

OUR OGDEN LETTER.

PROCEEDINGS IN THE FIRST DISTRICT COURT.

OGDEN CITY, Utah,
July 27th, 1886.

Editor Deseret News:

This morning the First District Courtroom was again densely packed with persons who gathered there expecting to hear the sentence pronounced upon young A. C. Greenwell, convicted of perjury. The usual "hear ye" was drawn out by the bailiff and the court was duly opened,

CHIEF JUSTICE ZANE

occupying the judgment seat. When the defendant was called Mr. James N. Kimball, of counsel for the defense, arose and made a motion for arrest of judgment and for a new trial. Some of the grounds for his motion were that the indictment does not set forth sufficient facts to constitute the charge of the crime of perjury; that the statutes require that 12 or more must be present to authorize them to hold a legal or regular session of that body—this the report did not show; that the accused was not tried before a competent court, as Judge Powers had no authority to appoint Chief Justice Zane to hold a session in the First District, etc. Counsel read extensively from statutes and authorities both foreign and United States, among which were the Poland bill and the session laws of Utah of 1884.

Mr. Dickson replied that the jury was competent, duly authorized and were in proper session at the time that defendant was called and appeared before them; that an oath was duly administered to him; and that he did take and subscribe the same, and in his statements then and there did commit the crime of perjury. He argued that their investigations and proceedings in the case were all regular and valid. In relation to the competency of Chief Justice Zane to hold a session of court in this district, he said there was not the least doubt, and quoted statutes in support of his statement. Counsel also read copiously from many legal authorities to sustain his several positions in opposition to the motion. Mr. Dickson further said that while there was nothing in the law, in the strictest sense, to prevent Judge Powers from holding court, and trying the case, yet it would have been held as a most unseemly proceeding in him.

He, therefore, was both legally and morally and

EVERY WAY JUSTIFIED

in calling one of the other Justices to sit in this district and try the case. He considered the grounds for the motion as set forth by the defense insufficient.

After a brief rejoinder by Mr. Kimball, the Court, in a brief speech, sustained the position taken by the prosecuting attorney and overruled the motion of the defense for a new trial.

Recess was then taken until 2 o'clock p.m.

Judge Powers then took the bench, the grand jury were present, answered to their names, and handed a report of their labors, which was then presented and read by the Judge. During their sittings for the term they had found 26 indictments against persons who had violated the laws of the United States—notably the Edmunds law; they also found 16 indictments against persons for violation of Territorial statutes. One passage seems to have been inspired by the remarks of the prosecuting attorney.

Following is a full

REPORT OF THE GRAND JURY:

The Honorable District Court of the First Judicial District of the Territory of Utah:

The grand jury empanelled for the May term of this court respectfully beg leave to make the following report: The grand jury was empanelled the 2nd day of May, 1886, and immediately entered upon its duty as such.

After its organization it appointed a committee to investigate and report, to-wit: On the various matters of public concern of which it ought to take cognizance in accordance with the charge of the court to the grand jury upon its organization. The conditions under which the grand jury have labored have been such that it has been unable to examine all the matters within the district of which the grand jury ought to take cognizance respecting the manner in which the various city and county officers are or have been performing the duties of their several offices.

The grand jury in its labors has been compelled by press of business to almost exclusively confine its attention to the consideration of public offenses against the laws of the United States and the laws of this Territory.

It has, however, taken occasion to investigate the police and sanitary condition of Ogden City and we find that the same is all that could be desired. Particular credit is due to the Fire Department for its efficiency considering the appliances which it has at hand for the work to be done.

The grand jury desires to recall the attention of the public and of the city authorities of Ogden to the subject of the continual danger the traveling public is subjected to at the Ogden railroad depot. And, in their behalf we earnestly recommend to the city authorities the consideration of the question of whether the charter does afford some remedy for the abate-

ment of the dangerous nuisance to which, on a former occasion, we have called the attention of the court and public.

In the matter of examination of charges concerning persons charged with public offenses, the grand jury reports that it has found twenty-six indictments against offenders against the laws of the United States and sixteen (16) indictments for offenses against Territorial laws and has also had under consideration and ignored a large number of other charges.

In the matter of investigations for offenses against the laws of the United States respecting polygamy and unlawful cohabitation, the grand jury desires to say, as being particularly applicable to the condition here, what was recently reported by the grand jury of the Third District Court of Idaho Territory.

"We beg leave to state that we find a condition of affairs in the several counties of this district which has been a surprise to the members of the grand jury. Polygamous marriages and cases of unlawful cohabitation are much more prevalent than we had good reason to suppose. We are confident we could go on piling up indictments in this class of cases almost indefinitely only for lack of time and funds in the hands of the United States Marshal to pay for sending officers out for witnesses.

"We find also that there are numerous cases all through the district, of men dodging the officers, and that it is the general practice among members of the Mormon Church especially, to use every endeavor to prevent the subpoenaing of witnesses in the class of cases above mentioned, and also to prevent the arrest of persons charged with these offenses. We are also of the opinion, from the developments and evidence before us, that there is a concerted action on the part of the sect above mentioned especially, to prevent either the court or the jurors from getting proper testimony in polygamy or cohabitation cases; and that perjury and intimidation of witnesses are being advocated and advised by the teachers of the sect aforesaid, and in some cases, as we believe, actually perpetrated, and in all, with scarcely an exception, we find members of this sect unwilling witnesses."

Continuing this the grand jury desire to say that no matter what difficulties may be thrown in the way of those whose duty it is to see that the laws of our country are enforced and obeyed, they should never weary in that duty.

The grand jury further report that in accordance with the instructions we investigated the subject of the existence within the limits of Ogden, of houses of ill-fame, and after investigation we find that there are none of such places within the limits of Ogden City.

The grand jury in conclusion desires to express their thanks to the Judge of this court for the many courtesies extended by him and also to say in this public manner that the high courage and public spirit which he has always manifested in the administration of the laws against offenders have been to the grand jury an example as well as encouragement to the performance of the duties which the laws have enjoined upon them.

It is apparent to every law-upholding and abiding citizen in this community that the moral and social conditions are such that a merely perfunctory administration of the laws by those whose duty it is to see that they are faithfully executed will never make the laws of the United States paramount in the community. To do this there must not be any faltering with offenders on any pretense or consideration whatever.

It is a part of the current history of the community that the judge of this court is about to be superseded. We can only express the hope that his successor will bring to his duties the same ability, industry and moral courage that the present judge of this court has at all times shown in his career in that capacity, and we also extend our thanks to the assistant District Attorney of this District, Ogden Illinois; he has performed his duty before us with faithfulness, honesty and efficiency, and we commend him to all law-abiding and upholding citizens.

The grand jurors further desire to express their appreciation of the efficiency which the marshals and bailiffs of the court have shown in the performance of the laborious duties of their offices under circumstances of great difficulty, heretofore mentioned.

W. J. WOOD

Foreman Grand Jury.

OGDEN, UTAH, July 27th, 1886.

The Judge then, finding there was no necessity for keeping the grand jury in session, discharged them. He delivered an address, in which he congratulated and complimented them on their fidelity in the performance of their duties while they remained intact as an inquisitorial body, assuring them that the day will come when the people of Utah, the "Mormons" especially, will learn that they, like the rest of the people of this great nation, must honor and obey the laws—every man must do it, no matter who he is or to what religious or other body he may belong to, whether it be to the

"MORMON" CHURCH

or to any other religious sect. His honor seemed to take considerable satisfaction in giving the kick at this "Mormons" before he is relegated to realms of insignificance, as his inglorious course in this Territory is nearing its termination. He goes east on Saturday, and probably will never re-

turn to the fair valleys of Utah. Well, it can be said of him as the nigger said in a toast, of the Governor of a certain State: "He came into office mid much opposition; but he goes out without any at all."

At 2 p. m. Judge Zane called upon Greenwell to "stand up," which he did while the large audience held their breath, seemingly, to listen to the sentence as it was pronounced. The judge consumed some time in reading to the defendant a homily on the perils of false swearing and denounced in unmeasured terms the crime of which he had been convicted, reminding him that when before the grand jury he was sworn to "tell the truth, the whole truth and nothing but the truth." Greenwell interrupted the Court and insisted that he had told the truth, but that "somebody else had done some false swearing."

At the close of the remarks the Court said "I will make an example of you," and sentenced him to

FIVE YEARS IMPRISONMENT

in the penitentiary, and to pay the cost of the prosecution of the scandalous suit. The severity of the sentence created quite a sensation in all, or nearly all who heard it, as it was thought by many that he would not receive to exceed two years, and some thought possibly the sentence would be suspended. Greenwell seemed considerably moved when he heard his fate. He did not believe it would be so severe. He is 27 years of age, has a wife and several children. I expect we will be taken to the "pen" this evening. There is a variety of feelings on the matter. Many regret that he has been sentenced for so many years, while others express their satisfaction at it, still others again say the court has been too lenient, and that he ought to have had more.

WEBER.

OGDEN CITY, Utah,
July 28, 1886.

Editor Deseret News:

The excitement which prevailed here before, during and for a little while after the trial of the recent scandal case, has abated, and the tone of the people would soon resume its normal condition, but one of the parties who figured conspicuously in the affair now poses

AS A MARTYR,

and is trying to make political capital out of it for himself. In this attempt, however, he will be a failure. He expects shortly to return to Michigan, and is paying the way, or trying to pave the way, for an open-arm reception when he reaches there. He would have the world believe that he is the victim of a conspiracy of the "Mormon" Church, to destroy his reputation. This, however, is upon the surface so transparent that all who have investigated the matter will only laugh at the futile attempt, to fasten his failure and misfortunes here, on the "Mormon" leaders or people.

The weather here has moderated. Although it is very warm during the day, it is not so hot as it has been. The heat is not so suffocating, and we can sleep better and sounder at night. In the evenings and mornings we now have some

REFRESHING BREEZES

from the mountains or from the cañon, which, by comparison, renders the weather at those times delightful.

The harvest is right here and the harvesters are busy in the farm and fields, gathering the golden grain and hay, the yields of which, in some places are much better than it was expected a while ago, they would be. It was also thought that the price of wheat would be high this season; but no, it is still down, and some persons who have been trying to negotiate sales for new wheat have not yet found a market for it. If they will "wait a little longer" I believe they will find an outlet for it. The shipment of early potatoes has begun and I believe there will be ready sale for the Utah tuber, as there ever has been heretofore.

It was fondly hoped earlier in the season that

THE CODLING MOTH

had become non est, but this hope has vanished in "thin air;" the ground beneath the apple trees is covered with the windfalls, which when cut open are sure to be worm-eaten. Still, much of this fruit is sound, and there will be as many of them as can be taken care of. Some of the early crops have been placed on the market and found ready sale. Of the crops generally I will not stop to speak now, but will reserve it for a general letter.

On Tuesday a report was rife here that

A SHOOTING AFFAIR

had occurred the night previous at Terrace, at which one of the young men of Ogden had become a victim and was more or less hurt, but not fatally. The particulars, however, could not be ascertained until to-day. The young man above referred to, is Daniel Thomson, the son of the late Alderman W. Thomson, of this city. He was raised in this place. Some time ago he went to Promontory, where he was employed by the Central Pacific railroad company as a car inspector. More recently, however, he has been working at Terrace at the same business. On Monday evening, in company with some acquaintances, he was returning from witnessing a practice at

GLASS BALL SHOOTING.

He called at the saloon of L. Parry, who

also was formerly of this place, and whose relatives still reside here. Elijah Reid who formerly resided at North Ogden, was in the saloon. He had been drinking most of the day, and had become quarrelsome, although Parry refused him any liquor after he had taken one drink there. Thomson had not taken any liquor of any kind, but, being an acquaintance, had called in to see Parry. He had not been there but a few minutes when an altercation occurred between Parry and Reid. The latter became very aggressive, and Parry struck at him. Reid drew a bottle from his pocket and was about to strike back, when Parry grabbed a pistol from beneath the bar and struck at Reid with it, but the weapon slipped from his hand and fell upon the floor. Reid grasped for the gun, but Thomson was a little ahead of him and was in the act of raising himself from the floor, when some one shouted "look out Lu." Parry hastily took another pistol and seeing the one in the hand of Thomson did not notice who he was, but fired at him. The

BALL TOOK EFFECT

in his back, passed to the fleshy part of the left shoulder from where it was, early this morning, extracted by Dr. Meggs. Parry then fired two shots at Reid. One passed through him, between the breast and shoulder and came out at the back. The other shot I am told, struck him slightly on the top part of the head. But I understand neither of the wounds are dangerous.

This morning Daniel Thomson came home by the passenger train, and this evening I visited him and obtained from him the above particulars. He is doing well, and it is thought that with a few days' careful nursing, which he will be sure to receive, he will be soon all right again.

WEBER.

THE TOWER ON THE HILL.

A MAGNIFICENT SIGHT THAT NEEDS ONLY TO BE SEEN TO BE APPRECIATED.

From personal observation the writer can speak of the splendor of the view obtainable from the tower erected on the elevation immediately north of Prospect hill, by Mr. R. R. Anderson. The summit of the structure is 55 feet high, and this gives, in connection with its elevated site, a height of 303 feet above the Temple Block. There are four floors, so that the spectator has the benefit of a sight from that number of elevations, enabling him the more fully to appreciate the crowning one. The top is sixty-three feet in circumference, giving abundant room for a commodious es-

planade. The scene is simply magnificent, and takes within its ample scope all the elements of grandeur and beauty—lake, river, valley, mountain and city. To the west is seen the "Dead Sea of America," gleaming in the morning or noontide sun, or reflecting back, like a flaming echo, the lurid glory of the most enchanting sunsets ever beheld by mortal eyes. The islands and rugged mountain ranges greet the gaze in every direction, while the valley slumbering between, is seen to the best advantage. There could be no better sight of the beautiful city than this observatory affords. It is so complete as to be in the nature of a bird's-eye view. But the prospect must be taken as a whole, for as such it is most enchanting. A distinguished traveler who was on the tower the other day stated that he had stood upon the great Cathedral at Milan, with the Appennines on one side and the Alps on the other, stretching away in the distance, yet the picture did not compare with that. Neither, he said, did the one which greeted the eye from the old tower of Trieste, in Austria. In fact, he freely admitted that he had never seen a finer of its class in the world. The tower will doubtless be a favorite resort of tourists, and the view it affords should also be gazed upon by residents. It is now sufficiently near completion to be used.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION.

One sorrel HORSE, 3 or 4 years old, both hind feet white, white strip in face, brand resembling an ox yoke or the ace of clubs and M on left shoulder.

One mouse colored MARE and colt, 9 or 10 years old, branded A O C on left thigh.

If said animals are not claimed and taken away by August 10th, 1886, will be sold at 9 o'clock at the Nephth Estay Pound.

PETER SUTTON,

District Poundkeeper.

Nephth, July 31, 1886.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One red STEER, 2 years old, little white under belly, branded 2 A on left ribs, crop and two slots in right ear, and swallow fork in left ear.

If said animal is not claimed and taken away in ten days, it will be sold on Saturday, August 7th, 1886, at 9 a. m., at the estray pound St. George.

GEORGE T. COTTAM,

Poundkeeper.

St. George, Was hington Co. July 28, 1886

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The Case "Agitator" is acknowledged to be without a competitor, as the sales of the past—more than trebling those of all other threshers—will prove.

The Woodbury Power is the most durable and lightest running horse-power known.

The South Bend Chilled Plow, although not introduced into this market until long after other styles of chilled plows, is fast crowding them out and assuming the position of the leading chilled plow.

The Weir Sulkes, Hand Plows and Harrows are known throughout the length and breadth of Utah as first-class goods in every particular.

The Boss Sickle Grinder is a tool every farmer who has a mower needs and cannot afford to be without.

We shall carry a full and complete stock of repairs for above goods, not only for those of this year's manufacture, but for those sold in previous years, so that any farmer having any machine or plow of the line mentioned can get any repairs without needless trouble or expense.

All parties ordering extras for machines bought in previous years, are specially requested, when ordering to give the number or letter on the article wanted.

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Tents, Whips, Wagonettes, Wagon Covers, Lamps, Buckboards, Rakes, Rubber, Round Up Wagons, Machine Extras, Cloth, Harrows, Wagon Extras, Duck, Robes, Washers, Coach Candles, Farm and Carriage Harness.

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