

FROM WEDNESDAY'S DAILY, NOV. 28.

Arrest at Sugar House.

Yesterday afternoon John Groves, of Sugar House Ward, was arrested on the charge of unlawful cohabitation. He was brought before Commissioner Norrell, where he gave bonds to await the preliminary examination on Saturday.

Charged with Embezzlement.

A young man named O. T. Carlson was brought before Commissioner Norrell this morning, on a charge of having embezzled \$25 belonging to M. Kluney. The case was set for hearing on Monday next, and the accused was released on giving bail to appear at that time.

Officers' Meeting.

The regular monthly meeting of the officers of the Y. L. M. I. A. will be held Saturday, Dec. 1, at the residence of Sister Maria Y. Doucill, No. 49 n. West Temple Street, at 11 a. m. All interested are cordially invited to attend.

MARY A. FREEZE,
President.

From the "Pen."

Today Bishop Thomas Harper, of Call's Fort, James Bywater, of Brigham City, and N. C. Anderson, of Hyrum, were released from the penitentiary, where they have been serving a six months' term for having lived with their wives. They were also required to serve thirty days additional because of the heavy fines imposed. Messrs. Harper and Anderson were taken before Commissioner Norrell, and Mr. Bywater before Commissioner Pierce, where, after a hearing, they were ordered released.

A Scoundrel's Act.

Between nine and ten o'clock last evening a lady accompanied by her twelve-year-old daughter, was walking along the east side of Pioneer Square, when she was suddenly set upon by a miscreant whose purpose was a violation of her person. The little girl screamed for help while her mother was being choked and otherwise roughly handled by the scoundrel who had assaulted her. The child's cries attracted a gentleman who hastened to the rescue. The villain took the alarm and fled before accomplishing his purpose, and has not yet been caught.

A Scandinavian Journalist.

This morning we had the pleasure of a fraternal call from Henrik Cavling, Esq., of Copenhagen, Denmark. This gentleman is a journalist and came to this country in the special service of three leading Scandinavian papers during the presidential election. They are the *Gothenburg Handels Tidning*, Sweden; the *Vardens Gang*, Norway, and the *Politiken*, Denmark. Mr. Cavling is a genial gentleman. While in Utah he is making notes for future use. His writings on Utah will be of special interest in Scandinavia, on account of so many of the race being residents of this part of the globe. We wish him a pleasant sojourn.

SOMEBODY IS ANGRY.

The "School Interests" Create Considerable Friction.

POWERS ALSO A RECEIVER'S ATTORNEY.

The Allegations in Judge Zane's Application Cause a Sensation.

A session of the Territorial Supreme Court was held this afternoon, Chief Justice Sandford and Associate Justices Boreman and Henderson being present. Judge Judd was absent in Provo.

United States Attorney Hobson, of Colorado, was in court, to represent the government in the suit against the Church.

In the case of the Crescent Mining Co. vs. Wasatch Mining Co., the motion for a rehearing was denied, by the unanimous action of the court.

Jacob H. Walcott, of Tooele, was appointed a United States commissioner.

Judge Zane stated to the court that his petition in behalf of the school interests had been reduced to writing as directed by the court.

Attorney J. M. Zane then read the petition, which will be found in full in another part of today's News.

During the reading, Messrs. Hobson, Williams and Peters' sat twirling their mustaches, and evidently very uneasy. At its close, Judge Zane said the petition had not been verified, because the rules of chancery practice did not require it.

United States Attorney Hobson then arose. His face was flushed and from his voice and action it was apparent that he was in anything but a peaceable frame of mind. He said such a document should be verified, as if the allegations made were true the receiver should be dismissed and his attorneys proceeded against.

Judge Zane—This is not a petition to remove the receiver.

Judge Sandford—There are some very serious charges—that some egregious wrongs have been committed.

Mr. Williams next came to his feet, and there was blood in his eye. He said he did not propose to sit quietly by while such charges were made

against him. If he was guilty of what was alleged, he should be dismissed. He protested against charges being written by any scandal monger, and brought into court. He wanted such allegations verified, so the makers could be put to the proof.

Mr. Hobson opposed the filing of the petition, and thought if the statements were true all the attorneys should be dismissed.

Judge Zane—We propose to proceed under chancery rules, and, if permitted, will offer evidence to prove the charges we have made. We think we can do so fully, if the court will allow us.

Mr. Williams interrupted Judge Zane, and moved that Judge Powers be allowed to appear as attorney for the receiver, as he (Williams) was accused of a serious offense.

Judge Powers was so allowed. Judge Sandford said the petition should be presented to the government, and the matters therein stated be brought to its attention.

The court ruled that the petition should be verified, but they were willing to waive that and hear the arguments as to the legal points in the case.

Judge Zane said it would better please his clients if the hearing could be had before the full bench, Judge Judd now being absent.

Mr. Hobson did not think there was anything in the case to require it to be heard before the whole court.

Judge Sandford said it had not been possible for Judge Judd to be present today, and the discussion of the case could not be postponed as he (Judge Judd) was going east for a vacation in a day or two.

Judge Zane said there was no reason for pressing the matter, as there was plenty of time before the case would be finally disposed of.

The court decided to hear the arguments at present.

Judge Zane then proceeded to discuss the case from his standpoint, as to the legal interest of the schools in the property to be confiscated. The school trustees were the representatives of the common schools. They conducted all of the financial business for their respective school districts. In regard to the property to be escheated, Judge Zane declared that no power on earth had any beneficial interest in it except the common schools. That interest entitled them to be heard, so that the amount would not be diminished in sums of more than \$50,000 at a lump.

The argument was in progress when the News went to press.

IN THE COURTS.

Proceedings at Salt Lake, Ogden and Provo.

THIRD DISTRICT COURT.

Today's proceedings before Judge Sandford:

Wm. Daniels vs. U. P. R. R. Co.; defendant allowed a stay of thirty days on judgment.

Ira Thompson vs. James E. Fulton; motion to set aside dismissal argued and submitted.

Jesse Goodfellow was admitted to citizenship. In addition to the usual oath, the applicant for citizenship now required by Judge Sandford to swear, that "I have obeyed the acts of Congress prohibiting polygamy, unlawful cohabitation, adultery, fornication, and incest, and that I have not been convicted of any of the above named offenses."

FIRST DISTRICT COURT—PROVO.

Judge Judd heard the following cases yesterday:

E. M. Nelson was admitted to citizenship.

Anna Marks vs. John T. Sullivan et al.; this case was tried without a jury and judgment was rendered for the plaintiff.

United States vs. Jens Sorenson; unlawful cohabitation; the defendant appeared for sentence, could not promise, and was given ninety-five days' imprisonment, \$50 fine and costs.

People vs. Wm. Daniels; this action was brought to decide whether a city has a right to tax residents outside of the city proper but within the corporate limits; the defendant refused to furnish a list of his taxable property to the assessor of Moroni, in Sanpete County. An action was brought in the justice's court, and judgment was rendered for the plaintiff. The court entered judgment affirming the decision in the justice's court. Five, one cent, without costs.

FIRST DISTRICT COURT—OGDEN.

In Judge Henderson's court the following business was transacted:

John P. Wallin and Erick Anderson were admitted to citizenship.

United States vs. Frederick Newberger; withdrew plea of not guilty of unlawful cohabitation, and entered plea of guilty; December 10th set for sentence.

United States vs. Frank Gunnell; arraigned and entered plea of not guilty to the charge of unlawful cohabitation.

United States vs. James Baker and Hans T. Johnson; ignored by the grand jury and dismissed.

The grand jury reported five indictments under the laws of the United States.

United States vs. Elijah Box. The jury brought in a verdict of guilty of unlawful cohabitation as charged. Sentence set for December 24.

The People, etc., vs. Albert Warner;

trial by jury, and a verdict of guilty of battery. Sentence set for Dec. 3.

United States vs. George Grachi and Axel Christensen; adultery; dismissed.

The People, etc., vs. George Williams et al.; verdict of not guilty.

PROBATE COURT.

Proceedings in the Salt Lake County Probate Court yesterday:

In the estate of James Robbins, deceased; lease continued until December 3d, 1888, at 11 a. m.

In estate of John Taylor, deceased; adjourned till December 11th at 11 a. m. Order made appointing time and place for settlement of executor's account.

In estate of James Bissle, deceased; petition for admission to probate of will came on for hearing as per adjournment.

In estate of Elizabeth M. Eldridge et al., estate minors; order made appointing Alanson Eldridge guardian upon filing a bond to all of said minors in the sum of \$100.

In estate and guardianship of Mary C. Jonasson et al., minors; order made appointing time and place for settlement of guardian's account.

In estate of Benjamin Jordon, deceased; petition for appointment of administrator came on regularly for hearing as per adjournment. Proof of posting notices of time and place of hearing made; order appointing Anna Jordon administratrix of the estate of said deceased upon filing a bond in the sum of \$300.

In estate of Thomas Boam, deceased; order made of publication of notice to creditors.

In estate and guardianship of Seymour H. Neff and Alfretha Neff, minors; order made appointing Frances M. Neff guardian of said minors upon filing a bond in the sum of \$100 to each of said minors.

In estate of John Bolwinkel, deceased; order made appointing time and place to hear petition for admission to probate of a document purporting to be the last will and testament of said deceased.

In estate of Daniel C. Plummer, deceased; order made appointing time and place for hearing petition for letters of administration.

POLICE COURT.

Last night the police arrested C. N. Gaffett and a girl who gave her name as Mary Parker, for trespass. It developed that Gaffett, who is from Colorado, has been keeping company with the girl for a short time and had seduced her. She is but 16 years of age. Her family are highly respectable, and the news of the girl's course has fallen with terrible effect.

Frank Berger was fined \$10 today for doing business without a license.

FROM SATURDAY'S DAILY, DEC. 3.

Arrested at Mill Creek.

This morning deputies Cannon and Franks arrested Brother Thomas Gunderson of Mill Creek, on a charge of unlawful cohabitation. He was immediately brought to this city and taken before Commissioner Norrell. He pleaded guilty and gave bonds to await the action of the grand jury.

Employment Wanted.

Brother James Bush, who came to Utah with the last company of European immigrants, wishes to procure employment. He can read and write well, and is used to caring for and driving horses, but would be willing to work at any kind of employment. He is stopping at 716 east First South Street.

Six Released.

Today six Mormons were released from the penitentiary, where they have served a full six months' term and thirty days for the heavy fines imposed by Judge Boreman, for living with their wives. They were Mark Burgess, Bishop Walter Granger, Wm. Carter, Caspar Breuer, Jacob Bastian and Warren Hardy. Brother Burgess resides at Panguitch, Brother Bastian at Washington, and the others at St. George.

Monument at Pisgah.

This morning Brother O. B. Huntington called at this office and showed a photograph of the monument which has been erected in the Latter-day Saints burying ground at Pisgah, Iowa. It is a handsome shaft, and upon it are engraved the names of about seventy persons known to have been buried there, all that Brother Huntington could obtain, though between two and three hundred Saints are interred there. As will be remembered by our readers, Brother Huntington has been much interested in this matter, and has taken great pains to obtain the means to erect this monument, and the names of the dead buried near it. The memorial is not fully paid for yet, and donations to it are invited. Contributors will receive a photograph of the monument. Parties having kindred or friends buried in the Pisgah cemetery, who wish to have their names engraved on the monument, can do so by paying the expense.

A Fatal Fright.

On last Tuesday night, not far from midnight, a drunken man went to the door of a residence in the Fifteenth Ward, pounded upon it, and cursed and swore. Inside the house lay a lady whose babe, but six days old, was lying in a cradle by the bedside. The

mother, who was in a feeble condition, was rendered perfectly frantic with fright at the behavior of the drunken man at the door, and in an agony of terror, and with an unreasoning but instinctive effort to protect her child, she seized it and took it in her arms in bed.

In so suddenly taking hold of the child the mother injured it in the region of the abdomen. Mortification set in, and two days later the infant died. The drunken man went away without entering the house, but his conduct was the cause of the child's death, and of the agonized sufferings of the poor mother. His identity is unknown, but justice will remain unsatisfied until he is punished.

THE DISTRICT COURTS.

The Cases Before Judges Sandford, Henderson and Judd.

THIRD DISTRICT COURT.

Yesterday afternoon, Judge Sandford filed the following opinion in the suit of L. P. Kelsey vs. George D. Pyper:

The relator is the assignee of a claim of \$150, the mileage and fee of John C. Stevenson, alleged to have been a witness for one day at the term of the Third District Court held in February, 1888, and in attendance thereat when criminals were tried for violation of the Territorial enactments. The court awarded an alternative writ of mandamus requiring the respondent to pay the claims of the relator or show cause why the same should not be done. To the writ the defendant has demurred, on the grounds that it does not contain facts sufficient to constitute a cause of action or for the relief demanded, and the case comes before the court solely on the allegations of the writ. The demurrer admits the truth of those allegations.

By Chapter 52, Section 1, of the Territorial Laws of 1888, it is provided that witnesses attending for the Territory in criminal cases in the District Courts shall be paid at the rate of \$2 per diem for each day's attendance, and 12 cents mileage each way. This act was approved March 8th, 1888, and after the rendition of the services of the relator's assignor, it expressly provided that it should be in force from and after the date of its approval. This was the latest expression of the legislative will. (Chapter 53, Laws of 1888.)

The question then is whether a witness in such a case shall be paid for his attendance under this act or under a prior act.

It is a general rule that a statute effecting rights and liabilities should not be construed so as to act upon those already existing, and courts do not construe acts to have a retrospective operation, unless the intention be clearly expressed. A statute to take effect upon a future day has no force until such day has arrived. Later specific provisions of a statute must prevail as against earlier general provisions which might otherwise prevail. Until the later act took effect, the former act or acts governing the fees of witnesses were in force, and their provisions were the only rules for the payment of witnesses.

By this act of 1888 supra, the commissioners then under appointed have certain powers (section 13), but the power to alter the per diem rate or the mileage fees is not given them. That was fixed by the Legislature, and they have no power to change the amount of fees for services rendered prior to March 8, 1888.

The motion to quash the alternative writ of mandamus must be denied. Unless a return or answer be made hereon within ten days, a peremptory writ requiring the commissioner to proceed and take action will issue out of this court.

Today in the case of A. C. Hammond vs. Alex. Glen, the plaintiff not being present, was dismissed on motion of the defendant's attorney.

George A. Luke vs. Harriet A. Lewis; case settled and dismissed.

The petit jury were excused until Thursday, December 6.

Margaret Hamilton vs. Emma Fulton et al.; defendants move for a continuance and file affidavit therefor.

MEMORANDUM OF BUSINESS.

transacted by Honorable Elliot Sandford, as Judge of the District Court of the Third Judicial District of Utah Territory, from September 1st, 1888, to November 30th, 1888, inclusive; sitting as a court during 49 days:

CRIMINAL BUSINESS.
Jury trials..... 18
Dismissals..... 20
Pleas of guilty..... 21
Judgments pronounced in criminal cases..... 29

CIVIL BUSINESS.
Jury trials..... 22
Trials before the court..... 28
Motions heard and determined..... 161
Decrees in naturalization..... 19
Judgments rendered..... 41

FIRST DISTRICT COURT, PROVO.

Proceedings yesterday, before Judge Judd:

In the case of the United States vs. J. A. Pace, the court made the observation that in the administration of the law the court can not look upon or treat the plural wives as harlots. While the law does not recognize the marriage as lawful, yet the women have some rights in their husbands' property under certain circumstances. There is also a divorce case between Helen Pace and John A. Pace. Mr. Pace was indicted for, and pleaded guilty to adultery at this term of court, and promised to obey the law. Afterwards, it appears the promise was not kept. A decree of divorce was rendered, and the first wife gets the house and lots in Spanish Fork and one half of all the defendant's other property; the plural wife gets the other half. The Court said the defendant ought to be sent to the penitentiary for three years, but if he will now execute conveyances to his property as decreed, and marry the plural wife, the Court will not imprison him. The defendant

is to pay the costs and attorneys' fees of \$100 in the divorce case.

Anna Marks vs. W. H. Culmer et al., trial still in progress.

FIRST DISTRICT COURT—OGDEN.

At Ogden, yesterday, the following cases were before Judge Henderson: Hiram Bowen, indicted for unlawful cohabitation, was ordered to appear for arraignment on Dec. 3d.

Josiah Read, a native of England, now a resident of Weber County, applied for citizenship. He believed in revelation and polygamy, and that if the latter was to be revealed as a principle, that higher law should supersede the laws made by man. The court thought he had better think the matter over for a few days, and therefore refused him admission.

Niels P. Rasmussen, charged with unlawful cohabitation, withdrew his plea of not guilty and substituted one of guilty. Sentence was set for Dec. 24th.

Henry Tinney, charged with unlawful cohabitation, withdrew his former plea of not guilty and entered one of guilty. Sentence was set for Dec. 13th.

The two cases of the United States vs. Annie Hansen and Wm. Willey, were ordered dismissed.

Robert L. Watson and John Ramsden were admitted to citizenship.

The cases of the United States vs. Wm. Williams, adultery, and Mary Ward, fornication, were ordered dismissed.

The case of the People, etc., vs. James Cowley, petit larceny, was placed on trial. The evidence was not sufficient to convict, as it appeared that the alleged stealing could not be called such, and it was therefore dismissed.

Oleant Jensen, of Clarkston, Cache County, charged with unlawful cohabitation, withdrew his plea of not guilty and pleaded guilty. He was desirous of receiving sentence at once as he wished to have his punishment over with by the opening of spring. He was 40 years of age; had three wives; married the first wife 21 years ago and the other two during the winter of 1881; the two last were 29 and 34 years of age; his youngest children by them were 13 and 17 months old; he had sixteen children in all; he was a bishop's counselor; had heard that there was a law against polygamy.

Court—I find that a great number of your people from Cache County, who have been here for a sentence, have been to a great extent unacquainted with the fact that there is a law prohibiting polygamy. Now you are a bishop's counselor and it is your duty to tell these people about these matters. You have not only neglected your duty in that respect, but you have set a bad example to them. You held an important position among them as a leader; you have taken an oath to uphold the laws of the land and you deliberately broke them. The sentence of the court in your case is that you be confined in the penitentiary for six months and pay a fine of \$300.

Later on, the court stated that he had forgotten for the moment Mr. Jensen's plea of guilty, which should be taken into consideration, and therefore diminished the fine to \$100.

John Halgren, from Richmond, changed his plea of not guilty of unlawful cohabitation to guilty, and upon presentation of mitigating circumstances the court sentenced him to 30 days' imprisonment. Had he been able to pay a fine of \$50 he would not have been under the necessity of going to prison.

Peter C. Jensen, charged with unlawful cohabitation, changed his plea of not guilty to one of guilty. Sentence was set for Dec. 13th.

On petition of David Reese, marshal of Brigham City, who had been arrested and bound over to keep the peace, and had been committed to the sheriff, the court issued a writ of habeas corpus and the hearing of the case was set for Friday, Dec. 7.

BEFORE THE COMMISSIONER.

A Witness Compelled to Testify Against Himself.

JOHN GROVES HELD FOR POLYGAMY.

The Cases Against Thomas Gunderson and A. L. Fuller, of Mill Creek.

Yesterday afternoon the preliminary hearing of the charge of unlawful cohabitation against

JOHN GROVES,

of Sugar House Ward, was held before Commissioner Norrell. Mr. Clarke prosecuted; the defendant was without an attorney.

The first witness called gave her name as Mary Ann Williams. She said she had had a husband named Williams; he was not the father of her youngest child.

Mr. Clarke—Who is its father?

Witness (hesitating)—I cannot tell.

Mr. Clarke—Were there so many involved in the affair that you find it impossible to tell?

Witness—No.

Mr. Clarke—You profess to be a respectable woman, do you not?

Witness—Yes.

Mr. Clarke—Well, then, why can't you answer?

Witness—I prefer to think it over for a time, while I consult with a friend.

Mr. Clarke—Who is your friend?