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THE DESERET NEWS CO. SALT LAKE CITY, UTAH.

FROM MONDAY'S DAILY OCTOBER 3.

TO-DAY'S TRIALS.

Judge Zane Gets in Another Ruling on Cohabitation.

Contrary to the general expectation, based on the utter absence of any evidence against

SAMUEL ANDERSON.

tried and convicted in the Third District Court on Saturday of unlawfu cohabitation, Judge Zane to-day overruled the motion of the defense for a new trial The defendant was given till Oct. 12, at 2p.m. for sentence. The case of the United States vs. William Brown, unlawful cohabitation, was continued for the term.

An announcement was made that a

An announcement was made that a number of civil cases would be set to-morrow for hearing during the next week, and a full attendance of mem-bers of the bar was requested.

THOMAS HENDERSON

was arraigned on the charge of cohabiling with Mary Ann and Ellen C. Henderson as bis wives. He plended guilty and will appear on Tuesday, November 15th, at 2 p.m., for sentences

tence.
The bondsmen were released in all the cases ignored by the grand jury. These were as follows:

United States vs. Archie Frame; un-lawini cohabitation.

Inwini cohabitation.

The People vs. Chas. F. Jones; selling liquor on Sunday.

United States vs. P. D. Sprague; passing counterfeit coin.

The People vs. Wm. Ashby; assault with a deadly weapon.

The People vs. James Marshall; grand lacenty.

The People vs. James Marshall; grand larceuy.

The People vs. Ed. and Fred. Senior; assault with a deadly weapon.

The People vs. Geo. F. Adkins; obtaining money by false pretenses.

The People vs. Reedwell and Youngberg; grand larceuy.

The People vs. Mary Patrick; malicious destruction of property.

The following cases, set, for trial

The following cases, set for trial en October 6th and 10th, were post-

poned to these dates;

October 19-The People vs. Charles

Wilson: grand larceny. The People vs. A.H. Martin; murder in the first degree. The People vs. W. L. Robinson; assault with latent to murder. October 20—The People vs. Reese Jones; murder in the first degree. The People vs. Alian Hall; selling liquor without a license; appeal from justice's court. United States vs. Polly

Gaines; polygamy.

The first "Mormon" called for trial for an alleged violation of the third section of the Edmunds law, was

RODNRY C. BADGER.

RODNRY C. BADGER,

of this city, who is charged with having lived with two wives. A jury was impaneled in the case and sworp. The indictment named liarriet A. Badeer and Louisa Ashley Badger as tie defendant's wives, and the period within which he had lived with them, Jan. 1, 1886, to May 1, 1887.

T. E. Harper and W. Clays were peremptorily challenged by the defense from the jury.

Mrs. Louisa Ashby Badger was called as the first witness.

Mr. Rawlins asked that the witness be instructed that she was not required to answer any questions that would eriminate hersell, and the Court gave the instruction.

the instruction.

structed that she could answer as to abything that occurred before March 3, 1887. This was not done.

Mrs. L. Badger testified—My name is Louisa Badger; my maiden name is Noble; Rodney C. Badger is my husband; I was married in 1877, in Salt Lake City; I was known as Louise Ashby, because, that was my stepfather's name; I have six children by Mr. Badger, the youngest five months to old; Mr. Badger had a wite, Harriet A., living; she has six children, the youngest about three years old; Charriet A. lives in Salt Lake; I suppose her husband is living with her; Mr. Badger was arrested, I think, in IApril last; I don't know where he lived during the time named in the indictment; I was not in Salt Lake at any time during 1880, or before May I, 1887; I came to my present home in this city in May; Mr. Badger never disted me at my house in this city during the past two years; I live with my children; I suppose the defendant lived with his first wife, during the past two years, though I never saw him at her house; he has been at my home in Holden, Millard Connty, within the past year and a half; I was fliving there during 1886; I went there to keep my husband out of the penitentiary, so I would not be called as a witness; I went laway in April, 1885; stayed there till May, 1887, my youngestchild was born there; he still recognizes me as answife; Mr. Badger met me at the depot.

Mr. Rawlins objected to any further restimony on the ground that it was shown there had been no cohabitation in the judicial district during the time named in the indictment.

The Court held that the cohabitation mnst be shown within the dates named in the indictment.

The Court held that the cohabitation inst be shown within the dates

Mr. Rawlins further lasisted that tue Mr. Rawlins further insisted that tue prosecution could only be had in the district where the offense was committed. In this case it was shown that the cohabitation was wholly in the Second District, and the detendant could not be tried in the Third.

Mr. Clarke declared the astonishing doctrine that a man could commit the offense of unlawful cohabitation by having a plural wife, not in the district

one se of unlawful consolitation by having a plural wife, not in the district and by writing to her and sending her money, thus flaunting the relation in this district, though he might not associate within the jurisdiction of the court, at all. If he recognized in the community more than one wife he was guilty.

The court ruled that it was the semblance of living with two wives; it took cohabitation with both to make the offense. If one wife lived in each district, he could be prosecuted in without

either.

Witness continning—Mr. Badger provided for me while I lived at Holden; he was down there cu three or four occasions from January I. 1886, to May I, 1887; he wrote to me perhaps once a week, and also sent me moncy as I needed it; I have not the letters now; they were addressed to Mrs. Louisa Badger; I was not in this district at all during the period you have named; I called at Mrs. Harriet A. Badger's a few days ago, and saw Mr. Badger there.

The witness, who had answered

saw Mr. Badger there.

The witness, who had answered frankly up to this, and had been rigidally cross-examined by Mr. Clarke, here broke down, as the occasion of her visit there was at the death of a child. With this the defense stated that they would make no further contest, to relieve the witness from the great strain to which she had been subjected by the prosecution.

The case was submitted to the jury on the charge of the Court, who said

The case was submitted to the jury on the charge of the Court, who said that if the defendant associated with his two wives they should find him gnity; if the association was with one in each district, they should convict, although he only lived with the lawful wife in the district where the trial was had.

had.
The defense excepted to the Court's refusal to give the following instruc-tion to the jury:

"If the jury find from the evidence that, during the time named in the indictment, the defendant had a lawful wife, Harriet A. Badger, with whom he lived in this judicial district, and that the only according that the only association or cohabitation with the Louise Ashby named in the indictment took place out of this district, and in the Second Judicial District of this Territory, then the jury should acquit the defendant."

The jury returned a verdict of rullty, and sentence was set for Tuesday, October 19th, at 2 p. m.

The case will be appealed to the Supreme Court.

BYRON W. KING.

of Boantiful, Davis County, was arraigned on a charge of unlawful co habitation with two wives, and entered a plea of guilty. Sentence was set for Tuesday, October 18th, at 2

THOMAS C. GRIGGS,

of the Fifteenth Ward, came forward to answer an indictment charging him with unlawfully cohabiting with

atchersell, and the Court gave truction.

Clarke asked that she be in-

Mr. Peters remarked that it would make no difference, as she would not testify in the case.

A jury was impaneled and Mrs.
Lizzie Horne was the first witness called in the case. She testified—My maiden name is Price; Mary Ann Price is my sister; I believe she is married to Mr. Griggs; she is his second wife; his first wife is now living; my sister has been married about ten years; I do not know where she lives; I last saw her a week or two before Mr. Griggs was arrested; have not heard from her since; do not know where she lived; she moved away from there about four years ago; I do not know where she has lived sluce; saw her but a few times during that period; do not know that her resid-nce was in the Territory during the time; she has a son about five years old; I suppose people called her Mrs. Griggs, but never heard anyone do so; Mr. Griggs has been at my bouse, but never when my sister was there; I suppose he has lived with his first wife for the past four years; I do not know whether my sister is living now or not; I never heard of ber death; I think she has visited father's a few times; that is where I saw ner last; do not know how she came to go away; thought she was able to take care of herself; do not think there is anything strange in her disappearance; such things are common in these parts; do not know of any first wives going away like that; don't know why she went away; don't know whether Mr. Griggs knows where she is or not; she moved about four years ago, as near as I can teil.

The lady was subjected to severe questioning, and finally burst into tears, on the frequent repetition by Mr. Clarke of the same question which was as frequently answered.

Witness, continning—I really cannot tell the year she moved away; I know it was some somewhere near four years ago; I do not know whether Mr. Griggs lived with her up to that time or not; he was recognized as her husband; I do not recall anything particular he said about her; have not seen her for six or seven months; did not ask her where she is now; have not seen her for six or seven months; did not ask her where she was going to or where sh

visit me; she went away in the day-time; I did not ask her about her going, because it was none of my business; she came and went as she pleased, and I never asked any ques-

tions.

Mr. Clarke—You don't know and don't care whether she is dead or not.

Witness (testily)—No.

don't care whether she is dead or not. Witness (testily)—No.

To Mr. Clarks—I may have asked where she is; I think she is all right; I would look after a horse if I lost it; she took her child with her then; he was sent back less than a month ago: I was not there when he came; he is about five years old; you can twist your questions but you can't catch me; I am telling the truth; I suppose the child had been with his mother; he looked pretty well; his mother was not on my premises; lask no questions; I know the child, and he knows me; Mary Ann never mysteriously disappeared; she came and went, just as she always has done for several years past; she came on a visit and remained three or four days; I remember when my daughter lived in the Fitteenth Ward; she owns her house; she has not lived there for four or five years; I don't know who collects her rent—I suppose somebody does; I presume she is married to Thomas C. Griggs; I don't know what relations exist between them now; never investigated, as she had been married to him; I stopped visiting her because I did not know where she moved to; I did not know where she moved to; I did not know which excause of the circumstances which excause she moved to; I did not inquire be-cause of the circumstances which ex-ist in this Territory, she has means of making a livelihood herself; she clerk-ed in the store seven years ago; she has not been there the past five years.

has not been there the past five years. Court took recess till 2 p. m.
This afternoon Mr. Price was again called to the stand. Interrogated as to the whereabouts of his wife, he said: I do not know where she is right now; she left home before I did this morning; the child is at Mrs. Brown's; I saw defendant this morning; the child was not with him; I never told him the child had returned; it was at his house yesterday; I have not seen Mr. Griggs and my daughter Mary Ann to gether since Jan. 1, 1885.
Deputy, Sprague was called and tes-

gether since Jan. 1, 1885.

Deputy Sprague was called and testitued—When Mr. Griggs was arrested there was a young lady in the Fifteenth Ward store; I do not know who she was; could not say she was or was not Mary A. Price; Mr. Griggs was not in the store at the time.

This witness' testimony was stricken out as immaterial

Mr. Clarke stated the officers had not been able to find Mrs. George W.

Mr. Clarke stated the officers had not been able to find Mrs, George W. Price, and the prosecution rested.

Mr. Rawlins asked the Court to instruct the jury to acquit the defendant.

Mr. Clarke opposed this, claiming that over four years ago the defendant and his plural wife had lived in the same house; since that time she had been seen in the city on several, occasions, and was recognized as the defendant's wife, though they had never been seen in each other's company; she disa peared about the time of the defendant's arrest, and being his wife, the law authorized the inference that he caused her disappearance to suppress her evidence. From this the jury should infer that the defendant kept her away because her testimony would be damaging to him, and was therefore gnilty of the charge.

The Court stated that the defendant was charged with unlawful cohabitation between certain dates; the youngest child was five years old; while the evidence raised a suspicion that he advised the second wife to go away, that was not sufficient. There was no evidence showing that the detendant and his plural wife had been together during the past five years and the jurors were not authorized to convict on such evidence. If they should do so, the Court would set the verdict aside. The jury therefore were

INSTRUCTED TO ACQUIT

INSTRUCTED TO ACQUIT Mr. Griggs, which they did, and he was

Mr. Griegs, which they did, and he was discharged.
The case of the United States vs. James Lawson, ou the charge of living with two wives, was taken up for trial shortly after 3 p. m. to-day, and was in progress when the News went to press.

FROM TUESDAY'S DAILY, OCTOBER 4.

Police Court.

The only case finally disposed of in Justice Pyper's court to-day, up to 3 o'clock, was that of Thomas Williams who was fined \$\fo\$ for being drung.

At the hour named, the case of Geo. Getts, charged with stealing a span of horses, a wagon and a set of harness was in progress, the court sitting as a committing magistrate. The defendant entered a plea of not guilty.

A Hard Sentence.

Sbortly after 3 o'clock this afternoon, Frederick Peterson, of this city,
was called for sentence in the Third
District Court, on a conviction of unlawful conabitation.
Mr. Peterson is nearly blind and
very feeble, though but 54 years of age.
In reply to the Court he said he
was living with his lawful wife, but
would not make any promise as to his

would not make any promise as to his future conduct. He was sentenced to six months' imprisonment and to pay a fine of \$100 and costs.

Funeral of John Preece.

The funeral service over the remains of the late John Prece were held in the Fourth Ward meeting-house this morning. Remarks were made by Bishops Sperry and Thorne and a number of Elders who had known the deceased in his lifetime and could speak knowingly of his many good speak knowingly of his many good qualities. Brother Preece's life has been a lesson in economy, thrift and industry to all his associates. He died esteemed by all who knew him.

Granted Additional Time.

In the case of Miles L. Williams, of Brighton, convicted of unlawful co-habitation, this afternoon, Mr. Watrous asked that the defendant be given fifteen days longer before sentence, as he was a poor man and had sickness in family.

family.

Mr. Peters objected, as the defendant intended to promise to obey the
law and sentence might as well be
pronounced to-day as fifteen days

Judge Zane granted further time to Mr. Williams, who will be sentenced on Tuesday, October 11th.

"Salt Lake City Illustrated."

This is a very excellent work of its class, published by S. W. Darke & Co. Besides the information it contains, the Besides the information it contains, the illustrations, being highly artistic and very numerous, render the volume valuable. The lithographs represent landscape and street scenes, public buildings, private dwellings and business houses. The work is highly creditable to the publishers, who have shown commendable enterprise in its production. The book is accompanied by an excellent birds-eye view of Salt Lake City. It can be obtained for the It can be optained for the comparatively small sum of 40 cents.

A Novel Picture.

This morning the attention of a repessentative of the News was directed y Mr. John Schofield, Curator of the Museum, to a painting of a unique description. It is no law than a representation of the wall of the holy city, New Jernsalem. W. C. Morris is the artist, and the different stones entering into the construction of the wall.

were classified; from the . New Test? ment statements by John Sears, this being a guide to the artist in the manipulation of the colors. Only three of the twelve gates are introduced and the pavement leading to them is laid in gold leaf.

FROM WEDNESDAY'S DAILY, OCT. 5.

John C. Graham Arrested.

A telephonic message from Provo this morning announced the arrest there of John C. Graham, editor of the Inquirer on the charge of unlawful cohabitation.

Arraigned.

Clans Johnson, of Little Cotton-wood, was arraigned in the Third Dis-trict Court this afternoon, on an indictment charging him with unlawful conabitation. He pleaded not guilty.

Women in Prison:

Mrs. Hodson and h daughter—the latter alleged to be the plural wife of John Penman—were sent to the penitentiary last night in default of bail. They were under bonds as witnesses in the case pending against Mr. Penman, and their former bondsmen being desirous of release, new ones could not be found.

A Sad Case.

A SAU Case.

Horace H., oldest son of Edwin and Naomi Dowden, was taken with diphtheria on Saturday evening and died this morning. The fanceral will take place this afternoon at 6 o'clock, with no services. Following so closely upon the death of another child and the haste necessarily enjoined upon the mourners in this instance, with the absence of the customary tokens of affection, this is truly a sad bereavement.

A Fraternal Call.

A Fraternal Uall.

We received a fraternal call this morning from Mr. Lewis A. Leonard, puclisher, of C neimath, who is on his way to California. This is the gentleman's second visit to Salt Lake. He was here in 1803, in the capacity of correspondent of the New York World, on which occasion he was writing up, for that journal, communistic and kindred societies. He was accompanied to our office by Miss Florence Brown, also on her way to the Pacific Coast.

The "Orchestrone."

The "Orchestrone."

The Calder Music Palace has lately brought on and have for sale in large quantities a beautiful instrument named as above. It combines all the qualities of the odinary organ but is worked entirely with the pedals, perforated paper being revolved and acted upon by means of the wind thus produced. They have a number with keyboards, also, so a person can "make believe", he is playing, while all the time the pedals and paper are doing the work. It is worth seeing.

Excellent Fabrics.

Under the head of "All Home-Made," John C. Cutler & Brother, agents for the Provo Woolen Factory, present a new advertisement, enumerating the various classes of goods they have on sale. It is scarcely necessary here to say a good word for these fabrics. They are so excellent that they "speak for themselves." Their reputation is all-ready established, and the people know where to go when they want goods that look well. The suits made to order by the firm are a specialty.

Sent to Prison.

Tals afternoon Thomas Labrum, of Union, Sait Lake County, came into the Third District Court to receive sentence for living with two wives. The District Attorney stated that Mr. The District Attorney stated that Mr.
Labrum had given no frouble to the
prosecution, and recommended him
for the Court's mercy. In reply to the
Court, Mr. Labrum stated that his
plural wife was an invalid, and that he
was a poor man. He said he did not
wish to bind his future conduct by
making the promise asked by the
Court. He was sentenced to imprisonment for three months, and to
pay a fine of \$25 and costs.

Before Judge Zane.

Proceedings in the Third District

Proceedings in the Third District Court to-day:
C. Jensen vs. Alfred Case; two cases; set for trial on Monday, Oct. 10.
Mads C. Gjettrup and James Hutchinson were admitted to citizenship.
United States vs. B. H. Schettler; unlawful cohabitation; continued on application of the proceedings.

aniawth consoltation; continued on application of the prosecution.

The People vs. Wm. J. Foster; embezziement; on trial before jury.

United States vs. Thomas Labrum; unlawful cohabitation; sentenced to three months' imprisonment and a fine

of \$25 and costs.
The People vs. Alfred H. Martin;
murder in the first degree; set for trial