THIRD DISTRICT COURT.

A Derelict Defendant Surrendered by His Bondsmen Today.

MILLER WANTS A NEW TRIAL.

The Jury in the Brownell Forgery Case Disagree.—Trials of Burglars.—A Horse Stealer Convicted.

When Chief Justice Zane took his seat in the Third district court this morning Assistant District Attorney Stephens stated that some days ago the bonds of Frank Edgington, charged with attempted arson, were declared forfeited. The accused's bondsmen had, however, now brought him into court and counsel asked that the forfeiture be set aside at this time and the defendant placed in custody.

Edgington, a laboring man about twenty-three years of age, was ordered to stand up for arraignment. He plead not guilty to having attempted to fire the dwelling house of John T. Walker, on March 11th, 1892, about midnight. Being without means to employ an attorney, the court appointed Clesson S. Kinsey to defend him.

TO BE HEARD MONDAY.

This was the day set for sentence upon Frank Miller, convicted last week of embezzling household goods entrusted to his keeping as a second-hand dealer.

Attorney J. M. Hamilton intimated, however, that he had prepared a motion for a new trial and would like to argue it.

Assistant Prosecuting Attorney Stephens told the court there was really no ground for the motion; it was simply based upon the impeaching of the veracity of a witness called for the prosecution.

Mr. Hamilton rejoined that that was simply a part of the motion. He maintained, in spite of the law to the effect that the mere impeaching of a witness was not a sufficient ground for a new trial, that there were exceptions to that sort of case.

Attorney Rosser (who defended Miller upon his trial) said there were certain facts and circumstances in the case which he thought were worthy of the court's consideration on the application by Mr. Hamilton—more particularly as to whether the verdict was justifiable under the law, and, further, whether it was justified on the evidence.

Judge Zane said he would hear the arguments on the motion next Monday morning.

Meanwhile Miller remains out on bail, as before.

THEY STOLE HORSES.

The trial of Wm. Golden (for whom Attorney Merritt appeared), on a charge of stealing one black and one bay horse valued at $150 each, the property of Mount & Griffin of the city, on Dec. 3rd, 1892, was resumed.

James McMurray, the defendant's accomplice, plead guilty yesterday, and has begun to serve a two years' sentence in the penitentiary.

The jury found Golden guilty and sentence will be passed next Saturday.

TO SET ASIDE DEFAULT.

In the case of Joseph Holt vs. C. E. Pearson, the hearing on motion to set aside default was fixed for Saturday next.

DEMURRER WITHDRAWN.

The Continental Oil Co. vs. the Utah Central Railway Co. In this case the defendant withdrew its demurrer and twenty days were allowed in which to answer.

EXCUSED.

W. H. Young, a petit juror, was excused.

SUBMITTED.

In the case of Ezra Thompson et al. vs. David Keith et al., the settlement of statement on motion for a new trial was submitted, and twenty days were allowed to reingrose statement.

CHARGED WITH ROBBERY.

J. J. Gibbons was placed on trial this afternoon on a charge of grand larceny, which consisted of the alleged stealing of $8 and a silver watch from one John Robinson, on November 22nd, 1892. The defendant, a well-dressed man about 28 years of age, was represented by Attorney F. E. Barker. Assistant District Attorney Stephens prosecuted. The complainant and defendant are miners, and at the time of the theft Robinson was staying at the Cliff House. It appears that on the night in question, being the worse for drink, he invited this man into his room, and the allegation is that while there the defendant committed the robbery. The case will reach the jury late this afternoon.

JUDGE BARTCH'S DEPARTMENT.

The jury before whom yesterday afternoon was tried the case of E. H. Brownell, charged with forgery, retired to consider their verdict at 5 p. m. (Friday) and were under lock and key nearly all night, with the watchfulness of a court bailiff upon them. The hours were slowly wore away, Saturday morning dawned and the jurors were still as far off an agreement as ever. When the court reassembled at 10 a.m. today it was reported that they were unable to arrive at a verdict, and that there was no prospect of their doing so. His Honor accordingly discharged them.

Four jury stood nine for acquittal and three in favor of a conviction.

It is most likely that the case will go over to the term.

The defendant is accused of forging a check for $25, in his own favor, thereby testing the alleged signature of Mr. George R. Blair of the Salt Lake Herald. During the morning Brownell was admitted to bail on his own recognizance.

RECORDER.

In the case of Pendleton vs. Breese et al., the order heretofore made appointing Attorney J. R. Hord referee in place of Judge Anderson was now rescinded.

THIRTY DAYS' STAY.

Lawson et al. vs. Thompson. Sixty of thirty days allowed to prepare and serve statement on motion for a new trial.

FOUND GUILTY OF BURGLARY.

William Edgar was then placed on trial on an indictment charging him with burglary at the grocery store of James Brown, on west North Temple street, on last Christmas morning, and stealing various articles, including two boxes of cigars, apples, etc.

Assistant District Attorney Smith prosecuted; Attorneys Westervelt and James A. Williams defended.

The evidence was purely circumstantial; nevertheless, the jury, after being out about thirty-five minutes, came in with a verdict of guilty, the evidence being to their minds quite sufficient to fasten the crime upon the accused. About 4 o'clock on the morning of December 25th the store window was wilfully broken and the goods taken from a show case just inside. No one saw the act committed, but it seems that next day the defendant, whose family lives near the store, distributed apples, etc., among his friends. It was this which leaked out and brought about Edgar's arrest, it being claimed by the prosecution that these were a portion of the stolen property. The defendant, on the witness stand, stoutly denied his guilt.

THE THIRD MAN UP.

The next case on trial was also one of burglary. James Shee was the individual indicted, and he is charged with, in company of others, breaking into the clothing store of Philip Ryan, on West South Temple street, on October 28th, 1892; this time with burglary at another store on Richards avenue, and stealing a quantity of cloth and articles of wearing apparel. The Ryan case was first taken.

Assistant District Attorney Smith prosecuted; Attorney John Anderson defended.

Two of the defendant's associates, William Miller and Richard Marburg, plead guilty when arraigned a few days ago before Judge Zane and were sentenced to two years' imprisonment in the penitentiary. The three men, it may be remembered, were arrested by Captain Donovan of the city police force, at Wasatch, while making fast tracks for Wyoming. A portion of the stolen goods were found in the possession of one or more of them at that time. Neither of the men has an appearance calculated to inspire confidence, and on the witness stand, while testifying in his own behalf, Edgarton exhibited shuffling under cross-examination by Prosecuting Attorney Smith.

The case went to the jury at noon, and resulted in Shee's acquittal. He will now be tried on the second count.

COURT NOTES.

In the case of R. K. Bisch & Co. vs. Emma Whiting, Charles Whiting has been granted ten days' additional time in which to answer on the Third District Court.

Alfred Graham charged with passing a forged check for $10 on December 17, 1892, drawn on the Deseret National Bank payable to James Pine and signed Don C. Tells, was acquitted.

Charles Miller for burglary committed at the American cooking store on Second South street on January 2nd was found guilty, and waving time for sentence was given three years in the penitentiary.

C. D. Neally, charged with having embezzled $65 from Bang & Meyer, his employers, was to have had a hearing in Commissioner Greenman's court yesterday afternoon but the case was postponed until next Monday.

Attorney Westervelt, a new comer to the Salt Lake bar, had his first case in the Third District court today. He defended a man charged with burglary, but the fellow got convicted all the same.

William Golden and James McMurray were arraigned in Judge Zane's court late yesterday afternoon on stealing two horses from Mount & Griffin on December 3, 1892. The two left the city together but Golden returned. McMurray was arrested at Cedar Fort with the horses in his possession. Golden was arrested about the same time at a gambling house in this city. McMurray now plead guilty and was sentenced to two years in the penitentiary. Golden said not guilty and his case was proceeded with up to the impanelling of a jury, when court adjourned until today.

STUDENTS' SOCIETY.

Lecture on the First Principles of the Gospel, by Elder John Nicholson.

A very interesting and instructive lecture was delivered last evening before the Students' society by Elder John Nicholson, on the first principles of the Gospel.

The first principles of the Gospel—faith, repentance, baptism in water for the remission of sins, and the imposition of hands for the purpose of imparting the Holy Ghost, were taken up and treated on as well as other principles believed in and taught by the Latter-day Saints. It was shown that these principles were not only in accordance with statements made in Holy writ, but also in harmony with logic and reason. It is our duty as a religious community in our instructions to sustain the truth, not only from the standpoint of revelation, but from reason as well, for there is never any contradiction between revelation and reason, when properly understood, as bearing upon these subjects.

We are taught a great deal in relation to faith, and, referring to the Apostle Paul, we are given to understand that "faith is the assurance of things hoped for, the evidence of things not seen." That is a good explanation of it, sufficient to convey the proper conception of what faith is to our minds. Faith is the taste of action in all intelligent beings, and is purely an operation of the mind. It is stated in the Scriptures that it is a gift of God, in this way: "There is a spirit in man and the Spirit of God grants it understanding."

Sometimes we discuss in our own minds the difference between faith and belief. Belief is the beginning stage of faith—the beginning of it. Some statement is made; we believe it, and it is developed from that belief by exercising the mind in the direction of the subject matter, until an understanding of it is obtained. Oliver Cowdery at one time sought to obtain the gift of translation as exercised and possessed by the Prophet Joseph Smith. He was informed through the Prophet that this was within his power. Now all gifts are exercised through faith.

Oliver Cowdery sat down with the sacred instruments and attempted to translate some sacred records merely believing what had been told him that he could exercise the gift. The consequence was he failed. The reason for the failure is given in a revelation contained in the Doctrine and Covenants. He was informed there that he did not exercise his own mind sufficiently and he could not therefore exercise the gift. Had he complied with the necessary conditions the Spirit of God would have responded to his mental activity and enlightened him and he could have accomplished his purpose.

There was a few years ago in this community an architect of marked ability. Perhaps some remember Obed Taylor, who it was that designed the Assembly Hall located in the Temple Block. He submitted his plans to some skilled mechanics. One of them in particular pointed out to Mr. Taylor what he considered some defects in the plans, stating that they would not work. But Mr. Taylor, in his peculiar confident way, said that they were right in all their details. He had built the house, had erected the structure, before putting the plan on paper. Heretofore that he had already proved the building in his mind. This was by the operation of the principle of faith. The Spirit of God had enlightened his mind, and the structure was built according to its plans as it stands today. After the erection it was so accomplished fact and he fain became knowledge.

The great astronomer Herschel, by exercising his mind, announced that a planet existed in a certain portion of space. The announcement was made long before the planet referred to (Uranus) was discovered. This was faith exercised by Herschel and it is exact accordance with the principles and results of faith as treated in the Doctrine & Covenants in the lecture on that subject, which are in harmony with mental philosophy and sound reason, and so it is in all matters of true religion. This was shown to be the case by apt illustrations. The work of the Savior was taken up and his teachings shown to be perfectly reasonable and philosophical.

Repentance. What is it? It is simply information, rectification of wrongs. That is repentance, and it comes by faith. Through faith an individual sees an error; searching of his position before God, understands what is required of him by the Almighty and makes up his mind to fulfill those requirements. Faith is nothing more nor less than what is in harmony with the law.

Some do not believe it necessary that such ordinances and ceremonial observances should be included in religion. They are adopted by men made wise within, and why should the Lord be obliged to resort to the same means of appeal to the minds of humanity. Now in the ordinary affairs of life when individuals come to an understanding or agreement it is usual to reduce it to writing and signing by some act on the part of those engaged in it. Documents are made, signed and delivered in order that the transaction may be legal. If something similar to this is introduced into religion there is no reason why it should not be beneficial in its effect.

For instance the ordinance of baptism for the remission of sins exists in the gospel plan. It is in accord with a similar principle to some ancient transgressed by men in their own affairs. The consideration concerned with obedience is that the disciple shall have his sins remitted, while he on his part agrees to give allegiance to Him from whom this benefit is obtained. How perfect is the symbolism of the ordinance. When properly performed it is a type of the death, burial and resurrection of Christ. When raised from the water, our sins being remitted, the emblem is typical of the purity of Christ's body when raised from the dead. In all such transactions, in order to be binding, it is necessary that each of the parties concerned be present either personally or by representative, properly authorized. Christ is not present, but is represented by one commissioned by Him to act for and in His name. If the person baptizing in the name of Christ be not authorized by Him, it is the height of absurdity for him to act. It would be as considered in ordinary human affairs, but still more glaringly is it absurd in relation to things divine.

The speaker next turned his attention to the difference between general and special inspiration. The first belonged to all intelligent beings, and without it midnight darkness would prevail—the light of all things would be extinguished. Every man who comes into the world is enlightened and inspired to a greater or less degree. Special inspiration with reference to divine things was obtained through obedience to special laws and ordinances. Through this obedience the Spirit of God was conferred as a gift, by means of an outward ordinance, and the degree of it was greater than was enjoyed by those who did not conform to divine requirements upon which this great boon was predicated.

The concluding portion of the lecture was devoted to showing the justice and consistency of sons being exempt from acceptance of the special ordinances and principles in the system called the Gospel of Christ—hence the work to that relation done for the dead, by substitution.

At the close of the lecture benediction was pronounced by Edward Stevenson.

P. C. FISHER, Cor. Sec.

FROM THE JUNCTION CITY.

A Busy Day in Judge Miner's Court.—Alter Dishonest Trains-men, Etc.

[Sevier Monitor.]

The hearing in the damage case of the Ogden Milling and Elevator company vs. Ogden City was concluded at the morning session of the Fourth District court yesterday. The jury returned a verdict of $225 in favor of the plaintiff. The suit was brought to recover $5000, damages alleged to have been caused to the plaintiff's mill pond by reason of the defendant's employes diverting the city cemetery into it during March, 1891. The pond was partially filled with gravel and the milling company claimed that for cleaning it out, built by evidence showed that the pond is in the same condition today that it was at the time the damage was done.

Upon an application from A. C. Call for a writ of habeas corpus, John H. Smith, sheriff of Rich county, was ordered to return to liberty at once the petitioner, T. J. Tinney and Samuel Ingram, who are at present confined in the county jail by order of the justices of the peace at Randolph. The girls there are school teachers of the Randolph district and their offense consisted in allowing the young people to give a dance in the schoolhouse on the night of February 3rd. They were arrested and fined $1 and $21 costs each, for disturbing the peace. They refused to pay the fine and were delivered over to the sheriff.

Six detectives of the Union Pacific and one of the Chicago, Rock Island, in charge of Chief Detective Cassella, arrived from the north yesterday morning and went east at 9 o'clock. They have been a Pocatello nearly a week and succeeded several instances who are accused of being implicated in the wholesale robbery of the Union Pacific by its employes, by which the company has lost about $100,000 worth of merchandise. The gang has been operating on all the lines of the company, but principally in the west, on the Oregon Short Line.

The damage case of Riley Warren vs. the Ogden Hot Springs Railway & Health Resort company was taken up in the afternoon and was not concluded when court adjourned. The case will be taken up again this morning. This is a case for $500 damages, alleged to have been sustained by the plaintiff's land by reason of the defendant company building its railway over the same.

During the coming week the electric light company will make the first improvement under the new management by extending its lines to Five Points. Manager Gilbert yesterday went over the ground and decided upon the location of the poles. This will be an improvement much appreciated by the citizens at the Points.

Joe Cherpski, his manager and two lightweights arrived in Ogden from the west yesterday morning and went east over the Union Pacific without delay. They are en route to New Orleans to participate in the coming pugilistic carnival.

A jury in Commissioner Parsons' court yesterday decided the case of H. E. Miller vs. Eva Campbell in favor of the defendant, an order for setting Miller aside for $110, alleged to be due him as commissioner on a real estate sale.

The United States marshal was instructed to bring T. C. Allen and Lafayette Brown from the penitentiary to testify before the grand jury in the case against Frank Wilson, alleged to be one of the Watts robbers.

On Monday night the annual meeting of the Ogden Gas, Light and Fuel company will be held, when some action looking to the electric operation of the company will be taken.

Mayor Lundy has gone east to be away about two weeks. During his absence Councilman Shaske will discharge the duties of the mayoralty.

Hon. D. H. Peery is having plans drawn for a handsome $5,000 residence, which he contemplates erecting as soon as the weather settles.

Thanks Expressed.

The ladies of the Salt Lake county World's Fair board desire to express through the papers their appreciation of the very liberal contributions received for the lunches recently given to raise means for the Utah exhibit at the Columbian exposition, from the following firms:

Mr. Porter of the Templeton, Gibbs Bakery, C. R. Dunn, Westbrook Meat Market, Wisconsin & Co., Webb & Perryman, Findley Brooks, W. L. Pike & Co., Barlow & Thompson, Glenfield & Co., Kahn Bros., Hanson & Co. and clerks, E. C. M. I., Consumers & Co., G. L. Davis, Goldtrap & Simon, Hepworth & Sons, T. E. Harper, Edwards & Co., Wolfe & Sons, Kruse, John McDonald, H. Sherwood, Knight & Co., Deseret Meat Market, Hotel Creamery, W. S. Henderson, David James & Co., French Hand Laundry.

We also feel very grateful to Mr. Bechtel for tendering us the use of the Walker House cake, and for numerous other courtesies, and to all the ladies who contributed or tendered assistance.

We take this opportunity of thanking the DESERET EVENING NEWS and Salt Lake Herald, who have always given the space in their papers the ladies desired for World's Fair work.

MARGARET A. CAINE,
In behalf of the board.

Important Meeting.

The ladies of the Salt Lake county World's Fair association will hold a special meeting at the old Federal Court room, Tuesday, February 28th, at 2 p.m. All committees are urgently requested to be present and give reports of their work. Members and ladies interested are cordially invited to attend.

E. B. WELLS, President.
MARGARET A. CAINE,
Secretary.

WITHIN OUR GATES.

The probate judge of Utah county, in the person of J. D. Jones, came up and chartered apartments at the Hotel Cullen. The judge was accompanied by his wife.

W. M. Roylance, the mercantile man of Springville, is again within the inner walls of the metropolis, having used the railway to that extent last evening.

Councilor Groves, who occupied a front seat in the late Democratic legislature as a Democrat from Kanab, came in the fruitful valley of Sanpete, was here today and seemed to enjoy things as much as he did last winter.

A. McLean and W. A. Melrose of Castle Gate came in on pre-emption business, the former at the White house, the latter at the Templeton. They find income in one respect as much unsatisfactory here as where they live, a washed out of late so all hands being provided from overtrack.

Sheriff Belnap of Ogden, Weber county, seems to be making a final effort to dispose of sale and the most of the people he wants to meet seem to have an idea that this is a good place to get in which in fact it is. He is now after somebody one and the chances are that he will get him, for or from as the case may be.

PERSONAL.

Dave Keith and Thomas Keenan of Park City are at the Cullen.

J. L. Barnes and Billy Allen of the Grand Junction Times are guests at the Cullen.

W. E. Cody of Park City is stopping at the Cullen.

HOTEL ARRIVALS.

THE CULLEN.—F. Thomas, J. S. Jones and wife, Chicago; Joseph Pugh, Pittsburgh; Joseph Jones, Pittsburgh; Jas. D. Bell, Pittsburgh; Jas. Bell, Pittsburgh; Jas. Bell, Jr., Pittsburgh; J. Nash, Pittsburgh; J. Nash, Jr., Pittsburgh; J. L. Barnes and wife, Grand Junction; Jas. Allen, Grand Junction; Jas. Allen, Jr., Grand Junction; Jas. Allen, Grand Junction; Jas. Allen, Grand Junction; Jas. Allen,