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TRUTH AND LIBERTY.

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LOCAL NEWS.

FROM TUESDAY'S DAILY, NOV. 16

Removed.—Heretofore rags for the paper mill have been received at the basement of the Deseret News building. This business has been removed to the old Music Hall building, 242 W. First South Street. Mr. Goodman is in charge of it, and all rags designed for the paper mill must be delivered to him at the address designated. They will not be received at the News office premises in future.

Discharged and Arrested.—John W. Snell was brought in from the penitentiary to-day, and upon a hearing before Commissioner McKay was discharged. He had served two months and 13 days more than his time.

Thomas Fenton, of the Sixth Ward, was arrested, at 3 p. m., for unlawful cohabitation. His alleged plural wife was subpoenaed as a witness. The hearing of the case was set for 3:30 p. m., before Commissioner McKay.

Quick Time.—The steamship *Alaska*, of the Guion line, carrying a number of missionaries to Europe, reached Queenstown on the 16th inst., having made the passage in six days and twenty-two hours—remarkably fast time for the season of the year. The fastest time recorded for Guion steamers heretofore has been as follows: *Alaska*, New York to Queenstown, 6 days, 18 hours, 37 minutes. *Arizona*, New York to Queenstown, 7 days, 3 hours, 38 minutes. *Alaska*, Queenstown to New York, 6 days, 21 hours, 40 minutes. *Arizona*, Queenstown to New York, 7 days, 6 hours, 7 minutes.

Court Notes.—Proceedings in the Third District Court to-day:

Societe Anonyme des Mines de Lexington vs. Alex. Mayberry; court finds for defendant; costs taxed against plaintiffs.

The grand jury came into court. M. S. Severance and Louis Cohn were sworn as jurors to fill the vacancies by the release of P. M. Lannan and M. Cullen.

United States vs. H. H. Hawthorne; defendant files motion in arrest of judgment; overruled; motion for new trial denied; defendant sentenced to four years' imprisonment in the penitentiary and a fine of \$100 and costs.

M. H. Lipman vs. A. W. Moore; on trial before a jury.

Z. S. Aldrich vs. D. H. Sanders; dismissed.

Franklin C. Thurston et al. vs. Herman and Mary E. Hill; dismissed.

Franklin C. Thurston et al. vs. Chas. W. Symons et al.; dismissed.

L. Clentat vs. F. W. Hayt et al.; order amending complaint and amended decree allowed and entered.

Accounts of United States Marshal and United States Attorney from June 17 to June 30, 1886, approved.

First District Court.—The passing of sentence upon Mrs. Parry is set for Monday next, at 10 a. m.

Yesterday Elijah Box was arraigned on a six-count indictment accusing him of having lived with his wives.

Abraham Chadwick was accused of the same offense in a three-count indictment.

The bill against Fred. W. Ellis, for the same offense, was divided into three counts.

By request of Mr. Richards, the cases against Messrs. Box, Chadwick, and Ellis, were placed on the general call for trial, and the defendants will plead when their cases are reached.

Hyrum Taylor, charged with assault with deadly weapon, took two days to plead.

The trial of P. A. Nelsen, for obtaining money under false pretenses, was set for Tuesday next, and the witnesses for the defense ordered subpoenaed at the expense of the Territory.

Miss Rose Ballantyne was arrested and brought into court. She was placed under \$200 bonds to appear as a

witness in the case of the United States vs. F. A. Brown, indicted for unlawful cohabitation.

The case of the United States vs. Lorin Farr, for unlawful cohabitation, was taken up, and was proceeded with to-day.

Timothy Parkinson pleaded guilty to an indictment for unlawful cohabitation, and said he was ready for sentence. At the suggestion of the court, the passing of judgment was deferred until 2 o'clock to-day, when, on refusing to give any assurance as to his future conduct, he was sentenced to six months' imprisonment and to pay fine of \$100.

Robert Sterrett was admitted to citizenship this afternoon.

The examination of witnesses in the Farr case was continued.

THE SMITH CASE.

PROCEEDINGS BEFORE JUSTICE PYPER TO-DAY.

The case of the People vs. S. B. Smith came up before Justice Pyper at the City Hall this afternoon at 2:30 o'clock. There had been sufficient time elapse since the affair for which young Smith was arrested to give both parties an opportunity to go over the ground and become thoroughly familiar with the details, but still there were discrepancies and contradictions; these, of course, the public were desirous of having corrected, since the transaction has become the subject of so much controversy on the street and in the press.

The first witness was George Chesire. Lives in Salt Lake; knows defendant and wife; saw him on Thursday last; he was swearing, flourishing a pistol and wanted to see his wife; he would blow her head off; heard two shots before; saw Newton there, who said there had been trouble; he made threats against any officer that interfered with him; said he had other cartridges and had reloaded; this was about 7 p. m. On cross-examination, witness said he was in the house when defendant made the threats of hurting anyone that interfered with him.

Hyrum J. Newton called. An captain of the Tenth Ward police, and was on Thursday last; heard a noise at Smith's and went over; was called on by his mother's brother to go; defendant's mother wanted me to get the revolver from him; he said "Get—d— you, leave me alone or I'll shoot you;" we clinched and struggled, and he presented the pistol and fired; he said he wanted his wife, if he could get her, and would make no more trouble; asked for the pistol again, but he wouldn't give it up; I stayed with the others till we got the pistol from him; I did not feel safe, and it looked as if he wanted to shoot me; there were several people standing around near; it was 11 o'clock when I got home; he was quiet with his father, mother and wife when I left.

On cross-examination, witness said they scuffled, and he threw defendant and held him so securely that he could not use the arm with the pistol; he asked to see his wife, and I promised him he should see her; when he quit struggling, I let him up and he went to the house, but not finding her commenced to rave again; stood in the door and called her; I asked him to go in town and take a drink to get him away; was so crazy about his wife that he once threatened to shoot himself; finally quieted down and I went home.

The examination was still going on when we went to press.

H. H. HAWTHORNE.

He Receives a Heavy Sentence.—Four Years in the Penitentiary.

He Does Not Believe in Polygamy and is Willing to Obey the Law, but that Does Not Count in His Case.

The time of passing sentence upon Henry H. Hawthorne, convicted of polygamy, having been set for to-day in the Third District Court, this morning, Mr. McBride, for the defendant, made a motion in arrest of judgment, on the ground of the insufficiency of the indictment, etc. This was submitted without argument and overruled. A motion for a new trial, on the grounds that the Court had erred in its charge to the jury, was also overruled. At the request of Mr. McBride, sentence was deferred until 2 p. m.

This afternoon, when the defendant was called to receive judgment, Mr. McBride arose and said that at the request of the defendant he would read the latter's statement. In this the defendant alleged that in June, 1885, he had married Mary Buckley in England. He and his wife came over to the United States. His business required him to travel considerably, and toward the latter end of last year he came west. His wife was left with his sister in Connecticut, in comfortable circumstances. In March, 1886,

he was surprised at receiving a letter from his wife, about the date of her departure for England, stating that she was going back to her family, and that he need not follow. He tried to conciliate her, but failed, and was given to understand that she wanted nothing more to do with him. He came to Utah, where he became acquainted with Jewett B. Francis and James McKnight. He had never heard of the latter's being disbarred, and as he was a person of pleasing address, he became intimate with him. He knew of the efforts of Mr. Francis to induce Mrs. Warn to marry his nephew, Mr. Wood. The defendant, in conversation with McKnight, had told him the circumstances of his case and of the desertion by his wife, and was assured that he was free to marry again. He said he was not a believer in the doctrine of polygamy, and McKnight told him that as his wife had deserted him and gone to England, it would not be committing polygamy for him to marry again. He paid McKnight \$20 for his services, including the performing of the marriage ceremony. The story of Francis, that the defendant's former wife, Mary Buckley, was in poor health and had given birth to a child, was untrue. The latter part could not be true, as Miss Buckley was forty-five years old when he married her.

He believed McKnight's statements to be true when they were made, but he now believed they were made with the object of getting money out of him, as McKnight had since demanded for Mrs. Warn \$25 for performing the marriage ceremony. He had been called a "Gentle polygamist." As to that he would say that many years ago he had heard "Mormonism" preached by a Bishop. Last summer he was baptized in this city by Elder Empey, as he had accepted the "Mormon" doctrines except polygamy. That he did not believe in. He had been in the Government special service thirteen years. He had now two honorable discharges for services rendered to the nation. He had not knowingly broken any law. He was not in good health, being afflicted with neuritis and other complaints. He would be grateful if the Court saw fit to grant a suspension of sentence. He was willing to obey the law and be a good citizen in the future as he had been in the past.

District Attorney Dickson opposed the application of the defendant for leniency. He believed him to be an impostor. He had received a letter from a barrister of Maldston, England, who had informed him that Miss Buckley was an estimable young woman. The defendant had left her without assistance, and it was only after repeated and vain appeals to him for aid that she had returned to England. He would not be positive whether her child had been born after her return or not. He had a certificate of marriage in which it was shown that the defendant had called himself, at that time, Hamlet Henry Hawthorne, physician, but now he appeared in a different role. It seemed absurd that a man of his intelligence should believe he was free under the circumstances which existed. It seemed strange, too, that he had been baptized into the Church without having investigated, or believing in its doctrines. It looked to the District Attorney as if the defendant had married Mrs. Warn to get her money. The marriage had not even been through religious convictions, as the defendant had himself admitted, and therefore he considered he was not entitled to any leniency.

The Court informed Mr. Hawthorne that it considered that the statements, made taken all together, gave no excuse for his course. He had committed an aggravated offense. The institution of marriage was most important and on it depended the welfare of mankind. The defendant appeared to be intelligent and was of mature years. He must be regarded as having knowingly violated the law of the land. Polygamy was a crime, and when the law against it was violated, the consequences must follow. There was nothing in this case to palliate the offense. The limit of the law was five years imprisonment and \$500 fine. The defendant would be sentenced to confinement in the penitentiary for four years, and pay a fine of \$100 and costs of prosecution, and stand committed until the fine and costs were paid.

The defendant took the sentence without any manifestation of feeling. He was removed to the penitentiary this afternoon.

FROM WEDNESDAY'S DAILY, NOV. 17.

Bound Over.—Yesterday afternoon, when taken before Commissioner McKay, on the charge of unlawful cohabitation, Thomas Fenton waived examination, and gave \$1,000 bail for his appearance to answer to any bill found against him by the grand jury.

Convicted.—The trial of Peter Tomney, of Toiney & Hillstead, liquor dealers, for permitting disorderly conduct in his place of business on the

30th of July last, took place to-day, in the Third District Court. Four police officers and a woman who was present at the time stated gave testimony showing that some disgraceful scenes were witnessed at the place, and in the presence of the defendant. Several witnesses for the defense, including the defendant himself, denied these allegations, but the jury evidently concluded that the positive testimony of the witnesses for prosecution was the correct version, and this afternoon found the defendant guilty. Ten days' stay was allowed, pending a motion for new trial.

The Winberg Examination.—The case of the United State vs. Andrew W. Winberg, who was arrested to-day on the charge of unlawful cohabitation, came up before Commissioner McKay at 3 o'clock this afternoon. The complaint, which is sworn to by D. W. Reuch, charges that from December 1st, 1885, to November 1st, 1886, defendant lived with Mrs. A. W. Winberg and Jane Doe Winberg as his wives. Three of the defendant's daughters were the only witnesses; the substance of their testimony was that the alleged second wife left her house a year and a half ago, and her present whereabouts are unknown; he, had been seen at her house occasionally prior to that time.

This evidence was not deemed sufficient, and accordingly, at 3:30, a recess was taken to enable the prosecution to get other witnesses.

Gone Hence.—The *Orion Era*, published at St. Johns, Arizona, has folded the drapery of its couch about it and laid down to pleasant dreams—in other words it is dead. An article in the last number headed "Valedictory" and addressed "To Our Readers," says, among other things:

"One reason for its discontinuance is that the paper has not received the support necessary to pay expenses, and has involved its Editor in debt, which he is able to pay, by selling property in another Territory, but unwilling, believing its patrons will settle up and relieve him from this necessity, and now earnestly requires that they pay up."

The editor, Mr. John B. Milner, announces that hereafter he will devote his entire time to the practice of law in which field he will certainly be more successful than he has in that of journalism.

Arrested and Discharged.—Last evening Deputy Marshal Cannon arrested Philip Pugsley on the charge of unlawful cohabitation with Mrs. Martha Pugsley and Clarissa Ames Pugsley as his wives. The defendant gave \$1,000 bonds for his appearance before the Commissioner to-day. At the examination P. L. Williams appeared as counsel for the defense. A plea of not guilty was entered, and the two ladies named in the complaint, and two or three others, were called as witnesses. The defendant also testified in his own behalf. The substance of the evidence was that while the defendant had two wives, several years ago he and the plural wife entered into an agreement to separate. Since that time they had not borne the relation of husband and wife, nor had the defendant supported her. He had met her at their daughter's house a number of times, but always by invitation, and there was nothing to show that the association of the two as husband and wife had been maintained; in fact, an opposite condition of things was shown. The defendant was discharged, Commissioner McKay finding that there was no probable cause to believe him guilty.

Court Notes.—Proceedings in the Third District Court to-day:

M. Shaughnessy vs. E. A. Wall et al.; dismissed.

John S. Bowman et al. vs. Charles Whiting et al.; default and judgment.

Charles Wauless, petit juror, excused.

B. B. Bitner vs. Fred. Solomon; Andrew Gebhardt, guardian, substituted for plaintiff.

The grand jury came into court and reported seven indictments under the laws of the United States, and one under Territorial statutes.

An attachment was issued for Geo. Smith, a defaulting witness before the grand jury.

Thomas Jenkins, Thomas Ryan and George C. Watts, who are under indictment, were ordered to appear in court on Friday at 10 a. m. for arraignment.

Salt Lake City vs. Peter Tomney; keeping a disorderly house; tried before a jury. F. Hoffman for defense and J. S. Richards, J. H. Mowle for prosecution, verdict of guilty.

United States vs. George Dunford; unlawful cohabitation; plea of guilty; sentenced to imprisonment for six months, and to pay a fine of \$150 and costs.

The United States vs. Eliza Dunford; proceedings in contempt against witness; case dismissed.

The People vs. A. J. Peacock; battery; on trial before jury.

The Smith Case.—After our report

closed yesterday afternoon, Judge Speirs took the witness stand and testified substantially as his predecessors had, saying Smith acted like a madman. James M. Smith and Officers Johnson and J. Y. Smith followed, but nothing of an important nature in addition to what had already been brought out was adduced. The prosecution then rested, and the defense made a motion to dismiss, which was argued pro and con till after 5 o'clock, when court adjourned till 10 o'clock this morning. At that hour Justice Pyper announced that the motion was overruled, and the case for the defense was commenced. The plea of temporary insanity, superinduced by a severe injury to defendant's head inflicted 14 years ago and being under the influence of liquor; was interposed. Mrs. Smith, the defendant's mother, and J. M. Smith, gave evidence as to both these points, strongly supporting the theory of the defense; subsequently, in rebuttal, S. H. B. Smith, defendant's father, was called by the prosecution, but his evidence was more favorable to the other side. At the conclusion of his testimony, the case was argued by the respective attorneys, and closed at 12:30, when the Court decided to hold Smith to answer to the grand jury in the sum of \$800. When we went to press the bond had not been given, but it probably will be soon.

AN UNKNOWN BODY.

AN INQUEST HELD OVER THE REMAINS.

We learn that an inquest was held over the body of an unknown man who was found dead by Thomas Tilley and William Clark, of Desert Springs, Iron County, Utah, November 14th, 1886, while hunting stock. They returned to the Desert Springs, not knowing what to do, and on the 15th went to Hebron and reported to the justice of the peace. The body was lying near the road as though the man had lain down to sleep. His height was five feet six inches, he had light hair, a bald head, heavy mustache and had on a dark coat and vest, light pants, brown overalls, also a black gum coat; no hat could be found. There was a journal and some letters and other papers found on his person that would imply he had been a sewing machine agent, also letters from a lady, supposed to be his wife, addressed "Dear Fred," from Las Vegas and Tucson, signed "Lily," also two or three envelopes addressed, "Fred. Bell," one postal card to the postmaster at San Francisco, requesting mail belonging to Fred. Gikerson, forwarded to Columbia, Cal., and some photographs of himself.

THE VERDICT.

TERRITORY OF UTAH,
Precinct of Hebron,
County of Washington.

An inquisition holden on the desert, in Hebron precinct, Washington County, on the 16th day of November, A. D. 1886, before O. W. Huntsman, Justice of the Peace in Hebron precinct, in said county, upon the body of an unknown man here lying dead, by the jurors whose names are hereunto subscribed.

The said jurors, upon their oaths do say that said man came to his death by freezing.

In testimony whereof we have hereunto set our hands the 16th day of November, A. D. 1886.

A. J. BARNUM,
JEFFERSON HUNT,
JOHN D. PULSIFER.

O. W. HUNTSMAN,
Justice of the Peace.

California and Arizona papers, please copy. For further information apply to O. W. Huntsman, Hebron, Washington County, Utah.



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