

TRIAL OF JOHN NICHOLSON.

THE DEFENDANT TESTIFIES, AND THE JURY RENDER A VERDICT OF GUILTY.

SENTENCE DEFERRED UNTIL OCT. 13.

In the Third District Court, this morning, the case of John Nicholson, indicted on a charge of unlawful cohabitation with his wives, was called for trial. Twelve of the regular jury panel were called, and ten of them excused because they believed it right for a man to have more than one wife at a time.

T. C. Armstrong and Wm. Skewes, the two retained, were sworn.

Ten more names were called, and the prosecution obtained one more to their liking, Adolph Anderson, who was sworn.

W. C. Lyne, the last of the regular panel, was passed and took the oath.

An open venire for twelve names was issued, and deputies started out to find suitable persons.

H. W. Lawrence, C. E. Wallin, F. Nelden, J. F. Bradley, Louis Hyams, Jos. Foreman, G. W. Richmond and J. H. Nounnan were returned and took their seats.

C. E. Wallin and J. H. Nounnan had an unqualified opinion, and were excused.

H. W. Lawrence said he had no particular bias against the accused, and he, with the remaining five were sworn.

D. W. Rench and Wm. McRae were called and accepted, completing the panel.

The indictment was then read, charging John Nicholson with having cohabited with Susannah S. Nicholson and Miranda Cutler, as his wives, contrary to statute.

Mr. Nicholson waived his right as a defendant, and was sworn as a witness for the prosecution, and testified as follows:

Varian—Mr. Nicholson, are you the gentleman named in this indictment you have heard read?

A.—Yes.

Q.—Are you acquainted with the ladies named therein, one as Susannah Keen Nicholson and Miranda Cutler, sometimes known as Miranda Cutler Nicholson?

A.—Yes.

Q.—What relation do you bear to Susannah Nicholson?

A.—She is my wife.

Q.—And what relation do you bear, if any, to Miranda Nicholson?

A.—She is my wife also.

Q.—During the periods mentioned, namely: between July 1st, 1883, and March 1st, 1885—state whether you have lived with both of these ladies as your wives.

A.—I have.

Q.—In the City of Salt Lake, County of Salt Lake and Territory of Utah.

A.—Yes.

Q.—And of course during that time you have acknowledged both of them to be your wives?

A.—I have.

Mr. Varian (to the Court)—That is all your honor.

Mr. Harkness (for the defense)—We have no questions to ask.

Mr. Varian.—We submit the case.

Mr. Harkness.—We submit the case.

The Court then instructed the jury that if they believed from the evidence that the defendant was guilty, they should so find; if not, they should acquit.

The jury then went through the formality of retiring, coming back in about five minutes with the usual verdict of guilty.

The judgment of the Court was deferred for ten days—to 10 a. m. Oct. 13th—when sentence will be passed.

THE MINER CASE.

MOTION TO QUASH THE INDICTMENT AND DEMURRER OVERRULED—A PLEA OF NOT GUILTY ENTERED.

The case of the United States vs. A. Miner, indicted for unlawful cohabitation with his wives, was called in the Third District Court this morning, at which time the defendant was to enter his plea.

Mr. Miner filed a motion to quash the indictment.

The [Nicholson] trial was then begun, and when the open venire was ordered in that case, Mr. Miner's motion was taken up for argument.

Mr. Miner argued that the indictment was insufficient in two essential particulars, viz: two charges of the same offense, and improper description of the accused. He held that the Territorial Legislature had not power to prescribe a form of indictment at variance with the common law form, and that the Territorial law in reference thereto was void.

The motion was submitted without argument on the part of the District Attorney.

The Court was of the opinion that all the questions raised had been settled in favor of the sufficiency of the indictment, and overruled the motion to quash.

Mr. Miner then interposed a demurrer to the indictment, which he proceeded to argue. He called attention to the fact that the name of one of the alleged wives had been scratched out and another written in its place, demanding an explanation of prosecution for so doing; claimed that a number of the forms prescribed by law did not appear and that others were irregular. Cited statutes in support of his position. Among other things he showed that the names of the parties to the action did not ap-

pear in the indictment as the law required. The Court had no authority to impanel a jury as it is entitled in the indictment—"grand jury of the United States;" it should be a grand jury of this district. The Court could exercise jurisdiction in United States cases, but was not a United States court and could not impanel a United States grand jury. The indictment did not state what the offense was, distinctly, nor the particular circumstances of the offense; it was not subscribed properly, there being no such officer known to law as a United States District Attorney; he was a Territorial officer.

No reply was made by the prosecution.

Judge Zane thought it a fair presumption that the erasure was made before the indictment was filed; reviewed the other points raised, briefly, holding that the grand jurors, when acting for the United States were United States grand jurors; and that the other objections were not well taken. If they were, it would unsettle everything in the Territory; there would be such a state of confusion as never existed before.

Defendant then entered a plea of not guilty.

ALFRED BEST'S TRIAL.

A VERDICT OF "GUILTY AS CHARGED."

This afternoon the burlesque of throwing out all "Mormons" and packing a jury from the street loafers was gone through in the Third District Court, and the following were sworn to try Alfred Best on the charge of unlawful cohabitation with his wives:

W. C. Lyne, Wm. Skewes, T. C. Armstrong, Adolph Anderson, Joseph Foreman, F. Nelden, G. M. Richmond, J. F. Bradley, D. W. Rench, Arthur Pratt, Wm. McRae, Jas. McTiernay.

The indictment, charging Alfred Best with unlawful cohabitation with his wives, was read.

Mr. Best, waiving his right as defendant, was sworn for the prosecution and testified that he was the person named in the indictment; that the ladies named therein were his wives, and that he had lived with them as such.

The Court then charged the jury, who gave a verdict of guilty.

Sentence will be passed on Monday next.

EMIL OLSON

IS SWORN AND TESTIFIES—THE JURY SAY "GUILTY."

After the conclusion of the Best case this afternoon, Emil Olson was called on the charge of unlawful cohabitation with his wives.

All the even-numbered jurymen were excused in the usual form, leaving W. C. Lyne, T. C. Armstrong, William Skewes and Adolph Anderson in the box.

An open venire brought in George Barr, C. E. Wallin, Charles Wilkes, W. L. Pickard, Arthur Pratt, W. McRae, G. W. Richmond and D. W. Rench, who were sworn.

After the reading of the indictment, Mr. Olson was sworn and took the stand. He testified that he was the defendant in the case; Matilda Olson and Anna M. Johnson were his wives, and he had lived with them as such during the period named in the indictment.

The Court then gave its charge to the jury, who left the room, and returned in five minutes with a verdict of guilty.

Sentence was deferred until October 13th.

FROM MONDAY'S DAILY. OCT. 5.

Case Continued.—The case of the United States vs. Samuel H. B. Smith, which was set for trial this afternoon, was, on motion of the prosecution, continued for the term.

Arraigned.—This morning Richard Oliver was arraigned before the Third District Court, on an indictment charging him with making an assault upon Miles Mix, a guard at the penitentiary, with intent to do bodily harm. The defendant entered a plea of not guilty.

Prospective Prosecutions.—Elder Geo. C. Parkinson, writing to us from Oxford, Bingham Co., Idaho, Oct. 2nd, 1885, says:

"Everything is quiet in this section of country. The session of the Third District Court commences on the second Monday in this month, at Blackfoot, when the cases of Saml. Humphrey, Jos. Phelps and Marvin Allred, of Bear Lake; Wm. F. Rigby and Alexander Leatham, of Rexburg; Nahum Porter and Wm. C. Garrison (apostate) of Preston; I. B. Nash, of Fraclan; two from Gentile Valley, (unknown to me) and myself, will all come up before Chief Justice Hays. We expect lively times in Boise this winter, plenty of good company."

Offering Terms.—We learn that today Mr. C. L. White, charged with unlawful cohabitation, and whose alleged second wife is now in the penitentiary for contempt in refusing to answer certain questions of the prosecution in that case before the grand jury, made an offer to Mr. Varian to plead guilty to the charge provided the contumacious witness could be released thereby. The attorney suggested that the defendant not only plead guilty but promise to

"reform," etc., after the plan of several others, but this he refused to do, saying his faith and relations were unchanged, and what he proposed was simply to effect the release of Miss Starkey from her present confinement. At a later hour it was whispered about that she had been telephoned for, and appearances are that she will soon be at liberty.

Fatal Accident.—The Ogden Herald of Saturday evening contains the following account of a shocking fatality which occurred on Saturday morning, near Ogden:

"This forenoon an accident which resulted in the death of Mrs. George Hadley of West Weber, occurred in that settlement. Mrs. Hadley, with her son and daughter-in-law and a little child, were coming to town on a wagon drawn by a pair of colts. Walter Hadley was driving and when opposite Mr. Greenwell's place the animals shied, it is supposed at a stack of pickets close by, and bolted. Walter was thrown out and the team ran into Greenwell's pasture, where they took a short turn upsetting the wagon. Mrs. Hadley was thrown out, the wheel passing over her head, killing her instantly. The younger woman was also thrown out and is hurt seriously."

Mrs. Hadley was sixty-seven years of age, and was well known and highly respected. The funeral service was to be held at West Weber this afternoon.

Chinese Depredators.—Our correspondent "C. H.," writing from Price, Emery Co., gives us an account of the recent arrest and trial before a justice's court at that place of a couple of Chinamen who had been caught stealing vegetables from a garden. It seems the Celestials in question took advantage of the absence of most of the residents from their homes while attending the Sabbath meeting to sneak into the garden of a citizen by the name of Marsh and go to digging up and appropriating turnips and other vegetables. Mrs. Marsh arrived upon the scene in time to catch the depredators at their work and on ordering them out of the garden was threatened with violence and probably only saved by the timely interference of two young men.

On being brought into court the culprits plead guilty, and for some reason known only to the justice, that functionary let them off with the ridiculously low fine of \$2.50 each.

Cases of theft from the Chinese railroad employes are becoming so common that nothing that can be stolen by them is now considered at all safe without it is secured by locks or bars. Not only are such tools as people usually leave outdoors about their premises carried off by the pilfering rascals, but pigs and chicken also.

Our correspondent relates that during the silent hours of the night recently he was awakened from his slumber by his pig squealing, and without stopping to dress himself he hastened out to his pig pen. Just as he arrived there two Chinamen who were in the act of trying to secure the porker sprang from the pig pen over the fence and made off across the prairie. Bent on capturing the marauders, he gave chase, but had not gone far when he stepped in a bed of prickly pears, and was glad to get back to the house and remove the thorns from his feet.

The people of Price, as may naturally be expected, feel indignant over the action of the D. & R. G. Railway in forcing the presence of the thieving Mongolians upon them, and our correspondent says if the company is really too poor to employ white men to replace them on the section they would prefer to donate the difference in the rates of wages to having their present infliction.

ISAAC GROO

PLEADS GUILTY TO THE COHABITATION CHARGE AND RECEIVES THE EXTREME PENALTY.

At the opening of the Third District Court this morning, the case of the United States vs. Isaac Groo, indicted on a charge of unlawful cohabitation with his wives, was called and the defendant arraigned. To the question by the clerk, "What is your plea to this indictment, guilty or not guilty?" the defendant responded, "guilty."

The Court then asked—Mr. Groo, have you anything to say before passing sentence?

Mr. Groo—I have nothing that I care to say.

Court—Then you are not willing to obey the law?

Mr. Groo—I have nothing that I care to say.

The Court, after remarking that there appeared no palliating circumstances in the case, proceeded to inflict the full penalty of the law, and sentenced Mr. Groo to six months' imprisonment in the penitentiary and to pay a fine of \$300 and costs, and ordered that he be committed until the fine be paid.

Mr. Groo went to the penitentiary this afternoon.

ALFRED BEST

RECEIVES A MILD LECTURE AND A FULL SENTENCE.

Mr. Alfred Best was called this morning in the Third District Court, to receive sentence for the offense of cohabiting with his wives, contrary to the provisions of the Edmunds law, as interpreted by the court.

When Mr. Best stood up, the Court said—You are aware that you have been tried and found guilty of this charge by the jury. The Court in this class of cases has discretion to impose a punishment of six months' imprisonment and \$300 fine, or either the fine or imprisonment. Do you wish to say anything?

Mr. Best—I have nothing to say.

Court—You make no expression that you are willing to obey the law in the future?

Mr. Best—I have nothing to say.

Court—Are you aware of your duty to the country to which you owe allegiance, for the protection which it affords you, and that there is a law against polygamy and unlawful cohabitation?

Mr. Best—Yes, sir.

Court—And will not promise to obey the law?

Mr. Best—I have no promises to make.

The Court then said that, as the defendant would not promise to obey the law, he would receive the severest penalty, and sentenced him to imprisonment in the penitentiary for six months and to pay a \$300 fine and the costs of the action; the defendant to be committed until the fine is paid.

Mr. Best was taken out to the penitentiary this afternoon to serve out his sentence.

DAVID E. DAVIS

S TRIED, FOUND GUILTY AND SENTENCED.

The case of the United States vs. David E. Davis, indicted under the provisions of the Edmunds law, was called in the Third District Court this morning.

A plea of not guilty having been entered, the usual process of obtaining a jury was adopted, those selected from the regular panel being Adolph Anderson, T. C. Armstrong, Wm. Sewes, W. C. Lyne, L. A. Scoville and Daniel N. Swan.

The Court ordered an open venire, from which the following were secured to complete the required number of jurymen: W. D. Barbee, J. S. Scott, Charles Wilkes, Jos. Foreman, Wm. McRae and S. C. Pancake.

The indictment was read to the jury, charging David E. Davis with unlawful cohabitation with Annie W. Davis, Mary E. Simpson Davis and Sarah Jane Simpson Davis, as his wives.

Mary E. Simpson was the first witness. She testified that she knew Annie W. Davis and the defendant, her husband; witness was married to defendant when Annie was his wife; knew Sarah Jane Simpson, who was her sister and defendant's wife; the two sisters lived in Tooele, in the same house; during the last two years defendant had lived with and acknowledged them as his wives.

The case was then submitted and the Court charged the jury, who rendered a verdict of guilty without leaving their seats.

The time of sentence was fixed for 3 o'clock this afternoon.

At that hour Mr. Davis was asked by the Court if he had anything to say.

Mr. Davis answered—Nothing.

Court—Have you no assurances to make that you will obey the law in the future?

Mr. Davis—I have no promises to make.

The Court then pronounced a sentence of six months' imprisonment and \$300 fine and costs, the defendant to be imprisoned until the fine and costs were paid, after which Mr. Davis was placed in the penitentiary.

CHARLES SEAL'S TRIAL.

THE POLYGAMY COUNT DISMISSED, AND A VERDICT OF GUILTY OF COHABITATION.

The trial of Charles Seal, indicted for polygamy and unlawful cohabitation, was taken up at the close of the Davis case this morning.

Assistant District Attorney Varian stated to the Court that since the indictment had been found, the prosecution had discovered that the supposed first wife was in reality not the first, and that it would not be possible to proceed on and sustain the polygamy count.

A *nolle prosequi* was therefore entered and the trial proceeded on the charge of unlawful cohabitation.

The purging process left as jurors of the regular panel, W. C. Lyne, L. A. Scoville, Wm. Skewes, T. C. Armstrong, Daniel N. Swan, and Adolph Anderson.

An open venire supplied the remainder, viz: Geo. Davis, Jas. P. Keat, W. M. Cole, J. W. Irons, Chas. Wilkes and Jos. Foreman.

The indictment was then read, charging the defendant with unlawful cohabitation with Eliza May Seal and Maria Buckridge as his wives.

Mr. Seal waived his rights and was sworn as a witness. He testified that he was the defendant; that the ladies named in the indictment were his wives, and that he had acknowledged and lived with them as such during the time named in the indictment.

The Court then charged the jury, who rendered a verdict of guilty without leaving the box.

Three o'clock this afternoon was the time set for the defendant to appear and receive sentence, and the Court adjourned until 2 p. m.

At quarter past three o'clock this afternoon, in answer to the Court's question, "Have you anything to say?" Mr. Seal said, "Nothing."

Court—Have you any assurances to give?

Mr. Seal—No, sir.

The Court then gave the usual sentence, six months' imprisonment, and a fine of \$300 and costs, with committal until paid.

The defendant went to the penitentiary shortly after receiving sentence.

A. W. COOLEY

PLEADS GUILTY AND IS SENT TO THE PENITENTIARY.

At 2 o'clock this afternoon, in the Third District Court, Andrew W. Cooley was called to plead to the indictment, and answered "Guilty."

Court—Have you anything to say?

Mr. Cooley—Not a thing.

Court—You have no assurances to make that you will keep the law?

Mr. Cooley—Nothing.

Court—Well, then, you will be sentenced to six months' imprisonment and to pay a fine of \$300, and be committed until the fine is paid.

Mr. Cooley then retired from the room, followed by his family, and he was taken to the penitentiary this afternoon.

TO THE CITIZENS OF UTAH.

The undersigned commissioner for Utah to the North, South and Central American Exposition, to open at New Orleans on the 10th day of November next, being desirous of exhibiting samples of:

- I.—Agriculture.
- II.—Horticulture.
- III.—Raw and manufactured products, ores, minerals and woods.
- IV.—Furniture and accessories.
- V.—Textile fabrics, clothing and accessories.
- VI.—The industrial arts.
- VII.—Alimentary products.
- VIII.—Education and Instruction.
- IX.—Works of Art.

And being desirous of displaying an exhibit not to be excelled by any Territory in the Union, I invite the citizens of Utah to forward samples of the above products, at as early a day as possible, by express or otherwise, to the undersigned not later than the 20th inst, and advise me of the shipment.

P. E. CONNOR,
Commissioner for Utah.
Salt Lake City, — day of October, 1885. d s&w 2we

A Captain's Fortunate Discovery.

Capt. Coleman, schr. *Weymouth*, plying between Atlantic City and N. Y., had been troubled with a cough so that he was unable to sleep, and was induced to try Dr. King's New Discovery for Consumption. It not only gave him instant relief, but allayed the extreme soreness in his breast. His children were similarly affected and a single dose had the same happy effect. Dr. King's New Discovery is now the standard remedy in the Coleman household and on board the schooner.

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FIRST PREMIUMS

On Wagons and Carriages.

From Mr. J. B. Glass, who has just returned from California, having visited the State Fair at Sacramento, the County Fair at Stockton, and Mechanics' Fair at San Francisco, we learn the Studebaker Wagon and Carriage not only received the highest premium offered by the Mechanics' Institute, but was, in addition, awarded a silver medal for the most attractive display. The State Fair also awarded the highest premium. When we consider the thousands of people who visit these fairs daily, for the sole purpose of examining the manufacturers' products, and of the care and caution that must be exercised by the able and experienced committee men in deciding on competitive manufactures, it clearly shows that nothing but a par excellence article can take the first premium; why not then secure the Studebaker manufactures? The best is always the cheapest. By calling in their Salt Lake Depository you will find a large and select stock of fresh work, up to date in styles, with no superior in workmanship and material. Carriages, wagons, carts, buggies, sleighs and sleds. ds&wle

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