

## LOCAL NEWS.

FROM SATURDAY'S DAILY OCT. 9.

**Arrests in Cache Valley.**—News reaches us of the arrest of Bishop Nellis Hansen, of Providence, Cache County, on a charge of unlawful cohabitation, who gave bonds in the sum of \$1,500; and of Thomas Kirby, of Hyde Park, who waived examination and furnished bonds in the same sum.

**The "Health Hints."**—The "Health Hints" in to-day's News are fully as good as usual: we recommend all our readers to peruse them. Those who suffer from any of the many forms of sickness arising from indigestion, or dyspepsia, will be benefited by adopting the suggestions given, and the few who are fortunate enough to have escaped such ills will learn something about how they may continue to enjoy good health. The subject of how to keep healthy is an important one, and persons interested in it would do well to obtain some of the books for which Brother McAllister is agent.

**District Court.**—This forenoon Charles Shields, a petit juror, was excused.

**The United States vs. Neri Butler et al.,** a prosecution for violation of the timber laws. Defendants given till Nov. 1st, to answer.

**Frank Treseder,** charged with attempt to murder, asked for more time. Case not set yet.

**Hinz vs. Hinz.** Testimony of plaintiff and Ellen Goodwin taken. Decree of divorce granted.

**Salt Lake County vs. D. Bockholt.** Demurrer to amended complaint argued.

**2 p.m.—A. C. Standard vs. S. O. L. Potter.** Case settled and dismissed. Court adjourned till Monday.

**Acquitted.**—The trial of Charles Neilsen, on the charge of manslaughter, closed yesterday afternoon, in the Third District Court. The defendant was accused of having, on Dec. 18th, 1884, fatally kicked Henry Gardner, and on each of the former trials the jury failed to agree. In the last one, however, the defendant himself went on the stand and denied having given the fatal blow. The jury, after being out but a short time, returned a verdict of not guilty.

**Rapist Sentenced.**—In the case of the People vs. Frank Stoddard, convicted of rape, the defendant's attorney, E. B. Critchlow, moved for a new trial on the ground that the verdict of the jury was contrary to the evidence. The motion was argued, and was overruled by the Court.

**Stoddard,** when called for sentence, said he was nearly sixteen years of age; he had been before convicted of one offense—petit larceny—committed in Ogden.

The Court remarked that owing to his youth he would receive some leniency and have an opportunity of reforming his life. Had he been of more mature years, he would receive a very severe penalty. The prisoner was then sentenced to five years in the penitentiary and was remanded to the custody of the Marshal.

**Accident.**—Sister Fjeldsted and Sister Fawdon, of the First Ward, were riding in a light wagon, drawn by one horse, yesterday, on the bench east of the Tenth Ward, going home, when Sister Fjeldsted, who was driving, accidentally dropped the lines. She stepped on to the shaft to recover the lines, while the horse was going at a rapid rate, but fell to the ground and two wheels of the vehicle passed over her head. Sister Fawdon, who is aged about 73 years, fearing that if she remained in the vehicle she would be killed, leaped from it, sustaining severe injuries. One of her legs is hurt and she is injured internally. Sister Fjeldsted's head was bruised, making it necessary for her to wear bandages around it, but she is able to be about.

Brother H. F. F. Thorup, who was following the ladies in his wagon, picked them both up and conveyed them to their respective homes. The runaway horse went to its home and stopped, doing no damage to the wagon. Had both the ladies kept their seats in it they would have been unhurt.

## ISAAC W. PIERCE

SENTENCED ON FIVE COUNTS.

This morning Isaac W. Pierce, of the Tenth Ward, was called for sentence in the Third District Court. He had entered a plea of guilty to an indictment charging him with living with two wives, and divided into five counts.

Mr. Dickson stated to the Court that the defendant had not thrown any obstacles in the way of the prosecution, and he considered him entitled to some leniency on that score.

The Court, after stating the case, asked the defendant—What is your intention as to the law against polygamy and unlawful cohabitation? Will you continue to do as you have done?

Mr. Pierce—I know not what I will do in the future.

Court—What are your means of paying a fine?

Mr. Pierce—If I am fined I will have to work it out, as I have no means.

The Court then said that in view of the District Attorney's statement he would be lenient with the defendant. A penalty of three months' imprisonment on each count was then inflicted—fifteen months in all—and a fine of \$100 and the costs of the prosecution.

## THE JOHN Q. CANNON CASE.

He is Arrested on Another Charge and Placed Under Bonds.

The Examination Closed.

About 10 o'clock last night Deputy Marshal Gleason and 10 or 12 assistants surrounded the residence of John Q. Cannon, southwest of the city and made a search. Mr. Cannon was not there, so they repaired to the "Cannon Farm," farther south, where he was found and served with a warrant of arrest on the charge of unlawful cohabitation. Mrs. Louie W. Cannon was also arrested as a witness. The defendant was taken to his house, and there guarded until this morning, when he was brought before Commissioner McKay and pleaded not guilty to a complaint signed by D. W. Ranch, and charging him with unlawful cohabitation from January 1st to September 30, 1886, with Annie W. Cannon and Louie M. Wells as his wives.

The bonds in this case were placed at \$8,000, making a total of \$8,000 under which the defendant is placed. That of the witnesses is also increased to \$1,500. The sureties accepted were Francis Armstrong and James Jack.

After the conclusion of this proceeding the examination on the polygamy charge was continued before Commissioner McKay. Mr. Dickson and his assistant, Mr. Varian, were both present. The rooms were again filled with a motley crowd of spectators, but as the experience of the day before had convinced the Commissioner that his carpets were not benefited by the presence of loafers, he ordered all to leave except those interested in the case and officers and reporters. The first witness called was Geo. M. Cannon. Mr. Dickson, however, soon changed his mind and substituted, Mrs. Annie W. Cannon, who testified—Since I was divorced I have lived in defendant's house; Louie has not lived there, but has been there nearly every night, at my request, because of the sickness of my child; the defendant does not live there; he has not made it his home since the divorce; I remember, when the officers came, that there was a gentleman's shirt in my children's bedroom; it belonged to the defendant. Mr. Dickson—How did it come there?

Mr. Richards—We object to that question as immaterial. (Overruled.)

Witness—Mr. Cannon had not taken his clothes away; he asked me to fix them up but I had not done so, and the day before he came and changed his white shirt for a colored one, as he intended to work in the field; it was in the middle of the day; Louie was not there; I first concluded to apply for a divorce the Sunday afternoon before I got it; I spoke of it as soon as I learned of the confession; spoke to my brother-in-law Abram, and asked his help; he referred me to Judge Smith, whom I left for; the Judge came down on the 8th; Abram also came there; I told the Judge what I wanted, and he told me I would have to make complaint; he asked me a few questions; did not ask who the offense was committed with, or when or where; I told him it had been committed; I also talked with Abram, who was not in the room while the Judge was there; I said I wanted the custody of the children and to be provided for; I wanted it kept quiet; in the afternoon Abram and Judge Smith came down with the complaint, which had been made out by George M. Cannon; they came about 2 p.m.; the defendant was out on the farm; I never filed but one complaint; did not sign the papers at the same time as the defendant; took the complaint into another room and read it, then returned and signed it; I again asked that the divorce be granted immediately; talked with the Judge, Abram Cannon having gone out; the Judge told me to come to court next day; I had not talked with the defendant after signing the complaint; the Judge said he would have to see about it before he could state when the decree would be granted; I went to court next day, having received a message from the Judge; Abram brought the message; the defendant was not there; I went up next day, alone; went to the County Court House; to the court room; it was about 9 a.m.; Judge Smith was there; the defendant was not, nor was the clerk; I was sworn, and the Judge asked some questions relative to the divorce; he did not ask me what I knew of the charge against the defendant.

To Mr. Richards—When I met Judge Smith at the Court House, he asked me if I believed the facts alleged in the complaint to be true, and I answered that I did; at the house the day before, after the complaint was signed, Abram took the papers and went out immediately; he did not come back into the room before the Judge left; they drove down together and went away together; I asked the Judge when I should come, and he said he would let me know; as the Judge was starting away, he said he thought I might come up next day, but would let me know.

To Mr. Dickson—Abram came back in a little more than an hour, and told me to come up next morning; he was back and forth a great deal.

George M. Cannon testified—(Looking at complaint) I drew that paper on Sept. 8th, at my office, about noon; completed it during the afternoon; Abram H. Cannon requested me to do so; I did not see the defendant that day; I gave the complaint to Judge Smith, before 5 p.m.

To Mr. Richards—It might have been delivered to the Judge by 2 or 3 o'clock; could not be positive; it took about 15 minutes to write it; as soon as I saw the Judge I handed it to him, with a request that he attend to it.

To Mr. Dickson—I do not remember the hour I completed the paper; I did considerable work in the office after giving the paper to the Judge; I close the office at 5 p.m.; I may have completed the document an hour and a half before; could not state positively.

Judge E. A. Smith testified—I received the complaint from George M. Cannon, in the afternoon, after 1 o'clock, perhaps an hour later; Abram came and asked me to go down and have it verified; we went to Mr. Cannon's place; Abram went with me; we started not later than 3 p.m.; altogether I was gone from the office an hour; I saw John Q. Cannon after Annie W. Cannon signed the complaint; conversed with him about the divorce in the morning; I then said to him it was a sad case, for a young couple to part, and for his wife to get a divorce; he said the all-mony was arranged for; I had told Mrs. Cannon what to do; I did not see the defendant between that time and when I saw Mrs. Cannon; at the request of Abram, I took the waiver down for the defendant to sign; John Q. did not request me to make it out; Abram took it to him; I saw Mrs. Cannon sign the paper, but did not see John Q. sign; I know his signature; in the afternoon I told Mrs. Cannon, as I was leaving, to come up in the morning; I did not speak to the defendant, but I had received the waiver from Abram; I do not remember telling Mrs. Cannon to wait a few days; I may have said so before I got the waiver; next morning she came to the court; came alone; she was sworn and testified that the facts in the complaint were true; I asked as to her residence, etc.; I am in the habit of granting divorces without clerical attendance on the court; Abram suggested the preparation of the waiver after I received the complaint, and we waited for it to be written out.

To the Commissioner—I asked Mrs. Cannon as to her residence, the ages of her children, and the confessions of the defendant; she did not know who, or with whom the defendant had committed adultery; I asked the questions when she swore in court; she was mistaken if she said I did not; I have granted other divorces under similar circumstances for different causes; I had no information as to when the adultery was committed, except that it was subsequent to the marriage; I did not know whether it was within the jurisdiction of the United States.

To Mr. Dickson—I did not ask whether she had condoned the offense; did not ask whether she had slept in the house since she knew it or not; I do not know that if she did so, she condoned the offense; under the circumstances stated I granted the decree.

Mrs. Annie W. Cannon recalled by Mr. Dickson—The defendant and I remained in the same house until I received the divorce; we did not sleep in the same bed.

To Mr. Richards—There has been no matrimonial intercourse since his confession.

W. W. Woods testified—I have known defendant since his marriage to Annie W. Cannon; Annie and Louie are cousins of mine; my wife is their half-sister; I have never been intimate with the defendant, but have been with his family; Annie and Louie have visited my house as relatives; I have felt a peculiar interest in Louie Wells; she was about 10 years old when I first became acquainted with her; I knew of the defendant's marriage to Annie, and heard of his marked attention to Louie.

Mr. Dickson—At any time, did you speak to John Q. Cannon of his attention to Louie?

Mr. Richards—I object to that as immaterial.

Commissioner—You may answer. Witness—I never had any conversation with him about Louie until recently, about Sept. 7th, of this year; was at his home shortly after noon; Sept. 8th, was present part of the time; we were conversing in a building adjoining defendant's barn; I told him if he made a declaration I would consider it confidential with the privilege of telling my wife.

Mr. Dickson—I want the whole conversation.

Mr. Richards—It should be limited with reference to a marriage with Louie.

Mr. Dickson—I don't wish to limit it. I insist upon having the conversation.

Mr. Richards—It is entirely incompetent without limiting it in any way. As to the subject of a marriage, we don't object.

The Commissioner overruled the objection.

Witness—Mr. Sears said to defendant that we had come in view of his confession of adultery; in view of his attention to Louie, people, "Mormon" and Gentile alike, said she was the adulterous woman; we talked to the defendant, and he said, "I have sinned against both my wives;" afterwards I talked with him alone, and he said he would vindicate Louie as soon as he could, which would be in a short time; he was acting under counsel then; I remarked the only vindication for her would open the doors of the penitentiary to him; I told him he was outside of the Church and had no right to polygamous relations; I also spoke of his wife Annie; he said he had not thought of what provision to make for her; I also conversed with him a few

days ago; I know that on the 7th he said he had sinned against both of his wives; the next conversation was on Monday or Tuesday last, in this city; I do not remember speaking of Louie; I was very indignant at him, because he had not vindicated her; he said that under the counsel he had received it was not yet time; I said it it was not for Annie I would prosecute him, and he replied, "just you try it," or words to that effect; he did not speak of the divorce that I know of; I think I said to him, "You have not procured divorces;" he never told me Louie was going to be divorced, but sent me a letter with that information.

Mrs. Annie W. Cannon, who had been taken quite ill, was recalled and testified—The defendant had no wife when I married him, nor any other until he married Louie, that I know of.

W. W. Woods, continuing—The communication is in answer to one I sent him; I have no copy of my letter.

The letter was withdrawn, with the agreement on both sides that it should not be published. Mr. Dickson, however, took a copy of a portion of it.

Witness to Mr. Richards—The first conversation must have been as early as Tuesday, the 7th; I don't think it was on the 10th; it was not later than the 8th; the defendant spoke of his two wives in answer to Mr. Sears' questions to him as to who was the adulterous woman; he did not say "both of the girls;" he may have said "them;" I am not positive that he said "wives," but that is my impression; he was very much agitated, and suffering great mental distress; I was suffering keen mortification; I was not excited, but had a feeling of pity and mortified pride; I asked him the name of the woman with whom he had been guilty, and he said he did not think it would be made public.

Mrs. Louie W. Cannon recalled by Mr. Dickson—I am not the person alluded to in the complaint of Annie W. Cannon, as the one with whom the adultery was charged; the defendant did not commit adultery with me.

Recess was then taken until 2 p.m. Mr. Dickson remarking that the case would probably require a week to be finished.

This afternoon the first witness was W. W. Woods, who was recalled by Mr. Dickson and said—In my first conversation with the defendant, when he said he had injured both his wives, he said "you should know that Louie is my wife."

To Mr. Richards—He said "I have sinned against both my wives," or in the other way; I am sure he said she was his wife; I got that impression from him; he named Louie as his wife in some way, but I do not exactly know in what connection; Mr. Sears was present; I think he used wife in both expressions.

To Mr. Dickson—He used both expressions, and used "wife" in the latter at least.

To Mr. Richards—I am quite sure he said it.

To the Commissioner—Mr. Sears said his confession implicated Louie as the adulterous woman, and it was in answer to that that the defendant made the reply.

Mr. Dickson announced that that was all the testimony the prosecution had to offer.

Mr. Richards, for the defense, introduced the record of the divorce proceedings, and rested his case.

Mr. Dickson asked that the defendant be held to answer to the grand jury. There were but two conclusions could be arrived at, and that was that either the defendant had committed adultery with his wife's sister, Louie, or they were both his wives, and the adultery was with some other woman. The District Attorney would take the most charitable view, which was the latter conclusion. No one would be guilty of the cruelty of which the defendant, his mother-in-law and her daughter Louie would be if the claim made by the defendant was correct. If he committed adultery with Louie Wells, would she have the cruelty after the divorce, of going under her wronged sister's roof and marrying the defendant? Another reason to believe that Louie was innocent was that the defendant had had opportunity to marry her. It must be some other woman, and Louie must have been his wife prior to September 10th, 1886. On the 5th of the same month the defendant had publicly confessed to adultery; on the 9th he goes directly to Louie, and has the effrontery to propose marriage to the wronged wife's sister. Nothing could be more improbable. Another improbability was that his wife's mother allowed him to marry another of her daughters, unless she was the one he had sinned with or was already his wife. That the defendant had first asked Mrs. Wells' consent after his confession of his crime was not worthy of credibility. The whole story was so improbable as to be unworthy of belief of any sane man. The divorce, too, was illegal, and the only pity was that the Judge could not be punished for his part in the conspiracy. In the charge of adultery there was no statement as to when it was committed, nor where or with whom it was committed. The divorce was void because there was no court which determined it, for there was no court when the clerk was not present. The circumstances showed collusion between the defendant and his wife Annie, and also on the part of the Judge. If Judge Smith had granted such divorces as this

he was unworthy to be a probate judge. If the defendant had committed adultery, the judge should have made further inquiry and had the defendant testify of his guilt. No court should grant the divorce when the wife remained in the same house with her husband four nights. The wife should have left the house. And the Judge should be publicly condemned for his course. There was no divorce in the case because there was no court when the clerk was absent. Another reason that the decree was void was that the court had no authority to hear the case within ten days of service of summons. Under these circumstances Annie was still his wife, and by marrying Louie on September 10th he committed polygamy. Louie stood in one of two positions, either she was married to the defendant prior to September 10th, or she was the guilty woman. Under these latter circumstances the marriage claimed might have been allowed. Nothing else would have induced the mother or Louie to consent to marriage, or caused Annie to sacrifice her happiness to save her sister. Louie declared she was not guilty, and the latter portion could not be accepted. To Mr. Woods the defendant had confessed that both were his wives. Mr. Dickson also referred to the letter, which stated that Louie intended to also procure a divorce, and demanded that the defendant be held to await the grand jury's action.

Mr. Richards called attention to Mr. Dickson's claim that the statements of the witnesses were incredible. It was always incredible to the District Attorney that a man charged by him with polygamy could ever be innocent. But the facts were shown beyond all doubt. The District Attorney was entirely off in saying the divorce

was invalid. All the evidence showed that the defendant had not committed polygamy. This positive evidence was opposed to the District Attorney's incredulity, on which he asked the defendant to be committed. Major Woods' testimony was not sufficient on his own statement. The defendant may even have said what was claimed, but in connection with his condition, could not be taken against the positive testimony of three witnesses. The case should not be decided on the wishes of the District Attorney, but upon the evidence. Because the facts did not agree with his idea, the prosecutor should not obtain the desire he had expressed. Louie Wells Cannon, of all others, knew the truth, and she had testified that she was not married until Sept. 10, 1886. The intention of Louie to apply for a divorce, as expressed in the letter, was not based on the adultery committed prior to the marriage. The divorce was valid on its face, and the District Attorney could not legally attack it as he had done, and his course was not backed by a single authority. If the absence of the clerk made it invalid, a great part of the proceedings of the Third District Court were null and void. But the clerk was not part of the Court. As to the insinuations against Judge Smith, the honor, integrity and spotless character of the latter was a sufficient refutation of the unjustifiable attack of the District Attorney. If the defendant was to be held on the ground that the decree of divorce was invalid, if a short time was given the defense, they would show that it was legal. The facts of the divorce and marriage as sworn to by the witnesses were true, notwithstanding the District Attorney's incredulity. The defendant was innocent of the charge against him, and should be discharged. The defendant was held in \$8,000 bonds on the charge of polygamy, and \$3,000 on that of unlawful cohabitation.

FROM MONDAY'S DAILY, OCT. 11.

**A Failure of Crops.**—We are informed that in Grantsville, Tooele County, the potato and fruit crops have almost entirely failed. The cause of this is not well understood.

**Carp.**—Will those who have made a success in raising carp in Utah please give me a brief account of their success in carp farming without delay, and oblige? Respectfully,

A. M. MUSEKA.

**Arm Broken.**—Some days ago, at Grantsville, Tooele County, a youth, aged 15 or 16 years, a son of James Worthington of that place, was riding a wild horse, when the saddle turned and the rider fell to the ground, breaking his arm.

**On A Business Trip.**—Brother R. G. Lambert of this office is now on a trip through Cache County and Southern Idaho, traveling in the interest of the News. He will solicit subscriptions and orders for job printing, wrapping paper, etc. We commend him to the people among whom he will travel and bespeak for him kind treatment and liberal patronage.

**Third District Court.**—This forenoon the case of Chas. Whitehead vs. Eliza Nelson was given to the jury. After the noon recess the jury brought in a verdict, finding the plaintiff entitled to the property in dispute, valued at \$83.

This afternoon the case of S. C. Pansake vs. Charlotte Smith occupied most of the time of the court.

**Left A Horse and Cart.**—On Saturday last a strange man drove up to the premises of Mr. Hardy at what is known as Hardy's Station, in Parley's Cañon, and tied a horse attached to a