

months on each of the first three counts, one month on the fourth, and pay a fine of \$100 on each count, and the costs, and stand committed until the fine and costs are paid.

### TRIAL OF CARL JENSEN.

THE JURY RENDER A VERDICT OF GUILTY.

The case of the United States vs. Carl Jensen was tried in the Third District Court this afternoon. The indictment in this case charges unlawful cohabitation with Betsy Jensen and Anna Jacobsen. There were five counts, from Sept. 1, 1883, to Dec. 31, 1883; Jan. 1, 1884, to June 30, 1884; July 1, 1884, to Dec. 31, 1884; Jan. 1, 1885, to July 30, 1885; July 1, 1885, to Dec. 31, 1885; Jan. 1, 1886, to July 1, 1886.

The following jury was impaneled: George Morrison, James Winchester, S. C. Underhill, George Mullett, Louis Bamberger, Alfred Thompson, S. C. Pancake, R. P. Martin, J. B. Wilson, Albert Fischer, Joseph Foster, E. M. Bynon.

Anna Jacobsen Jensen was called. She testified that she was married to the defendant in 1881, since which time his first wife had not lived him. They had mutually agreed to separate, and he had not lived with her since, or recognized her as his wife. He had lived with the witness during the period named in the indictment.

Magnus Olsen corroborated the first witness' testimony. He had seen defendant going to Betsy's house, taking wood and other supplies, about once in three months.

Mr. Dickson asked that the last count be dismissed, and announced that his case was finished.

Mr. Rawlins asked that the Court instruct the jury that the law did not presume more than one cohabitation where he had separated from the first wife; that under the circumstances of this case there could be only one offense.

Mr. Dickson opposed this view of the case.

The Court refused to charge the jury as requested, and a verdict of guilty was rendered on four counts.

Sentence will be passed Thursday, Oct. 30.

### SENT TO THE "PEN."

W. GALBRAITH TRIED TO FOLLOW THE RULINGS OF THE DISTRICT COURTS, BUT GETS THE FULL PENALTY JUST THE SAME.

In the Third District Court this morning, Wm. W. Galbraith was arraigned on an indictment, containing one count, and charging him with unlawful cohabitation with his three wives. A plea of guilty was entered to the accusation.

Court—Are you ready to receive judgment, or do you wish some time?

Mr. Galbraith—I may just as well be sentenced now.

Court—Well, I'll give you the same opportunity that I give to others. The offense you are charged with consists of a series of acts extended over a long period of time, and your conduct has been unlawful. I do not know the particulars of your case. The court wishes to know whether you propose to obey the law or intend to violate it. I therefore ask you whether you propose to continue to break the law or to obey it in the future?

Mr. Galbraith—Your honor, I am a member of the Church of Jesus Christ of Latter-day Saints. I have tried to do my duty honestly, to my country and my family. I have watched the rulings of the courts, and cannot consistently make the required promise. I have tried to follow your honor's rulings, and find that it is impossible for me to conform thereto.

Court—Have you been living with your lawful wife?

Mr. Galbraith—Not all the time. I understood from this Court that a man could live with which wife he chose, if he only lived with one. I then went to Weber County, and lived with my third wife. When the ruling in the Snow case was given, I changed and went to live with my lawful wife. This was last spring.

Mr. Dickson—You say you lived with your third wife?

Mr. Galbraith—Yes, sir.

Mr. Dickson—Has not your wife a child about two months old?

Mr. Galbraith—Yes, sir.

Court—You stated you had lived with your third wife and then with your first. Yet your second wife has a young child. Is it yours?

Mr. Galbraith—Yes, sir; but I have not made my home there.

Court—That is not necessary.

Mr. Galbraith—That is my ignorance.

Court—Do you propose to obey the law in the future, as interpreted by the courts, and live with your lawful wife alone?

Mr. Galbraith—Under the rulings that have been made, I don't think I can, your honor, and satisfy my conscience.

Court—Well, you will be sentenced to six months' imprisonment in the penitentiary, and to pay a fine of \$300 and the costs of the prosecution, and stand committed until the fine and costs are paid.

Summer coughs and colds generally come to stay, but the use of Red Star Cough Cure invariably drives them away. Safe, prompt, sure.

### THE HIGGINS TRIAL.

THE DEFENDANT SEPARATED FROM HIS PLURAL WIFE AND LIVED WITH THE LAWFUL ONE.

THE JURY RENDERED A VERDICT OF GUILTY JUST THE SAME.

To-day the case of the United States vs. James Higgins, of West Jordan, came up in the Third District Court. The indictment charges the defendant with unlawfully cohabiting with his two wives, Mahela B. Higgins and Mary B. Higgins, and contains five counts, embracing the following periods: September 1, 1883, to March 31, 1884; April 1, 1884, to May 31, 1885; June 1, 1885, to December 31, 1885; Jan. 1, 1886, to July 31, 1886.

The following jurors were called: George Schill, J. M. Harvey, Joseph Foreman, W. McKay, R. W. Crane, Wells Clark, Thomas Davis, Charles Shiels, Edward Berry, Frank McLaughlin, I. L. Osborne and E. M. Bynon.

Joseph Foreman, Thomas Davis and E. M. Bynon were peremptorily challenged by the defense.

Bowman Cannon, Joseph Foster and M. Dusseldorf were called to fill the vacancies, and accepted.

Mary Foreman Higgins was the first witness, and testified—I was married to the defendant 12 or 13 years ago, in this city; have lived, since Sept. 1st, 1883, at West Jordan, in his house; I have not been away from home any length of time during that period; I know Mahela B. Higgins; she has lived at West Jordan; not in the same house with me; the houses are but a few feet apart; we lived in the same house a few weeks when I was first married; the defendant has lived in the brick house since Sept. 1, 1883; he was away from home from January of this year until some time in July, I think; I do not know where he was; we separated about four years ago; he has not been to stop in my house since; he used to stay with me a portion of the time before the separation; I did not say to the grand jury that this continued until a year ago; I told them four or five years ago; this was a few months ago. (Mr. Dickson read from the grand jury notes, and the witness denied making the statements therein contained.)

I have supported myself; the cause of the separation was the passage of the Edmunds bill; he has not visited me as his wife since then; he may have been in the house several times; I was sick on one or two occasions and he inquired after my health; I have taken meals in his other house; my relations with his other wife are pleasant; I visit her; could not say how often; it might be once a month; I have taken dinner there a few times; the defendant was at work; may have seen him there, but do not know; I have been there in the evening, a few times, but very seldom; I do not know whether defendant was there or not; he may have been there on some occasions; there has been a change in our relations; neither Mrs. Higgins nor myself have had any children by the defendant; during the past three years the defendant came to my house to inquire after my health; this was when I was sick; I was quite ill two or three times; my health is not very good; I do not remember the dates when I was sick; it was in the summer time; I don't think defendant was in my house in 1885; do not remember his coming there 1884 or 1886; he may have been there in 1883; I do not remember any occasion; I know he called when I was sick.

The cross-examination of the witness by Mr. Dickson was objected to by the defense, and the former declared that he exercised as much patience as he could.

The Court instructed the witness to state only facts which she could recollect.

Witness, to Mr. Dickson—I was sick in 1885; I remember that the defendant called at the house during that year; he may have called when I was not sick.

Mr. Dickson, in a severe tone, commanded the witness to look at him, but the defense insisted that she could look in what direction she pleased, so long as she answered his questions.

Witness, to Mr. Dickson—The defendant may have been in my house during the past three years when I was not ill; he has not been there a dozen times; there may have been six months between his visits; I have not sustained the relation of wife to him at any time during the last three years.

Mr. Dickson held a short consultation with Deputy Marshal Smith, and then called Wm. Dowden.

Mr. Dowden testified—I know Mr. Higgins and his two wives; I live about half a mile from them; I don't go to their house once a month; I have been to Mary's house perhaps once a year; I have been twice within the past month; may have been there in 1885; have not seen defendant in her house for several years; never saw him there in 1885; do not remember seeing him in 1884; I have only been there in thrashing time; I don't remember meeting him there in 1884.

Deputy Marshal Smith was sworn and testified—I arrested the defendant; he was in the field; when he saw us coming he hid in the grass; I found him and took him to his house; there are two rooms in Mary's house; I think there are three in the other; both houses are under the same roof.

Witness, to Mr. Richards—One house is of brick, the other frame, I think; it is one building; there is a space between; the roof covers the space; the

passage-way is covered with part of the roof.

Mr. Dickson announced that the prosecution rested.

James Winchester was called for the defense and testified—I know the defendant's houses; they were built separately, the log one first; the brick house was built five or six years after, four or five feet distant; the alleyway was also roofed over.

Witness, to Mr. Dickson—The alleyway was covered after the roof was put on the new building.

Mr. Winchester was then called for the prosecution. The defense objected to the reopening of the case. Objection overruled. Witness testified—I am acquainted with defendant and his wives; I live quarter of a mile distant; I was at the house last fall; the defendant and both wives were in the brick house when I called.

The case was then submitted to the jury without argument.

On motion of Mr. Dickson, the fifth count in the indictment was dismissed.

The Court charged the jury that if the defendant associated with his plural wife as a wife, a verdict of guilty should be rendered. If the circumstances bore a semblance of the association being in the marriage relation, the verdict should be guilty. He must be acquitted unless proven guilty beyond a reasonable doubt.

The jury then retired, and the Court took a recess until 2 p. m.

At that hour the jury returned and gave a verdict of guilty on all four counts.

Thursday, September 30, was named as the day for passing sentence.

### FROM THURSDAY'S DAILY, SEP. 23.

The "Exponent."—The last number of the *Woman's Exponent* contains some fine articles. Among them are "Decline of Population in Rural Massachusetts," "Essay on Utah," and a number of communications. The number is a good one.

Stack Burned.—J. A. Marchant, writing from Peoa, Summit County, says that on the 20th inst., a little son of G. J. Marchant set fire to his father's hay stack. In a few moments a crowd of women and girls had gathered at the fire, with buckets, and they soon extinguished the flames. The damage was not great.

Information Wanted.—Information is desired that will lead to knowledge of the whereabouts of Miss Eva Elizabeth Almgvist, who came with the last company of immigrants from Sweden. She is about ten years of age. The last heard of her she passed Nephi going south on the Utah Central railroad. The information will be thankfully received by John Green of Fountain Green, Sanpete County, Utah.

The Jones-Treseder Case.—In the Third District Court to-day, Arthur Brown, counsel for N. V. Jones and Frank Treseder, asked that an order be made by the Court directing Marshal Dyer to bring Treseder in from the penitentiary and permit him to consult with his attorney and co-defendant.

Mr. Dickson objected to allowing Treseder to converse with Jones without the officer being present.

The Court said an order would be made to have Treseder brought in and allowed to consult with his counsel, but he could not permit any conversation with Jones without an officer being present.

Mr. Brown took an exception to this order, remarking "That is the first time I ever heard of a case where two defendants who were jointly indicted were refused the opportunity of consulting together with their counsel."

Searching for President Taylor.—About seven o'clock this morning Marshal Dyer and a couple of his deputies visited the Gardo House. The Marshal stationed himself inside the building close to the door, while one of his aids guarded the rear. Deputy Smith then made a careful search of the house, entering every apartment from roof to cellar, looking into every nook, corner, cupboard, under beds and every place in which it was possible for the smallest "human" from a boy to a full grown man, to be secreted. President John Taylor was the object of solicitude, but it is scarcely needful to state that he was not found. The officers were quite gentlemanly in their deportment.

Shortly before the same hour the residence of Mrs. M. Barratt, in the 12th Ward, was visited by four deputies, and subjected to a similar process. This search was also conducted in the hope of finding President Taylor. This search was likewise futile.

### T. F. H. MORTON

PLEADS GUILTY TO AN INDICTMENT WITH ONE COUNT.

The first case called in the Third District Court to-day was that of the United States vs. Thomas F. H. Morton, of Salt Lake City. The indictment charged the defendant with living, from October 1st, 1882, to January 1st, 1884, with his wives Mary A. Morton and Julia Connelly Morton, contrary to the provisions of the Edmunds law.

In answer to the question of the clerk, What is your plea to this indictment? Mr. Morton replied, If it please the Court, I plead guilty.

Court—You have two days before passing judgment, if you wish. Or do you desire to be sentenced now?

Mr. Morton—If the Court please, I would like sentence deferred to the first of next month.

Court—Well, let it be fixed for a week from to-morrow, Oct. 1st.

### ONE YEAR IN THE "PEN."

THAT IS THE SENTENCE JAMES DUNN GETS, IN ADDITION TO \$300 FINE AND COSTS.

Two o'clock this afternoon was the hour set for passing judgment on James Dunn, of Tooele, who pleaded guilty to a three-count indictment charging him with unlawful cohabitation.

Mr. Dunn was called, and the Court said: You have pleaded guilty to the offense of unlawful cohabitation and to-day was the date fixed for sentence?

Mr. Dunn—Yes, sir.

Court—Is it your intention to obey the law in the future?

Mr. Dunn—Your honor, I would rather not make any promises. I leave it to the mercy of the court.

Court—The court has no right to assume that you will obey the law unless you say you will.

Mr. Dickson—Your honor, I desire to say that Captain Greenman informs me that at no time has the defendant thrown any obstacle in the way of the prosecution, by concealing evidence, or in any other way. When he was wanted he was notified and came.

In view of the fact that you have not sought to evade the consequences of your conduct, you are entitled to some consideration. I regret that you will not say you will obey the law, which all good citizens should do. In view of the circumstances, I will fix your term of confinement at six months on the first count and three months on each of the other two counts; you will pay a fine of \$100 on each count, and the costs of prosecution and stand committed until the fine and costs are paid. Your entire term of imprisonment will be 12 months and the total fine \$300 and costs.

Mr. Dunn—Thank you.

### THE SECOND TRIAL.

THE DEAN CASE AGAIN BEFORE THE COURT.

The case of the United States vs. Jos. H. Dean was taken up in the Third District Court this afternoon. On the former trial the jury disagreed, standing four for acquittal and eight for conviction.

The following jurors were called: E. M. Bynon, Louis Bamberger, S. E. Underhill, Geo. Morrison, M. Dusseldorf, R. P. Martin, Alfred Thompson, Geo. Mullett, Jas. Winchester, Albert Fischer, S. C. Pancake, J. B. Wilson.

Louis Bamberger was challenged and excused.

S. C. Pancake and E. M. Bynon were peremptorily challenged by the defense.

Jos. Foster, Geo. Schill and J. M. Harvey were called.

Geo. Schill was peremptorily challenged by the defense.

Joseph Foreman was called and took his place in the box. He was on the grand jury which indicted the defendant and was excused.

Wm. McKay was accepted, completing the jury.

The indictment charges the defendant with unlawful cohabitation with Sarah A. Dean and Florence Ridges Dean, as his wives, from January 1, to April 1, 1886.

Mrs. Sarah A. Dean was the first witness called.

The defense objected to her testimony, because she was defendant's lawful wife. Objection overruled.

Witness, to Mr. Dickson—I lived in the 19th Ward, Salt Lake City, from January 1st to April 1st, 1886; I was married to the defendant 10 years ago; during the three months named my husband has lived with me; Florence Ridges has lived at my house; she came in June or July, 1885, and left about the first of 1886; I saw her last in February, 1886, when she remained at my house two or three days; she visited my house before she came to live there; I never returned the calls; my husband left home in June, 1885, and went to Cache County; he went one day and returned the next; I have not heard of the whereabouts of Florence Ridges since I saw her in February.

To Mr. Rawlins—My husband went to attend to business for his father.

To Mr. Dickson—I have not known of his going away on business for his father before; he said nothing about Temple work.

To Mr. Rawlins—Florence Ridges lived at my house and assisted in dressmaking; that was her business; I employed her.

To Mr. Dickson—I suggested the employment; she received one-half of the gross proceeds; she boarded and lodged in the house; there was no charge for room or board; she did most of the dressmaking; I do not know how much a month we earned; it was perhaps between \$20 and \$30; I did not consult my husband about the arrangement; during the ten years of my marriage I do not remember Florence Ridges being in my house before 1885; I was at her home several years ago.

Mrs. Agatha Ridges testified—Florence Ridges is my daughter; she was 19 last December; she is above medium height; weight about 120 pounds; blonde complexion; large brown eyes; has a mole on her neck,

not more than an eighth of an inch across; she made a visit to Logan in June, 1885; had no relatives there; she was gone several days; she had never been there before or since; she lived at home before that time; she had studied dressmaking for several years, but had not gone out, as we took in work; she went to Mr. Dean's about a week after she returned from Logan, and remained until about Jan. 1; she came to my house and stayed a day or two; next went to Mrs. Woods', in Davis County; in February she made another visit home, and returned to Mrs. Woods'; I last saw her at my house in June of this year, when she remained one day.

The trial was in progress when we went to press.

### THE U. S. VS. JAMES EARDLEY.

TRIAL FOR UNLAWFUL COHABITATION—NO EVIDENCE AGAINST THE DEFENDANT.

The District Attorney Interposes and Obtains a Verdict of Not Guilty.

To-day the case of the United States vs. James Eardley, of this city, was tried in the Third District Court. The indictment alleged that, from Dec. 1, 1882, to April 1, 1884, the defendant lived with his wives, Zurliah G. and Martha Priest Eardley, in Salt Lake County.

The defendant was arraigned and entered a plea of not guilty. The names of the witnesses were then called, the alleged second wife, Martha Priest Eardley, failing to respond.

After some little time was spent by Mr. Dickson in looking for papers in the case, he announced to the court that he felt sure the witness had been arrested and placed under bonds for her appearance. He had found the warrant of arrest but could not find the subpoena which was served, or the bonds that had been filed. Deputy Smith remembered making the arrest, and Clerk McMillan had a distinct recollection of a bond having been given, and that a man named Wayman had been one of the sureties. Mr. Dickson believed the amount of the bond was \$500. The name of the witness was then called three times, and there being no answer, the District Attorney said, "I ask that the bond be declared forfeit." The Court issued an order forfeiting the mythical bond.

After another delay Mr. Dickson announced his readiness to proceed with the case, and the following jurors were called: Bowman Cannon, R. W. Crane, Frank McLaughlin, Wm. McKay, Edward Berry, Joseph Foreman, Charles Shiels, J. M. Harvey, Thomas Davis, George Schill, Wells Clark, Joseph Foster.

J. M. Harvey, Thomas Davis and Joseph Foreman were peremptorily challenged by the defense.

J. B. Wilson, R. P. Martin and S. C. Pancake were then called and accepted.

James W. Eardley was the first witness. He testified—I am the defendant's son; my mother's name is Zurliah; she lives at 631 Main Street; I have not lived at home for six or seven years; mother has seven living children, five of whom live with her now; they are also defendant's children; I have heard my father speak of his marriage with my mother; during the time named in the indictment I often visited father's house; that was before he went away; he was absent about two years; I have known Martha Priest about ten years; during the time named in the indictment she lived about a block from my mother's; she has four children, the eldest ten, the youngest five or six years old; I have not seen the youngest child for about six months; he was in my mother's store; I never saw any of Martha's children at my father's house, but have seen them at the store; I have been to Martha's house, but never saw my father there; I have not visited her house for three or four years; I never went there at my father's request; Martha's children bear the family name of Eardley; my father lived at home; do not know of his living a part of his time elsewhere; have never heard him call Martha his wife; I do not know whether or not she paid for the goods she purchased in the store; I never heard her talked of in the family as the defendant's plural wife; she was called Martha; I remember having seen Martha in mother's house three or four years ago.

Mr. Dickson—Was Martha understood, in your father's family, to be his wife?

Objected to by the defense, for the reason that no act of recognition was asked for. Overruled.

Witness, to Mr. Dickson—There was nothing further than imagination; we knew nothing of it.

Mr. Dickson—Do you recognize Martha's child, Johnnie, as your half brother?

Objected to. Objection sustained.

Witness, to Mr. Dickson—I don't know that he is; I don't know whether her other children are my half brothers and sisters or not; the defendant is my father.

Mr. Dickson—How do you know that?

Witness—He told me so; nobody told me Johnnie Eardley was my father's son; I never heard Martha spoken of as my father's wife; I do not know whether or not she is reputed among the neighbors

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