knocked the breath permanently out of the unfortunate man.

The accident occurred about fifteen minutes before 4 o'clock, and Mr. George Margetts, who was a short distance behind Cottrell's team when it ran away, telephoned notice to the coroner. The friends of the deceased, however, placed the body in a wagon, and took it home to the boy's aged parents, who have the sympathy of the entire community in their sad bereavement.

Loss by Fire.—By correspondence from Junction Valley, Box Elder Co., we learn that a fire of incendiary origin occurred on the premises of Brother John Lind, a resident of that place,

on the evening of the 24th ult., which consumed his house, furniture, grain and other provisions, a quantity of machinery, bedding, clothing and nearly all the household goods.

Brother Lind happened to be away from home at the time, attending to some business in Ogden, and the person who set the place on fire must have been aware of his absence and well acquainted with the premises. His primary object was evidently theft, the arson being secondary and perhaps mainly for the purpose of covering up the other crime. An outhouse was being used as a kitchen, and the family was occupying it at the time of the fire. There was a strong smell of coal oil when the fire was discovered, which would indicate that the incendiary had used some of that fluid to start the blaze. Sister Lind succeeded, at considerable personal risk, in getting one trunk which was nearest the door out of the house after the fire was discovered and found that it had been broken open and that about \$10 in cash and some postage stamps had been taken out of it. About \$200 in cash, left in care of the family by a friend, had been in the box shortly before, and it is likely that the thief had hopes of getting that, but the owner had called and taken it away.

Brother Lind was formerly a resident of Grantsville, and removed to the north two years ago last spring as the pioneer settler of the place where he now resides. By dint of toil and frugality he had just got a fair start towards making a comfortable living when the disaster mentioned overtook him, which leaves himself, wife and family of seven small children in a destitute condition, not only stripped of what they had, but in debt for machinery which he had purchased, and which was consumed, to the amount of \$300. It is a case that ought to call forth substantial sympathy from those especially who are acquainted with the family and are able to help them in their present extremity.

JAMES MOYLE

ARRESTED FOR COHABITING WITH HIS WIVES.

About half past five o'clock yesterday afternoon deputies visited the house of James Moyle, in the Fifteenth Ward, and subpoenaed Mrs. Moyle and several of her children to appear before U. S. Commissioner McKay this morning. Mr. Moyle was not at home at the time, but came in shortly afterward, and about an hour later Deputy Collin arrested him on a charge of unlawful cohabitation. The defendant was taken before Commissioner McKay, and gave \$1,000 bonds to appear for examination at 10 a. m. to-day.

This morning Mr. Moyle entered a plea of not guilty to the complaint, which alleges that, between June 1, 1882, and October 1, 1885, the defendant lived and cohabited with Mrs. Jane Moyle and Maggie Kennel Moyle as his wives. The preliminary examination was waived, and \$1,500 bail given to await the action of the grand jury.

Mrs. Elizabeth Moyle, Jas. H., Oscar, Stephen, Florence and Ida Moyle, Mrs. Christina Moore and Thomas Cannell were placed under \$100 bonds each, to appear and testify before the grand jury, and were in the august presence of that body to-day.

FROM SATURDAY'S DAILY, NOV. 14

The Lying Tramp.—It is said that the tramp Albert Sidney, who lied under oath in the District Court to-day to oath Marshal Phillips in a false position, is having quite a feast for one of his profession, having received a dollar and a half from the treasury for his villainy. He does wisely in enjoying the day, as it may be brief, the attention of the prosecuting attorney having already been called to his case.

The Disbarment.—The disbarment proceedings recently instituted by Judge Zane and carried forward by Thomas Marshal, Esq., and Judge Hoge, were focused to-day, in the filing by the Court of his ruling in the premises. Of course the victim of judicial fanaticism, Mr. Aurelius Miner, was disbarred; he was not already suffering sufficiently in mind and body for what the powers that be are pleased to term an offense, but must be subjected to this additional humiliation and degradation—and because he is a "Mormon." We will have something to say on this subject hereafter.

Honor to an Idaho Martyr.—By correspondence from St. Charles, dated November 10, 1885, we learn that Brother Joseph M. Phelps, of Montpelier, was the recipient of a grand surprise on the evening of November 2nd, prior to his departure for Blackfoot to receive sentence for cohabiting with his wives. His relatives and friends made a raid on his residence, armed with an abundance of good things in the shape of eatables. The evening was well spent, in listening to songs, recitations, speeches, etc. Brother Phelps was happily surprised, and expressed his gratitude for the respect shown him by his friends. He left home with a light heart, perfectly reconciled to his fate.

News from Alabama.—By a private letter from Elder James Campbell, who is laboring in Alabama, we learn that Elder Butler, who for some time past has been his fellow missionary, has been released to return home, and that Elder W. J. Woodbury has been appointed to succeed him. Brother Campbell mentions having visited

Hamilton, the locality in which a cave was said to have been lately discovered, containing petrified human remains, etc., an account of which was copied into the News some time since. He found on investigation that the story was a hoax, invented by residents of that region for the purpose of creating a sensation, in which it appears they were successful, as the editor of the paper in which the account was first published says that he gets letters from all parts of the United States inquiring for further particulars about it. Brother Campbell is full of zeal and enjoying his labors.

Medical Electrizer.—The properties of electricity as a curative agent are becoming more generally recognized and understood, as the experiments of scientists give them increased knowledge concerning the power and utility of this subtle agent. Numerous contrivances have been invented in which electric currents have been used to rid mankind of various ills which afflict them. Among these appliances are electric belts and soles. In our advertising columns appears the card of the agent in Utah for these latter items, Sister H. S. Strock. An aged lady, Mrs. Ferguson, of this city, states that for three years she has suffered from partial paralysis, and has been cured by the use of an electric belt. Another lady, Mrs. Fowler, also says that she was relieved of neuralgia by the same means.

Another Lawbreaker.—The residents of Bountiful Precinct, Davis County, have been imposed upon by having an individual named Stephen Hale act as postmaster in that place. Hale has also held the appointment as deputy registrar from the Utah Commission, and has added to his other sources of income a dance house and beer cellar. The beer selling was conducted in defiance of the law, under the guise of selling soda water. Yesterday, however, Hale, who, by-the-by, was a candidate on the young democratic ticket for a member of the Legislature, was brought to trial on the charge of dispensing the beer without the necessary license. A jury was impaneled, and a verdict of guilty rendered. The defendant went on the stand and attempted to deny the facts, but unwittingly admitted them when under cross-examination. He was fined \$99 and costs by Justice Lincoln. The fine is to be paid on Monday. Prosecuting Attorney Barton, of Davis County, conducted the case for the people.

Thanksgiving Day.—Governor Murray has issued the following proclamation, designating Thursday, the 26th inst., as Thanksgiving Day:

TERRITORY OF UTAH,
EXECUTIVE OFFICE,
Salt Lake City, Nov. 12, 1885.

The President of the United States has designated Thursday, November the 26th, as a day of Thanksgiving.

The people of Utah, in common with the people of the United States, are thereby admonished of their duty to themselves, their country, and to the Great Ruler of the Universe.

In the year that is drawing to a close, the people of Utah have been blessed in their homes and industries, and spared from raging pestilence. The farms and mines have yielded generous returns, and the safeguards of law and blessings of liberty have been the common heritage of the citizens of this Territory. Mindful of the troubles that environ many of the people, may we not now with one accord join in the hope that all wrongs may be speedily and surely righted, and that upright and enlightened action may mark our pathway as individuals and as a Territory. In order to recognize these obligations in a public manner, I, Eli H. Murray, Governor of Utah, do recommend that on Thursday, November 26th, all secular business be suspended, and that the people assemble in their usual places of worship, and render thanks for every good and perfect gift that has been bestowed upon us, and throughout the day gladden the hearts of the poor by deeds of benevolence and charity.

In testimony whereof I have hereunto subscribed my name and caused to be affixed the great seal of the Territory.

ELI H. MURRAY.

By the Governor:

ARTHUR L. THOMAS,
Secretary.

Another Case of Contempt.—In view of Judge Zane's decision of to-day in the Burt case, it will doubtless require nothing more than the following timely notification of a similar instance of contempt of Federal and Judicial authority occurring at Ogden, to bring down upon the luckless Munson a sentence of fine and imprisonment from one of the Federal Judges. The fact of his having already been fined and imprisoned by a paltry justice of the peace for the same offense, will of course have no weight whatever in the case:

OGDEN, Nov. 13, 1885.

Editor Deseret News:

I wish to respectfully call the attention of Associate Justice O. W. Powers, Commissioner Wm. McKay, and Assistant District Attorney C. S. Varian, to a dreadful event of recent occurrence, which seriously threatens the stability of the Federal-judicial power in Utah.

On Wednesday last two men named Miller and Munson had a fight about a trifling indebtedness in a harness shop on Main Street in Ogden. In the course of the struggle, Munson

struck Miller several heavy blows with a hammer about the head and face. The case of the assault was examined yesterday before Justice Dee, and Munson was fined \$50 and sentenced to ten days' imprisonment.

Miller is a member of the grand jury of this district. Munson's assault upon Miller was, according to recent interpretation, a contempt of Judge Powers and a premeditated and wilful effort to block the wheels of judicial progress.

I respectfully suggest that Commissioner McKay and Attorney Varian immediately transport themselves to Ogden, and, if Powers cannot be spared from Provo, that Judge Zane be assigned temporarily to duty in this district, to uphold the dignity of the Court.

AREBEE.

THE BURT CASE.

FIVE DAYS' IMPRISONMENT AND \$150 FINE IMPOSED.

The hearing in the matter of the contempt charges against Andrew Burt occupied the entire morning session of the District Court to-day, and ran half an hour past it, ending at 1 p. m. The public are already familiar with the details, and they need not be recapitulated. Eleven witnesses were placed on the stand by the prosecution, one of whom was the deputy marshal who was assaulted—the great and grievous Collin himself. From the outset, almost, it was clearly foreseen that the defense had an up-hill task before it, with disappointment awaiting it at the summit if any such expectation as acquittal was indulged in; and the most that could be hoped for was a mitigation of the punishment which the law allows in cases of contempt.

THE DEFENSE

used but two witnesses—the respondent himself and City Marshal Phillips, the latter more in impeachment than anything else of one Albert Sidney, a nondescript lugged in by the prosecution, who was shown by the defense to have testified falsely. He stated that he heard Burt say that if he had been let alone he would have finished Collin, and that Phillips replied that he was sorry there was any interference then. This caused Judge Zane to express his astonishment, and properly so under the circumstances, (Mr. Varian having given him the information that Phillips was the City Marshal, that such an officer should use language of that kind. On the witness stand, the officer swore that he did not see the person referred to on the occasion spoken of at all, and that he

SAID NOTHING OF THE KIND,

there or elsewhere. Mr. Phillips was complimented by Judge Zane upon his testimony, after the adjournment was taken, and it is probable that Sidney will receive the attention of the grand jury if he can be found.

The principal witness for the defense, was the respondent himself, his testimony being substantially as it appears in his answer to the rule of Court, a brief synopsis of which appeared in yesterday's News. This, with testimony of a more or less favorable character brought out by cross-examination of some of the witnesses for the other side, made up the basis of the defense upon which Burt's counsel rested, and it was not deemed wise to amplify.

When the evidence was all in,

MR. VARIAN TOOK THE FLOOR,

and made a somewhat lengthy argument, claiming that this was clearly a case of contempt, that it was also an indictable misdemeanor, and could be heard and determined by the Court with reference to either of both, citing authorities in support of his position; claimed that the charges contained in the affidavit had all been proved to the satisfaction of himself and doubtless that of the Court. Officers must be protected in the discharge of their duties as such officers, and an example should be made for this violation.

COUNSEL FOR THE DEFENSE

reviewed the case briefly; claimed that no case of contempt had been made out; that it was simply a quarrel between individuals, in which one thought himself aggrieved and sought satisfaction at the first opportunity, not having the court, its officers or process in his mind at the time; contempt must consist of something more than overt acts, there must be an intent, a deliberate purpose to set aside the authority and repudiate the dignity of the Court, and this did not appear. There must be a time when the position of an officer ceases and that of a citizen begins, and this was such a time. Admitted that this was an indictable offense, but denied that as such it was triable by the Court, as an indictment presupposed

TRIAL BY JURY,

and this, with other benefits pertaining to such procedure, they were not in the enjoyment of; besides respondent had been punished for the offense. It was clearly a proceeding in contempt, and contempt had not been sufficiently shown.

Mr. Varian responded briefly, and Judge Zane, after summing up the merits and demerits of the case (from his standpoint), announcing the Court as a representative of the government and its officers as men not to be interfered with,

PROCEEDED TO SENTENCE

Mr. Burt to five days' imprisonment in

the county jail and to pay a fine of \$150, and stand committed till paid.

The respondent was then taken in charge by an officer, and the crowd dispersed.

FROM MONDAY'S DAILY, NOV. 16.

More Indictments.—The grand jury came into court to-day and reported six indictments, all under United States laws. As the only witnesses that have been before that body since its last report are the families of James Moyle and John X. Smith, it is fair to presume that more "segregating" has been going on.

Burglary.—Some time on Saturday night F. May's Union Meat Market, on East Temple Street, was broken into and a number of hams stolen. Entrance was effected through bursting in the back door. Charles Barker, who was found loading on the premises, was arrested, but as nothing could be proven against him, he was discharged. John Faber was arrested to-day for the offense. Faber yesterday tried to sell some hams at a restaurant.

Shooting Affray.—About midnight on Saturday, George Hogge, Ed. Hall, James Norton and Tom James, members of a crowd claiming to be from Montana, and Ollie Bess, W. Carter, F. Hurd, F. Blackburn, Parley Hill and B. Blackhurst, composing another party, were in a saloon on Second South Street, when through Hogge's assaulting Blackburn, a row occurred. The parties were ejected, and some time after met in a saloon near the Clift House, where more loud talk was indulged in, and from where Bess, Carter and Hill departed, followed by Hall, Norton and James. After crossing the street at the Clift House, Bess and his companions stopped, and the quarrel was resumed, James firing two shots from his revolver at Bess. Carter, seeing this, also drew his pistol and emptied the six chambers at the Montana men, one shot taking effect in James' right thigh, inflicting a severe wound. James was then dragged by one of his companions into the alleyway at the back of the Union Block, where Dr. Potter was summoned and attended the injured man, who was then taken away in a hack and left at the Colorado House. The police, after experiencing considerable difficulty, succeeded in arresting all the parties, who were brought before Justice Speirs this afternoon.

The Montana men have at a livery stable in this city quite a number of horses, and from all that has been learned of them, it is supposed they are members of a gang of horse-thieves or other unlawful organization.

CHARLES W. NIBLEY.

BROUGHT FROM IDAHO TO THIS CITY ON A CHARGE OF UNLAWFUL COHABITATION.

Last Friday evening, while Charles W. Nibley, Esq., of Logan, Cache County, was at Pocatello, Idaho, on business, C. J. Bassett, an Idaho deputy marshal, arrested him on the charge of unlawful cohabitation. The warrant was issued by Commissioner McKay, of this city, and was made returnable before that functionary. Mr. Nibley was taken to Blackfoot, Idaho, and on Saturday morning came on to this city, arriving the same evening. At Logan a deputy named Green came on the train. Mr. Nibley was ushered into Marshal Ireland's office, where the two deputies, Bassett and Green, went security for his appearance before Commissioner McKay this morning.

Yesterday morning Deputy Vandercook started for Logan to subpoena witness in the case, and will probably arrive in this city this evening.

At 10 a. m. to-day, Mr. Nibley went to the Commissioner's office, and there being no witnesses present, asked that the preliminary examination be waived, but this was refused, and a continuance taken until to-morrow morning. The complaint, which is sworn to by Marshal Ireland, is dated October 29, and alleges that, between June 1, 1882, and October 1, 1885, Mr. Nibley lived and cohabited with Beckie Nibley and Jane Doe Ricks as his wives. The defendant gave \$1,000 bail to appear to-morrow morning, J. T. Little and W. J. Beattie being sureties.

It will be noticed that the complaint was sworn to on Oct. 29, in this city, and the arrest made in Idaho, Nov. 16th. Yet Mr. Nibley was in Salt Lake City, on the public streets and in business places attending to his affairs, from the 1st to the 5th of November, his presence being noted in the daily papers at the time. It may be that Marshal Ireland delayed the arrest in order to show the harmonious relations which exist between the Idaho marshals and himself. Can it be possible that Mr. Nibley, and the witnesses in the case, are dragged so far for the purpose of swelling the mileage and other fees to be taxed as costs and gathered into the hungry maws of "the representatives of the government?" It looks very much like it, for the representatives of the mills which are not the gods' have a Polyphemus eye looking to the fees. There is a U. S. Commissioner located at Logan, the home of Mr. Nibley and the witnesses in the case, and another at Ogden, both those cities being in the judicial district where the case will have to be tried. It would seem that the Falsattian Commissioner has a first mortgage on all cases arising under the Edmunds law, and he means to work it for all it is worth and a great deal that the law does not authorize besides.