with intent on the part of the defendants to induce him to violate his duty as a deputy marshal. How was this possible? How could the defendants have had any such intent when they knew that Franks was not a deputy marshal? Treseder goes at once to this person and asks him, "Are you a deputy marshal?" probably knowing (we must assume) that to knowingly bribe a deputy marshal is a crime. But Franks told him he was not, and Treseder went ahead with his negotiations. Is he guilty of attempting to bribe a deputy marshal? Franks was simply a servant of Ireland's, in his private employ. "I have no doubt," said the speaker, "that Ireland probably believed that he was the whole United States, and that if a man tampered with a private servant of his, he was tampering with a part of the United States government. I can believe that Dickson and Ireland have persuaded themselves that they are the whole United States (laughter); but you, gentlemen, will be apt to take a different view of the matter." The new testimony of Ireland in the morning was after Dickson and Varian had a chance to think of it over night, and see the weakness of the claim as to a knowledge of the defendants that Franks was a deputy—the fact that they had decided to abandon that claim, and set up the new one that Franks was a bailiff; he was an officer, anyhow, they say. "If they couldn't hit him as a deer, they could hit him as a calf;" (laughter); "Franks was nothing but a hauler of books and water about the Marshal's office. But how about Franks' title to this office of bailiff? He was sent from being a bailiff to the penitentiary as a guard, and Ireland says that was a revocation of his appointment as bailiff. This easy swearer, Ireland, this man whom we find swearing to anything, says he came back a bailiff again. I asked him now he became one? Then the genius of Ireland flashe forth. Oh, I am indicted him again. When? He couldn't say, and when Franks comes to the stand he swears he never was appointed again. So this man Ireland not only stoops to help this crime along but he swears readily, willingly to anything to help the prosecution fasten it upon Jones and Treseder. That was the kind of a United States Marshal we used to have in Utah. And what is the attitude of Mr. Dickson here in all this, the public prosecutor? When this spy and peep-hole Ireland reports to him how things were going he says at once, "Oh, it will be no crime unless you make him a deputy," and so Ireland makes him a deputy. It was a conspiracy, wasn't it, to enable other people to commit crime? Just what Brig. Hampton was indicted for, and if it had been any one except the Marshal and the Prosecutor who did it, they would have been indicted long ago. In this case it was not Treseder, but Ireland, who furnished the means and cleared the way for the crime. Mr. Dickson blushed when the facts were brought to light. But such work was meat and drink for Ireland. He not only wants to punish these Mormons for the crimes they do commit, but he wants them to commit more for his greater glory in detecting them; and that, too, you must remember, was about the time he was working for a reappointment. I don't blame Franks; he did as his chief told him. Whatever Franks did Ireland did. Under these circumstances the jury should acquit the defendant.

C. S. Varian made the closing argument for the prosecution. He emphasized the fact that Mr. Jones was county tax collector, and carried the idea that it was not only the two defendants, but a large part of the community who were on trial. A recess was taken by the court to 7:30 p. m., when Mr. Varian concluded his argument—if such it may be called—insisting that the only conspiracy which had existed and about which the attorneys for the defense had spoken was an attempt to defeat the grandest conspiracy and the most infamous scheme that ever was known on the earth—a scheme born in the hearts of a community to defeat the laws of the government of the United States—a scheme that halts at nothing, but employs perjury, gold and corruption, walks over the bodies and the hearts of men, women and children, all in the name of God and religion. The plea of accomplices was introduced only to distract the attention from the truth of the case. Whatever the motives of Ireland and Franks were, the defendants were guilty, and the jury should so find.

The court then made its charge to the jury, as follows: The indictment in this case charges that the defendants offered to give E. A. Franks certain sums of money, to corruptly influence him and induce him in violation of his duty, to inform them, or one of them, of warrants or processes that might come to the hands of the Marshal for service on any member of the Mormon Church for alleged violations of the laws of the United States for the crimes of polygamy or unlawful cohabitation, prior to said arrest or service. That any Marshal, Deputy Marshal or other person employed by the Marshal and acting in behalf of the United States, under authority of the Marshal to give any information to any authorized person, or persons, of intended arrests of alleged offenders against the laws of the United States, to be served by the Marshal or Deputy Marshal of the United States, commits an act in violation of his lawful duty, and any other person who attempts to influence such officer or person by gifts of money or other things, is guilty of a crime.

The defendants are indicted under section 457 of the revised statutes of the United States which imposes a penalty upon every person who either promises or procures to be given any money or anything of value to any officer of the United States, or a person acting for or on behalf of the United States in any official position under, or by authority, or in any department or office of the government thereof, with intent to induce him to do, or omit to do, any act in violation of his lawful duty. Any person who by promise seeks to induce any official, or person acting in any official function for the United States, under, or by authority of the Marshal, to do or omit to do any act in violation of his lawful duty, is guilty of a violation of this statute.

The jury are further charged that the defendants are charged in this case with offering money to E. A. Franks with intent to obtain from him information concerning arrests to be made under the laws of the United States; and if you find from the evidence that the defendants did on or about the 21st day of January, 1886, offer to E. A. Franks money for the purpose of getting him to inform them or either of them, with a view of enabling such persons so charged to delay or to defeat the execution of the laws, and that at the time of such offer the said Franks was a deputy marshal of the United States, and that the defendants at the time knew said Franks was a Deputy United States Marshal or believed him to be acting for or in behalf of the United States in some official function, then I instruct you to find the defendants guilty. It is immaterial whether defendants knew Franks was in fact a deputy marshal, and they may not escape the consequences by showing that the man they attempted to bribe held another and different office from the one supposed by them.

You are further charged that a man who attempts to bribe another holding an official position to violate his lawful duty commits a serious offense against society. If, therefore, it appears that defendants were mistaken as to the character of the office held by the said Franks, and if the latter did not hold the office they supposed he did, the bribery is not less criminal because of the mistake. From this corrupt intention in the act of giving the money or other things, the party is guilty of the same as much as if the person to whom the money is offered held the office supposed. The court instructs you that it not material whether the bond was or was not signed by the sureties, or that the sureties were not worth the amount involved. The court further charges the jury that they are the sole judges of the sufficiency of the evidence and of the credibility of the witnesses.

The jury returned a verdict of "guilty as charged" in about fifteen minutes.

Mr. Brown gave notice of a bill of exceptions to the charge, and ten days' stay—until October 8th—was allowed when sentence is to be passed.

The following are some of the requests of the defense, refused by the Court, in its charge to the jury:

A conviction cannot be had on the testimony of one or more accomplices, unless such an accomplice or accomplices are corroborated by other evidence which in itself and with the aid of the testimony of the accomplices, tends to connect the defendant with the commission of the offenses and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

An accomplice is every person who knowingly associates or participates in the commission of a crime.

To constitute Franks a duly qualified Deputy United States Marshal, some act equivalent to a delivery of the bond by him to the United States Marshal must have taken place. If, in this case, the bond was procured by the obligee therein, Marshal E. A. Ireland, and was not seen, nor procured, nor signed by E. A. Franks, and Franks had not consented to the signing of the sureties named as sureties, or done any other act recognizing the bond as his bond, and had not delivered it or handed it to Marshal Ireland, then there was no delivery of the bond such as the law contemplates, and Franks was not a duly qualified Deputy United States Marshal.

If the jury find that at the time negotiations began, the defendants were informed that Franks was not a Deputy United States Marshal, and that he was appointed such officer afterward for the purpose of making that criminal which would but for that appointment not have been a crime, and that the defendants had no knowledge or means of knowing of such appointment, then the defendants should be acquitted.

To constitute the offense charged in this case, it is necessary for the prosecution to prove beyond a reasonable doubt, that the defendants did the acts complained of, with intent to induce Franks to do, or omit to do, an act in violation of his lawful duties. Where the offense consists of an act combined with a particular intent, as in this case, that intent is just as necessary to be proven as the act itself, and must be found by the jury as a matter of fact, before the conviction can be had.

When a person contemplating the commission of an offense approaches an officer of the law, and asks his assistance, it would seem to be the duty of the latter, according to the plainest principles of duty and justic , to decline to render such assistance, and to take such steps as would be likely to prevent the commission of the offense, and tend to the elevation and improvement of the would-be criminal rather than to further his debasement.

If the jury find that Ireland and Dickson and Franks agreed and conspired together to appoint Franks a Deputy United States Marshal, in order that they might entrap these defendants, and that neither of them knew that the said Franks was a Deputy United States Marshal, and did the act complained of believing he was not such, and would not have done these acts but for the conspiracy and arrangement between Dickson and Ireland and Franks, then the defendants should be acquitted.

The indictment alleges that the consideration of the bribe and promise to Franks was that Franks "would promise and agree" to do certain things "in violation of his duty as Deputy United States Marshal" and inform the defendants of certain things, "from time to time thereafter, and while he, the said Edward A. Franks, should continue to be such Deputy United States Marshal." These facts must be proven as alleged, or else the defendants cannot be convicted under this indictment.

FROM THURSDAY'S DAILY, SEP. 30.

NOTICE.

HEADQUARTERS PEOPLE'S COUNTY CENTRAL COMMITTEE,
SALT LAKE CITY,
Sept. 28, 1886

A mass convention of the People's Party will be held at the City Hall, Salt Lake City, on Saturday, October 2nd, 1886, at 12:30 p. m., for the purpose of electing sixteen delegates to represent Salt Lake County at the Territorial Convention, to be held on Monday, October 11th, to nominate a candidate for Delegate to the Fiftieth Congress.

By order of the County Central Committee.

JOHN SHARP, Chairman.

No Response.—Joseph Blount and Henry Arnold were again called for in the Third District Court to-day, but neither of them answered. There are four counts in the indictment against Mr. Arnold.

New Tabernacle.—A correspondent writes in praise of the new Tabernacle at Cedar City, and of the zeal of the Saints of that place in erecting it. He pronounces it one of the finest buildings in Southern Utah. The last conference of Parowan Stake was held in it, though it is not yet finished.

Convicted.—Yesterday afternoon C. C. Anderson, a First South Street second-hand dealer, was tried and convicted on a charge of passing counterfeit currency. The defendant was recommended to the mercy of the court by the jury. Time for sentence was fixed for to-morrow at 10 a. m.

Fatal Accident.—On Sunday last Mrs. John W. Jones, of the Fourth Ward, while returning from the funeral of Father William Jones, was thrown from the wagon, causing a sudden concussion of the spine. Dr. Hardy regarded the case as hopeless from the first, though every effort was used to save her; she died early this morning.—*Provo Enquirer.*

Fatal Accident.—A special to the NEWS from Paris, Idaho, dated to-day, says that Joseph M. Phelps, of Montpelier, was accidentally shot and killed instantly yesterday near Cokeville. He was traveling in a wagon alone, had shot a few chickens, and it is supposed the gun was accidentally discharged when he was getting in his wagon. The shot took effect in the top of his head.

Arraignments.—In the press of matter in our columns yesterday, a record of the following arraignments in the Third District was omitted:

Wm. H. Watson, of Farmington, Davis County; unlawful cohabitation with his wives Hannah Watson and Mary Newbold Watson. The indictment contains four counts. A plea of not guilty was entered.

Ezra T. Clark, of Farmington; cohabitation with his wives, Mary, Susan and Nancy Clark; three counts in indictment. Plea of not guilty entered.

Bound for Beaver.—To-morrow morning Dr. George H. Booth, late from Calcutta, will leave for Beaver, where his mother resides. He purposes taking up his residence for the present and practicing his profession of surgeon and M. D. in that town. As to whether he will make it his permanent abode will depend largely upon the character of Beaver as a business field for him. Should it not afford sufficient scope in that line he will probably remove to Northern Utah or Southern Idaho. We can commend Brother Booth to the people of any community among whom he may sojourn as a courteous gentleman. He comes also with a good professional reputation, gained in India, where he was for twenty years in army surgeon. Later, for fifteen years, he occupied the post of surgeon-physician in the emigration medical service.

Brother Hillstead's Funeral.—yesterday afternoon the funeral services over the remains of the late John Hillstead were held in the 21st Ward meeting house. Elder Orson Bates, President of the Batesville, Tooele County, branch of the Church, in which the deceased resided, was present, and made remarks highly eulogistic of the character of the departed, who had held a number of local positions of trust, both ecclesiastical and civil. Elder J. Nicholson and Bishop W. L. N. Allen, both old-time acquaintances and friends of the deceased, were also among the speakers. Brother Gardner's 14th Ward choir rendered the singing exercises.

Brother Hillstead, who had long been affected with torpidity of the liver, had come to the city in the hope of finding some relief from medical aid, but he succumbed to the disease and consequently never returned to his home. Besides the family, some of Brother Hillstead's friends came in from Batesville to attend the services. He was one of the meek of the earth, and made an exemplary record in the Church.

SENTENCED.

JAMES HIGGINS AND CARL JENSEN RECEIVE THE JUDGMENT OF THE COURT.

To-day James Higgins, of West Jordan, was called in the Third District Court for sentence. The jury had found a verdict of guilty of unlawful cohabitation on four counts. The Court asked whether Mr. Higgins would promise to obey the law in the future. He replied that he had no desire to bind himself as to his future conduct. The court then named the penalty for the offense as six months imprisonment on each of the first two counts, and three months on the remaining two, with a fine of $100 on each and costs of prosecution—in all 18 months in the penitentiary and to pay $400 and costs.

Carl Jensen, also of West Jordan, came next. The jury had also convicted him on four counts, and to the court's request for a promise not to violate the law in the future, he gave an adverse answer. His sentence was the same as that of Mr. Higgins.

INQUEST.

THE CIRCUMSTANCES ATTENDING THE DEATH OF THOS. J. JONES.

This morning an inquest into the cause of the death of the old gentleman, Thomas J. Jones, who was killed by a D. & R. G. passenger train yesterday forenoon, was held in the police court room by Justice Pyper. The following jurors were summoned: Spencer Clawson, Orson A. Woolley and I. M. Barratt. On swearing them the Justice remarked that he presumed, from what he knew of the case, that there would be no question as to the cause of death, but that the main point to be determined was whether there was

CRIMINAL CARELESSNESS

upon the part of any person in connection with the casualty.

G. S. Tall, a young man, was the first witness. His testimony was to the effect that he was working near the scene of the accident and witnessed the whole occurrence. Deceased was walking along the D. & R. G. track, going south, when the south bound train, the regular forenoon passenger, approached him. He walked along the track, onto the bridge that crosses City Creek, at the intersection of North Temple and Sixth West streets. When about three-fourths of the distance across the bridge he stepped from the centre of the track into the trestle work on the east side of it, and stood there facing the east with his back to the track and his body bent forward. The engine and tender passed him, but the first car struck him and knocked him headlong off the bridge and from ten to fifteen feet. The bridge is about three feet from the ground at that point. Witness ran to help deceased, and aided others in carrying him to his home near by. He was conscious and complained of suffering great pain in his back and left side.

When the train came near the deceased it was, in witness' opinion, running at the rate of about

FIFTEEN MILES AN HOUR.

The engine was not reversed nor the air brakes applied until the train was close to the bridge. The engine sounded several short whistles when a short distance from deceased, and the air breaks were applied at the same time.

J. W. Tall testified to having helped carry the deceased home; did not see the accident.

Dr. H. J. Richards testified. Was called to attend deceased. Found him sitting up. He complained of great pain in his back. He was put to bed; gave him a hypodermic injection of morphine. There was no outward sign of injury whatever, save a slight bruise in the head. The injuries were internal entirely, and could not be described without the holding of a post mortem examination.

John R. Jones, son of deceased, testified to having been notified while at work, by a messenger, that his father had been hurt. He hurried home and found his father in the condition described by Dr. Richards. He lived but a short time. Deceased was a little hard of hearing, but not very. Was nearly 83 years old, but quite active.

Mr. Jenkins, the engineer, testified that he was running at about eight miles an hour when he entered the city, and when he first saw deceased on the track. He never slacked up until he got so near to deceased that he was afraid that the latter would not get off the track in time to avoid being hurt. Then he reversed the engine and put on the air brakes. Was going at the rate of about four miles per h when the engine passed deceased. fireman told witness that the first had struck deceased and pushed off the bridge. The train went two or three car lengths further stopped.

This witness testified that

NEVER SLACKED UP

on seeing a man on the track, as would expect him to get off. W not slack up unless the man appe to be deaf or something. If Jones been an active man he could e have stepped off the bridge, wi witness thought he would do.

Mr. Good, fireman, testified, gi much the same version of the acci as did the engineer. John Chatte and H. J. Bristow, both eye witne of the casualty, gave substantially same version of it as did G. S. Tall.

The jury retired and subsequen returned a verdict of accidental de They also exonerated the railroad ployes from blame.

AMOS H. NEFF,

ON TRIAL ON A TWO-COUNT INDI MENT.

The indictment against Amos Neff, of East Mill Creek, contains counts, and charges him with cohab ing with his wives Catharine and E Neff, in violation of the Edmunds

The following jurors were swor try the case to day: Edward Be J. L. Osborne, W. H. Roy, B. Cann Jas. Winchester, S. E. Underhill, bert Thomson, S. C. Pancake, C Shiells, J. P. Wilson, R. P. Martin Joseph Foster.

Martha Neff was called and testi —My father is Amos H. Neff; I k his wives Catherine and Eliza; t live at East Mill Creek; their hou are about three-fourths of a apart; my home is with Cathar who owns the house she lives in have been absent a great deal; wo visit home once in two or three d and generally stayed that length of t sometimes longer; Catherine has children; I have seen my father t two or three times a year the past three years; he taken meals there; never saw there in evening or morning; he n came unless we sent for him; I b seen my father at Eliza's house; th his home; Catherine's children him father.

To Mr. Sheeks—There is a st running between Catherine's Eliza's; father did not make Cath ine's his home, and only came when sent for him; it was understood they had separated.

To Mr. Dickson—I never saw there except when sent for. Cathe sometimes goes by his name.

The Court then took recess unt p.m.

Isaac Young was called as a witn this afternoon. He testified—I liv this city; my wife is defend daughter; her mother is dead; known defendant's wife Cathe about 12 years; she lives at East Creek; I was married nine years I am acquainted with Eliza Neff; lives at East Mill Creek; I have there once or twice; she has sev children; her youngest child is ab 15 months old; have not defendant at Eliza's house; her c dren call him father; he married about 10 years ago; during the three years I have visited Catheri house two or three times a year have stayed there one night, a over three years ago, perhaps years; from September 1, 1883, to cember 31, 1884, I perhaps visited house two or three times; have the defendant there each time, taken meals with him; he occupied head of the table; the child called him father; never heard call her his wife; they called each ot by their Christian names.

To Mr. Sheeks—I haven't been Catherine's to take a meal since June; took dinner there; saw the fendant there; Catherine's young child is about nine years old; I there in April and May; I remem Mr. Neff's birthday, in May; there a surprise party on him at Catheri and all of the family were prese had no hand in the surprise; Mr. came there as he always did; I a on good terms with him; has, I think, ill feelings aga me; I have some against him; it is considerable except in a business I never threatened to make it w for him; I don't know how often I there in 1884 or 1885; this year I there more often; have only been t on visits.

This witness was very defiant counsel for defense, and exhibited siderable animosity to the def ant.

To Mr. Dickson—I learned of the feeling last June, when the defen refused to talk to me; the trouble over some land; we both claimed we had a quarrel; he was arre shortly after, and accused me of forming on him.

To Mr. Sheeks—He never acc me of it; his son did; the quara not settled; the defendant was n Catherine's when I was last there

Caroline Neff testified—I was tied to defendant in 1860, Decem 16th; he had a wife when he mar me; she died in 1862; he married eleven years ago; I have lived present home during the past years; Mr. Neff calls in about thr four times a year, and takes meals not remember sitting at the table him; I often take meals by