

off the hand-car. Miller was run over and died about 5 o'clock last evening. Mooring, though badly crushed about the breast, will probably recover.

Arraigned.—Yesterday afternoon, in the First District Court, at Ogden, Messrs. James Taylor, F. A. Brown and Moroni Brown, were arraigned before Judge Powers, each having been indicted for unlawful cohabitation. Messrs. Richards and Williams appearing for the defense. The statutory time, two days, was taken in which to plead, and they will again appear in court on Monday at 10 a. m.

District Court Proceedings.—Benjamin P. Howells, a subject of Great Britain, was admitted to citizenship this morning.

In the case of John W. Snell vs W. S. Pierce, a jury was waived and the trial proceeded before the court by agreement. After the arguments the case was submitted and the court found judgment for the defendant.

The jury in the case of Elias Morris vs. the Mammoth Mining Company failed to agree and were discharged.

Belief as a Qualification.—In the First District Court at Ogden, yesterday, a Scandinavian appeared before Judge Powers as an applicant for citizenship. In addition to the usual questions, the Judge asked the applicant if he was living in the practice of unlawful cohabitation, to which a negative reply was given. The youthful Judge then made a further research, this time into the opinions of the would-be citizen, and inquired, "Do you believe it right for a man to live in unlawful cohabitation?" A negative answer was given to this and similar questions relating to polygamy, and the man was admitted.

There can be no doubt that the questions asked related to the plural marriage system of the "Mormons," and as that, with them, is purely a matter of religious conviction, and as even the Supreme Court of the United States has stated that "Mormons" cannot be punished for their belief, it does not plainly appear what business it was of His Honor's as to what an applicant for citizenship may believe in regard to any subject, or in what manner, under existing laws, opinion can become a subject of inquiry or qualification for citizenship.

SOMETHING NEW UNDER THE UTAH SUN.
MESSRS. MCKAY AND DICKSON ALLEGED SUBJECTS FOR INVESTIGATION.
OGDEN, May 22d, 1885.

Editor Deseret News:
To-day Judge O. W. Powers charged the jury, now sitting in this city, to investigate the conduct of Messrs. McKay and Dickson, as their actions were commented upon by the Ogden Daily Herald of the 15th inst., in a way which seemed to indicate that these federal officials were guilty of corruption.

Charles W. Hemenway, the editor of the Herald, has been summoned to testify before the grand jury. It is threatened that an attempt will be made to indict him for libel in case he fails to substantiate his assertion that "circumstances go to prove that Dickson and McKay were pooling their fees in unlawful cohabitation cases."

Special per Deseret Telegraph.
BEAVER COURT ITEMS.
BEAVER, Utah, May 22, 1885.

Editor Deseret News:
Jose Rammerg has been found guilty of grand larceny and sentenced to five years' imprisonment. Elias and Carl Smith pleaded guilty to the same offense, and were sentenced to five years each. Thomas and George Smith were found guilty of grand larceny. The defense moved for a new trial, which was argued and overruled, and each was sentenced to five years' imprisonment. Augustine Guerrero, on the same indictment, was acquitted, but held under seventeen other indictments.

Yesterday afternoon being the time set for the sentence of David Levi, who pleaded guilty of unlawful cohabitation, he agreed to put away his second wife, who has borne him seven sons, the youngest of whom was born on the 16th inst. He agreed to use his influence with others similarly situated to caterpillar [crawl] with the pledge. He was sentenced to pay a fine of \$200. The petit jury has been discharged.

Elder Fotheringham and others, along with Capt. Greenman, started for the Pen. this morning.

MOONSHOE.
ANOTHER ARREST.
MR. A. MINER RETURNS HOME AND IS TAKEN INTO CUSTODY.

Shortly after 8 o'clock last evening Marshal Ireland, having learned that Mr. Aurelius Miner had returned home, went, in company with Deputies Sprague and Collins, to the house of Miss Adams, the lady alleged to be the natural wife of Mr. Miner, and where that gentleman was understood to be. Deputy Sprague went around to the rear of the house, the other two remaining in front, where he saw Mr. Miner, who was out in the garden. The officer stated his business and was

invited into the house. The three marshals and their prisoner then went to the Marshal's office, and the accused was released on \$2,000 bail. A. H. Hyde and W. McIntyre becoming sureties.

Mr. Miner was arrested on indictment found by the grand jury for the February term, charging him with unlawful cohabitation. Last December he left this city on a tour through the States. He returned to the city a few days ago and having heard that an indictment had been found against him, had decided on surrendering himself Saturday.

REPORTED RESISTANCE DENIED.

CITIZENS OF PARIS GIVE THE LIE TO THE REPORT OF RESISTANCE SO PERSISTENTLY CIRCULATED.

We took occasion yesterday to brand the dispatch which had been sent throughout the nation by the unscrupulous Associated Press agent of this city, charging the "Mormons" of Paris with having resisted the deputy marshals, as an infamous lie, circulated for the purpose of inciting greater hostility against a people towards whom the whole world are already most bitterly and unjustly prejudiced. That we were correct in what we asserted is now amply proved by the following statement, signed by prominent and reputable citizens of the place where the resistance was said to have been offered:

PARIS, Idaho, May 21, 1885.

The report in circulation stating that United States deputy marshals were driven out of Paris, Idaho, by an armed force and were interfered with in the performance of their duty, is entirely false. The facts are these, that on Saturday morning, May 9, Chris Nielson, a supposed deputy marshal, served papers on Samuel Matthews in a religious meeting; also upon John A. Hunt, just outside of the meeting house. No attempt was made to serve papers on anyone else. Not a single person interfered with any officer whatever. After these papers were served he (Nielson), in connection with one John H. King, another supposed deputy, left Paris.

That the above is a true and correct statement we, the undersigned, most solemnly declare.

HENRY MARGETTS,
Probate Judge.

Richard S. Sutton, Wm. G. Hayward, Frank Wilcox, Albert Anderson, L. J. Shepherd, county auditor and recorder, Alma Bird, R. Smith, Joel H. Rich, Miner Wilcox, Geo. B. Spencer, Geo. Humphreys, Thos. E. Smedley, Heber C. Smedley, Geo. Sparks, Wm. Price, Ed. T. Shepherd, Jas. H. Wallis, H. S. Woolley, Jas. Collings, John Skinner, Wm. H. Spiers, John A. Sutton, C. L. French, Wm. L. Rich, assessor and collector, Frederic Stoffer, John A. Sutton, Sr., Mark H. Sutton, Wm. Bird,	J. W. Neibaur, Jas. Collings, Sr., Franklin D. Rich, W. N. B. Shepherd, deputy clerk Third District Court, Idaho, Alonso Cook, C. N. Watkins, George Ashley, Orson Pendrey, Jas. Athay, Henry Athay, Wm. Athay, Geo. Mullins, Lewis Ricks, Stephen Kelsey, Wm. Shepherd, John Hasenfratz, C. W. Wallentine, Geo. Bunn, Thos. Clayton, J. R. Shepherd, Harley Mowry, T. J. Smedley, justice of the peace, Journal Palmer, Wm. Pendrey, Arthur Budge, Henry Bolton, sheriff.
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THE MAMMOTH SUIT.

THE OBSTINATE JUROR A MEMBER OF THE MAMMOTH COMPANY.

As will be seen by the court minutes elsewhere, the jury in the case of Elias Morris vs. the Mammoth Mining Company, after being out all night, failed to agree, the ballot standing eleven to one for the plaintiff.

After the jury was discharged a little inquiry elicited the fact that Mr. Klipple the jurymen who held out for the defendant, was a member of the Mammoth Company. The counsels for plaintiff on learning this had Mr. Klipple brought into court and moved that his name be stricken from the jury panel on the ground of his being unfit to serve on any jury. Mr. Brown read the questions asked the juror and his answers during his examination, in which he declared under oath that he had had no transactions whatever with Bowers or Butler Johnstone while they were managing the property, nor with the company itself. Neither had he transacted any business with Cunningham nor the McIntyres. He had no bias and had neither formed nor expressed any opinion in the case.

Mr. Klipple was sworn and put upon the witness stand, where he was questioned by the attorneys on both sides. He said that when he was examined as a juror he was not asked directly if he was a member of the company, and he did not think it his duty to voluntarily state that fact. He had owned 24 shares of the stock for about a year and a half, but did not obtain them by any direct transaction with the company, obtaining them on a debt from an outside party. He supposed, however, that his name appeared on the company's book as a stockholder.

To the Judge, he said he had not allowed his connection with the company to influence him in the least in voting against a verdict for the plaintiff, and he was not aware of having answered any of the questions untruthfully.

The Court said his name should remain upon the panel, but that in future he must be careful not to serve on a jury in any case in which he was personally interested, or in which he might have the least degree of bias either way.

AN IMPERTINENT "SPOTTER" PUNISHED.

HE ASSUMES AN INSULTING DEMEANOR AND IS SOUNDLY THRASHED.

Between 3 and 4 o'clock yesterday afternoon several gentlemen were conversing together in the Broom Hotel, at the corner of Fifth and Main streets, Ogden. One of the number was Moroni Brown, who had been indicted by the grand jury on the charge of unlawful cohabitation. While they were thus engaged one George Marth, of Ogden, stepped up to Mr. Brown and said, in a taunting manner:

"Oh! you're not in the Penitentiary yet, but you will be soon."

Mr. Brown replied, "You walk along there. Don't you open your mouth to me."

Marth then jeeringly remarked, "Oh, well, we'll see you there soon."

At this Mr. Brown seized Marth by the collar with his left hand, and dragged him from the hotel into the middle of the street, striking him about the head and face with his clenched right hand as they went along. Marth endeavored, without success, to avoid the blows, which fell fast and heavy. Marshal T. H. Ballantyne, who happened near by, ran out, and taking hold of Mr. Brown, pulled him off, but not before the inciting cause of the disturbance had received a severe chastisement, his face being covered with blood, both eyes blackened and swollen, and his head generally looking as though it had been through a threshing machine.

As soon as he was liberated, Marth ran around in search of a deputy marshal, to have Mr. Brown arrested, but as the latter was already in custody of the city marshal, he was taken before the police Justice, where a fine of \$15 was assessed and paid.

It appears that in the past Marth has achieved considerable notoriety by his breaches of the law in selling liquor without a license; he has also acquired the reputation of getting men drunk in his saloon, and then robbing them of their effects and kicking them out into the street. In connection with these circumstances, it fell to the lot of Mr. Brown, as a police officer, to have some dealings of an unpleasant character with him, and during the raid against the Mormons, Marth has assumed the role of a "spotter" in cases of supposed violations of the Edmunds law, and has exhibited special malice in working up the proceedings against Mr. Brown. This course, in addition to the sneering remarks made in the hotel, were too much for Mr. Brown's patience, and resulted as above stated.

THE DRY BENCH QUESTION.

THE FEASIBILITY OF A RESERVOIR FURTHER DISCUSSED.

The City Council committees on irrigation and water works, with the Mayor and Watermaster associated, met last evening in the City Hall to discuss the matter of furnishing the residents of the dry bench with water. A good representation of the parties most interested was present.

Communications were read by Mr. Edgar Howe, chairman of the water committee of the Eighteenth, Twentieth and Twenty-first Wards, from five civil and mining engineers: Elsworth Daggett, Thos. C. Bailey, Chas. P. Brooks, E. B. Wilder and B. B. Van Dusen, each of whom stated that the plan of converting Little Valley into a reservoir was in every way practicable. The best of material for the construction of a dyke, and for puddling the bottom and sides of the proposed reservoir, were right in the valley. In fact, they considered the convenience of material and the natural facilities for such an undertaking were in every respect all that could be desired. He also read a proposition from Pitts, Watson & Co., contractors, offering to construct the proposed reservoir according to Col. Stevenson's plans and specifications, for the sum of \$33,000. They would warrant the work to be thorough and complete in every respect, and give bonds for the faithful performance of the stipulations of the contract, naming Matthew Cullen, Alfred Thompson, W. L. Pickard and Mathias Jorgensen as their sureties.

Mr. C. P. Brooks then read a communication from Col. C. L. Stevenson, setting forth the necessity and advantages of a reservoir. By constructing a levee 20 feet high the surface of the 60,000,000 gallons of water thus held in reserve would be 835 feet above the level of the Temple Block, giving a pressure that could be converted into a motive power before being used for irrigation purposes. This quantity of water would be sufficient to afford the much-needed relief to the residents of the benches without lessening the supply to any part of the city. He also referred to the fact that he had had many years experience in the building of reservoirs, and had constructed two in this Territory—one at Fort Douglas and one near Wagoner's brewery—both of which are giving entire satisfaction, notwithstanding the materials used were greatly inferior to those in Little Valley. He gave the relative propor-

tions of gravel, clay, sand and soil, which, when properly mixed, form the best material for lining a basin designed to hold water, and claimed that all of these ingredients could be obtained in Little Valley.

In answer to questions asked by Mr. Brown, Mr. Brooks stated that he had visited the locality in question and examined the materials there, which he pronounced well adapted for the purpose contemplated. In his judgment there was no danger of a properly built dyke giving way and allowing a flood of water to rush down into the city and cause the great damage that some apprehended. He had examined the test pits which had been dug in the valley, and found an excellent quality of clay there. He thought the bottom of the reservoir would need no "puddling" as it now holds water naturally, and that it would hold sufficient to supply the wants of both benches.

Mr. E. Daggett, a mining engineer, had also examined the valley, and corroborated the statements of Mr. Brooks. He did not think that a certain spring, mentioned by Mr. Jennings, which was in a gulch just below the reservoir, was an indication that the bottom of Little Valley is porous, and would admit of rapid seepage. Thought that the water which supplies the springs comes from another direction. In case that a cloud should burst at or above the reservoir, he did not think it would cause a sufficient increase of pressure against the dam to wash it away, as the lateral pressure of the water is proportional to the depth, and the depth in this case could not be much increased.

Mr. E. B. Wilder was also questioned by Mr. Brown and members of the committees. He endorsed the report and figures of Col. Stevenson, and agreed with Messrs. Brooks and Daggett as to the entire feasibility of the project.

Mr. Hampton, a chemist, had analyzed specimens of clay taken from the test pits, and found they contained 62.9 per cent. of pure clay. He had also compared the permeability of the specimens with that of pure clay, by filling an eight inch funnel with each, and allowing water to work its way through them. He conducted the experiment for 58 hours, the pure clay allowing on the average 1-16 of a drachm to pass through it per hour, while that from Little Valley allowed 1/2 of a drachm, the amount decreasing at the last.

Mr. J. F. Smith thought the reservoir could be successfully made, and that there would be no danger to any portion of the city if the dam were ever to give way.

Mr. Geo. M. Ottinger, superintendent of City Water Works, said that on some of the fire hydrants there is now a pressure of 80 or 90 lbs., but on others in the higher parts of the city there is only seven pounds to the square inch. He enumerated many advantages which would accrue to the water works and fire department from the construction of the proposed reservoir. It would secure a constant and reliable supply of water for the main; greatly increase the pressure on fire hydrants; obviate the necessity of more fire engines; the water would be more pure and free from sediment, and would save much which now goes to waste. Such a reservoir is an absolute necessity and must be constructed sooner or later, as the little tanks now at the head of the mains are not adequate to the requirements.

Mr. Arthur Brown said the city had the legal right and power to distribute the waters of City Creek as they saw fit, and give the "dry benches" a portion if they chose, notwithstanding the prior right of older settlers, as they would not be robbed in the least. The meeting adjourned sine die.

FROM SATURDAY'S DAILY MAY 23.

Races in Ogden.—The Ogden Driving Park Association have arranged the following programme of races for Decoration Day:

Trotting: 2:30 class, two in three, for a purse of \$50; 3 minute class, three in five, \$50. Pacing: 3 minute class, three in five, \$50. Running: half mile and repeat, \$50; quarter mile dash, \$25; half mile dash, \$50; mile dash, \$50. Foot races: 60 yards, \$5; 100 yards, \$10; 50 yards, \$15.

The excursion over the D. & R. G. W. will leave this city at 8 a.m., tickets good for three days.

District Court Proceedings.—In the case of M. S. Aschier vs. Frank Chambers, the defendant moved that the plaintiff be compelled to elect upon which count he will rely at the trial, and to dismiss the other count, claiming that there ought to be but one cause of action. The motion was overruled and an exception taken. The matter was referred to E. T. Sprague to take testimony, etc.

The grand jury having ignored the charge against John Reilly and his bail was exonerated.

Robert Naylor, of England, was admitted to citizenship.

The case of R. L. Brown vs. H. S. Campbell et al., was closed and given to the jury. At 2 p. m. the jury entered with a verdict of \$1,041.81 in favor of the plaintiff.

An Explanation.—Judge Powers evidently does not want to be understood that he is aping the example of the notorious Judge Dudley, of New England colonial days, who used to say to his packed juries: "Now, worthy gentlemen, we expect a good verdict from you to-day," and get such a verdict as he desired every time.

The Ogden Daily News, in its account of the indicting of James Taylor, Moroni Brown and Francis A. Brown, for unlawful cohabitation with their wives, says, that when the indictments were brought into court the Judge said to the grand jury: "Gentlemen, you have done well. You will now retire to your room and continue your good work."

According to the Ogden Herald, the Judge yesterday took occasion to state in open court, "for the benefit of the public, that the report as rendered was incorrect, and he did not wish to have it inferred that he was more pleased with any one conviction than another, or that he was here to make a crusade on the people. All men before the Court are considered innocent until they are proven guilty, and he wished to be so understood."

"Incorrect" is rather a mild term to use if the language attributed to him was not his. Possibly, though, it is the inference that would naturally be drawn from the language that he intended to repudiate rather than the language itself.

Returned from Wales.—Elder W. D. Williams, of Ogden, who returned from a mission to Wales with the last company of immigrants, called last evening and gave us a brief account of his labors there and the condition of the work in that country.

He left home April 10, 1883, and has traveled nearly all over Wales during his absence. Most of his preaching has been done out of doors, and he has met with fair success. That country, which was once such a fruitful field for the Elders, now seems to contain but few sheaves for them to gather. There is but one meeting house where regular services are held by the missionaries, as the different branches are too small and poor to pay the rents charged for them. Times are very hard there and many suffer for the necessities of life. The slate works in the north have suspended operations and the employes have gone to South Wales to find work in the collieries. It is almost impossible for an Elder without purse or scrip to travel or live in that country.

On two occasions, while in Pembroke-shire, Elder Williams was mobbed and narrowly escaped violent treatment, but these were the only occasions during his absence that he was threatened with bodily harm. He held forty meetings, besides doing considerable preaching in a conversational way while there, and enjoyed his labors very much. He is well satisfied with his work abroad, and is pleased once more to mingle with his friends at home.

Primary Fair and Meeting.—The annual meeting and fair of the Primary Association of Big Cottonwood Ward was held yesterday, May 22nd, in the ward meeting house, Mrs. Ellen Sutherland presiding. Over one hundred children were in attendance, both sexes being about equally represented. Several brethren were also present, and quite a number of mothers of the children.

After singing, prayer was offered by Brother Mumford, when the children sang the Word of Wisdom.

The minutes of the last previous meeting and the yearly report were read, which showed the enterprise of the little people.

The programme was a good one and was well rendered. At the conclusion, remarks calculated to encourage the children in obtaining a knowledge of the Gospel, and practicing its laws and precepts, were made by Sisters E. C. Clawson, E. R. S. Smith, L. A. Wells, Camilla Cobb, E. B. Wells and Margaret Steele of this city, and Isabella McGhie of Sugar House Ward, and Mary McAllister of Mill Creek; also by the Bishop's Counselor, S. A. Casto, Brother Worthington, superintendent of the Sabbath School, and Brother Hanson, President of Y. M. M. I. A. of that Ward. Sister Ellen Sutherland, the President, also made a few closing remarks.

Sister Emily Stevenson was elected as an assistant to the President, and two Assistant Secretaries were also appointed. The benediction was pronounced by Master Francis McDonald.

The Fair, which was in an adjoining room, consisted of a great variety of children's work—plain sewing and fancy work, wax and wool flowers, quilts, rugs, fancy baskets, crochets and knitting work, also bread, butter, cakes, etc., all very nice indeed. The hand sewing by very small girls was very neatly executed. Several little useful and ornamental articles in wood-work by the boys displayed ingenuity and skill in using tools, and there was one or two good specimens of iron work.

Tables were set in the hall after meeting was over, and about two hundred and fifty, including the children, partook of a bounteous repast. The blessing was pronounced by Master George McDonald, a very little boy. Altogether it was quite a happy gathering, and will be long remembered by the children.

That Corruption Charge.—Following are the instructions of Judge Powers to the grand jury yesterday morning, allusion to which was made in a special telegram which we published yesterday. We copy from the Ogden Herald:

Gentlemen of the Grand Jury.—My attention has been called to a paragraph in a public paper, which, it seems to me, makes a direct charge of corruption against certain United States officials in this Territory. It is

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