

ing of a human being by another person constitutes murder in the first degree. That the deliberation essential to murder is upon the killing; it is not necessary that the person killing should deliberate any considerable length of time upon the intent to kill, after a distinct and deliberate intent to do so is formed. But a deliberate and distinct intent by the person killing to take the life of the person slain is necessary to constitute murder in the first degree, and the slayer must at the time be actuated by malice.

You are further charged that the unlawful and wilful killing of one person by another, with malice aforethought, and without sufficient deliberation to constitute murder in the first degree, is murder in the second degree.

Manslaughter is the unlawful killing of a human being without malice; that it is of two kinds—first voluntary, upon a sudden quarrel or heat of passion; second, involuntary, in the commission of an unlawful act not amounting to felony; or in the commission of a lawful act which might produce death in an unlawful manner, or without due caution and circumspection.

The Court further charges you that homicide is justifiable when by a person in retelling any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon some person. One person is justified in killing another who assaults him under circumstances causing in him a reasonable belief that such killing is necessary to save his own life, or to prevent serious bodily injury. A mere fear of being killed by the person slain or of receiving bodily injury is not sufficient to justify the killing. The circumstances must be sufficient at the time to excite the fears of a reasonable person, and the person killing must act wholly under the influence of such fears.

If you are satisfied beyond a reasonable doubt, from the evidence, that John Taylor inflicted a mortal wound causing the death of James Osborne, then you will not be justified in finding the defendant, Philip Bond, guilty of either murder or manslaughter, unless you believe from the evidence, beyond a reasonable doubt, that he aided, abetted, encouraged or advised said Taylor to give the mortal blow.

Voluntary manslaughter is the unlawful killing of a human being without malice, upon a sudden quarrel or heat of passion. Therefore, you believe, beyond a reasonable doubt, that the defendant John Taylor, unlawfully and voluntarily, that is to say, intentionally killed James Osborne, yet if the evidence leaves a reasonable doubt in your minds as to whether or not such killing was done in the heat of passion engendered by such provocation calculated to excite passion in the minds of ordinary men, and before there was reasonable time for such passion to cool, then you will not find him guilty of any higher offense than voluntary manslaughter.

If you find, beyond a reasonable doubt, that the defendant, John Taylor, without due caution and circumspection, involuntarily, that is to say, unintentionally, killed James Osborne, but you have a reasonable doubt whether such killing was done in malice, then you shall not find him guilty of any higher than involuntary manslaughter.

You are further charged that you will not suffer the ease of John Taylor to beguile or prejudice on your minds by the fact that he failed to go on the witness stand.

The Court further charges that you are the sole judges of the credibility of the witnesses and the weight of the evidence. That in judging of the credibility of the witnesses, you have a right to take into consideration their deportment on the stand, their apparent frankness and candor, or the lack thereof, and the fact that their statements were reasonable or unreasonable in the light of the circumstances in evidence; and you also have a right to take into consideration the motive of any witness, so far as such motive may appear from the evidence to speak truly or falsely. In weighing the evidence you should impartially and fairly consider the testimony of each witness, and each part of the evidence, and give to such testimony such weight as you may believe it entitled to.

The Court further charges the jury that they cannot find the defendants, or either of them, guilty unless they believe from the evidence, that such defendants, or defendant, is guilty beyond a reasonable doubt.

You may, if you are satisfied from the evidence beyond a reasonable doubt, find the defendants, or either of them, guilty under this indictment of either of the following crimes: Murder in the first degree, murder in the second degree, voluntary manslaughter or involuntary manslaughter. You may find one of the defendants guilty of one of these offenses, and the other defendant of another; or you may find one of the defendants guilty and the other not guilty, or both not guilty.

If you find the defendants guilty, or either of them guilty, you will mention the offense in your verdict.

If you find the defendants, or either of them not guilty, you will say in your verdict: We, the jury, find the defendants, or defendant, not guilty.

It was after 4 o'clock when the jury retired, and their deliberations occupied about four hours. When they returned the verdict was unanimous, declaring Philip Bond not guilty of the charge made against him and convicting John Taylor of murder in the second degree. The verdict is doubtless a just one; at any rate it is more in accord with the evidence than several in the same class of offenses that have lately been tried.

Mr. Bond was immediately liberated. As the penitentiary wagon had gone out for the night, Mr. Taylor was lodged in the city jail until this morning, when he was taken to the penitentiary. He will receive sentence on Monday next at 10 a. m. A new trial will be asked for on behalf of Taylor.

FROM SATURDAY'S DAILY, MAR. 17, 1888.

Burglar Sentenced.

The trial of Joseph Watson, for burglarizing a saloon in Park City, resulted in a conviction last evening. This morning Watson was called for sentence, and the judge ordered that he be imprisoned in the penitentiary for one year.

No Reporter.

No stenographic reports are taken now of United States cases tried in the Third District Court. The cause of

this is that the Legislature amended the law so that hereafter the Territory will not pay for the work done for the United States, and as the reporter will not labor for nothing, the work remains undone. There is now no official court reporter except in Territorial cases.

First District Court.

Today in the First District Court at Provo, Erastus L. Gee was convicted of bigamy.

The grand jury brought in five indictments under the laws of the United States and one under the laws of the Territory.

The trial of Thomas Collins, indicted for murder, was set for September 26th.

Karl G. Maeser withdrew his plea of not guilty, and entered one of guilty to the charge of unlawful cohabitation.

Brigham Crocheron, arson; burning a haystack; judgment suspended till September first.

Third District Court.

Proceedings before Judge Zane today:

Eliza Wedberg vs. Adolph Wedberg; default of defendant; decree of divorce and custody of children granted plaintiff, on grounds of desertion and failure to provide.

The People vs. Joseph Watson; burglary; defendant sentenced to one year in the penitentiary.

The People vs. James Patterson (Chas. F. Sallor); forgery; defendant sentenced to one year in the penitentiary.

Penelope Brede vs. Wm. G. Brede; Mrs. Ferguson withdraws her appearance as counsel for defendant. Decree of divorce granted plaintiff.

United States vs. Alex. Burt; unlawful cohabitation; verdict of guilty.

Got One Year.

Today Charles F. Sallor, indicted under the name of Charles Patterson, was called in the Third District for sentence. He had pleaded guilty to forging the name of M. M. Kaighn, to a check for \$30. His attorney presented several certificates of good character for the defendant, received from Rawlins, Wyoming, where Sallor formerly resided, and stated that the defendant was drunk at the time of the commission of the offense. He had also been married but a short time, and had vainly endeavored to find work, and he and his young wife being destitute, they were very much discouraged. The Court inflicted the least penalty imposed by the law—one year in the penitentiary. When sentence was pronounced, Mrs. Sallor, who was in the court room, wept bitterly. The defendant seemed to be very penitent, and an effort will probably be made to have the Governor pardon him.

First District Court.

Provo, March 15. Deputy Redfield brought in Thomas Nantice from Tintic yesterday, and he is undergoing an investigation today with the grand jury for shooting at S. La Boa, the shot having taken effect in the latter's arm.

John Christensen was called before the court for sentence under his plea of guilty to the charge of unlawful cohabitation. The court asked him if he could pay a fine of \$75, but he said he was unable to do so. He was then asked which he would rather do, pay a fine or go to the penitentiary. The defendant preferred the latter, but the judge stated if he had a large family at home depending upon him for support it would be better for him to try and pay a fine and have his freedom. The court therefore postponed sentence for thirty days to enable the defendant to raise the money in the meantime, and ordered him to come for sentence at the expiration of that time.

The case of U. S. vs. George Udall, for perjury is likely to go to the jury this afternoon.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate and guardianship of Eliza Swamer et al., minors; bond of Eliza Swamer filed and approved.

Estate of Eliza Baddley, deceased; order made of publication of notice to creditors; order made appointing J. T. Strong, Robert T. McEwan, and J. S. Darke appraisers of said estate.

Estate and guardianship of Josephine Taylor, an incompetent person; order made appointing T. E. Taylor guardian, upon filing a bond in the sum of \$1,000.

Estate of John F. Shelbe, deceased; order made allowing and approving final account, and making distribution of the residue of said estate.

Estate and guardianship of Charles W. Needham, minor; order made appointing Jonathan Needham guardian of said minor.

Estate and guardianship of Henry L. Naylor, minor; order made appointing time and place to hear petition of S. J. Layton for letters of administration.

Mrs. Brede Meyer Divorced.

The divorce suit of Penelope Brede Meyer vs. Dr. Wm. G. Brede Meyer came up in the Third District Court this afternoon, Mr. Dickson appearing for the plaintiff.

Dr. Brede Meyer was brought up from

the county jail, and made an incoherent speech in the court before the case commenced. He wanted the custody of the child.

The complaint of Mrs. Brede Meyer sets forth specific acts of cruelty on the part of her husband, wherein he struck her severe blows with his clenched fist; and alleges that on various occasions he threatened to kill her and the child, in one instance flourishing a razor, in another a poker, and in others a pistol. She says that during the past two years she lived in daily fear of her life, which has been rendered miserable by her husband.

Mrs. Brede Meyer was sworn and testified that she was married to the defendant in this city, Jan. 13, 1885; their son was born March 6, 1886. The acts of cruelty began about eight months after marriage. She detailed at length the circumstances connected with the various domestic broils which followed up to January 14, 1888. The evidence raised a strong presumption of the doctor's insanity. Replying to Dr. Brede Meyer's questions, Mrs. Brede Meyer said she would do all she could to free him, but not as her husband; she also said that she had not promised to re-marry him, if a divorce was granted, if he would eat his food in the county jail.

Miss Annie Hansen, who was employed in the Brede Meyer household, corroborated the testimony given by the plaintiff.

The record of the plaintiff's plea of guilty to battery on his wife was introduced in evidence.

Dr. Brede Meyer asked a postponement of the case, or that the child be given into his custody. He protested that his wife was in no danger from him; that he had been caused to reform by the punishment he had suffered for his offense.

Mr. Dickson asked that the decree as prayed for be granted, and if the doctor should be permitted to visit the child that it be under circumstances that would preclude the possibility of his doing it any injury.

The request of the plaintiff was granted. Dr. Brede Meyer was allowed to visit the child in the presence of a person able to protect the plaintiff and the child from violence. The doctor was returned to his quarters in the county jail, after being permitted a few minutes with the child.

11th WARD MEETING HOUSE.

E. D. Hoge and Others Suing for the Premises.

Suit has been commenced in the Third District Court for the ground upon which is situated the new Eleventh Ward meeting house, built by the members of the Church in that ward. The plaintiffs are E. D. Hoge, James Lowe, Henry Perkes, George D. Doull and Ann E. Doull, who allege they are acting "on behalf and for the benefit of themselves and all the inhabitants of the Eleventh School District of Salt Lake City, Utah Territory." The defendants, as set forth in the complaint, are Ebenezer N. Child, Charles H. Crow, Henry Coulam, Robert Morris, Alexander McKee and the members of the Church of Jesus Christ of Latter-day Saints residing in the Eleventh Ward of the Salt Lake Stake of Zion.

The complaint goes on to recite that a piece of ground in the Eleventh Ward, 10x10 rods, had been deeded to the trustees of the Eleventh School district on April 13, 1873. On the 25th of April, 1883, Wm. B. Child, Robert Morris and Henry Coulam, then the trustees for said district, deeded to the Corporation of the Church of Jesus Christ of Latter-day Saints in the Eleventh Ward, a portion of the ground, 5x10 rods.

The plaintiffs claim that the trustees held the property in trust for the residents of the school district, and had no power to dispose of it, or any portion thereof, and that the deed given to the ward is void. They allege that the ground is worth \$20,000, and ask that it be restored to the school district. On the 14th of February last, the plaintiffs made a demand on the present trustees that they commence the suit now instituted, but they declined to do so.

The attorneys for the plaintiffs are Wm. H. Dickson, Theo. Burmaster and C. S. Varian, and they ask \$2500 for counsel fees, "and such other and further relief as to justice and equity belong, together with their costs of suit."

CHAMBER OF COMMERCE.

Plans for the Erection of a Mammoth Building.

At a meeting of the Chamber of Commerce last evening the following report of the committee on Chamber of Commerce building was read:

To the President and Board of Directors of the Chamber of Commerce:

GENTLEMEN—Your committee appointed January 12th, 1888, to perfect a plan of organization of the Chamber of Commerce Building Company, beg leave to report as follows:

Your committee respectfully recommend the formation of an incorporation for the purchase of an entire block of land centrally located, and to plat the same as per diagram herewith, locating the Chamber of Commerce building on the plat of ground 165 feet square in the center of the block.

The building will be surrounded by a street or court 107½ feet wide, which is connected by four avenues 84 feet wide, running in right angles to the present streets and intersecting same at the centers of the block on each of the four sides. The lots (present corners excepted) are 140 feet deep, and front on the present streets, and

also on the Chamber of Commerce Square; and all of the buildings fronting on the exterior of the block have access to the Chamber of Commerce Square which, in the judgment of your committee, is a more valuable frontage than that of the present streets.

The frontage of our present city blocks, making no allowance for streets or alleys to reach the interior of same is (680x4) 2640 feet.

The frontage of the block as per diagram herewith is 4608 feet, making an increased frontage of 1968 feet.

The diagram shows a plat all easy of access, front and rear, which, including the Chamber of Commerce, has twenty-four well lighted business corners, an excess of twenty corners more than at present, and all of the new corners are preferable to the present corners of the blocks.

Your committee are unanimously of the opinion that the cost of the block of land is a matter of but little import, for the reason that its increased value, if located within two blocks of Main Street, with the Chamber of Commerce located in the center, and the remainder of the block platted as per accompanying diagram, will approximate half a million of dollars. That on which ever block this building is erected and these plans executed, there will be the center of the city. The buildings on the exterior of the block can be erected more economically than on any other plan, and in four sections having exterior fronts of 288 feet on each of the present streets that surround the block selected and 296 feet on the Chamber of Commerce Square.

It will be observed that the four avenues leading to the Chamber of Commerce Square from our present street system, are each 84 feet wide, which is a greater width than that of the business streets of San Francisco.

They would also recommend that the buildings on the exterior of the block surrounding the Chamber of Commerce be built in four sections as per diagram herewith. The urgent need of a Federal Court House with necessary vaults for the security of county records, a fire proof building for a postoffice, commodious quarters for an assay office which must be shortly established, together with the other Federal offices situated in this city, the most of which could be secured by furnishing ample accommodations at a fair rental, would more than suffice to make one section of the proposed exterior buildings a paying investment. The second section could be used for hotel purposes, and the third and fourth for mercantile purposes throughout.

The advantage and economy of heating by steam, of sewerage and lighting such a system of buildings, are too manifest to require explanation. Respectfully,

G. F. CULMER, Chairman,
J. E. DOOLY,
L. E. HALL,
H. J. GRANT,
HENRY DINWOODEY.

The committee asked for and were granted till Monday evening to complete their labors.

In regard to the proposed government buildings in this city, Gov. West and R. N. Baskin were selected to cooperate with Hon. John T. Caine in presenting the matter to Congress.

THE D. A. & M. SOCIETY.

The New Building Soon to be Erected.

Just as we were going to press we learned that the Board of Directors of the Deseret Agricultural and Manufacturing Society met at the City Hall this afternoon and organized. President John R. Winder presided. Francis Armstrong was elected Vice President, Heber M. Wells Secretary, and Elias A. Smith Treasurer.

After transacting some other business, the Board and Officers visited the Tenth Ward Square in a body. After a brief inspection of the grounds they decidedly unanimously to begin work improving them forthwith, with a view of commencing the erection of the contemplated building at the earliest practicable date.

ALEX. BURT'S CASE.

The Jury Return a Verdict of Guilty.

The trial of Alexander Burt, of this city, on the charge of unlawful cohabitation, was commenced in the Third District Court yesterday afternoon.

The jury selected to determine the case were Albert Shaw, John Rydall, W. H. Caldwell, Ezra Thompson, Barney Riley, Wm. Crim, Benjamin Howells, S. E. Allen, A. S. Lineback, F. J. Babian, Robert Gorlinski and F. D. Cliff.

The first witness called was Mrs. Agnes Burt.

Mr. Rawlins objected to her being sworn; the statutes provided that the legal wife should not testify.

The court ordered that she be sworn, however, but further than saying she was the legal wife of the defendant, she declined to answer any questions. She subsequently testified that she was married to the defendant about twenty-eight years ago. She declined to say where she married him. The jury was excluded, and she then said she was married to defendant in Spanish Fork; she was about 17 and he 21; he had never been married before, that she knew of.

Q.—Did he never tell you he had been married before?

A.—I decline to answer; I am his legal wife, and that is enough.

Court.—You may answer that question.

A.—He had not been married before that I know of.

Q.—Did he marry more than one woman at that time?

A.—I decline to answer.

To Mr. Young she finally said that he did not marry any woman on the same day; she was his first wife.

With this Mrs. Burt was excused and Andrew D. Burt, a son of the defendant, was called and testified—Agnes Burt is my mother, the first wife of my father; I lived at home until I

was married; father has been on a mission to Europe for about three years; he went abroad about January, 1885; that is as near as I can remember; could not say whether it was in the early part of the year or the latter part of the year; I was married in June, 1886; he went away some months before that; I know Harriet Hilton; I do not know that she is any relation of my father's; do not know whether she was his plural wife or not; do not know much about her; Harriet Hilton and my mother never exchanged visits that I know of; I have been at her place within five years, I own a piece of property next door; she has three children; I do not know whether they are called Burt or not—it is rumored they are; it is rumored that they are relatives of mine, but I do not know whether they are or not; I do not think any of the family look upon Harriet Hilton as my father's second wife; some think she is not; she is not reputed in my father's family, so far as I know, to be his second wife; was nightwatchman when my father went away on a mission; before he went away he asked me to give her \$15 a month out of my wages; I did so, giving the money to my mother sometimes; sometimes her boy would call for it; these payments continued about two years; he has been home from his mission about a year.

The court then adjourned to 10 a. m. today.

Miss Agnes J. Burt was the first witness this morning, and testified—I am a daughter of the defendant and Agnes Burt; I guess she is his first wife; my father makes his home at mother's; during the past three years he has been away considerable of the time—has been to Europe; do not know how much of the three years he has been home; he was in Scotland about a year; I can't give the date of his return, it was about a year ago; I have four brothers and four sisters; have three half-brothers, Harriet Hilton's children; they are recognized as my father's children; I do not know when Harriet Hilton went away; she never went by the name of Burt; I do not know what the name is regarding her; I visited her a few years ago; do not remember having seen my father there; may have done so, but cannot say; I never saw Harriet at mother's house.

Miss Harriet E. Burt testified—I am the defendant's daughter; my mother's name is Agnes; there are nine children in the family; have no half brothers that I know of; know Harriet Hilton; was at her house once, about five years ago; saw her there, and three little boys; I don't know whether they are my half-brothers or not; never heard them called Burt; their mother was always called Harriet Hilton; I don't know when she went away; have not seen her for about five years; never bothered myself about who her husband was; my father has been home from Scotland some time; I do not live home now.

Mrs. Annie Thomas testified—I live in the Fourteenth Ward; am acquainted with Alex. Burt; know his wife Agnes; know some of the children; never saw Harriet Hilton; have heard that she was defendant's wife; have heard some of the family talk of another wife when I have been working with them at the laundry.

To Mr. Rawlins—I talked with one of Mr. Burt's daughters last Wednesday; it was said that he was arrested on the charge of having a second wife.

Mrs. Catharine M. Anderson testified—I live in the 6th ward, next door to the defendant; know some of the neighbors; I have seen Harriet Hilton, but not for seven or eight years; don't know the name as to her relations to Mr. Burt; I might have heard that such was the case; do not know whether Harriet Hilton had any children, but I think so; do not know whether she was married or not.

George Hilton testified—I am acquainted with Alex. Burt; Harriet Hilton is my sister; she has lived in the Sixth Ward, this city, in Mr. Burt's house, I think; do not know where she is now, nor when she left; I saw her there two years ago; do not know that she lived there up to that time; my brother William was there with me; Harriet was in bed; I heard she was dangerously ill; she had given birth to a child; it was then a few days old; I don't know how many other children she has—three or four; she has borne the name of Burt and is reputed to be the defendant's plural wife; her family look upon her as such.

This closed the evidence and the case was submitted without argument.

The court charged the jury that if they believed the defendant associated with two wives between Feb. 5, 1885, and Dec. 1, 1887, they should find him guilty; the fact that Harriet Hilton gave birth to a child was not sufficient to convict, unless it was shown to be the result of the cohabitation; the fact that she was reputed to be the defendant's plural wife and that he supported her, was not sufficient for conviction, unless it was shown that the defendant actually lived and cohabited with the second wife; it was necessary to prove that he associated with the plural wife a portion of the time named in the indictment, in order to find a verdict of guilty; if this was not shown the verdict should be not guilty.

The jury retired at 11:45, and the court waited half an hour for the verdict. As no agreement had been reached then, recess was taken to 1:30 p. m., when the jury returned a verdict of guilty. Sentence was set for Monday, March 20th.