

FROM WEDNESDAY'S DAILY, FEB 15, 1888.

THE MORRIS CASE.

Vigorous Questioning as to the Jurors' Religious Belief.

The case of the United States vs. George Morris, for unlawful cohabitation, was called in the Third District Court today. The defendant, an aged gentleman, had pleaded not guilty. His counsel stated that he was so deaf that they were unable to confer with him, and the Court instructed them to communicate with him in writing.

The following jurors were called: John Beers, Alfred H. Cain, Nephi Bowthorp, John Rydahl, James Greene, A. S. Lineback, W. F. James and H. J. Rivers. They were passed without question by the defense.

Mr. C. W. Zane asked Mr. Cain whether he believed plural marriage right when there was no law against it, the reply being in the affirmative, with the qualification that he did not believe it right when there was a law against it.

Mr. Rawlins objected to the question, as it was improper to suggest a condition of things that did not exist. In reply to Mr. Rawlins, Mr. Cain said he conscientiously believed plural marriage wrong.

Mr. Caine was challenged by the prosecution. Court—Does the law govern your conscience?

Mr. Caine—No, sir. Court—Do you think the law is right or wrong? Do you think plural marriage is morally right?

Mr. Caine—I think so, if it is practiced according to divine revelation.

Court—Do you think it is possible for polygamists to rear good children?

Mr. Caine—Yes, sir. Of course not many men can.

Court—You recognize the standard of right or wrong to be divine revelation?

Mr. Caine—Yes, sir. Court—Do you think the law can govern revelation?

Mr. Caine—No, sir; but when the human law is against it, men should obey the law. I understand there is a revelation commanding obedience to the law, and when the law exists, it should be observed; when it does not, the revelation is in force.

Mr. Rawlins—You believe it is only morally right where there is no law against it?

Mr. Caine—Yes, sir. Mr. Rawlins—Would you find a verdict of guilty if the evidence warranted it?

Mr. Caine—Yes, sir. Court—I understand he believes plural marriage to be right because God has commanded it. It is impossible, in my mind, to say that a juror who believes in God as a ruler of all, will not be influenced by that belief.

Mr. Rawlins—I understand the juror says there is a revelation on polygamy and another requiring obedience to the law. He construes them to mean obedience to the law when one exists.

Court—When a man gets mixed up in those special revelations, I have no faith that he will not be biased. You are excused.

Nephi Bowthorp did not believe plural marriage was morally wrong. John Beers had been in a similar frame of mind, but had recently come to a different conclusion, and now thought it morally wrong. I have taken that oath and will keep it. From what I have seen of polygamy I think no good can come out of it.

Court—If there was no human law against it, do you believe it morally wrong?

Mr. Beers—I think I do. Mr. Zane—You are a member of the Mormon Church?

Mr. Beers—Yes, sir; I do not know polygamy is right, as some say they do.

Mr. Zane—Do you believe in the doctrines of the Mormon Church?

Mr. Rawlins—I object to his belief. Overruled.

Mr. Beers—Yes, sir. Mr. Zane—Do you believe a revelation was received from God sanctioning polygamy?

Mr. Beers—I used to. Mr. Zane—Don't you now?

Mr. Beers—I may say I do. Mr. Zane—Don't you think it right to practice it when there is no law against it?

Mr. Beers—If it is practiced right. From what I have seen none of them do it. It would be right if a man did right.

Mr. Beers and Mr. Bowthorp were challenged and excused. James Greene believed in part of the doctrines of the Mormon Church, but not in polygamy; I do not believe it exists in pursuance to a revelation from God.

Mr. Zane—Do you believe God gave such a revelation?

Mr. Greene—I don't know anything about it.

Court—Do you believe such a revelation was received from the Almighty.

Mr. Greene—I have no belief about it.

Mr. Zane—Did you never preach it?

Mr. Greene—No, sir; I am a lay member, and have taken a back seat. I do not believe in polygamy.

John Rydahl said he had not bothered his head about the doctrines of the Mormon Church.

Mr. Zane—Do you believe in them?

Mr. Rydahl—Some of them. Mr. Zane—All of them?

Mr. Rydahl—No, sir. Mr. Zane—Do you believe in plural marriage?

Mr. Rydahl—No, sir.

M. Zane—Do you believe God ever gave a revelation to the head of the Church sanctioning it? Mr. Rydahl—No, sir. Mr. Zane—Do you believe Joseph Smith received such a revelation? Mr. Rydahl—No, sir. Mr. Zane—If there was no law against it, would you believe it wrong? Mr. Rydahl—The law makes no difference to me. He was passed. Seven other jurors were called to the box.

S. M. Barlow, like all of the even numbers, was put through a special catechism as to his belief in revelation. His answers being satisfactory, he was accepted. Mr. Greene and Mr. Rydahl were peremptorily excused by the prosecution, and two others were called and accepted.

Mrs. Hannah Matthews Morris and Miss Hattie Morris are the witnesses in the case.

After the jury had been secured, a recess was taken till this afternoon.

FROM THURSDAY'S DAILY, FEB. 16, 1888.

Morris Acquitted.

The trial of George Morris, on the charge of unlawful cohabitation, which was held in the Third District Court yesterday afternoon, resulted in a verdict of not guilty, and the defendant was discharged.

Returned from the East.

Mr. George T. Odell, of the Co-op. Wagon and Machine Company, of this city, returned this morning from an extended and very successful business trip in the east in the interest of the company which he represents.

Bredemeyer Rampant.

Dr. Wm. Bredemeyer, who has achieved considerable unenviable notoriety of late, is again in trouble. Last night he assaulted his wife in a violent manner, and the lady, with her infant child, had to seek refuge in the house of J. M. McVicker. The police had to be called in.

Let Off With a Fine.

Today John Weinel, of Kaysville, came into the Third District Court, on a charge of unlawful cohabitation, and pleaded guilty. He is in his 75th year, and his health is far from good. Mr. Peters stated to the Court that Mr. Weinel married his first wife in 1842, and the second in 1851, neither of them having any children. He therefore asked the leniency of the Court. Messrs. LeGrand Young and J. H. Moylet voted in the request. In view of the advanced age and delicate health of the defendant the Court did not impose any imprisonment, placing the fine at \$200 and costs, which were paid.

Mrs. Craft Dead.

A telegram from Philadelphia yesterday announced the death in that city of Mrs. C. H. Craft, daughter of Samuel Fenton, Sen. The lady was the sister of Mrs. Lizzie F. Young and S. F. Fenton, Esq., of this city, and was about 35 years of age. The immediate cause of death was a surgical operation which had been performed upon her. She had been a sufferer for several years, and the physicians attending her took this method as the only one which afforded any hope for her. She has been to this city several times, visiting her relatives, by whom her loss is severely felt. A large circle of friends condole with them in their bereavement. Mrs. Young will leave tonight for Philadelphia, to be present at the funeral.

Third District Court.

Proceedings before Judge Zane today:

The petit jurors summoned on special venire were called, five of the number having conscientious scruples against taking the oath. These were George E. Howe, Henry T. McEwan, Frank S. Tingey, Alfred E. Solomon and Henry H. Harris. George Denton and E. F. Morris were excused for other reasons, and the remaining twelve were sworn.

United States vs John Weinel; unlawful cohabitation; defendant arraigned and pleaded guilty; on the recommendation to mercy by the district attorney, the court imposed a fine of \$200 and costs.

The People, etc., vs. Mary Coghlin; larceny; dismissed.

Charles E. Koeng was admitted to citizenship.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of Ann K. Wallin, deceased; order made allowing final account, and distributing estate to the heirs; proof of publication of notice of time and place of hearing, and posting the same made.

Estate of John P. Davis deceased; proof of publication and posting of notice of time and place of hearing made; order made admitting the will of said deceased to probate, and appointing Daniel Lunn administrator upon filing a bond in the sum of \$1,000; order made of publication of notice to creditors.

Estate of Alexander Brim, deceased; order made appointing Alfred A. Brim administrator of said estate, upon filing a bond in the sum of \$1,000, and appointing C. B. Gourlay, Walter Bonham and S. E. Allen appraisers.

Estate of Bettie C. Beattie, deceased; order made appointing time and place to hear petition of James K. Gillespie for appointment as administrator of said estate made.

Estate of John Hazelden, deceased; order made admitting will of said deceased to probate, and appointing Robert Shelton executor thereof upon filing a bond in the sum of \$500.

In the matter of the estate of William Jennings, deceased; order made for executors to make conveyances of real estate to Norah Carroll; proof of posting notice of time and place of hearing made.

LAND JUMPERS EJECTED.

The City Council Instructs the Mayor to Bundle them Off the Corporation Lands.

HE DOES IT IN GOOD SHAPE.

LIVELY INCIDENTS ON ARSENAL HILL AND SUBURB SCENES ON THE TENTH WARD SQUARE.

This morning Arsenal Hill, which overlooks the city from the north, was the scene of some interesting incidents. The weather was beautiful beyond description, and the picture from the rising ground was equally lovely, the view commended by it embracing the entire valley, including the Great Salt Lake stretching away to the westward. No wonder that the desirable site had attracted the eyes of covetous and unscrupulous land jumpers, the evidences of whose dishonesty were everywhere to be seen, enclosing and dotting the entire hill. They were in the shape of cedar fence posts strung with barbed wire and in places with boards stretching along the upper portions; tents, shanties, digging implements, and in one place a wagon minus the team.

Groups of men at a number of points were visible, actively engaged digging post holes. In one place the land grabber or grabbers (the Linck combination) had enclosed two separate tracts of land, leaving a street between. It appeared, however, that the jumper had repeated of this act of magnanimity in leaving to its owners the street strip, which ran from west to east, and men were engaged in fencing it at each end.

A JUMPERS' GUARD.

The writer observed a fellow pacing in close proximity to a tent at the northwest corner of the most southern part of the land enclosed. He was approached. He was not formidable, being a flaxen-haired young fellow whose mouth measured longer perpendicularly than it did across.

"You are cold?" "You bet!" "Been here all night?" "Yes." "Don't have much bedding?" "Only a buillo robe. Gimme a match. Good pay. Two dollars-a-day and two dollars-a-night; putty fair, ain't it?"

FORCIBLE EJECTION.

Shortly after this intelligent colloquy occurred a procession, consisting of a number of carriages and footmen, was seen ascending the hill from the city. Its front end halted near the corner where the light-haired youth with the open mouth was located. Mayor Armstrong was at the head of the column, which included Marshal Solomon, Sheriff Burt, a number of regular police and a force of specials. Among the men who were employed by the jumpers was a Mr. R. McDonald, who, with his companions, including the before described youth, were addressed by the Mayor. His honor's voice had no uncertain sound. There was a determined meaning in its ring that plainly said no argument was wanted from the other side. He said in substance:

I notify you and all parties concerned, that these premises belong to the corporation of Salt Lake City. I command you to vacate forthwith or you shall be immediately ejected by force.

Mr. McDonald said he would obey a process of court, meaning that he was not willing to obey the mandate of the mayor.

Mr. Armstrong began to descend from his carriage, at the same time saying to the officers, "throw them off."

The throwing off process was executed instantly, the interlopers flinging themselves on neutral ground before they had time to consider what was going on.

"Down with those tents and throw them over the fence," shouted the Mayor, in stentorian tones.

There was a quick clustering about the two frail structures, which suddenly collapsed and canvas, poles, digging implements, etc., went flying through the air, alighting outside the enclosure. A guard was posted on the spot with unqualified instructions to "hold the fort."

This seemed to be healthy business, as it was breaking the monopoly which had filled the air for a few days past. The procession marched onward and upward; that is, northward to the higher ground seized by the jumpers.

ANOTHER OF THE SAME.

Immediately beyond the tract claimed by the missing Linck, a party of people were found squatted upon a piece of land paralleling it from east to west. Head and front of this grab

game appeared to be a fellow with a black beard, and wearing a heavy overcoat. His name was understood to be George Adkins. Before the writer reached the spot he observed that individual and a companion going through a couple of strands of barb wire between posts, similar to the manner in which a circus man goes through a hoop. The performance was sudden, the actors receiving vigorous assistance from a couple of stalwart officers. These parties seemed to have a dejected air after the acrobatic feat and appeared to be strongly disinclined to return to the premises they had so unceremoniously vacated.

The Mayor ordered that a shanty be destroyed and pitched beyond the premises. The Marshal picked up a long plank, used it as a battering ram and demolished the frail building with the aid of another officer. Shortly, bales of hay, boards and implements were going over the fence at a lively rate. A tent soon shared the same fate. The Mayor told his aids to spare another tent long enough to enable a woman, who occupied it, to remove her goods and chattels. This was done, and as soon as she vacated away went that temporary structure also. A wagon that was there without team was seized by the officers and run on to the street.

THEY WANTED A HAND IN IT.

Further to the west were found a couple of young men who had erected a shanty, and gone in on the grab game. When ordered off one of them showed a little reluctance, but a few muscular pushes from the officers made him alter his mind and the two wended their way toward the city. They were met by the writer. The one who had received the muscular official hints looked pale around the mouth, as if he had been suddenly confronted by a ghastly apparition. The other, who is a tall young man with prominent features after the Jewish cast, said his name was Butler, and they thought that as it appeared to be a grab of considerable proportions, they might as well have a hand in it, and have their dish right side up when it rained porridge.

A SOLITARY SLEEPER.

A young fellow with flaxen hair was interviewed by the officers. His manner of taking possession of a tract was without ornamentation. He had dumped his blankets among the sagebrush and there slumbered away the still hours of the night. When approached he was rolling his bedding preparatory to loading them upon his back and carting them away in that fashion. He was a henchman of a firm whose title was designated upon a piece of board found sticking in the ground on which was written "William Glasmann and 20 others; N. E. corner, 1,100 feet to Linck." Thus another link in the chain of jumpers was broken, as the solitary blanket-squatter-on-other-people's-property disappeared over the brow of the hill.

SALVATION ARMY ANDERSON,

who had deserted the ranks of the faithful and joined in the general jump. So far as could be learned he could not be found and is probably congratulating himself that he missed a treat which can be much better enjoyed as a spectator than a participant.

AN ORGANIZED GUARD.

In the parlance of the real estate agent, "returning to the place of beginning," where the first process of ejection was performed, the Mayor and Marshal left a large force of special police. These were placed in charge of officers Andrew Smith and William Salmon, by whom they were organized and stationed at the best strategic points, with definite instructions to hold the property of the city against all comers. They are a healthy lot of fellows with a no-back-down expression about their appearance that is a powerful notice to interlopers to keep a respectful distance.

ACTION OF THE CITY COUNCIL.

The proceedings by the Mayor and his posse were in conformity with the orders given by the City Council. A special session of the municipal fathers was held last evening to consider the situation. The legal status was carefully reviewed, and the line of action to be followed determined upon. The members of the Council were emphatic in their expressions regarding the attempted land steal, and propose to fully maintain the rights of the citizens. After discussion the following resolution was unanimously adopted:

"Resolved, That the Mayor be authorized to eject from the public or other lands of the city any and all persons trespassing or intruding, fencing or in any manner attempting to take possession of the same; to protect said lands by proper and sufficient guards, and to call to his assistance the City Marshal and police force, and such other aids as he may deem necessary for such purpose."

WINN'S UNADULTERATED ASSURANCE.

Perhaps the grossest piece of impudence in the whole business was on the part of Alma H. Winn, who made an effort to take possession of one of the places reserved for a public park—the Tenth Ward Square. His attorney, O. W. Powers, filed the following with County Clerk Cutler yesterday afternoon:

TERRITORY OF UTAH, }
County of Salt Lake. } 88.

To the Honorable, the Judge of the Court in and for said county, and all persons claiming an interest in and to the lands hereinafter described:

The undersigned respectfully shows that he is in possession and is the occupant of block 25, plat B, Salt Lake City survey, lying in the City of Salt Lake, and Territory of Utah, and that he claims to be the rightful owner of possession of said land.

The undersigned shows that he has an estate in fee simple to said land above described, and that he is entitled to a deed of said premises from the Mayor of said Salt Lake City, as he verily believes. He shows that he is a citizen of the United States and Territory of Utah, over 21 years of age, that he is a resident of said Salt Lake City, and a qualified voter of said City, and that the premises above described were patented by the United States to the proper corporate authorities of said Salt Lake City in full for the several use and benefit of the occupants thereof. Therefore he prays that the proper proceedings be taken to perfect his title therein, and that this court certify to the Mayor of Salt Lake City, that the undersigned is entitled to a deed in fee simple, said premises. ALMA H. WINN.

Upon reading this Mr. Cutler marked, "Is Winn turned land also?" The jumper yesterday afternoon to the square yesterday afternoon and started them to plowing.

This morning after Arsenal Hill received their attention, about two of the Mayor's force of sixty wended their way to the Tenth Ward Square. Winn was not on the ground in the immediate vicinity, as could be ascertained. On the way was a notice which read, "Land for sale. Inquire in." On the approach of the two occupants of the place they made a hasty retreat. The officers took plow, dropped it into the street, tore down the notice. Six of them were left as guards, and the remainder returned to the City Hall.

MORE CHECK!

About an hour later, while Mr. Armstrong was in his office, Mr. Armstrong and a Mr. Stevenson entered, first named of the new arrivals, very pale and approached the Mayor at the same time presenting an envelope. The Mayor carefully scanned the diminutive individual from head to foot, and an ironical smile overcame his features. He took the proffered note, which read as follows:

SALT LAKE CITY, Utah, February 16, 1888.

To the Mayor of Salt Lake City:

Sir—The undersigned claims Block 25, Plat B, Salt Lake City survey, and hereby respectfully demands a payment of the amount chargeable to said premises, under the provisions of an act entitled "An act prescribing and regulations for the execution of the trust arising under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved February 18, 1888.

And the undersigned is now ready to pay the amount so chargeable, and hereby demands a deed of said premises. ALMA H. WINN.

A negative reply was given to the demand in the Mayor's usual emphatic style, and Mr. Winn seconded his motion he had made by handing in this:

SALT LAKE CITY, Feb. 16, 1888.

To the Mayor of Salt Lake City:

Sir—The undersigned respectfully shows that he is the occupant of Block 25, Plat B, Salt Lake City survey, and he claims a deed in fee simple, and hereby demands the same.

He also tenders herewith two hundred and fifty dollars to cover amount chargeable to the said premises to be conveyed by said deed. Very respectfully yours, ALMA H. WINN.

Mayor Armstrong read it, and remarked, as Mr. Winn offered that he had better keep the money, "Do you refuse the money," inquired Mr. Winn, in a mild tone. "I do, indeed," said the Mayor promptly, and the visitors retired.

WASHINGTON SQUARE.

While the Mayor was out attending to the Arsenal Hill, a telephone message came from Washington Square stating that there were some individuals who proposed to come plowing the ground immediately. A demand came for the Mayor to put a stop to the jumpers' procession in this quarter.

It was freely stated that the Park, Union Square and Plaza Square were also to be gobbled up to this afternoon no attempt had been made.

PURSuing THE OFFICERS.

The trial of Marshal Solomon and eight of his men, who were arrested Monday evening for checking at landgrabbers, was set for this morning before Commissioner Norrell. Owing to the officers being engaged in other matters, the trial was postponed tomorrow.

R. McDonald, one of the individuals who had to be removed from the property on the hill, went to Combe.