

THE BURT EXAMINATION.

Commissioner Norrell Holds the Thinnest Case on Record.

It was quite late Thursday afternoon when the preliminary examination into the charge of unlawful cohabitation against Policeman Alex. Burt was begun before the Commissioner. Mr. Zane appeared as prosecutor, and Mr. Richards acted as counsel for the defense.

The first witness called by the prosecution was Mrs. Agnes Burt. She refused to testify in the case, on the ground that she was the defendant's legal wife, and was excused.

Deputy Sheriff Andrew D. Burt was the next witness called. He testified—I am a son of the defendant; I have not lived with my parents for two years and a half; Mrs. Agnes Burt is my mother; when I lived with them they lived in the Sixth Ward; I have three half brothers younger than I am; the youngest is "Tiny," seven or eight years old; I couldn't tell you where they live now; when I last knew of them they lived at Third West, corner of Sixth South; Harriet Hilton was their mother; I have known her for twelve years; her children bear the name of Burt; I know of no younger child of her's than Tiny; I saw her last about a month ago at her house; do not know that my father ever lived at her house; have seen him there in the daytime, five or six years ago; do not know whether or not Harriet Hilton is my father's wife; I might give a guess; father has lived with mother for the past eight months; before then he was in Europe; may have been there two years; he went on a mission; I helped to support Harriet and her family during father's absence; have never seen father in her house since he came back; had lived there six years ago; saw his father there occasionally then, but he never slept there, as he was night watchman at the court house; I think father formerly treated Harriet's house as one of his homes; know nothing of where Harriet and her children are; they left before father came back, and I have not seen them since.

On cross-examination, witness said he had never seen his father at Harriet's house since his return from his first mission to Europe, in 1882.

Mrs. Agnes J. Burt testified that she was the daughter of the defendant and his wife Agnes; she had been away from home most of the time for two years; had not spent any of that time at Harriet Hilton's; she had not known where Harriet lived since she left the Sixth Ward; had never been taught that there was any relation between herself and Harriet's children. It must be three years since she last saw Harriet; didn't know that she ever saw her at her (witness) mother's house; they never called her anything but Hilton, and her children were called Hilton, too, not Burt.

James Hilton testified that he was Harriet Hilton's brother; he had not seen her since she left the Sixth Ward; he saw her on the street about a year ago, with her little boy; he never visited his relatives; did not know whether she was married or not; supposed she was; she might have a family of children and he could not swear she was married.

Mrs. Annie E. Gulerist, a lady who had been subpoenaed by the deputies under the impression that she was Harriet Hilton, was called, out as she knew nothing of the defendant or his family; she was excused.

John Y. Smith testified that he knew Harriet Hilton twelve years ago, in the Twentieth Ward; later in the Seventh and Sixth wards; last saw her about a year ago; had been at her house with defendant, but not since five or six years ago; had not seen him there for three or four years; at the time Mr. Burt left on his first mission, he asked witness to see that Harriet did not want; he had heard him say since he got back the last time that Harriet and her children were all well; this had been in answer to witness' question as to how they were; he had not asked, nor had he been told where Harriet was; thought he saw her boy Julius at a distance the other night.

Mr. Zane said he had one more witness, Mrs. Wm. Hilton, who could not come till morning, and an adjournment was had till 10 a. m. to-day, Mr. Burt giving \$1,000 bonds for his appearance.

This morning, after considerable delay in searching for witnesses that failed to materialize, the examination was resumed and Mrs. William Hilton called. She testified—I reside in the Eleventh Ward; know Harriet Hilton; have been acquainted with her fourteen years; she is my husband's sister; she lived in the Seventh Ward about twelve years ago; she afterwards moved to the Sixth Ward; I lived in the same house with her about one year; that was eleven years ago; my husband and I lived in part of the house; I have seen Alex. Burt there several times; Harriet had one child then; it was an infant when I went there; I think Mr. Burt called once in two or three days; do not know of his staying there any length of time; I think I remember him taking meals there; think he owned the house; left the house ten years ago; I have seen Mrs. Agnes Burt; do not remember visiting Harriet in the past seven years; do not know where else she lived; I know I have not been at her house for four years; did not see Mr. Burt or any children there then; have

not seen Mr. Burt for years until to-day; Harriet is reputed to be his wife.

Cross-examined by Mr. Richards—It is eleven years since I lived in Harriet's house; I have not seen Mr. Burt in her company since then.

William Hilton testified—I reside in the Eleventh Ward; have a sister named Harriet; she came to Salt Lake about 14 years ago; she is older than I am; lived with my parents until 12 or 13 years ago; Harriet also lived there; I left before she did; she is reputed to be married to Mr. Burt; this has been the report for several years; her eldest child, Julius, is 10 or 11 years old; I have not seen Harriet for over three years; I met her on the street; she was living in the Sixth Ward at that time; I called at her house about a year ago, but no one was there; our family don't visit much; I don't know when Mr. Burt came back from his mission; I think Harriet has three children; do not know where she is now; have not heard Mr. Burt speak of her since his return; have seen him at her house, ten or eleven years ago; that was when I was married; do not know when he was married; never heard him speak of the marriage; have not seen them together for ten years; have seen very little of either of them; it is so long since I saw Harriet's children that I do not believe I would know them.

George Hilton testified—I live in the First Ward; have known the defendant 16 or 17 years; I think, am acquainted with his family; have a sister Harriet; do not know where she lives; she was in the Sixth Ward about two years ago, when I saw her last; Mr. Burt was in Scotland then, and I went to see how she was; I was there once probably a year before; I don't know that she is married; we are a curious family, and seldom visit each other; I believe she is married; never heard her say she was; never heard Mr. Burt speak of it, but used to see him at her house about ten years ago; have not seen them together since then.

"That's all," said Mr. Zane, wearily; "the next witness is Mrs. Butterworth." The lady was not present, and Deputy Franks was called. He testified—I know the defendant by sight; I understand he has been away from Salt Lake, I last saw him until about a month ago, on the 20th of November, 1885; his son Andrew was there, having been released from a six days' imprisonment for assaulting Deputy Collins; that is the first and only time I saw defendant before 1887.

Mrs. Alice Butterworth testified—I live in the Sixth Ward, next door to the defendant's; know his wife Agnes, and most of her children; live within a few rods of her home, do not know Harriet Hilton or Harriet Burt; have seen a lady called by that name; she was pointed out to me on the street; this was four or five years ago; that is the only time I ever saw her; know nothing of her relations with Mr. Burt; never heard him speak of her, or heard her spoken of as his wife; have heard the rumor that she was his wife; that is the general understanding.

Cross-examined—Never heard any of his family say Harriet was Mr. Burt's wife; have heard it intimated.

Mrs. Margaret W. Johnson testified—I live in the Fifteenth Ward; am slightly acquainted with Mr. Burt; his daughter has worked at my house; I have seen Harriet Hilton; it was five or six years ago, at my sister's; Mr. Burt was not there; do not know where Harriet lived at any time; I once saw her pass my house in Mr. Burt's company; saw them only once; it was a very long time ago.

Mr. Zane asked that the defendant be held. He considered that it was clear that both of the women were his wives, and that up to the present he supported both of the families. He had called Harriet and her children part of his family, or at least gave his son Andrew that understanding. Defendant also told one witness that Harriet and her children were well. This was sufficient to show that he recognized her as his wife. Mr. Zane thought it ample for the Commissioner to hold the defendant because he held a woman out to the world as his wife.

Mr. Richards said he never before heard it contended that when a woman who was the plural wife of a defendant was supported by him, it was sufficient to constitute cohabitation. In his strongest opinion, Chief Justice Zane had said, "The parties must live—and they must be together." Such a condition had not been shown here.

There was a total absence of proof that the parties had been together within the past four years. Commissioner Norrell said that there was no question in his mind that Harriet Hilton was Mr. Burt's wife. The court considered that this fact with the testimony that the defendant supported Harriet's family, was sufficient ground on which to hold the accused, whose bonds were placed at \$1,500. Alonzo Young and Wm. N. Williams became sureties.

The action of the Commissioner, who has heretofore been very fair and has required something tangible on which to base his decisions, was a surprise and elicited considerable unfavorable comment. The idea set forth that because a man supports his plural wife and her children, even though he is never known to be in her company, he is liable to be thrown into prison does not strike a reasonable man with any favor.

Mrs. R. L. Hughes, of Lexington, Ga., owns a butter dish which her English ancestors ate out of in 1670.

TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

—Arrangements for commemorating the anniversary of the surrender of Geronimo and his Apache band by a sword presentation to General Nelson A. Miles are being made at Tucson, Arizona. Governor Torres and staff of Sonora, Mexico, will attend, and delegations from New Mexico and California will be present.

—Thomas Pridemore, who was convicted at Los Vegas, New Mexico, for the killing of W. G. Green in December, 1885, and sentenced to ten years in the penitentiary, and who, after serving one year, was bailed out and was granted a new trial and a change of venue to Santa Fe county, was found not guilty by the jury on August 22d.

—At Colton, Arizona, on Monday evening, Edward Title, son of A. S. Westmoreland, was accidentally and it is feared fatally shot in the chest by his brother Charlie. The juveniles had found an old revolver, and were amusing themselves with it. They, unknown to their father, secured some cartridges and were endeavoring to load the broken cylinder when the hammer slipped and the weapon was discharged, the bullet entering the right side of Edward's chest. A surgeon failed to find the bullet. It is believed to have penetrated one of his lungs.

—Santa Fe, (N. M.), August 22, Joaquin Montoya and Carlos Sacoma, the two men who shot and killed Marino Leyba near Golden, in this county, last spring, were to-day indicted by the grand jury for murder in the first degree and were remanded to jail. The public sentiment seems to be that the killing of Leyba was unwarranted and unjustifiable; that he was not so bad a man as he was reputed to be, and that in order to hide the devilry of others the blame was saddled on his shoulders. Sacoma left the territory last week, but officers found him in Colorado and returned with him to Santa Fe to-day. He and Montoya are hard characters, and are not at all backward with the pistol and knife. In fact, they are worse than their victim.

—Albuquerque, August 22.—Yesterday, while the switch engine was engaged in making up trains, John Madden, known here as "Dobe John," staggered out from behind a fence in the yard and was crossing one of the sidetracks just in front of a heavy train, when Yardmaster Tuttle noticed him and shouted to him to look out, but Madden seemed not to notice the warning and moved very slowly. Tuttle, seeing his condition, ran and pushed him off the track, knocking him down and narrowly escaping death himself, the car touching his shoulder as he jumped backward off the track. When Madden fell he was clear off the track, the first car passing without touching him, but in his struggle to get up he threw his left leg across the track and the wheels passed over it and entirely severed his foot and a portion of the leg above the ankle from the body. Madden was taken home, medical assistance summoned and everything done for him that was possible. It is probable that he will die. He is about 50 years old and a hard drinker, and from past indiscretion is in no condition to recover from such a shock. He has a wife, a Mexican woman, and one child.

In this issue appears a request for information from all parts of the Territory to enable Governor West to formulate a comprehensive report to the Secretary of the Interior, representing the material condition of Utah. On account of the notice reaching us just previous to our going to press, we are unable to say more than express a hope that the request will be thoroughly and intelligently complied with.

—Socorro, N. M., August 22.—Reports from near Hillsboro are to the effect that that portion of the Black Range has been visited by destructive cloudbursts. One caught Thomas Edwards, his eight year-old son and another man, whose name has not been ascertained, while they were crossing a dry arroyo in a wagon, drowning the entire party. Edwards' remains have been found, but his son and the stranger have not been recovered at latest accounts.

A Philadelphia concern, calling itself the National Memorial Company, is engaged in a business which ought to be suppressed. Their plan is to watch the obituary notices that appear in the papers, and then to send to bereaved persons a cheap and vulgar card, on which, together with a good deal of ridiculous ornamentation, are printed the name of the deceased person and also some wretched doggerel. Accompanying this card is a circular which invites the person addressed to purchase it, and others like it, at the price of twenty-five cents. There is also a barefaced request for return of the card by mail if it is not wanted; and some nauseous remarks about the "beautiful custom" which the National Memorial Co. are endeavoring to trade upon, and specimen verses follow. It is not difficult to imagine the shock that any decent person must feel who receives this hatch of stuff, and finds the name of his lost relative thus made free with. To say that of all the disgraceful advertising schemes which modern ingenuity has developed this is among the worst, would be to use strong but perhaps not inappropriate language.

BIRTHS.

WEBB.—This morning, August 27, 1887, to the wife of Thomas Webb, of the Twentieth Ward, this city, a son. All doing well.

OBITUARY.

MECHAM.—An aged and respected citizen of Cannonville, Garfield County, Samuel Morrison Mecham, departed this life at 7 o'clock a. m., August 15th, 1887, after the brief illness of one hour of dropsy of the heart. He was born in Erie County, N. Y., April 29th, 1818; embraced the Gospel while in his youth and removed to Utah in the fall of 1849, settling in Salt Lake City. After residing there and in adjacent towns for a number of years, he was called to Southern Utah, where he labored diligently. He came to Cannonville in December, 1877, where he has continued to reside until his demise. His dying words to his children were: "Be kind to your mother and remain firm and true in the kingdom of God." These words being uttered, his spirit took its flight.

Brother Mecham survived the many and relentless persecutions that the early Saints passed through in the states of Missouri and Illinois. He was intimately acquainted with the Prophet Joseph Smith, was a member of the High Priests' quorum, and the father of fourteen children, nine of whom, with his beloved wife, are left to mourn his sudden departure.—[COM.]

OBITUARY.

CLAYSON.—William Clayson was born in the town of Wilby, Northamptonshire, England, on February 9th, 1840. Was baptized into the Church of Jesus Christ of Latter-day Saints on May 23d, 1855, by Elder Mark Lindsay. On October 24th, 1855, he was ordained to the office of a Deacon by Elders John Barson and James Sheffield, in the Wellington Branch, Bedfordshire Conference. On May 29, 1856, he was ordained a teacher in the same branch, under the hands of Wm. Ballif and James Sheffield. Some time after that he was ordained an Elder, and called to preside over the aforementioned branch of the Church, which position he held up to the day of his departure for Utah. He emigrated with a company of Saints, sailing from Liverpool on the ship Manchester, April 12, 1861, arriving in Utah in the fall of the same year. He made his home in Payson, and at once set to work diligently to open the way for the deliverance from Babylon of his parents and relatives whom he had left behind, and through the blessing of God, had the joy of seeing them all in Zion, and bidding them welcome to his home. He soon became identified with the Payson choir, and in 1864 became chorister of the same. Although very modest and unassuming, his superior intellect, his high sense of honor and integrity, as well as his ability in the line of music, soon brought him to the front and under his able and untiring teaching the Payson choir and brass and string bands (the latter two being organized by him and continued under his direction) soon became creditable to the town. He was also one of the leading men in our Sabbath school from the beginning, and was one of the superintendents for a number of years up to the time of his death. On the 27th of July, 1887, he was ordained a Seventy in the 46th Quorum, and on the 19th of September, 1886, he was called and set apart as one of the Presidents of that Quorum. He ably filled the office of city councillor until displaced by the Edmunds law. He died at his home in Payson, July 24th, after an illness of three months. He died as he had lived, firm in the truth to the last, and with an assurance of a glorious resurrection with the just. His remains were followed to their last resting place by the largest funeral cortege ever seen in Payson. The brass band discoursed suitable music in the procession, and the choir sang at the grave.—[COM.]

Millennial Star, please copy.

PILLING.—At Kayville, Davis County, August 20, 1887, John Pilling, son of Edmund and Ann Campbell Pilling. He was born at Waddington, Yorkshire, England, February 4, 1796, making him 91 years, 6 months and 16 days old when he died. He received the Gospel through the labors of H. O. Kimball and Joseph Fielding; was baptized and confirmed by Elder Fielding February 8, 1838; ordained to the office of a Priest March 10, 1839; emigrated to the United States and settled at Council Bluffs, Iowa, in 1850, and crossed the plains to Utah in 1853. Settled at Kayville, Davis County, at which place he resided till his death. He was ordained a High Priest by President H. C. Kimball in 1858, at Salt Lake City. He was faithful to the callings placed upon him and respected by all who knew him. He has left a large posterity to follow after him. He has gone to his resting place awaiting the resurrection of the just.—[COM.]

DEATHS.

DUNCAN.—At Bountiful, Davis County, Aug. 18, 1887, James L. Duncan, son of John and Martha Duncan; born June 6, 1876, at Bountiful.

GARLICK.—At Springville, August 5, 1887, Sister Elizabeth Garlick, aged 93 years, 3 months and 3 days. Born in Bedford County, Pennsylvania, May 2, 1795; was baptized in the year 1837 in the above county by Elder William Rosley. She had seen in a dream, two men, a short time before, preaching, with a motto over their heads bearing the words "Truth will prevail" plainly inscribed, and when the before-named Elder and his companion, John T. Wakefield, came to that vicinity preaching the Gospel she at once recognized them as the very men she had beheld in her dream. She believed their message and was soon baptized, together with two of her daughters, who are still living. She went to Nauvoo with her husband and family in 1839; crossed the plains in 1852; arriving at Springville in 1853, where she remained until her death, a true and faithful Latter-day Saint. She leaves 6 children, 46 grandchildren and 100 great grandchildren with a large circle of friends to mourn her loss. "Blessed are the dead who die in the Lord."—[COM.]

OGDEN.—At Richfield, Aug. 14th, 1887, from the effects of the heat, John, son of Wm. and Mary Ogden.

Deceased was born January 31, 1857, at Halli Wood, Lancashire, England; was baptized when eight years old; came to Utah in 1868 with his parents, and settled in Richfield in 1872; was ordained an Elder and afterwards a Seventy, and died a faithful Latter-day Saint. He leaves a wife, two

children, his parents and many friends to mourn his loss.

CHOALES.—In this city, at 6:25 p. m. on Monday, August 22d, 1887, of bronchitis, Morris Henry, son of George and Mary Jane Choales. Aged 4 months and 3 weeks. Funeral services were held at residence at 10 a. m. Wednesday, August 24th.—[Provo Enquirer.]

HARDY.—In Provo City, August 25th, 1887, of cholera infantum, Zella Maud Hardy, daughter of James William Hardy and Sarah Ann Scott Hardy, aged 1 year, 6 months and 5 days.

BATTY.—In Toquerville, Washington County, Utah, August 20, 1887, of summer complaint and whooping cough, Anna May, daughter of John and Mary Ann Batty, aged 1 year, 3 months and 16 days.

Brother John Batty is absent on a mission to England.

Millennial Star, please copy.

CLAYTON.—At Coyote, Garfield County August 4, 1887, Everline, daughter of Albert and Emma Clayton; aged one year, three months and twelve days.

Ogden Herald please copy.

NESLEN.—In Salt Lake City, August 29th, at 10 a. m., Father Samuel Neslen, in the 80th year of his age. Notice of the funeral will be given hereafter.

COMMERCIAL.

The Stock, Money, Groceries and Provision Markets.

DESERET NEWS OFFICE, Salt Lake City, Aug. 30, 1887.

SALT LAKE MARKETS.

Corrected daily by Leading Houses.] PROVISIONS.

	Buying	Selling
Whole Wheat Flour.....	2 75	3 00
High Patent Roller.....	2 75	3 00
Patent Roller.....	2 50	2 75
Flour, XXX.....	2 00	2 30
Flour, XXX.....	1 75	2 00
Wheat per bu.....	65	80
Oats per 100.....	1 25	1 40
Barley per 100.....	1 00	1 25
Barley Cracked.....	1 15	1 40
Corn.....	1 20	1 40
Corn Cracked.....	1 35	1 50
Potatoes per bu.....	40	50
Lucern seed, 100b.....	6 00	7 00
Brass per 100.....	75	80
Shorts per 100.....	85	1 00
Timothy seed, 100b.....	6 50	7 50
Red top seed, 100b.....	10 00	12 00
Olive seed, 100b.....	14 00	18 00
Hay, timothy and clover, per ton (baled).....	14 00	18 00
Hay, lucern, per ton (baled).....	9 00	12 00
Lucern, (loose).....	10 00	12 00
Hay, redtop (loose).....	11 00	14 00
Hay, timothy, (loose).....	3 00	6 00
Beans per 100.....	25	35
Carrots per bushel.....	1 00	1 50
Onions per bushel.....		

GROCERIES.

	Buying	Selling
Eggs per doz.....	16	17 1/2
Table butter.....	25	
Cooking.....	15	
Home Cured Breakfast Bacon.....	11 1/2	12 1/2
Home Cured Side Bacon.....	8	10
Eastern Cured Breakfast Bacon.....		11
Eastern Cured D. S. Short Eastern Cured Hams.....		11 1/2
H. M. Cheese.....	12 1/2	
Eastern Cheese.....		12 1/2
Pride of Japan Tea & b papers.....		24 1/2
Gunpowder Tea.....		25
Japan Garden Tea.....		25
Japan Package Tea.....		24 1/2
English Breakfast Tea.....		25
Roast Java.....		25
Green Java.....		25
Roast Mocha.....		25
Green Mocha.....		25
Roast Rio.....		25
Green Rio.....		25
Granulated Sugar pr 100.....		7 1/2
A Sugar.....		7 1/2
Extra C.....		7 1/2
Gold C.....		7 1/2
Cut Lard.....		10
Honey, Utah pr lb.....		1 1/2
Molasses, Utah pr gal.....		6 1/2
Candles, per box 20 lbs. 6's.....		2 00
Candles, per box 40 lbs. 6's.....		4 00
Candles, per box 20 lbs. 8's.....		2 40
Candles, per box 40 lbs. 8's.....		5 30
Cal. Raisins, L. M. 20 lbs.....		2 40
Cal. Raisins, L. Y. 20 lbs.....		2 60
Coal Oil, 110 t. p. c. 10 g.....		2 30
Coal Oil, 150 t. p. c. 10 g.....		2 30
Coal Oil, 175 t. p. c. 10 g.....		3 10
Currents, per b.....		3 1/2
Salt, per 100 lb.....		60
Vinegar, 60 grain.....		5
Valley Tan Beans.....		5
Navy Beans.....		4 1/2
Lard, 3 b pails, per b.....		14 1/2
Lard, 5 b pails, per b.....		16 1/2
Lard, 10 b pails, per b.....		18

FRESH MEATS.

	Drum
Beef, choice steers, 2c. gross, selling "medium".....	4 1/2
Cows.....	3 1/2
Sheep.....	4 1/2
Hogs.....	7 1/2
H. M. cured hams.....	15 1/2
Bacon.....	14 1/2

CHICAGO MARKETS.

By Telegraph to-day.] 1 p. m. Close.
Wheat—Easier. Spot 68 9/16; October, 70 5/16; May, 73 1/2.
Corn—Steady. Cash, 40 1/2; Sept., 40 1/2; May 41 1/2.
Oats—Lower. Cash, 24 1/2; Sept., 24 1/2; Oct. 25 7/16.
Pork—Steady. Year, 11.60; Jan., 11.25.
Lard—Lower. Cash and September, 6.35; October, 6.42 1/2.

LIVERPOOL MARKETS.

By Telegraph to-day.] Close.
Wheat—Demand poor. New No. 1 winter, 6s. 2d., easy; do. spring, 6s. 4d., easy.
Flour—Demand poor.
Corn—Demand fallen off, mixed western, Sept., dull, 4s. 2 1/2d.; do. Oct., 4s. 2 1/2d., dull.
Receipts of wheat the past week from Atlantic ports, 36,400 quarters; Pacific ports, 14,600 quarters; other sources, 42,000 quarters.
Receipts of American corn, 46,000 quarters.