

FROM THURSDAY'S DAILY MAY 5.

Released.—To-day, Brother William Geddes, of Weber County, was released from the penitentiary, where he has served a term of six months for living with his wives. He paid his fine of \$100.

Silk Handkerchiefs.—We have been shown, by Mr. John R. Howard, samples of silk handkerchiefs of home manufacture. They have on the corners beautiful and clearly defined representations of the Salt Lake Temple and Z. C. M. I. building. They are made on the Jacquard hand-loom, in the Fourteenth Ward, by James Chalmers. They are of a wide variety of shade and good texture.

Suit Stayed.—The suit of John A. Groesbeck et al. vs. Geo. A. Mearns, et al., one of a multitude of legal complications growing out of mining interests, has been continued for the term at least. Mr. Mearns' attorneys applied to Judge Henderson for an injunction against the case now coming in for trial on the ground that a new suit had been planted by Mearns et al. involving issues that should be determined before the other case ought to be heard. The injunction was granted and the case has accordingly gone over.

A Big Mortgage.—The Utah & Northern Railway Company yesterday filed in the recorder's office at the court house a mortgage, dated July 1, 1884, to the American Loan and Trust Company of Boston. It was made to secure consolidated first mortgage 5 per cent. bonds running forty years, limited to \$15,000 per mile of railroad. The road was 466.18 miles at date of the instrument. There is a prior lien in the shape of a mortgage to Gould and Richardson. This is to be lifted and the company contemplate an expenditure of about \$3,000,000 to change its grade to a broad gauge and furnish rolling stock. C. F. Adams as president conveys all the road and roadbed from Ogden to Garrison, and branches now in existence, subject to the Gould and Richardson mortgages, to the American Loan and Trust Company, in trust to secure the holders of bonds they contemplate issuing to the above amount.—*Butte Miner*, May 3.

Third District Court.—Judge Henderson, agreeable to the exchange made between him and Judge Zane, opened the Third District Court this morning. The first case was the noted Mammoth suit, E. Morris being the plaintiff against the Mammoth Company. This is the fourth time this suit has been up for trial. On the first trial the jury did not agree. On the second, the trial fell through because a relative of Mr. Morris was on the jury; and the last time the jury failed to agree. It is expected the case will continue about two weeks. There were but eighteen jurors in attendance, and as it was believed a jury could not be gathered from among these an open venire was issued for twelve more. It is understood that an attempt was made to compromise some time ago by paying Mr. Morris \$15,000, but he would not consent.

From the Missionary Field.—We had a pleasant call to-day from Elder D. P. Callister, of Fillmore, Millard County, who returned last evening from a mission to Great Britain. He left for his field of labor on April 14th, 1885, and on arriving in England was assigned to the Liverpool Conference, where he performed the duties of a traveling Elder for some eighteen months. He also visited the Isle of Man. His next field was in the Nottingham Conference, where he spent two months in the Hucknall district, the Saints in which branch he considers as among the most faithful and energetic he has met with. The remaining portion of the time he labored in the Lincolnshire district of the same conference.

He will leave this city to-morrow for his home in Fillmore. He is highly gratified at having had the privilege of aiding in the spread of Gospel truths, having greatly enjoyed his missionary labors.

Civil Service Examination.—Mr. Weston Flint, chairman of the board of civil service examiners at Washington, is in this city. On Saturday next an examination of applicants for positions in the several departments of government at Washington will be held in the grand jury room of the Third District Court. The custom is to examine only those making application some time before the examination takes place. Here, however, any desiring may enter, providing they are between the ages of 18 and 45, under and beyond which ages no application can be entertained. This rule, however, does not apply to soldiers—age cuts no figure with them.

The examination will be for but one day, beginning at 9 o'clock a. m. of Saturday. The board of examiners here will consist of Postmaster Barratt, Guy Willis and L. A. Billing, with Mr. Flint presiding.

The examination will test the competency of applicants in writing, dictation, copying, spelling, arithmetic, composition, geography, the form and nature of government, and on law; while the special examinations for those desiring to enter the state department, signal service office, patent office, library, pension office and to become medical reviewers, topographers and geological surveyors, type-writers and stenographers are of a nature that will try the knowledge of the applicant in the directions mentioned. There is also an examination in language.

"COFFEE JOHN" IN TROUBLE.

HE ASSAULTS H. G. WHITNEY, OF THE "HERALD."

Yesterday afternoon John A. Fitchette, "Coffee John," rushed out on to the sidewalk in front of his restaurant, and attacked H. G. Whitney, of the *Herald*, who was passing, striking him a vicious blow in the face. Mr. Whitney returned the blow in self-defense, when a deputy marshal interfered and placed Fitchette under arrest.

The attack grew out of the publication by the *Herald*, of Fitchette's own confession of his tricky transaction at the time of his alleged sale to S. Brissacher, just prior to his assignment.

Fitchette was taken before Commissioner McKay and pleaded guilty. Judgment was deferred till this morning.

To-day another charge of threatening to assault Mr. Whitney, was made against Mr. Fitchette, and an examination held.

Edward Ivins testified that on Tuesday, May 3, he had been accosted by the defendant and asked concerning the report in the *Herald*; the defendant said the paper had been "running" him, and the only way to stop it was to whip Mr. Whitney. He would not state positively that the threat were made on Tuesday; was pretty certain that was the day.

Mr. Jessop, of the *Tribune*, testified that on Tuesday the defendant had made use of language conveying the impression that he would lay Mr. Whitney out if he got a chance; he had afterward said that he would not do it; both statements were made before the assault; witness had warned Mr. Whitney that "Coffee" John was going to "wipe the ground" with him.

Henry A. Noon, also of the *Tribune*, testified that on Tuesday he heard defendant say he was going to thrash Mr. Whitney because of an article published in the *Herald*.

Mr. Fitchette asked that the case be dismissed because it had not been shown that the threats had been made in Salt Lake City.

Mr. Dickson remarked that it made no difference where the threats were made, the question was whether there was danger to Mr. Whitney. The evidence showed that there was danger, and he asked that the defendant be placed under sufficient bonds to keep the peace. He had attempted to carry his threat into effect, and had been stopped. The article published furnished no justification for the defendant's action.

In the case of threatening, the Commissioner remarked that the threat had been carried into execution, and by reason of that fact he would discharge the defendant. In the assault case he would hold the defendant in \$250 bail to await the action of the grand jury. J. W. Farrell and Jos. Obendorfer became sureties.

If the statements made by "Coffee John" in his "confession" on Saturday last are true, it looks as if there was a good case under Section 1006 of the Compiled Laws against him.

THE IMMIGRANTS.

THEY ARRIVE IN SAFETY—TRAVEL OVER A NEW ROUTE.

At five o'clock last evening that portion of the first company of this season's emigration from Europe booked to this city arrived over the D. & R. G. W., in charge of Elder E. P. Callister. At 7:30 p. m. the division for points south of Springfield, Utah County, came in on the Utah Central, having traveled via the Union Pacific. Most of those destined to other points were met by friends and relatives at the stations along the line and provided for.

The company left Liverpool on April 16th, in charge of Elder D. P. Callister. There was considerable sickness among the Saints during the ocean voyage, but all recovered. On the arrival at New York on April 27th, a change was made from the usual route traveled. The company re-embarked on one of the Old Dominion Steamship Company's vessels and went down the coast to Norfolk, Va., where the Saints were landed and made the journey overland by rail.

At Chattanooga a St. Louis *Globe-Democrat* reporter boarded the train, and took a look at the immigrants, of whom in his dispatch to the paper, he says:

"They came by way of Norfolk, and are the best equipped immigrants who have arrived in this city for many a day. The party is composed of men, women and children, and they all seem intelligent, are well dressed, and all seem to have money. They regard Utah as possessing all the richness of the promised land."

At Kansas City the company was divided, those going north of Ogden and south of Springfield, traveling by way of the Union Pacific, in charge of Elder H. P. Eliason, and the others via the D. & R. G. with Elder Callister. All arrived at their destination in excellent health and spirits.

The Elders spoke in terms of praise of the treatment received at the hands of the steamship company and railway officials along the entire route, and especially that part over which this company made the trip. The officials throughout were courteous, kind and prompt in their business relations.

A SEPTENNARIAN

HELD FOR UNLAWFUL COHABITATION—ADULTERY ADDED.

Last evening Andrew Homer, of Mill Creek, Salt Lake County, was arrested on a charge of unlawful cohabitation made by Deputy Franks. The old gentleman is seventy-one years of age. He was released on \$1,000 bail to appear for examination to-day.

He was called before Commissioner McKay at 11 o'clock this morning, and pleaded not guilty to the complaint. He was without an attorney. Mr. Dickson prosecuted.

Mrs. Petra Homer was the first witness. She testified—My maiden name is Peterson; I married defendant in 1880, in Salt Lake City; I live in Mill Creek Ward; have one child, seventeen months old; the defendant lives with me; he had a wife, Janina, before he married me.

Mrs. Anna Homer testified—My maiden name is Anderson; I was married to the defendant for the next world; his first wife's name is Janina; I was married 15 or 16 years ago; Janina lives near Park City; she left him many years ago, 11 or 13; I live in Mill Creek Ward, by myself; the defendant comes to see me occasionally as a neighbor; I take care of myself; I wanted him to get another wife; he lives with Petra now.

In reply to the Commissioner, the defendant gave his age at 71 years; he was poor and feeble. He said his first wife had died in the States over 30 years ago; he married again, but his wife left him 11 years ago; he then had two wives, one of which was for eternity, and with whom he had not lived. In 1880 he married again, and was now living with his wife. He had never lived with but one wife at a time. If he was sent to the penitentiary, and lived long enough to come out, he would have to go back to his present wife, as the one held to be the legal wife had left him five years before the last marriage, and they could not live together.

Mrs. Petra Homer stated to the Commissioner that the defendant had lived with her alone, and that she was in fact his only wife.

Mr. Dickson demanded that the defendant be held, not only for unlawful cohabitation but also for adultery in living with his third wife.

The Commissioner stated there was probable cause to believe the defendant guilty of unlawful cohabitation and of adultery, in living with his wife Petra, and fixed the bail at \$1,500. The two ladies were also required to give bonds in the sum of \$200 each to appear before the grand jury and at the trial.

MORE REGISTRATION OUTRAGES.

A NEAT CIRCULAR WITH NEW NAMES.

Reports come from Enreka that the registrar there is doing just about as he wills—the result being that while the Loyal Leaguers are cajoled into taking the oath where they have scruples against it, every hindrance is put in the way of members of the People's Party registering. We are informed that the fraudulent oath is being offered in every instance, and that even were the People's Party voters willing to take it, they are questioned until the registrar concludes he would not allow them to subscribe. Whether any detailed authentic information has been forwarded on the subject we are not aware, but undoubtedly there is good reason here for application of the Commission axe.

It may interest the public to know the part certain gentlemen are taking in the registration and election. It has been a matter of notoriety that Dickson, Varian, Bennett and Baskin were advising registrars to ignore the instructions of the Commission, but it was not known generally that Thomas Marshall and P. L. Williams were so zealous in behalf of this work. Of the six names appended to the following circular, two are United States officials and one a Territorial officer.

SALT LAKE CITY,

April 29, 1887.

To the County and Precinct Registrars of Utah Territory:

We, the undersigned, members of the Bar of Utah, have carefully examined the accompanying form of oath, and confidently advise all Registrars and Judges of Election in this Territory that the said oath is in full accord with the so-called Edmunds-Tucker law, and is a suitable oath to be required of all persons before registration, and we will defend, free of cost to you, all actions at law that may be brought against any Registrars or Judges of Election, for the requirement of this oath. Under the decision of the Supreme Court of the United States, in the case of Murphy versus Ramsey, it was held that the Utah Commissioners have not the power to prescribe the form of oath to be administered by the Registrars, but that such Registrars must and shall satisfy themselves that each person applying for registration is entitled to such registration.

(Signed) THOMAS MARSHALL, C. S. VARIAN, P. L. WILLIAMS, W. H. DICKSON, R. N. BASKIN, G. W. BENNETT.

If sad experience had not taught that Loyal Leaguers may do with impunity that which would land a "Mora-

mon" in jail it might be worth while to note the position these men would take if territorial officers were to assume in a similar circular that the Utah Commission should be ignored.

FROM FRIDAY'S DAILY MAY 6.

The New District Attorney.—Mr. George S. Peters, the newly-appointed District Attorney for Utah, vice Wm. H. Dickson, removed, reached Salt Lake City last night, coming over the D. & R. G. He was met by Dickson and Varian, and took quarters at the Walker House. To-day he was present in court and took the oath of office.

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

George S. Peters was admitted to practice as an attorney.

Mr. Peters filed his commission as United States District Attorney for Utah.

Elias Morris vs. the Mammoth Mining Company; settled and dismissed.

The United States vs. May White; adultery; case continued.

Secure Your Passage.—Those who purpose joining the Spence-Rossiter excursion party to England should, without delay, deposit the amount of fare (\$140, or \$120 where persons take steerage passage on the steamer) with B. H. Scuttler, of Zion's Savings Bank, Salt Lake City. It is necessary that the managers should know in advance how many berths to secure with Gulon & Co.

Amusing and Annoying.—Brother John S. Gules, writing from Spanish Fork on the 3d, says that deputies arrested the postmaster of Salem, whom they found in Provo City; he gave \$800 bonds to appear next day in Provo. He appeared before the commissioner and was excused and went back to his family. The reason for his arrest was that a lady, who was teaching school in the neighborhood, boarded at his house.

Probate Court.—Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of Elizabeth A. Whitney, deceased, order appointing Charles M. Evans, Robert McEwan and William Fuller, appraisers; Joseph E. Kingsbury, administrator.

In the matter of the estate of John Masters, deceased; letters of administration granted to Joseph Masters; William J. Lloyd, Geo. H. Knowlton and D. J. Griffiths appointed appraisers.

In the matter of the estate and guardianship of D. W. Moffat et al., minors; order to show cause why sale of real estate should not be made.

The marriage certificate of John Phillips and Bertha Fuller was filed yesterday.

In the matter of the estate of Eric M. Cast, deceased, order allowing and approving account of administrator.

In the matter of the estate of Emma S. Wright, deceased, an order has been made appointing time and place for settlement of administrator's final account.

In the matter of the estate of Abraham Taylor, inventory and appraisal, by Rufus H. Hardy, Henry Burns and James White, filed.

In the matter of the estate of Dirk Bockholt, deceased, inventory and appraisal, by Robert E. Neslen, Robert T. McEwan and H. Pembroke, filed.

In the matter of the estate of Henry Smith, deceased, order requiring administrator to render an account and exhibit.

In the matter of the estate of Samuel Kahn, deceased; bond of agent for non-resident parties to the Territory, filed and approved.

RELIGIOUS TEST REQUIRED.

APPLICANTS FOR CITIZENSHIP REFUSED BECAUSE OF BELIEF.

Article VI of the Constitution of the United States, says: "No religious test shall ever be required as a qualification to any office or public trust under the United States." This provision does not seem to be of much worth with Judge Henderson, as shown by his action in the Third District Court to-day, in dealing with applicants for admission to citizenship.

Carl E. Larsen, after answering a great many interrogatories as to difference between a republic and other forms of government, etc., was asked by Judge Henderson, "Do you believe it right for a man to have more than one living and undivorced wife at a time?"

Mr. Larsen—I have but one wife.

Court—That is not the question. Do you believe it right for a man to have more than one wife?

Mr. Larsen—Yes, for some men. One wife is enough for me.

Court—Do you believe, if hereafter you have means enough and are told by the Church authorities to take another wife, it would be right?

Mr. Larsen—I do not know what I might do in the future. My full intention is to obey the law of the land.

Court—You will not say what you will do in the future.

Mr. Larsen—I will not break the law.

Court—Then you cannot take the oath.

Mr. Larsen—I will not hereafter break the law; I do not intend to break the law.

Court—You do not say positively you will not?

Mr. Larsen—No; I cannot say what I may possibly do. My intention is not to break the law.

Court—You can learn more of this and make up your mind. This is not a final denial but you can come again before Judge Zane. I understand you to say you wanted to keep the law, but did not know whether you would or not. Under the showing, I do not think you ought to be admitted. You can see Judge Zane. I would not admit a man to citizenship unless he would fully say what he would do in future.

Another applicant this afternoon was Andrew Thomson. He was asked—

"You believe in the revelation commanding polygamy?"

Mr. Thomson—Yes, sir.

Court—You are a member of the Church?

Mr. Thomson—Yes, sir.

Court—You know of the doctrine of obedience to counsel? What grade in the Church do you belong to?

Mr. Thomson—I am a Teacher.

Court—What is the duty of a Teacher?

Mr. Thomson—To visit the people.

Court—Do you teach the doctrines of the Church?

Mr. Thomson—Some of them.

Court—Can you state what you will do with any degree of certainty?

Mr. Thomson—My present intention is to obey the law.

Court—Suppose the First Presidency should direct you, believing you to be a man of means, to take another wife?

Mr. Thomson—I cannot say that I would do it.

Court—Then you do not take the doctrine of obedience to counsel?

Mr. Thomson—No, sir.

Court—Will you preach against the doctrine of polygamy?

Mr. Thomson—I would not say anything about it.

Court—Would you stand aloof?

Mr. Thomson—I would.

Court—And would not obey the commands of the First Presidency? You believe that the people have a right to revelation for themselves?

Mr. Thomson—Yes, sir.

Court—Suppose you were to receive a revelation commanding you to practice polygamy, would you do it?

Mr. Thomson—I never received one.

Court—You say you will obey the laws against polygamy till you receive a revelation to the contrary. Would you obey that revelation?

Mr. Thomson—I can't say. I will obey the law.

Court—You can say that for now. What of the future?

Mr. Thomson—I don't know.

Court—You say you may receive revelation. If you should receive a revelation from God hereafter, would you feel bound to obey it?

Mr. Thomson—I may never receive revelation.

Court—I cannot take that as an answer. You are swearing allegiance for the future. If you acknowledge receiving dispensations from the Almighty, and would obey them as against the United States, you cannot swear to obey the law. Do you think Congress ought to pass laws against polygamy? Do you believe in the Edmunds law?

Mr. Thomson—Congress passed such a law.

Court—Do you believe in that law?

Mr. Thompson—I believe it is a law?

Court—Do you believe it ought to be?

Mr. Thomson—Congress had the power to pass it.

Court—That is a question of might over right. Do you believe the law right? If you should receive a revelation from God commanding you to practice polygamy, what would you do?

Mr. Thomson—I intend to obey the laws of the land.

Court—If you should receive a revelation from God, how would you reconcile it with the law of the land?

Mr. Thomson—I cannot tell.

Court—You had better think it over. If you believe it your right to receive revelation, I think you cannot take the oath. You had better consider the matter.

The application was denied.

Another applicant was denied because he did not satisfy the judge that he came to the country before he was 18 years of age.

THE LATEST TEST OATH.

A Adversely Spat in Court.

THE MORRIS-MAMMOTH SUIT DISPOSED OF BY COMPROMISE.

In the Third District Court yesterday afternoon, it was found necessary to call on the open venire to fill the panel of the jury in the suit of Elias Morris vs. The Mammoth Mining Company. One of those thus summoned was Joshua Midgley, the painter. He passed satisfactorily as to his general qualifications, and was called by Judge Henderson, who was on the bench, to take the oath prescribed by the Edmunds-Tucker law.

The clerk handed to the Judge his book containing the forms of oath. Judge Henderson inquired—in this the form Judge Zane has adopted?

Clerk McMillan replied that that form had been

APPROVED BY JUDGE KANE, though it had not as yet been administered in court. The clerk then proceeded to read the new form of oath, as follows: