

obeyed subpoenas in the Jonah Evans case.

The former stated that she had understood that the marshal was to pay her way; that she had come to the depot at Brigham City but had not found him. She had no money and she returned to get some. In the meantime the train left. She was excused.

The latter stated that she and her baby had been sick, and that she had no way of obtaining her fare down, and that under the circumstances she had not thought it wise to come.

The court explained the importance of obeying subpoenas, and by consent of the prosecuting attorney allowed the witness to go.

The case of the United States vs. Mary Eskelson, fornication, was dismissed.

The cases against Hiram Bowman, one of adultery and two for unlawful cohabitation, were dismissed.

The following matters came before Judge Sandford May 15:

United States vs. Otis L. Terry; adultery; defendant arraigned and pleaded not guilty.

Jury returned a verdict of guilty of housebreaking; to be sentenced on May 18.

United States vs. Alouzo E. Hyde; on motion of counsel for defendant, set for trial May 23, subject to District Attorney Peters' showing.

May 20 was fixed for passing sentence upon Joseph Dean, who pleaded guilty, a short time since, to unlawful cohabitation. Judge Sandford said he would postpone judgment until Judge Anderson came from Beaver. Mr. Moyle suggested that there had been no trial, as a plea of guilty had been entered. Judge Sandford replied that it was a matter of courtesy to Judge Anderson, that as the case had been commenced before him he should also end it.

During last week the following business was transacted at Beaver before Judge Anderson:

A. R. Whitehead was tried on a charge of unlawful cohabitation, and the jury rendered a verdict of not guilty.

The case of unlawful cohabitation against T. J. Jones was reported as ignored by the grand jury.

Bishop C. J. Arthur, of Cedar City, Iron County, was arraigned on an indictment charging him with unlawful cohabitation, and pleaded guilty. He waived time for sentence.

His attorney, Mr. Dewey stated that Mr. Arthur had given no trouble to the officers, and caused the government no expense. On learning there had been a warrant issued he had given himself up, and now that an indictment had been found had pleaded guilty.

District Attorney Peters stated to the court that the officers had been searching for the defendant. Mr. Peters' statement was untruthful.

The court then questioned Bishop Arthur as to his family relations and was informed that the defendant was married to his plural wife 12

year ago; and that he held the office of a High Priest.

Judge Anderson then gave the prisoner a lecture about the bad(?) example he had set to the community, and wound up by imposing the full penalty of the law—six months' imprisonment and \$300 fine and costs.

Franklin W. Young, of Sevier County, was the next "Mormon" to appear for sentence. In reply to Judge Anderson's inquiries he said that he married his plural wife in 1861, before there was a law against polygamy, and that her youngest child was nine years of age.

The judge then proceeded to lecture the prisoner—after he had inquired as to his intentions for the future and received the same answer as that given by Bishop Arthur, that he had no promise to make—and gave it as his idea that the law had prescribed a very light penalty for those who lived with two wives in obedience to what they believed was a command from the Almighty, and closed his speech by imposing the full sentence allowed by law.

On May 16 the following occurred before Judge Henderson at Ogden:

United States vs. W. T. Reed; unlawful cohabitation; verdict of guilty; sentence set for June 1.

James Sorensen was arraigned on a charge of unlawful cohabitation, to which he pleaded guilty. After the usual questions by the court, he was sentenced to three months' imprisonment and the payment of the costs, \$38.

Released From Prison.

On May 14 Hans Nielsen, whose case was decided in the United States Supreme Court on Monday, was released from the penitentiary.

On May 15 P. F. Goss emerged from the penitentiary. He has served a term of eighty-five days for living with more than one wife, and paid the fine and costs assessed.

May 16 three "Mormons" were released from the penitentiary, all of them having been sentenced in the First District Court at Provo. O. P. Borg served nine months, and Randolph H. Stewart seven months, for alleged adultery with their plural wives, and Chas. R. Onkey served four months for unlawful cohabitation. All received the benefits of the copper act for their good behavior.

On May 16, J. B. Reynolds and August Swenson, who were sentenced at Provo for unlawful cohabitation, were released from the penitentiary, having served their terms and paid the fines imposed.

Brother Thomas Chamberlain, Counselor in the Presidency of Kanab Stake, was released from the "pen." May 17, having served a sentence of six months for unlawful cohabitation. He also paid fine and costs amounting to \$320.

On May 20 John Welch, of Paradise Cache County, emerged from the penitentiary, where he has been confined for four months, for living with his wives.

F. G. Ralph, of Hyrum, Cache County, was also released. The

cause of his imprisonment was having two wives. He served 30 days for the costs in his case, in addition to filling out a four months' term.

Judge Anderson's Attitude.

During the past week court has been in session at Beaver, Judge Thomas J. Anderson being on the bench. There was considerable business before the court, and the judge ordered that the opening hour be 8:30 a.m. instead of 10 a.m., as heretofore.

After the impaneling of the grand jury, Judge Anderson gave his charge, from which the following is taken:

"You should first inquire in the case of every person imprisoned in the jails of the district on a criminal charge and not indicted; also, into the condition and management of the public prisons within the district; and into the wilful and corrupt conduct in office of all public officers of every description within the district: and I especially enjoin upon you the duty of investigating all violations of the law of the United States against bigamy, polygamy and unlawful cohabitation.

"It is perhaps proper that I should caution you against a certain class of persons to be found in almost every community, who, in case of difficulty with a neighbor, seek to have him indicted for some offense, however trivial it may be, for the purpose of annoying him and putting him to expense and trouble in defending himself from the charge. They will seize on any act of his life that is a technical violation of the law, and that is not barred by the statute of limitations, and go before the grand jury and often secure an indictment; and the time of the court and jury and witnesses will be consumed in the investigation and trial of a case which ought not to have been brought into court at all. In this way it often happens that old, stale accusations are raked up and the grand jury and the court are unwillingly made the instruments for wreaking the revenge and spite of private parties upon their neighbors. You should carefully scan the motives of those seeking to have indictments found for minor offenses, and wherever you find that the prosecution is prompted by malice and ill will, and no good purpose will be served by pressing the accused, you should refuse to indict, especially if the accusation is an old one and has been ignored by former grand juries.

"I do not give you these instructions with reference to the law against bigamy, polygamy, unlawful cohabitation and adultery. But with regard to these crimes you cannot be too diligent in your investigations, and should indict in all cases where there is a reasonable chance for conviction. The notorious indulgence in this class of crimes by large numbers of the inhabitants of this Territory, under the pretense of religious sanction, has long been a public scandal and has wrought more injury to the people in preventing immigration and the devel-