

FROM THURSDAY'S DAILY, JUNE 23.

**Adultery.**

To-day Hyrum S. Cooper, a non-Mormon of West Jordan, was arraigned on an indictment charging him with adultery with Sarah J. Green, on March 5, 1887. The woman is Cooper's wife's sister, and has one child by him. He pleaded not guilty.

**Killed by an Indian.**

A dispatch received to-day by the News from Durango, Colorado, says that A. M. Barton, of Bluff, City, San Juan County, was shot by a Navajo Indian on June 9th, and died June 16th. No further particulars are given.

**The Musser Case.**

In the case against A. M. Musser, yesterday afternoon after the conclusion of Mrs. M. A. Long's testimony, which brought out nothing new, an adjournment was taken till Monday morning in order that Mrs. Mary Musser could be present.

**Fornication.**

In the Third District Court to-day Sarah Carver, of Ogden, was arraigned on an indictment charging her with fornication, committed at Lake Park, May 30. She entered a plea of not guilty. The indictment also charges Samuel Dremarck with being her companion in crime. This is the case in which the alleged rape was committed, and for which Dremarck was arrested. He was discharged and permitted to go at liberty, and he is now out of reach of the law, so that the full force of the crime and its prosecution will fall on his victim.

**From the Northwest.**

This morning we were called upon by Elder L. A. Thurstup of Payson, Utah County, who has just returned from a mission to the northwestern States. He left home August 29th, 1885, and labored in Wisconsin for about thirteen months, during which period he frequently met with "Strangites," a considerable number of whom have been reclaimed and baptized by the different Elders who have recently labored in that field. The remainder of the period of Elder Thurstup's mission was spent in Minnesota, with indifferent success. It was difficult to procure places to preach in, and the field in which he labored has been pretty well cleaned. Elder Thurstup returns in excellent health.

**Arraignments.**

On of the old time thumb-screw indictments, which were evolved from the cruel persecutions of the "Mormons" under the Edmunds law, and were annulled by the decision of the United States Supreme Court in the Snow case, was brought out in the Third District Court to-day, and as the clerk read "second count," "third count," "fourth count," a clammy feeling seemed to crawl down the Judge's back, and the expression on his face was a study for an artist. The document in question segregated the offense of unlawful cohabitation into four charges against John F. Wright, of Mill Creek. The defendant pleaded not guilty.

John A. Marchant, of Peoa, Summit County, was next called and pleaded not guilty to an indictment charging unlawful cohabitation.

James Welch, of Coalville, Summit County, and Thomas H. Smart, of East Mill Creek, Salt Lake County, also pleaded not guilty to indictments charging a similar offense.

**The Haun's Mill Massacre.**

Since the brief account of the death of Elder Alma Smith was published in our issue of the 20th inst., we have learned farther particulars concerning his life and death that will doubtless be of interest to the readers of the News. By a letter from his son J. A. Smith we learn that he was confined to the house for about two months and to his bed one month previous to his demise, from the effects of the malady that was gradually eating away his life. Elder Smith as stated in the previous notice was one of the victims of the brutal massacre at Haun's Mill, where Brother McBride, an old gray-headed revolutionary soldier, was literally cut to pieces with a corn-cutter, his hands being slit by it when raised in supplication for mercy and his head cloven by the same weapon. The other barbarities of that brutal slaughter are detailed in the *Historical Record* for 1886. The father and brother of Alma Smith perished there and he was so severely wounded in the hip joint that he was supposed to be dead but subsequently recovered perfectly. Among the wounded who recovered were Isaac Laney, Nathaniel K. Knight, Wm. Yokum, Tarleton Lewis, Mary Stedwell, Mr. Haun and several others.

**From Copenhagen.**

Elder J. C. Neilsen, of Brigham City, had charge of the company of immigrants that came over the D. & R. G., arriving last evening. Before being divided at Kansas City, the company numbered 134, all but one being from Scandinavia. At Kansas City a division was made, those bound for points north of Ogden and south of Spanish Fork went over the U. P.; the balance coming by way of the D. & R. G. Elder Neilsen left Utah May 31st 1885, and spent the entire period of his

mission in the Copenhagen conference, over which he presided the last year of his absence. That conference is in a flourishing condition, 67 persons having been baptized in it during the last six months. He had charge of the whole company until Kansas City was reached. There were no deaths on the journey, but a little girl was born to the wife of one of the migrating brethren, A. L. Ramstrom, of Stockholm. The child was named Oceania, and is doing well, as is the mother.

Elder N. P. Petersen, of Pleasant Grove, had charge of the detachment of the company that came in over the U. P. The entire journey was a pleasant one. The immigrants regard Utah as a far better looking country than any they passed through. They came via Norfolk, Va., and a route which crosses several of the Southern States.

**FOURTEEN SENTENCED.**

Tuesday witnessed a remarkable day's work in Judge Henderson's court at Ogden. Neil S. Bell, of Logan, was arraigned on a charge of burglarizing Goodwin Bros.' store in that town in February last. He pleaded not guilty.

Robert Harold was arraigned charged with the same crime committed at a saloon in Ogden. He pleaded guilty, made an extenuating statement, and was sentenced to imprisonment for one year, the minimum term.

Some uninteresting civil business was transacted, when a number of cases under the Edmunds law were acted upon.

John Bergen, charged with polygamy, was denied a new trial, and the question of admitting him to bail was not decided.

Andrew G. Stromberg was arraigned on a charge of unlawful cohabitation and another of adultery. He pleaded not guilty to both.

Alexander Perry was arraigned on a charge of polygamy, alleged to have been committed in Cache County in 1886. He pleaded not guilty.

James Hancey, Isaac Farly, John Farrell, Richard Fry, Henry Hughes, Christian Peterson, A. E. Berline, Jas. Christensen, and William Griffin were arraigned on a charge of unlawful cohabitation. Each defendant pleaded not guilty.

William Griffin was also arraigned on a charge of polygamy. He pleaded not guilty.

The arraignment of T. B. Cardon was set for next Tuesday.

A bench warrant was issued for the arrest of Suel Lamb, charged with unlawful cohabitation. The defendant lives in Cache Valley and probably had not received notice to be present.

James Hansen will be arraigned on Tuesday next.

The passing of sentences for unlawful cohabitation was then taken up. Canute Emmertson, of Huntsville, was first called. The Court imposed a sentence of six months' imprisonment and a fine of \$200 and costs.

J. P. C. Winter, of Huntsville, believed polygamy right, and was willing to take the consequences. Sentence—imprisonment for six months and a fine of \$200 and costs.

William Butler, of Marroths, was given the full penalty of the law and costs.

Hans J. Peterson, of Kaneshville, was sentenced to six months' imprisonment and to pay a fine of \$200 and costs.

At this point there was a lull for a moment, while Mr. C. C. Richards had a short conversation with the court, at the close of which the business proceeded. It was noticeable that after Mr. Richards' talk with the court the sentences were lighter in the matter of fines, and it is supposed that he called his Honor's attention to the fact that the defendants had caused the government as little expense as possible.

Jens Fransen, of Huntsville, was sentenced to six months' imprisonment and to pay a fine of \$100 and costs.

Albert J. Slater, of Huntsville, was sentenced to imprisonment for six months and to pay a fine of \$50 and costs.

Lars Nielsen was sentenced to six months' imprisonment and to pay a fine of \$100 and costs.

Lars C. Peterson, of Cache Valley, Sentence: six months' imprisonment and a fine of \$50.

P. J. Lammers of Ogden was called and asked the court if he could tell him what he should do, whether to obey the laws of man or the law of God. The court said he must decline to answer such a question. Mr. Lammers made a few further remarks after which the court announced that the government was determined to enforce the law, and sentenced him to imprisonment for six months and to pay a fine of \$100 and costs.

William Douglas, of Smithfield, was sentenced to six months' imprisonment and a fine of \$100 and costs were imposed.

Gustave Anderson, of Cache Valley, is 67 years old. Sentence: six months' imprisonment and \$100 fine.

Haus Jensen was sentenced to six months' imprisonment and to pay a fine of \$100 and costs.

Elisha Campbell, of Hyrum, is a poor man and asked the leniency of the court. Sentence: six months' imprisonment and a fine of \$50 and costs.

Samuel Carter, of Porterville, received a sentence of four months' imprisonment and a fine of \$100 and costs.

Tals concluded the sentences for unlawful cohabitation. In no case was a defendant asked if he would obey the law in the future. The court ap-

parently measured the punishment by the date of the last plural marriage, and the age of the youngest child by a plural wife. Fourteen persons were sentenced.

**JURISDICTION OF JUSTICES.**

The Question Again Before the Territorial Supreme Court.

AN ARGUMENT THAT ANNIHILATES THE RECENT DECISION.

The general public will remember the Yearian-Speirs case, in which the prosecution of resorters to houses of ill-fame, which created such a furor among rabid anti-Mormons, was summarily put a stop to. In this case, the Territorial Supreme Court ruled that justices of the peace could not exercise the jurisdiction conferred on them by the territorial laws to try offenders where the punishment was six months' imprisonment and less than \$300 fine. The opinion was delivered by Judge Boreman and concurred in by ex-Judge Powers, Chief Justice Zane dissenting. The decision has been severely criticized and condemned by the leading members of the bar as bad law, and the pernicious effects that would follow, were it adhered to, noted in numerous instances.

To-day the question was brought up again in the Supreme Court, this time on an appeal taken by C. C. Richards, Esq., prosecuting attorney for Weber County. The case is one against William Douglas, who was prosecuted in Ogden before a justice of the peace, and being tried and found guilty of battery, was fined \$25. The defendant appealed to the First District Court and was discharged. Weber County then took an appeal to the Supreme Court, and Mr. Richards presented the case this afternoon.

In his argument, Mr. Richards puts forth the following inquiries:

"1st. From what source do justices of the peace in Utah acquire criminal jurisdiction? Is it from the statutes, or from common law, or from both?"

"2nd. If we find that the jurisdiction of the justices of the peace to hear, try, and determine criminal cases is derived wholly from the statute, then has the Legislature of Utah the power to enact a statute defining their jurisdiction?"

"3rd. If the Legislature of Utah has the power to define the jurisdiction of justices of the peace, and to confer upon them jurisdiction to hear, try, and determine this class of offenses, has it done so?"

He then proceeds, citing numerous authorities to prove his position, to show that in all of the States and Territories in the United States, the jurisdiction of justices of the peace to hear, try, and determine criminal cases is wholly statutory; that under the common law, and in the absence of a statute conferring jurisdiction, justices of the peace have no authority whatever to hear, try and determine criminal cases. They were merely conservators of the peace, and could only sit as committing magistrates. That their jurisdiction in criminal cases was wholly statutory, and that no part of it was derived from the common law; and further that there has never been any common law of the United States, either civil or criminal; and there being no such common law in existence for the Federal or Territorial courts, a justice of the peace could acquire no jurisdiction therefrom. He further showed that the jurisdiction of justice of the peace was wholly statutory, and that the proper authority, the Legislature, had conferred the power on justices. Excerpts from decisions of the United States Supreme Court were read in support of the proposition that the Legislature had full and unquestioned authority to define the criminal jurisdiction of justices of the peace in Utah. In many of the States and Territories their power exceeded that granted in Utah. Mr. Richards makes the following ironical reference to one of the principal grounds on which the Yearian-Speirs decision was based:

"When we analyze the decision in the case of Yearian vs. Speirs, we find that the whole and vital objection raised to the jurisdiction of the justice is concentrated in this: That the Legislature has authorized the infliction of too heavy a punishment, thereby putting in the hands of the justice power to punish too severely. We are not told that the justice ought not to be entrusted with the trial of such offenses—on the contrary, it is admitted that he should be—but we are told, inferentially, that the Legislature ought either to make the punishment less, or not attempt to entrust the trials to justices of the peace. The punishment to be inflicted, and not the class of offenses, it seems, is to determine the justice's authority."

Such being the case, and the Legislature having the right, as has been conceded, to authorize the justice to try the case if the punishment were less, why has the Legislature not the power to say, "This is a suitable case to be tried in the justice's court; and a fine in any sum less than \$300, or imprisonment in the county jail not exceeding six months, or both, is a suitable punishment for the crime?"

Mr. White is the attorney for the respondent in the case.

The thermometer registered 112 deg. in the shade at Merced, Cal., at 4 o'clock Sunday afternoon.

FROM FRIDAY'S DAILY JUNE 24.

**Hot Weather.**

The following specials were received this afternoon:

ST. GEORGE, June 24, 3:10 p.m. Thermometer 100 in shade; been so for the last two days.

SILVER REEF, Utah, June 24. Thermometer 110 in shade at 3:10 p.m. to day.

**Releases and Appointments.**

Elder James Clave arrived at Liverpool on Thursday, June 3d, per S. S. *Arizona*. He is appointed on a mission to Scandinavia.

Elder William F. Rigby is released from the presidency of the Newcastle Conference and appointed to labor in the Manchester Conference.

Elder Charles F. Foster is released from traveling in the Manchester Conference, to return home by the June 18th company on account of ill health.

Elder Selden I. Clawson is appointed to the presidency of the Newcastle Conference. —*Millennial Star*, June 6.

**Served Him Right.**

One of the most impudent individuals that has ever graced the anxious seat in the Police Court, occupied that place this morning. He gave his name as Frank Cluff, and stated that he was a butcher by trade, but had also engaged in manufacturing stove polish, which he peddled. It was while engaged in the latter business that the attention of the police was called to his actions. Yesterday he started out in the Nineteenth Ward, and at nearly every house he called made himself obnoxious by his impertinence and profanity. He would enter the house unbidden wherever he had opportunity, and unless the inmates would purchase his polish, would give vent to the most flagrant blasphemy and abusive language. In several instances ladies were frightened almost out of their wits. He was finally taken in by the police, and was tried to-day on two charges—selling goods without a license and disturbing the peace. He pleaded not guilty to both offenses, but the evidence in the cases put the matter beyond all doubt. During the progress of the trial it took the court and two officers to keep Cluff quiet. He was convicted, and was fined \$50 for his offensive conduct and \$10 for operating without a license. He will labor 60 days on the city gravel beds.

**Provo Points.**

Attorney John E. Booth took a northern trip this week, and it is rumored that he will return with a bride, Miss Della Winters, of Pleasant Grove, being the happy one.

The Loyal League and Methodist Church unite to celebrate the Fourth. They will probably retire to a grove where they will have plenty of room to shout "Mormon treason," etc., and have lots of liberty.

The Salvation Army, a very small one, however, has been parading Provo the last few days.

Madame Janish played well but to a poor house, last night.

Quarterly Conference begins next Saturday, the 25th.

Utah County is to have a bathing resort at Battle Creek, Utah Lake.

The fishing is good in the river, and lots of trout are being caught. There does not seem to be a scarcity of water; the people use all they want and the balance runs into the lake.

The New West school building is assuming a gigantic appearance.

W. C. A. Snoot & Co. are opening up in general merchandising, near the bank building. James Dunn & Co. are finishing up a store for the same purpose.

The farmers are now the busiest people in town; hay making is the chief pressure. Lucerne is being sold at from \$3.75 to \$4.50 per ton delivered.

Utah County holds a mass convention Saturday the 25th.

**Wants a Divorce.**

In the Third District Court yesterday, S. H. Lewis, as attorney for Mrs. Bethiah Lindsey, of this city, entered a suit for divorce against Mark Lindsey, of Ogden. Mrs. Lindsey alleges that her husband is a member of the Church of Jesus Christ of Latter-day Saints, and pursuant to its teachings, in November, 1882, he entered into a polygamous marriage with one Mary Ann Brewer, and did then and there commit adultery with her. Pursuant to the teachings of his church, she also says, her husband, on November 27th, 1877, contracted another marriage with one Emma Munns, and has since that time committed various acts of adultery with her, has had children by her, and now unlawfully lives and cohabits with her in Ogden. All these acts she alleges were committed without her connivance or consent, and she has not lived with him since January 1, 1884. She alleges that her husband has not provided for her for more than three years past, though he is abundantly able to do so. On an average he has not given her more than \$25 a year. She says he wilfully deserted her in January, 1883. She avers he is worth about \$6,000, and that he has a revenue of about \$300 a month. She is dependent upon herself for her support, and is in ill health. For all of which reasons she asks for a divorce, and such a portion of her husband's property as the court may deem just; that he be required to pay her \$100 a month during the pendency of this suit and \$100 a month in advance after the decree is granted.

**Saupepe Items.**

"Gulliver Green," writing from Mayfield, Saupepe County, June 20th, states that but few showers have fallen so far this season, and that the grain crop may, in consequence, be lighter than usual. He continues:

"Good health at present prevails, notwithstanding the fact that considerable sickness has existed, scarcely a ward escaping altogether the ravages of that dread disease—diphtheria. Our schools, generally under the hands of efficient, enterprising and enthusiastic teachers, though in many localities closed through protracted periods on account of sickness, have in the main been doing well. The want of an institution for higher learning and better facilities for a thorough education than are afforded in our district schools, is keenly felt. From the establishment of an institution such as have recently been opened in various parts of our Territory, the latest at Salt Lake City, great good would result. It is to be hoped that such schools will multiply throughout the Territory."

Many improvements in the way of buildings, planting trees, breeding fine live stock, etc., are noticeable. During the past winter a more intellectual class of amusements than have heretofore prevailed, have been introduced. Classes in singing, and elocution, and also the drama have been well patronized.

The Y. M. and Y. L. M. I. A. of the different settlements in Saupepe, have been doing well.

The Manti Temple is rapidly nearing completion.

**Northern Notes.**

We glean the following from the *Utah Journal*:

On June 21st a boy, the son of C. L. Larsen, of the Third Ward, Logan, fell from a load of hay and broke his arm.

On Tuesday a little girl living in the Second Ward, Logan, named Emma Ballentine, died of scarlet fever. There is another case of the disease in the same family, and the place has been quarantined.

Thomas Jefferson Fisher, of Hyrum, fell dead in the yard of the residence of Elisha Campbell last Saturday afternoon. The old gentleman was 74 years of age last October. The coroner's jury found that he came to his death from natural causes, hastened by falling upon rocks.

Within the last week seven men have been arrested in Brigham City under the Edmunds law. Their names are James Hansen, M. Jensen, Thomas Young, John L. Anderson, S. M. Borgstrom, Lars C. Larsen and John H. Pott. All except one of the foregoing were taken before the new commissioner, J. B. Carrington, and after being examined were admitted to bail in the sum of \$1,000 each. There was no difficulty in obtaining bondsman.

On Saturday the 18th, shortly after noon, William Knox, of Smithfield, took his horses up Summit Cañon for the purpose of turning them out on grass. He took his little son William, aged four years and eight days, with him. When about two miles east of town, it being necessary to cross Summit Creek, he left the little boy, telling him to stay there till he returned. He was gone a short time, and on his return found the little boy missing. He commenced searching for him, assisted by some men who were coming from the cañon; they found the little boy in the creek about one-fourth of a mile from where his father left him. When found he was quite dead. About an hour elapsed from the time his father left until found. The parents have the sympathy of the community.

Deputies Steele, Wheelstone, McCallan and two or three others, raided Newton on Saturday last at 4 o'clock in the morning. They arrested James Christensen and M. Larson—the latter is about 71 years of age. They searched several houses and arrested several more; but on learning they were not the persons wanted, released them. Constable Smith, from Corinne, behaved in a manner unbecoming an officer of the law. He drew a revolver on Mr. Christensen as soon as he saw him. He also drew a gun on the constable of Newton, whom he arrested for another man. The two men were taken to Goodwin's ranch and placed under \$1,000 bonds each. Mr. Christensen went to Ogden and appeared Wednesday.

**'EXTERMINATE MORMONS.'**

Opposition to the Elders in Alabama.

Elder Redich R. Allred writes from Mayapple, Cullman County, Alabama, June 15th, giving some account of his missionary labors. Prospects of his doing a successful work in that section are good. At a meeting held in a private house on the 10th inst. there was a good attendance, followed by favorable interest. An appointment was given out for Sunday, the 12th. Friends are coming forward and extending their hospitality to the missionaries.

As is usually the case where the Elders make an opening, opposition has manifested itself. The following notice was posted up in the postoffice at which the Elders receive their mail:

NOTICE.

This Cullman Co., Ala.

All citizens of Cullman, Marshall and other counties of Alabama are requested to meet at Mayapple, in this