

liness" of "Mormonism" is concerned, Mrs. Newman's statements before the congressional committee were largely untrue. But the truth occasionally cropped out, and tended to destroy the force of her fabrications, especially when interrogated by committeemen. We will quote an instance:

"Senator Palmer.—Is there something captivating about their mythology or theology? It seems to me there is."

"Mrs. Newman.—There is if one studies it. I have laid down their books many a time and I have said, 'If I had not been religiously trained and my faith firmly fixed, accepting these premises, I am led to this conclusion: I must endorse this theory.'"

So it seems that even Mrs. Newman was almost persuaded "to be a Christian." The only obstacles appear to have been the dogmas of her long and careful religious training. These were, according to her admission, the only barriers preventing the acceptance of what a disgustingly disreputable sheet terms "beastliness," but what is in reality the purest and most exalted religion extant. It must be inferred that strict training in the dogmas of sectarianism spoiled, in the person of Mrs. Newman, an excellent saint.

## LOCAL NEWS.

FROM THURSDAY'S DAILY OCT. 28.

**The Immigrants.**—The company of immigrants who arrived in Philadelphia on the steamer *British King* are expected to arrive in this city about Monday next, over the D. & R. G. W.

**Indicted.**—This afternoon the Third District Court issued an order that Bishop Lewis H. Mousley, of Bluffdale, John P. Mortensen, of the Eighth Ward, J. C. Gray, of the Thirteenth Ward, George B. Wallace, of Granger, and Hermann Grether, of the Tenth Ward, who were placed under bonds by Commissioner McKay, should appear in court on Saturday next, at 10 a. m. to plead to indictments charging them with unlawful cohabitation.

**Purchase Them.**—This morning we had the pleasure of inspecting three water color landscapes executed by Mr. Alfred Nilsson, of this city. They represent scenes in Switzerland and possess decided merit. He wishes to dispose of them, and, in view of the dull times, being out of regular work, he asks a price altogether too modest, being insufficient to cover the value of the time occupied in producing them. Somebody should promptly purchase them, as they would adorn any dwelling where they might be hung.

**Ignored.**—The grand jury to-day reported that the charge of robbery against Oscar Krouse had been ignored. Mr. Krouse is a member of a prominent Chicago business firm, and was accused of robbing A. L. Tottenham, a member of the British Parliament, of several small articles. The M. P. suddenly left for the east yesterday, in company with a Mrs. Lanigan, whom the two men met at Reno, Nevada, on their way to this city. The facts developed by the investigation indicated that the trouble between the men originated in the attentions paid to the woman, and is not of a savory character. The accused was set at liberty to-day.

**Riley's Discharge.**—Yesterday it was recorded that the grand jury had ignored the charge of uttering a forged instrument, on which John Riley had been arrested and committed to await the inquirers' action. This is the case where the accused was charged with attempting to pass a time check, which he had forged on the Silver Mountain Mining Company, having signed the name of the foreman of the mine. When he was arrested, he told the officer that he was guilty, and had been brought to commit the crime through his passion for drink. He was arraigned before Justice Pyper, on a complaint signed by Mr. Bamberger, treasurer of the Silver Mountain, and entered a plea of guilty. On what ground the charge was ignored, in view of Riley's plea, is not known.

**A Thrice Broken Arm.**—John Snyder, a fourteen-year-old son of James C. Snyder, of the Fourth Ward, Provo, met with an accident. While going through the stable he was kicked down, falling on his right hand and breaking both bones of his wrist. This is the third time he has broken the same arm within three months. The first time was while up in Provo Canon, he fell out of a swing and broke his arm. Just eight weeks to the day he was driving a horse with a sulky rake, when the horse got frightened and ran away with him, throwing him off and breaking the same arm. He was picked up and taken to Dr. Pike's, near by, who set his arm again and he had just had the splints taken off when he met with this last accident.

A correspondent furnishes us with the above facts.

**Penitentiary Plans Accepted.**—Last evening Governor West, Secretary Thomas and Marshal Dyer, the committee appointed to pass on specifications for the new penitentiary, accepted those of Richard Kletting, of this city, and the Pauley Building and Manufacturing Company of St. Louis. A building is to be constructed outside of the present stockade, 32x44 feet, for entrance, visiting room, warden's residence, etc.; this will be two stories high. Inside of the

main walls will be a building 40x57 feet, and one attached to it 26x127 feet, the former having a dining room upstairs, and the latter having room for 240 inmates—two in each cell. The plans are so arranged that at a future time additions can be made without any change in the old building. The whole work will not cost over \$50,000.

**Court Notes.**—Proceedings in the Third District Court to-day: Samuel Levy vs. Salt Lake City; trial in progress; James Harris, John Page, Frank May, Thomas Manning, Henry McEwan, Victor Carlson and C. M. Olson examined as witnesses for plaintiff.

The grand jury came into court and reported seven indictments, six found under United States laws, and one under Territorial statutes. The charge against Oscar Krouse was ignored.

The People vs. Oscar Krouse; grand jury; the defendant was discharged.

John P. Mortensen, Lewis H. Mousley, J. C. Gray, Hermann Grether and G. B. Wallace were ordered to appear on Saturday, October 30th, at 10 a. m., to plead to indictments found against them for disregarding the Edmunds law.

Saturday, October 30th, was set for the settlement of the bill of exceptions in the case of the United States vs. N. V. Jones and Frank Treseder.

**Alleged Attempted Rape.**—Shortly before noon to-day officer Jonsson arrested Nels M. Andersen, a Scandinavian, who resides on Franklin Avenue, where he keeps a small store, on a charge of assault with intent to commit rape. He was arraigned before Justice Pyper, and a preliminary hearing of the case set for 3 o'clock this afternoon. In default of \$3,000 bail he was committed to the custody of Marshal Solomon.

The complaint in the case was made yesterday, by a young girl named Manna Hansen. She is seventeen years of age, and appears to be rather unsophisticated. In company with her mother, she came to Utah a few months ago, from Denmark; being unable to speak English intelligently, she told her story through an interpreter. She states that she has been living with her mother in Andersen's house, for some time. A few days ago they moved next door. On Tuesday evening, about 9 o'clock, the defendant came to the door and asked for the girl, stating that his daughter wished to speak to her. When she got to his house he familiarly took hold of her arm and attempted to caress her. She suspected no criminal intent on his part, though she did not like his action, and broke away and ran up stairs to see his daughter, but found the room empty. She turned back but was seized by the defendant, who caught her and made indecent advances. She repelled them, when he used violence, but by fighting and pulling her assailant's whiskers she succeeded in freeing herself, and getting to the foot of the stairs, where she found the door had been locked. Another struggle ensued, but she managed to open the door, and escape to her home.

The defendant's story of the affair is that he called the girl out to see whether he could not induce her and her mother to again rent the rooms they had occupied in his house. He denies having touched or interfered with her in any way, but admits that he made the excuse that his daughter wanted to see her to get her to come outside, when at the same time he knew that the former had gone to the Theatre with a Mr. Johnson, who also lived in the house. The defendant is sixty-four years of age, and has a wife, who, however, is not in the Territory.

There is testimony corroborative of the girl's being called out of the house and her returning in a state of excitement, but there are no witnesses, so far as is yet known, to the alleged assault.

FROM FRIDAY'S DAILY, OCT. 29

**Apostle Taylor Indicted.**—By a dispatch from Apostle John W. Taylor, dated Blackfoot, yesterday, we learn that he was yesterday indicted and arraigned on the charge preferred some time ago of inciting to lawlessness. Mr. F. S. Richards appeared for him and got the time to plead extended till next Thursday.

**Back From Richmond.**—Captain D. B. Stover, of Stockton, who with Harry Goodwin, went to Richmond as delegate to the Knights of Labor Convention, representing Utah, arrived in Salt Lake Wednesday evening. There were 755 delegates, and the sittings occupied seventeen days. There was considerable enthusiasm and a general good time was enjoyed. The Captain left a week before, but stopped over in Chicago two days to see his son Harry, who lives there; he is looking and feeling well.

**Probate Court.**—Proceedings to-day, in Salt Lake County:

In the matter of the estate of Thomas King, deceased, Edwin Dowden has filed his bond as administrator.

In the matter of the estate of John F. Rolison, S. P. Teasdel and Adolph Anderson appointed administrators.

Estate of E. L. Adams, deceased; account of administrator approved and sureties released.

David Love vs. Mary R. H. Lovc; decree of divorce granted.

Grantsville Y. M. M. I. A.—On Monday evening, Oct. 25, was completed the following organization of the

Grantsville, Y. M. M. I. A.: President W. G. Collett; counselors, Eugene F. Woolley and J. C. Strongberg; secretary, Richard Jefferies; assistant, Albert Erickson; treasurer, J. Y. Rich; programme committee, A. G. Sandberg, J. R. Clark, Jr., Oscar Johnson, Wm. Rutting, and Edgar Hale.

Conditions are indicative of a successful and useful career the present season.

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

In the matter of the estate of Aurilla Hood; C. O. Whittemore, enters appearance as attorney for appellants.

United States vs. Neri Butler; case involving cutting timber on public lands; defendants given to Nov. 15 to answer.

Samuel Levy vs. Salt Lake City; claim of damages increased on motion of plaintiff to \$10,000; trial in progress.

In the suits of D. C. McLaughlin vs. E. A. Ireland and James M. Kennelley, judgment according to stipulation of parties was entered.

**Held to Answer.**—The preliminary examination in the case of the People vs. Nels M. Andersen, charged with an indecent assault upon Manna Hansen, was held before Justice Pyper yesterday afternoon, the session being held with closed doors. Nothing in addition to the facts published in the News yesterday was elicited. The defendant, however, made a further admission than he did before the trial, saying that he had attempted to kiss her, but denied any criminal intention. The circumstances shown, however, did not fully agree with the defendant's story, which, in part at least, is by no means plausible, and he was required to answer to the grand jury. Bail was fixed at \$2,000, which, however, he was unable to furnish.

**Canvassing Board.**—The Utah Commission have issued the following order relative to counting the votes to be cast at next Tuesday's election:

That A. L. Thomas, H. S. Krimbaum, C. R. Barratt, V. L. Halladay and L. S. Hills are hereby appointed a Board of Canvassers to canvass the returns of the election for Delegate to the Fiftyth Congress, to be held in the Territory of Utah on Tuesday, November 2d, 1896.

2. The Commission will fill all vacancies in said Board of Canvassers that may occur by reason of failure to accept the appointment or from other causes.

3. A majority of said Board of Canvassers will determine all questions coming before them, including the awarding and signing of the certificate of election.

4. Said Board of Canvassers will meet at the rooms of the Commission, No. 544 South, Main Street, in Salt Lake City, on Friday, November 12th, at 11 o'clock a. m., when the election returns will be opened in the presence and under the direction of this Commission, and said Board of Canvassers will proceed to ascertain the number of votes cast for each person as Delegate to Congress, and they or a majority of them shall give a certificate of election to the person so ascertained to have received the largest number of legal votes; which certificate shall be delivered to such person, and said Board of Canvassers shall report their proceedings and the result to this Commission.

**Bound Over.**—The preliminary action in the case of the United States vs. Thomas Butler was concluded yesterday afternoon.

John A. Hillstead, brother of the alleged plural wife, and a very eager witness against the defendant, testified—I do not know where my sister is; have not seen her for over a year; she is about 25 years old; she went to defendant's family about two years and three months ago, and was then reported to be his hired girl; at least I called her his hired girl for about a year after that; since then I think she was either his wife or associated with him as such; I've heard it talked of a good deal among the folks; I asked my mother about it once and she didn't deny it; it is generally accepted in the family that they are married, or are living together as man and wife; I last visited my sister at Mr. Butler's last winter; I did not then think she was married; I first began to think so from the manner of my sister's actions towards me and my wife; she had always lived with us—I might almost say I had been a father to her—but since the reports of the marriage she has never been near us at all; we lately met on an occasion—a sorrowful one—and I noticed my sister's absence from my father's funeral; I was told that she did not come because she was afraid to show herself; while she lived with me, she had for a short time received the attentions of a young man named Main, and I afterwards heard she was to marry a man named Bates in Tooele; it was broken off, through the persuasions of Mr. Butler, who, I believe, married her himself.

David Hillstead, another brother, testified that he had heard that Anna was married to the defendant; he contradicted the former witness, saying that she was present on the day of her father's death, and also attended his funeral; witness believed Anna went to live at Butler's four or five years ago; she had not yet become a mother; had never heard she was married to anyone else but the defendant.

Mrs. Charlotte Bates, Mrs. Hillstead, Robert and Anna Hillstead and Joseph H. Woolley were examined but nothing additional was elicited. H. E. Phelps

and Mrs. Springhall had never heard about the defendant's being a polygamist until he was arrested.

The Commissioner gave it as his opinion that it was a case of polygamy, and fixed the bail at \$5000; as the defendant could only find one bondsman last evening, he was allowed to go, and obtain another this morning.

FROM SATURDAY'S DAILY OCT. 30.

**Against the City.**—The jury impaneled to try the damage suit of Samuel Levy vs. Salt Lake City, for \$10,000, the loss alleged to have been sustained by the plaintiff through a stock of tobacco being injured by water, rendered a verdict this afternoon in favor of Mr. Levy, for \$4,900.

**Prize Fighter Arraigned.**—In the Third District Court, this afternoon, the Maori, Herbert A. Slade, was arraigned on an indictment charging him with having engaged in a prize fight, on Sept. 13, 1896, and pleaded not guilty. Duncan McDonald, jointly indicted with Slade, did not appear.

**Going Home.**—Brother M. L. Shepherd, recently released from the penitentiary, where he served a five months' term on a conviction for unlawful cohabitation, started for his home in Beaver this morning. He took with him a carload of blooded sheep, and proposes branching out in the direction of improving as well as enlarging his already immense possessions in that respect. His son-in-law, Wm. Ashworth, left for the same point this afternoon with a wagon and team.

**Railroad Accident.**—A private letter written by a person from this city en route for the east, states that the Union Pacific passenger train which left Ogden last Wednesday morning met with quite a serious accident at Rock Creek, about 450 miles east of Ogden. It ran into a water car that by some means had been allowed to obstruct the main track, and the collision resulted in wrecking two engines and three cars. The passengers and the train were badly shaken up but no one was seriously hurt.

**Smyrna Rugs.**—Mrs. I. McEwan, at 63 W. First South Street, is agent for the Paul Schulze method of making Oriental rugs. By this system mats, rugs, carpets, etc., can be made at home, at much less expense than they can be purchased. A box, containing specimens of the work and the materials, including pieces of Smyrna wool cut to even lengths, a ball of Smyrna cotton, knitting needles, pattern to work from, and full instructions, can be obtained, and as the work is easy of execution, and can be done by anyone who can accomplish plain knitting, there is no difficulty connected with it. Smyrna wool, cotton, etc., can be obtained in any desired quantities from Mrs. McEwan. The rugs made from this material and by this method, are thick, soft, durable and attractive. Read the lady's advertisement and call and see the goods.

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

United States vs. John C. Gray; unlawful cohabitation; plea of guilty; sentenced to six months' imprisonment and a fine of \$50 and costs.

United States vs. Herman Grether; unlawful cohabitation, five counts; plea of not guilty.

United States vs. John P. Mortensen; unlawful cohabitation, three counts; plea of not guilty.

John H. Ault was admitted to citizenship.

Samuel Levy vs. Salt Lake City; jury render a verdict for plaintiff for \$4,900 damages.

United States vs. Henry H. Hawthorne; polygamy; defendant allowed two days to plead.

United States vs. L. H. Mousley; unlawful cohabitation, three counts; plea of not guilty.

United States vs. Geo. B. Wallace; unlawful cohabitation, two counts; plea of not guilty.

The People, etc., vs. Herbert A. Slade; prize fighting; plea of not guilty.

P. L. Williams vs. Wm. M. Stewart; argued upon demurrer.

## DISTRICT SCHOOL REPORTS.

THE DEMAND FOR COUNTY REPORTS BY P. L. WILLIAMS—DEMURRER BY THE DEFENDANT.

In the matter of P. L. Williams vs. Wm. M. Stewart, order to require the latter to report to the former as Territorial Superintendent of District Schools, in the Third District Court to-day. Le Grand Young, for the defendant, interposed a demurrer to the order of mandate, on the ground that the facts stated in the affidavit of the plaintiff were not sufficient to constitute a cause of action. Mr. Young argued that the plaintiff could not, as he was trying to do, institute himself in office by writ of mandamus. If, as he claimed, L. John Nuttall had usurped the office, the plaintiff had no right to make that a collateral issue, instead of proceeding against Mr. Nuttall. Because the latter was absent was no ground of action, as the statute provided for service of process by advertisement. If he was a usurper he could be ousted by civil process, which afforded the plaintiff an adequate remedy for the condition which he alleged existed. If Mr. Nuttall could not be found, the law provided a means to make service of summons in such event. The order of the

Court showed no reason why service could not be made. Section 270, Laws of 1884, provided:

"Where the person on whom the service is to be made resides out of the Territory, or has departed from the Territory, or cannot after due diligence be found within the Territory, or conceals himself to avoid the service of summons, or being a corporation, or joint stock association, cannot be served as provided in the preceding section, and the fact shall appear by affidavit to the satisfaction of the court or judge thereof, and it also appears by such affidavit or by the verified complaint on file that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action, such court or judge may grant an order that the service be made by the publication of the summons."

This gave the plaintiff all the opportunity that was proper to serve Mr. Nuttall with any notice, and proceedings by mandamus were improper. The office of Territorial Superintendent was in dispute, and the plaintiff was not entitled to mandate, but should proceed as the law directed. If he had no other specific remedy, and the office was not in dispute, the present proceedings might be proper, but as neither of the conditions named existed, they were not. Mr. Young cited authorities in support of his position, and contended that the plaintiff should not be allowed to legislate himself into the office of Territorial Superintendent of District Schools by a collateral proceeding. He had allowed several months to pass without doing anything relative to the duties of the office, not even having conformed to the provision requiring him to furnish the county superintendents with forms for reports. The plaintiff had not complied to the law, and should be required to do so before he applied to the court for an order of mandate to compel others to accede to his demand. No specific demand, in the legal way, had been made on Mr. Stewart for the reports wanted. The plaintiff, further, had no right to install himself in office, as against L. John Nuttall, by a proceeding in mandamus against Wm. M. Stewart, and there was no other object sought in this action. When the office was filled by an officer who was qualified and sworn, a writ of mandate could not be taken advantage of to settle the dispute.

P. L. Williams replied to Mr. Young, whose argument he characterized as "rant" and "halderdash." He was still speaking when we went to press.

A decision will probably not be given until Monday.

## BISHOP A. A. KIMBALL'S CONDITION.

KANOSH, Oct. 23, 1896.

Editor Deseret News:

I have every reason to believe that you wish to become great in the cause of Christ. And His answer to His Apostles when they wished to know who was the greatest among them—"He that wishes to become the greatest, let him visit the sick," etc. But inasmuch as you are too closely confined to your labors as editor, and I am too far away from you to visit me, will you be kind enough, if space will permit, to say, through the News, for me, that if I am yet alive, as I have many friends and relatives scattered through the country. I have been sick now over two years, and have been confined to house and bed most of that time. But I am better now than I have been since my sickness commenced. I am only able, however, now to keep out of bed and around and attend to my business when no muscle is required.

I am weak in body but as strong in mind and faith as I ever was; chances are much against me, but I live in hopes of recovering from my long spell of sickness, and hope I will live to see the day when it will be considered honorable for a "Mormon" Elder to live with his wives and support his children.

With kind regards to all, I remain,

as ever, one of the boys who was begotten and born in the dark days of Nauvoo.

A. A. KIMBALL.

Mr. J. Howard James, manager Stuckert's Livery, 619 N. 5th street, Philadelphia, Pa., says: After trying all other remedies without relief, for a heavy cold on the chest, accompanied by a severe cough, I used Red Star Cough Cure, and in a very short time was entirely well.

## The Verdict Unanimous.

W. D. Salt, Druggist, Blipps, Ind., testifies: "I can recommend Electric Bitters as the very best remedy. Every bottle sold has given relief in every case. One man took six bottles, and was cured of Rheumatism of 10 years' standing." Abraham Hare, druggist, Bellville, Ohio, affirms: "The best selling medicine I have ever handled in my 20 years' experience, is Electric Bitters." Thousands of others have added their testimony, so that the verdict is unanimous that Electric Bitters do cure all diseases of the Liver, Kidneys or Blood. Only a half dollar a bottle at Z. C. M. I. Drug Store. 2