

ONE YEAR IN THE COUNTY JAIL,

IS WHAT B. Y. HAMPTON GETS FOR EXPOSING THE LECHERY OF THE MORALITY-SCREECHERS.

HOW FEDERAL OFFICIALS "PROTECT SOCIETY."

In the Third District Court yesterday afternoon, on the motion for arrest of judgment in the Hampton case, Mr. Burmester, for the defense, made his argument, claiming that the indictment charged no public offense; that there could be no such thing under the law as a conspiracy to keep a house of ill-fame; and that in the statute would be found named particularly just what combinations and what agreements could be called conspiracies, this charge not being among them. The Legislature had copied the statute almost word for word from that of New York, and if the history of the act were traced back, it would be found that it was framed and passed in order to finally settle the perplexed question under common law, as to what actions constituted offenses to be proceeded against. The act here was interpreted so as to make the conception of a crime a vastly graver offense than the execution of it; by that interpretation it was made punishable by a fine of \$1,000 or one year's imprisonment in the county jail to arrange for committing an offense, but only by a fine of \$300 or six months' imprisonment for actually committing the act. If two men committed grand larceny it could not be found that they had ever been proceeded against for "conspiring" to commit the act. It should be so with this case. Even if the crime of keeping a house of ill-fame had been committed, it was no more infamous for two to engage in it than one. There was no conspiracy about it. Mr. Burmester continued his argument on this line at some length.

Prosecuting Attorney Varian contended that the essence of the "conspiracy" was the meeting of two minds, and the conferring together with an unlawful object in view. The indictment charging this was sufficient.

The court ruled that the indictment properly charged a conspiracy to keep a house of ill-fame, which was made a crime, and was injurious to public morals. The motion to arrest judgment was overruled.

Mr. Sheeks then asked whether the court would then proceed to pass sentence, and on receiving a reply in the affirmative, stated that, as the Court could punish by fine or imprisonment, he wished to present the certificates of two prominent physicians relative to the state of Mr. Hampton's health. He then read the certificates, one from Dr. W. F. Anderson stating that Mr. Hampton was a sufferer from pleuro-pneumonia, and confinement in prison would probably result fatally. Dr. Benedict's certificate also set forth that he had been acquainted with Mr. Hampton for fifteen years, and it would be prejudicial to his health, and would probably prove fatal if he were required to undergo imprisonment.

Mr. Varian replied that he did not see how either himself or the Court could take cognizance of this fact; as it was rather a matter for the executive. He said it was a new thing to him that such a plea should be entered before sentence. (And this in face of the fact that a few months since, upon the representation of Mr. Varian himself, the Court suspended sentence upon a young man who pleaded guilty to stealing a horse, a reason given by the prosecuting attorney being that *owing to the health of the prisoner he was not in a condition to suffer imprisonment.*) The prosecution continued and remarked that the defendant was to all appearance active enough in the matter for which he had been tried. It might some day be asked that the court exercise leniency towards a person guilty of manslaughter or murder.

Mr. Sheeks insisted that the request was not an unusual one where the court had power to choose between two forms of punishment, and thought it should be taken into consideration by the Court in its discretion.

The Court remarked that the punishment was for the protection of society, and a term of imprisonment in the county jail might be very severe on a man suffering from consumption, while it would be very light on a robust person. The matter would be taken under consideration until 10 a. m. today, when physicians might be summoned to testify, and the Court adjourned.

This morning the case was called up, and Drs. Benedict, Anderson and Potter were examined.

Dr. Benedict testified that the matters set forth in the certificate were true; he had not acted as defendant's physician, except about a year since, when defendant had his leg broken; witness brother F. D. Benedict had attended Mr. Hampton when he had a very severe attack of double pneumonia; Mr. Hampton was at present suffering from *phthisis pulmonalis*, a chronic affection of the lungs; the attack of pneumonia had left the health of the defendant in its present condition; confinement would be hazardous and might result fatally, perhaps in three weeks; the disease was a form of consumption; open air exercise was beneficial to the patient, but a cold, moist atmosphere or office confinement were injurious. The witness had been acquainted with Mr. Hamp-

ton 15 years, and knew him intimately enough to give the certificate referred to.

Dr. W. F. Anderson was next called. He had been Mr. Hampton's family physician, and had been his attendant in the severe attack of pleuro-pneumonia, about three years ago; had professionally treated him within the past two weeks, for chronic pleuro-pneumonia; the symptoms then shown were difficulty of breathing, pain and chills; had not made a medical examination of defendant when the certificate was given, but knew what his condition was, and that confinement would be very injurious to him, and would probably prove fatal; if he were placed in a well ventilated room it would not be so bad.

Dr. S. O. L. Potter was called and gave his definition of pleuro-pneumonia; an attack of that disease might leave chronic pneumonia; by looking at Mr. Hampton's face he saw no indications of the disease; he would not undertake to give a professional certificate of the condition of a man, without making an examination; had no acquaintance with the defendant; confinement in prison in a well ventilated room would greatly aggravate the disease; it was not the habit of the witness to give a certificate without an examination, though some physicians might do so under some circumstances.

The Court, in a severe tone, proceeded to pass sentence as follows:

You are aware, Mr. Hampton, that you were tried upon the charge of conspiracy with one Mrs. McCall or Mrs. S. J. Fields, to keep a house of ill-fame in this city—a place resorted to for the practice of prostitution and lewdness, and the jury found you guilty; and the motion in arrest of judgment having been overruled, it now is the duty of the Court to pronounce the sentence against you. Have you anything further to say why the sentence should be not pronounced?

Mr. Hampton—I could say a good deal, your honor, but I don't think I will say anything. I am ready for sentence.

Court—The statute provides, in cases of this character, that the defendant may be punished by imprisonment in the County jail not exceeding one year, or by fine not exceeding one thousand dollars. The discretion of the Court is quite wide, and it also extends to the character of the punishment. It may be by imprisonment in the county jail, or by fine; it cannot be both. Counsel have offered certificates of two physicians of the city, and also their statements and the statements of one other physician, for the purpose of proving or disproving your physical condition. The evidence touching this point is not, to say the least of it, satisfactory. Physicians sometimes are a little reckless in giving these certificates and oftentimes mislead the Court, because they are often presented in cases of jurors and others and they ought to feel the responsibility under which they are acting when they present certificates for the Court to act upon. I am satisfied, from certificates that I have received heretofore in cases of jurors and others, that there has been a recklessness in these certificates by some physicians that ought to be deprecated, and they are so unreliable that, I confess, the Court can place but little reliance upon them. The testimony given from the witness stand would seem to be more reliable, though that is somewhat indefinite, and the reasons given by the physicians for their opinions are not altogether harmonious, and don't strike my mind, in the absence of a personal examination, as being entitled to very great weight. I would, of course, take into consideration the physical condition of the party that I was about to sentence where I have the power either to confine him in jail or to impose a fine, if the evidence was sufficiently satisfactory and clear that confinement might result in serious injury to the defendant. But I am not satisfied that this is the case here.

The offense with which you are charged, Mr. Hampton, is one, of course, that every right-minded man must condemn, according to your own statements. No man can enter into a partnership with a prostitute and be honored; and according to your own statement, you employed this miserable prostitute, as the evidence shows, to give her \$25 for each man that she might make an affidavit against. The object, of course, of the law, is to prevent crime, and no man can be justified—no honorable man—in hiring a prostitute when he must know, as a reasonable man, that the result of that will be to cause her to commit crime, and to cause others to commit crime, to hire her to do this. Again, you say that you employed her for the purpose of detecting crime. Where a crime is committed the use of detectives may be proper, to ferret it out; but to employ detectives of bad character, such as prostitutes, to commit crimes themselves, and induce others to commit crimes, in order that they may be punished, brings disgrace and infamy upon the community and scandal upon society, involving families into trouble, and is a conspiracy to do that which deserves the deprecation and condemnation of all decent men. No man that does this ought to ever, until he reforms, go out among decent people and hold up his head. Your conduct, as shown by this evidence, leads me to believe that you are so lost to all sense of propriety and decency that, I confess, I feel like giving you a severe punishment. The interest of society, the good of society,

demand particularly that this crime against chastity, in this community, should be punished severely. There is no excuse for saying that it is necessary in order to stop these houses of ill-fame that this is to be done. The general reputation of the house is always competent evidence against it, and the general reputation of the person that keeps it is competent evidence, and the general reputation of the persons who visit it is sufficient to any grand jury, when that reputation is sufficiently established, or any court, and they are bound, under the rules, not only to indict, but to convict, when that is sufficiently established. So that there is no necessity for this establishing houses and reserving a room, as it was reserved in these houses, that persons might peep and peer through apertures and holes, in order to see the performances, the infamous and lecherous conduct of men. There was no necessity to import prostitutes from other cities, from hundreds of miles. It is better to get rid of what we have got. There are plenty here without bringing more in, and they ought to be rooted out; and if you were in good earnest about it, you and those that are acting with you can take every house of ill-fame in this city and punish them; because it is not necessary to prove specific acts in order to convict it of being a house of ill-fame, or the keeper, or others for frequenting it, or any of the inmates of it. In view of all the circumstances of this case, and in view of the fact—which I cannot close my eyes to; I cannot disregard it—that when men are fined here sometimes it is no punishment at all; others pay it. The object is to make the punishment certain and definite, in order that it may be a terror to others. I therefore, under these circumstances, do not choose to impose a fine in this case. As you seem to be the leader in this matter, this new phase of crime that seems to have developed here among many others, and which seems to be degrading and disgracing and weighing down this community, I will give you the full benefit of the law. You will be sentenced to imprisonment in the county jail for the term of one year. If your physical condition becomes so bad that it is necessary to liberate you before that time, the clemency resides in the executive head, and he doubtless, will exercise it whenever it becomes sufficiently apparent and proper for him to do so. Hoping that this may be a lesson to you, that is all.

After a short pause, the Judge added, "and the costs of the proceedings also."

When Judge Zane had finished, Judge Hoge asked that Mr. Hampton be admitted to bail pending an appeal of the case to the Territorial Supreme Court.

Mr. Varian sharply remarked that such an action would be a violation of the rule of the Court.

The Court said it had adopted the rule not to give bail in all cases, unless good reasons therefor should be shown.

Judge Hoge submitted as a reason why bail should be allowed, the showing made by the physicians. He did not ask for delay, as they expected to have the case disposed of by the Supreme Court next month.

The Court denied the motion to admit to bail, and Mr. Hampton was remanded to the custody of Sheriff Groesbeck.

LOCAL NEWS.

FROM THURSDAY'S DAILY, DEC. 31

Grand and Petit Jurors.—In the Third District Court this morning, the Judge gave notice that a session of the court would be held on Saturday, January 9th, 1886, at 10 a. m., at which time twenty names will be drawn for grand jurors, and thirty-five names for petit jurors, to serve during the February term, 1886.

Accidentally Shot.—On Tuesday last a couple of boys were walking along City Creek Cañon, above the new buildings, and one of them, who had a loaded pistol was swinging it to and fro. The weapon was accidentally discharged, the ball striking the other boy in the back. The bullet made a wound three or four inches long, and then glanced off. It was a narrow escape from a fatal result of carelessness.

The Prophet's Birthday.—The 23rd instant was celebrated at Nephi as the 80th anniversary of the birth of the Prophet Joseph Smith. The Saints assembled in the evening and engaged in dancing, singing songs and hymns commemorative of the (martyred) Prophet, and listening to speeches from Patriarch J. G. Bigler and Elder J. D. Chase, his old-time associates, in the course of which many interesting reminiscences were recounted. A most enjoyable time was spent, which will doubtless long be remembered by those who participated in it.

Libel Suit.—This afternoon the organ of the lechers, the Salt Lake Tribune, was served with notice of a libel suit, commenced by Edward A. Austin, late manager of the London Bank of Utah. Messrs. Sheeks & Rawlinson are the plaintiff's attorneys. The articles complained of were published on Jan. 13 and 14, 1885, and accused Mr. Austin of embezzlement, in having "scooped a lone woman" Miss S. J. Williams. The amount of damages asked is \$75,000. In case Mr. Austin obtains judgment for the libel against the irresponsible sheet, we hardly

think he will find enough property to levy on, unless he is content to accept a mortgage on the unlimited supply of vile abuse at the disposal of the slanderer.

A Heavy Bereavement.—It is with unfeigned sorrow that we chronicle another death in the family of Brother John Irvine from that dread disease, diphtheria, that of his daughter Nellie, aged almost ten years. It will be remembered that not a great while since his eldest daughter, who was just merging into womanhood, and his only son died from this malady. Every precaution that could be thought of was adopted to rid the house of the germs of the disease and prevent a recurrence of the past in the family, but some days since little Nellie was stricken with it, and succumbed to its power this morning, notwithstanding everything possible was done to save her. No other members of the household have shown any symptoms of having contracted the disease, and it is earnestly to be hoped that they will not do so.

The family have the sympathy of all their friends and acquaintances in the heavy bereavement which they are called to suffer. May the Almighty, who alone can do so, comfort and console them.

Runaway.—On Tuesday last, as Brother Mark Jeffs, of Heber City, was driving down the Summit from Park City, toward this city, one of the singletrees became unfastened, and the horses started down the hill at full speed. The ground was frozen hard, and after they had run about a mile the wagon tongue broke and liberated the animals, which continued about 300 yards, when they ran into a telegraph pole, which was broken off close to the ground. One horse fell and was dragged a short distance, when it struggled up again, and started off. Lower down one of the animals again fell, this time into the creek, which brought both to a standstill, and they were caught.

When the wagon tongue broke, the wagon was thrown into the creek, Brother Jeffs alighting on the opposite bank, hurting his back severely, and bruising his face, but fortunately his injuries, though painful, are not serious.

An Ogden Incorporation.—Secretary A. L. Thomas to-day issued a certificate of incorporation to the Utah Produce and Commission Company, organized under the laws of Utah Dec. 24, 1885. The time of the duration of the association is to be for a period of five years, with principal place of business at Ogden City, Utah. The capital stock of \$20,000 is divided into 800 shares, of which the incorporators have subscribed as follows:

John Farrell, Eden, Weber County,	\$ 500
John Brown, Ogden " "	300
Cassius C. Stiffler, Ogden, " "	1,000
John A. Stephens, Ogden, " "	1,000
Van A. Wallace, Fould Du Lac, Wisconsin,	250
Wm. T. Stoker, Plain City, Weber County,	300
Nathaniel Montgomery, North Ogden, Weber County,	200

The business to be carried on by the company is that of dealing in, buying and selling general merchandise, produce and farm products, and the receiving, shipping, forwarding and selling on commission of all kinds of merchandise, produce and farm products. The directors of the association are: John Farrell, president; Wm. T. Stoker, vice-president; John Brown, secretary and treasurer; John A. Stephens and Cassius C. Stiffler.

Lorenzo Snow's Case.—The case of Apostle Lorenzo Snow came up in the First District Court at Ogden yesterday, when Harriet, Mary, Eleanor, Sarah and Minnie Snow were each in turn called as witnesses and all testified that they were the wives of the defendant, but with the exception of the last named they held that he had not lived with them during the past year as a husband and did not remember that he had ever during that time introduced them as his wives. Mrs. Minnie Snow, at whose house the defendant was staying at the time of his arrest, testified that he had lived with her as a husband since her marriage, and that his mail came to her house.

Dr. J. D. Carrington testified that he had seen defendant at the house of his wife Sarah when attending the family professionally; that he had seen him at the theatre with one of his wives and ride past his house in a carriage with two of his wives; and also that he had heard him during the year 1885 preach a sermon on plural marriage.

Mrs. Lorenzo Snow, Jr., and John F. Olsen were called, but nothing worthy of note elicited from them.

Frank H. Snow testified to his father, the defendant, having introduced two of his wives as such to D. H. Peery, which evidence was corroborated by D. H. Peery and Lucius A. Snow.

Emma Josephsen, who had been a servant in one of the defendant's families, was placed upon the stand, but could tell nothing of importance.

Oscar C. Vandercook testified as to the circumstances under which the defendant was arrested. This closed the testimony for the prosecution and the Court adjourned until this morning at 10 o'clock.

FROM SATURDAY'S DAILY, JAN. 2

Cold.—Last night the thermometer marked 40° below zero at Clear Creek station, Emery County, on the D. & R. G. W.

Notaries.—The Governor has appointed as notaries public, M. H. Beardsley, Emery County; Francis Sharp, Cache County; Frank Birk, Utah County; and John Brunton, Salt Lake County.

Diphtheria.—One new case of diphtheria was reported yesterday, and one death. Of the twenty-three children now suffering from the terrible disease, five are seriously affected, the remaining eighteen cases being of a milder type.

Deseret University.—A new term of the Deseret University will commence on the 11th inst., at which in addition to the regular studies of the preparatory course, classes will be organized in botany, trigonometry, civil government, English literature, theory and practice of teaching, modern history, geology, mental science, mechanical and architectural drawing, etc. It is a good time for students to enter this deservedly popular institution.

Convicted.—The murderer Dilda, who killed two men recently, in Arizona, was tried at Prescott on Wednesday last, for the murder of Deputy Sheriff John M. Murphy, one of the victims. The evidence against the prisoner was conclusive, and the jury having been out only five minutes, brought in a verdict of guilty of murder in the first degree, and fixed the death penalty. Sentence was passed on Thursday. The murder of Murphy was committed Dec. 20, ten days before the trial.

A Vain Search.—Four valorous (?) members of that very respectable (?) fraternity known as deputy marshals made a raid on the house in the 18th Ward occupied by the Wilson and Sutherland families on Wednesday evening, in search of J. W. McMurrin. They had no search warrant, but proceeded to search the house. On entering Mr. Wilson's residence they beheld the corpse of his daughter who had suicided that morning and did not remain long. What reason they had to suppose the object of their search was there it is difficult to conjecture.

Not the Kind Wanted.—The *Orion Era*, published at St. Johns, Arizona, in its issue of the 23d ult., says:

"The last U. S. Grand Jury at Prescott reported to the court that they had considered one case of illegal cohabitation but had not found an indictment.

"It appears that the party charged had a female relative of his wife's living in his family, and when it was discovered that she was *enclente*, he removed her to another town for the purpose of abortion, the details of which as disclosed by the written correspondence of the guilty parties are too sickening for publication in this paper.

"He is not a Mormon and hence no bill was found. He is one of the 'rest of us.'"

"O judgment! thou has fled to brutish beasts, and men have lost their reason."

Nabbed this Time.—On Thursday afternoon Sheriff Groesbeck waited on J. W. Farrell, the Second South Street plumber, and informed him that he was wanted on a warrant charging him with having resorted to Fanny Davenport's house of ill-fame for lewdness. It is understood that this is the individual for whom J. J. Farrell was arrested by mistake, and which occurrence the organ of the lechers endeavored to magnify into an attempt to blacken the characters of "innocent" men. After requesting Farrell to report at the City Hall, the Sheriff went to notify Justice Speirs, that bonds might be fixed and the case set, and left word for his man to wait at the Hall. Farrell was there at the appointed time, with his attorney, Mr. P. L. Williams, but after waiting half an hour or so, he took his departure, as "no formal arrest" had been made. This morning, however, Sheriff Groesbeck served the warrant, and Farrell gave a bond in \$1,000 to appear for trial on Wednesday next, his sureties being James Glendenning, formerly foreman of an expurgated grand jury and one of the "impartial" summoned on open *venire* by Marshal Ireland, for the Hampton case, and C. P. Mason, a member of the present grand jury.

FROM MONDAY'S DAILY, JAN. 4

Cheap Sale.—In our advertising columns will be found, an announcement by Z. C. M. I., of a heavy reduction in the price of winter goods. Wraps, knit goods, hosiery, underwear, blankets, woolen goods, and a great variety of new and fashionable fabrics are included in the sale.

Services at the Pen.—Religious services were held at the Penitentiary yesterday afternoon, commencing at 3 o'clock. The ladies and gentlemen who did the singing were Mrs. Lou McEwan, Miss Nellie Hardy, Mrs. Edith Knowlton, George D. Pyper and John Midgley. Elder Rodney C. Badger gave a very interesting discourse on the Life and Example of Jesus Christ.

An Expensive Drink.—On Saturday night John Edmunds went into Fitzgerald's den under the Wasatch corner, and imbibed too freely of intoxicants. He was arrested by the police, and was fined \$5 this morning for drunkenness. When he came to reckon up his assets he found that of about \$50 in cash which he had on entering the saloon, he had nothing left.

Diphtheria.—The quarantine phy-