

LOCAL NEWS.

FROM FRIDAY'S DAILY, OCT. 2.

Pleads Not Guilty.—This morning F. W. Anderson, the shoemaker who is charged with an assault with intent to commit rape on Mr. William's little girl, was arraigned and entered a plea of not guilty.

Arraigned.—While the jury in the Brain case were out, Andrew W. Cooley was called, and the clerk read the indictment, charging the defendant with unlawful cohabitation with Rachel Cooley and Ann Hagan Cooley as his wives.

The defendant was allowed until Monday to plead, his attorney, Mr. Brown, being absent.

Removals.—H. J. Grant & Co., insurance agents, and the Contributor office, have removed into the Contributor building, one door south of the store formerly occupied by them.

Messrs. Young Brothers have refitted the rooms vacated, in the Old Constitution building, and have transferred their sewing machine business from their old stand, south of Z. C. M. I., across the street to their new premises.

A Bad Bridge.—A bridge across the canal on the main road leading through Brighton is broken so badly as to render travel across it impossible, and there is no alternative for persons traveling by teams except to ford the canal, the banks of which are steep and the channel deep and miry. A party traveling to this city from the west night before last happened to discover the opening in the bridge before they reached it, and by driving on it, but in attempting to avoid it by driving through the canal, the vehicle was broken and its occupants narrowly escaped being pitched out into the water.

The Stock Convention.—The meeting of the stock raisers of Utah re-convened at 10 a.m. to-day in the large room on the second floor of the City Hall, Dr. H. J. Faust in the chair. The attendance in point of numbers was somewhat improved over that of yesterday, and represented considerable in the way of substantial wealth and social standing. A large amount of business was disposed of at both the morning and afternoon sessions, and it was believed at a late hour that when the Convention adjourned this evening, it would be without day.

The proposition of Mr. Tebbets, representing the Union Pacific Railway, to take all the members who wished to go to the St. Louis Convention free of charge, will be generally accepted.

From Colorado.—Conference visitors have already commenced arriving from the distant settlements and Stakes, on their way to Logan. Quite a number landed by last evening's train from the San Luis Stake, Colorado, among whom were President S. S. Smith and Brother Martin Christensen, who paid us a brief call this morning. They bring a good report from the San Luis Valley. Abundant crops have been raised there, and the grain produced is fully ten per cent. better in quality than ever before. No frost has yet occurred there this autumn. Alamosa, a station on the D. & R.G., twenty miles from Manassa, furnishes a market for some of the surplus produce raised. Oats now sell there for one cent per pound; wheat one and a quarter; butter 25 and eggs 35 cents per dozen.

Politics absorb a great deal of attention in that State, but so far the Saints have held aloof from all parties, voting for whom they considered the best men, regardless of politics, and experience has proved it to be the wisest course to pursue. The Saints of that part are not only improving temporally in gathering about them the necessities and comforts of life, but spiritually also. A much better and more united feeling now prevails among them than formerly. Quite a number of those who became disaffected a couple of years since, being honest in their intentions, but deceived by the stories told them by apostates, have since seen the error of their way and returned to the fold.

There is yet plenty of room in San Luis Valley for more settlers—land and water in abundance—and President Smith says he knows of no better place in the mountains for new beginners to make a start. Those who have gone from this Territory have almost invariably done well.

TRIAL OF EDWARD BRAIN.

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

JUDGE ZANE INDULGES IN MORE ABUSE OF THOSE WHO DIFFER WITH HIM IN BELIEF.

The work of securing a jury to serve in the Brain case was commenced yesterday afternoon. Twelve names of the regular panel were called, and the usual crusade tactics sent every one out of the box. Twelve more were called, and of these W. A. Lyne and Adolph Anderson were retained, all "Mormons" being excused.

This morning two more jurors whose names are on the list were accepted—Wm. Skewes and T. C. Armstrong.

An open venire issued last evening brought into the jury box this morning J. F. Bradley, W. E. Smedley, George Barr, Edmund Wilkes, C. L. Haines,

Jas. McTiernay, J. H. Nounnan and Jos. Foreman.

The defense accepted all without examination.

Mr. Varian went through the farce of asking J. F. Bradley whether he believed it right for a man to have more than one wife, and inquiring of the others, "Do you?" receiving a shake of the head from each.

The clerk then administered the oath to about the "toughest" looking set of "twelve good men and true" that ever graced a jury box, and read the indictment charging Edward Brain with the offenses of polygamy and unlawful cohabitation. That, having a wife, Susannah Martin, living and undivorced, the defendant did marry Jansje Peters; and that the defendant did live and cohabit with Mary Bailey, Mary Ann Johnson and Jansje Peters as his wives.

Joseph D. Brain was the first witness called. He was a son of defendant and Mary Bailey Brain; was 20 years of age, and had two brothers and one sister, Edward E., Charles J. and Matilda Brain; did not know Susan Jackson; knew Mary Ann Johnson; Mary Ann Johnson had been his father's wife, but had been divorced; did not know when. Witness knew Jansje Peters, who lived in the 21st Ward; she was in the court; had known her two or three years; did not know what relation she was to his father; had been at her house last year; had taken a message from his mother; did not know whether Miss Peters was known to defendant's wife; did not know whether she was reputed to be his father's wife; the house she lived in was his father's about a year ago; her brother, Fred. Peters lived at the same house; believed the house still belonged to his father; had seen his father there last year, probably twenty times; had never remained there over night; had seen his father take one meal there in the afternoon; did not see Mrs. Peters there, nor any woman there. The witness had seen Miss Peters' child; had heard that defendant was the father; that was the reputation. Witness' father had not been at his mother's house for two years; had met him twice on business. The defendant lived in the Twenty-first Ward last year, in the house that Miss Peters lived in; Mary Ann Johnson lived in the Twentieth Ward; she had borne defendant's name; defendant had lived at her house two or three years ago, up to some time in 1883, and did not know when; did not know whether he lived in the other house at the same time or not; defendant moved from witness' mother's two years ago in November. Was not living at Mary Ann Johnson's at the same time. Before going to the Twenty-first Ward house, defendant lived with witness' mother. He had also lived with Mary Ann Johnson, who was reputed to be his wife, before they were divorced. Took his meals at Mary Bailey's house. Was at Mrs. Peter's house when it was building; did not know how long it was before his father moved into it.

Mary Ann Johnson was next called. She had been married to Edward Brain, but had been divorced, in 1884; thought it was January; was married fourteen years ago; had lived in her husband's house in the Twentieth Ward; had seven children; defendant lived with her, up to 1882; he ceased living there long before she obtained a divorce; more than two years; knew Mary Bailey Brain, who was the defendant's wife; did not know where defendant lived; knew Miss Peters, who did washing for her, and lived at her father's house; after defendant left, did not know where he went to live; did not know whether Miss Peters was reputed to be the defendant's wife; had seen defendant at Mary Bailey Brain's house; had no trouble with Miss Peters; knew Mrs. Susan Jackson, of Provo; had never heard defendant speak of her.

Mrs. Susan Jackson was called. She was a widow, her husband being dead; she had been married to Mr. Brain, in Bath, England, in 1842; married Mr. Jackson twenty-four years ago; had not been divorced from Mr. Brain by a court, but by the Church; she had two children, in Provo.

Cross-examined; Had also been married to Mr. Graves, about three years after she left defendant; she then married Mr. Cooper, who left her, but was not divorced; she then married Mr. Jackson.

Jansje Peters was called. She came from Holland four years ago, with her father's family; she was twenty four years old; went to live on the 18th Ward Bench, with the family; went out to work, as a domestic; came to Salt Lake Nov. 11, 1881; lived at the house of D. Bockholdt, in the 15th Ward, from seven to nine months; left about the first of July, and lived with her parents until October, 1882, when they all moved to Mr. Brain's house in the 21st Ward; lived there a little over a year, then went to the brick yard, where she had lived ever since; she was married to Mr. Brain; Mr. Brain lived with her in 1883, from October to December; lived with her a part of the time before, commencing Oct. 1882. She was married February 2nd, 1882, in the Endowment House, Salt Lake City; had not been in the Endowment House since; was living at Bockholdt's when she was married; her parents did not know of the marriage; became acquainted with the defendant soon after she came to Utah; they used to meet, and he would accompany her home; they did not live together because the defendant had no house to furnish her; if he had had a house she would

have gone to live with him before she did; her child was nine months old; the defendant was its father; knew Mary Bailey and Mary Ann Johnson; thought defendant had got his meals and passed most of the time with Mary Bailey Brain; had lived with witness ever since October, 1883; knew Mary Bailey as Mrs. Brain; defendant ate his meals there; defendant and witness lived together as husband and wife; she had never washed for Mary Ann Johnson, but her mother had.

Cross-examined—Became acquainted with Mr. Brain in the Assembly Hall, soon after she came to Utah; she met defendant at various places, and he often accompanied her home; defendant had been to her parents' home; was positive of the date of the marriage.

Mary Peters was sister of the last witness; did not know when her sister was married.

Jansje Peters, in answer to a question by Mr. Varian, stated that she was married on the first Thursday in February, 1882.

Mr. Varian then asked that the charge of polygamy be withdrawn, and rested the case on the unlawful cohabitation count.

The polygamy count was dismissed, and the court charged the jury, on unlawful cohabitation, that if they found the defendant had lived in the habit and repute of marriage with any two of his wives, they were to render a verdict of guilty.

The jury then retired and returned in ten minutes with a verdict of "Guilty of unlawful cohabitation as charged in the indictment."

The time, two days, allowed to lapse between the finding of the verdict and the time of sentence was waived by the defendant, who stated that he was prepared to receive the judgment.

The Court—You understand you were indicted for unlawful cohabitation, and that you have been found guilty of that crime; the jury have tried the case and have found you guilty. Have you anything to say?

Mr. Brain—No; still I would like to say a few words with your Honor's permission. I would say that I have been a member of the Church of Jesus Christ of Latter-day Saints for 41 years, and I embraced what we as a people call celestial marriage many years ago. I believed it then and I believe it to-day to be a divine revelation from God. I have seen the power of God manifested in various ways since I have been in this church and kingdom. I have seen the blind made to see; the lame made to walk; the deaf made to hear; and I know this is the Church and kingdom of God—a Church and kingdom that God has raised up in these last days. I know this for myself. And I can say, with Mr. Clawson, that I would rather go to prison and have honor, than I would have liberty and dishonor. I have endeavored to live a straightforward life all my days. I have not wronged any man. If I have I will restore unto him four-fold. I have been a straightforward man all my days; and I can say and bear my testimony that although the Edmunds law was passed to convict us as a people, I read in the Constitution of the United States that Congress shall make no law against my religion, the religion of my forefathers, Abraham, Isaac and Jacob; and I stand here as a servant of God and know for myself that God Almighty revealed that to me, individually, independent of President Taylor, Brigham Young or any man on the face of the earth. I married my wives; I have children; I have a large family; but I do not feel disposed to cast them off—I would rather spend the rest of my days in prison. Your honor, I am much obliged for allowing me to say so much.

The Court—Well, Mr. Brain, it now becomes the duty of the court to pronounce sentence of the law. The statements that you have made, in view of the evidence in the case, do not mitigate your crime. This marriage which you term celestial has been very temporary with at least three of the wives you have married. It seems that you have abandoned two or three of them—three I infer from the evidence—and to talk of that as being celestial marriage is little less than blasphemy.

Mr. Brain—They abandoned me Judge—I never abandoned them.

Court—The evidence shows these women were your wives. In the light of the evidence and of the last marriage—I will undertake to comment on it—in view of this evidence and of your statement, I see nothing at all to mitigate your offense. You seem to have wilfully violated the laws of your country, and you have treated these women in such a way as greatly to degrade them. Any man that degrades woman in this country, as the evidence shows that you have done, must be little less than a moral leper. A man who lives with women—marries and lives with them until the children grow up, and then takes a younger woman, or younger women, and throws the others off and his children, and lives with these younger women, shows a disposition to degrade woman—a disposition unworthy of a man—a disposition of a man who has no conscience or moral sense in him. This appeal to Abraham is without effect. Abraham, it seems, went in not only to plural wives, but unto his handmaids—what we would term in this day hired girls, and had children by them. The civilization of this age won't tolerate any such practice as that. This system which you speak of is exemplified in your own case. Here are divorces; here is trouble between the different wives; your first and honor-

able wife is mistreated; your children are scattered; the relationship that they bear can only be traced by their father and not by their mothers. All of this is injurious to society and tends to break up the family, an institution upon which society rests. It tends to degrade woman, and in the degradation of woman we are all degraded. When you disgrace the mother of your children you disgrace all of us—you drag all of us down. I see nothing whatever in your case—taking your statement and the evidence in this case—together I see nothing whatever to palliate it. Your conduct in all of its phases, so far as your wives are concerned, would seem to be disgraceful and unlawful. The Court imposes upon you the most extended punishment that is allowed, which is six months imprisonment and a fine of \$300 and costs, and stand committed until your term of imprisonment expires, and also until the fine and costs are paid.

Mr. Brain was then taken in charge by a deputy, and this afternoon went out to the penitentiary.

A VILE INSULT.

After the close of the proceedings in the Brain case, the Judge, unable longer to suppress his chagrin at being unable to browbeat a number of those against whom the present anti-"Mormon" crusade has been directed into a renunciation of a principle and their families, took occasion to add to the brutal abuse he has already indulged in, another insult. He said: I will remark that I am tired of listening to these long hypocritical cant—these long speeches which are made here and which I term nothing but hypocritical cant. I hope the defendants when they come in hereafter will be a little more brief; if they have anything to say let them say it briefly.

FROM SATURDAY'S DAILY, OCT. 3.

Case Continued.—Owing to sickness in his family, the case of Joseph McMurrin has been continued for the term.

Diphtheria Still Increasing.—Two additional cases of diphtheria are reported by the quarantine physician, these being in the family of Joseph McMurrin, Eighth Ward. A yellow flag has also been hung out at the corner of Fourth West and Second South streets.

Beaver Court.—We have received the following as a special per Deseret Telegraph line:

BEAVER, U. T., Oct. 3, 1885.

Editors Deseret News:

The jury in the Orrick case, after being out three hours, found a verdict of murder in the first degree. Defendant's attorneys moved for a new trial.

Austin Guitroz, accused of grand larceny, has arrived from the Penitentiary, where he has been awaiting his trial for eight months. He withdrew his former plea of not guilty and pleaded guilty. The prosecuting witness presented to the court the defendant's many excellent qualities. He was sentenced to one year in the Penitentiary.

The trial of Buchanan, who is seventy-six years old, is now progressing. He is accused of rape on a girl ten years old. Spectators are excluded from the court room during the trial.

MOONSHEE.

Commissioned.—The Governor, yesterday, issued the following commissions:

James H. Cook and David D. Jones, fence viewers, Davis County.

Parley P. P. Prophet, justice of the peace, George W. Kendall, constable, South Weber precinct, Davis County.

George A. Lincoln, justice of the peace, Charles H. Rampton, constable, East Bountiful precinct, Davis County.

Lewis M. Grant, justice of the peace, West Bountiful precinct, Davis County.

Thomas J. Steed, justice of the peace, E. A. Cottrell, constable, Farmington precinct, Davis County.

John E. Woolley, justice of the peace, Centerville precinct, Davis County.

Erastus F. Rose, coroner, Davis County.

Henry L. Steed, superintendent of district schools, Davis County.

Thomas F. Roueche, selectman, Davis County.

Thomas Gunn, justice of the peace, Adamsville precinct, Beaver County.

William Wood, Sen., justice of the peace, Henry Fisher, constable, Minersville precinct, Beaver County.

Francis Armstrong, selectman, Salt Lake County.

Lewis Peterson, constable, Bluff Dale precinct, Salt Lake County.

James Lofthouse, justice of the peace, Paradise precinct, Cache County.

N. W. Kimball, constable, Logan precinct, Cache County.

Wm. D. Williams, justice of the peace, Benson precinct, Cache County.

W. H. Burnham, justice of the peace, Richmond precinct, Cache County.

C. C. Hackett, justice of the peace, Wellsville precinct, Cache County.

Moroni Snow, justice of the peace, St. George precinct, Washington County.

E. R. Young, justice of the peace, Wanship precinct, Summit County.

Thomas Dean, alderman, American Fork City, Utah County.

The Tabernacle Organ.—But few of our readers are perhaps aware that extensive improvements in the grand organ in the Tabernacle have been in

progress for some time past, and were only completed last week, which render it, in the estimation of good judges, one of the best instruments in the world, besides being equal in architectural design and beauty of finish to any organ in the United States. This magnificent gem of artistic skill, and grand combination of musical harmony and power, is one of the chief objects of interest to the visiting tourist.

The work of construction was commenced in 1866, by Mr. Jos. Ridges, to whose skill and design the outward case and much of the interior work is accredited.

The musical and mechanical work was left by him in an unfinished state seven years ago, and the instrument was subsequently injured by incompetent tuners being employed. The work of completing the instrument was assigned to Mr. N. Johnson about two years since, who has, up to the present, devoted most of his time to the work.

Organ building has made immense progress during the last few years, and Mr. Johnson has introduced many of the best modern improvements.

The interior of the organ is so arranged that all parts of the mechanism are easy of access.

The pneumatic lever is applied to the great organ and its couplers renders the touch—even with all the couplers on—as light as that of a piano.

Another improvement is the putting in of a solo organ with six stops. This, together with the addition of other stops to the great, swell, choir, and pedal organs makes an addition of about 1300 new pipes.

The organ has now four manuals and a pedal, the number of stops being 57. The total number of pipes is 2,648.

The wind is supplied to the organ by three large bellows, which are operated by two hydraulic motors.

The instrument has been almost entirely reconstructed in its interior parts; and in its now completed form it is justly an object of pride to every Latter-day Saint.

The scheme, describing the organ in all its details will shortly be published.

A number of persons had the pleasure of listening to Mr. Radcliffe—one of the best organists in the country—perform on the instrument last evening, and all were enthusiastic in their praise of both the organ and performer.

The musicians of the city are quite anxious to have a private recital, to test the instrument, at an early day, which we trust will be allowed.

Garfield County.—We had a visit yesterday from our genial friend Brother Joseph L. Heywood, who was, during the early period of Salt Lake City's history, a rather familiar and conspicuous figure, having been the first Bishop of the 17th Ward, and the first U. S. Marshal of the Territory. For many years past his principal home has been in the southern part of Territory, formerly in Washington, but for some time in Panguitch. He reports general prosperity and good feeling in the settlements of Garfield County, which Panguitch Stake comprises. Excellent crops have been raised this year, and a goodly number of material improvements have been made, among which may be mentioned the erection of a substantial and commodious brick meeting house for the Stake, at Panguitch, which is now nearing completion. Most of the residents of that region are engaged in stock-raising as well as farming, a specialty being made of the raising of horses and sheep, the range being better adapted for them than for neat stock. Quite a number of very fine stallions of the most approved breeds are owned in that vicinity, and the horses are being fast graded up to a goodly degree of perfection. The same might also be said of the sheep, the wool from which constitutes the main source of cash revenue for the people of the county.

The lumbering business is carried on quite extensively in the county, there being three saw mills owned by parties in Panguitch, and two at Escalante, which is sixty miles east of there. Lumber from the former mills is shipped northward through Sevier Valley, westward over the mountains into Iron County, and even as far south as St. George.

Fishing also claims the attention of the residents of Panguitch to some extent, the Panguitch lake, the source of the stream which supplies the town with water, and which is situated eighteen miles due west of the settlement, being one of the best stocked bodies of water in the Territory. It is only one mile in diameter, but many tons of fish are taken from it every year. Fishing is carried on all through the year except when the law prohibits, holes being cut in the ice for the purpose during the winter season. The fish caught are of an excellent quality, and command a ready market. This lake is located in a small valley near the top of the range of hills, and a number of families engaged in ranching reside upon its shores and tend their flocks and herds in the excellent range surrounding it.

The educational interests are by no means neglected in the county; an excellent school has been carried on in Panguitch for some time past by Miss Sarah Price, formerly of the 15th Ward of this city, and, all things considered, the people of that locality are in a better condition spiritually and temporally than at any time in the past.

Invalids are now fed on baked milk. The milk is put in a glass jar, covered with paper on top, and baked ten hours in the oven.