CASE WITH THE JURY

Argument Completed Today in the Kessler Murder Trial.

ANOTHER VERDICT FOR WEBSTER.

Opinion of the attorney can't be Overthrow Both Keeps for Pleasantville Hotel.

Argument in the Kessler murder trial was completed today, Mr. John Lo Taylor concluding for the defense in a very strong and able plea for the client and Mr. Whitehouse for the prosecution for the government and following his able attorneys, after whom his honor Judge Hiles instructed the jury and the case was submitted.

Mr. Taylor covered the evidence in the case in a very thorough manner, showing that it was all circumstantial and of such a nature as to enable it to Bible weight as against the prisoner. The strongest evidence brought out by the public prosecutor was the autopsy mortem statement of Nesersath, who was characterized by Mr. Taylor as a person and of a class whose word was not reliable under the most favorable circumstances or upon the most common occasion.

Mr. Whitehouse's argument was closely in great part to the testimony of the prisoner which was given in the attempt to prove an alibi and which was of a very flimsy nature and entirely insufficient to prove the case to set up by the defendant that he was at home and in bed at the time the tragedy occurred at Mr. Hinckley's home.

ANOTHER VERDICT FOR WEBSTER

Other Business in the Civil Division, Third District.

Another History of Utah case has been decided in favor of the George Q. Cannon & Sons company, through its representative, J. R. E. Wessler, who this morning received a judgment by Judge Hiscell's court for $20 against John Hall. The case was tried before a jury.

In the suit of J. R. E. Webster against F. E. Hansen the motion to non-suit was sustained and the jury discharged.

Judgment was rendered by the district in the case of Mary A. Patterson vs William McQuarrie. The defendant is ordered to return the property claimed in the complaint, with costs. The judgment was rendered by consent.

The damage suit of William Brock against the Rio Grande Western Railway company was in progress of trial today before the following jury: Isaac Brockbank, John Gabbott, John Henry Smith, T. R. Ellerton, W. H. Lee, Frank Taylor, Herbert Pike and A. Hammer Jr.

TO GOVERNOR WELLS.

An Opinion Relating to Prison Reductions for Good Behavior.

Since the organization of the state government of the State prison the question of reductions of sentences on account of good behavior of prisoners has been a knotty one. An amount of supposed disregulation of the provisions of the organic act. Attorney General Bishop today has rendered the following opinion to Governor Wells touching his powers in such cases:

Hon. Heber M. Wells, Governor, City.

Dear Sir:—I have received your communication of September 30th, in reference to your authority as to how not to restore to citizenship the benefits of the Cooper Act, lost by reason of violation of the prison rules. The reward of conviction, commonly called the Cooper Act and found in compiled laws of 1888, at pages 485 2 6, provides that on conviction in case of murder in the first degree, or for good conduct, during a period of not less than six months in which there is no violation of the prison rules, the governor may grant a pardon, or commute the sentence to imprisonment for life, or for any term of years not less than that to which the convict was originally sentenced. As near as I can learn, the practice has been to commute the sentence of convicts to imprisonment for life, and then to pardon them after they have served such time as the governor may deem sufficient. Section 3 of the act provides that the governor may grant to any convict sentenced to imprisonment for life a commutation of sentence to imprisonment for a term of years, and may grant a pardon to such convict after he has served such term of years, less such deductions as may have been allowed him for good conduct during his imprisonment. Section 4 provides that the governor may grant to any convict sentenced to imprisonment for a term of years a pardon after he has served such term of years, less such deductions as may have been allowed him for good conduct during his imprisonment. Section 5 provides that the governor may grant to any convict sentenced to imprisonment for a term of years a pardon after he has served such term of years, less such deductions as may have been allowed him for good conduct during his imprisonment. 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DAILY WEATHER VANE.

Observations Taken at Salt Lake, Idaho, Montana, Oregon and Wyoming Stations.

Weather reports showing observations at 8 a.m. today:

Salt Lake City—Barometer, 30.06; temperature, 54; minimum, 42; wind, southeast, 5 miles per hour; clear.

Baker City—Barometer, 29.92; temperature, 46; minimum, 40; wind, south, 10 miles per hour; cloudy.

Cheyenne—Barometer, 30.04; temperature, 38; minimum, 36; wind, southwest, 8 miles per hour; cloudy.

Helena—Barometer, 30.08; temperature, 36; minimum, 36; wind, south west, light; snow.

Miles City—Barometer, 30.04; temperature, 36; minimum, 28; snow.

Winnemucca — Barometer, 30.02; temperature, 36; minimum, 36; wind, northeast, 8 miles per hour; clear.

Idaho Falls—Barometer, 30.06; temperature, 36; minimum, 32; wind, southwest, 5 miles per hour; cloudy.

Havre—Barometer, 30.06; temperature, 32; minimum, 30; wind, northwest, light; snow.

General land interest for 36 hours ending 5 p.m., Wednesday:

For Utah: Fair tonight and Wednesday. Stationary temperature.

For Salt Lake City and vicinity: Fair tonight and Wednesday. Stationary temperature.

J. H. SMITH,
Observer, Weather Bureau.
SALT LAKE CITY, Utah.

Today's temperature is shown in the the minute thermometer given below:

HE IS BOUND OVER.

Lewis L. Burningham Held to the District Court.

CHARGE CHANGED TO FORNICATION

Defendant and Two Women Had Had Improper Relations for Several Months.

A case, the details of which are widely known to the public, was that which occupied Justice Weaver's attention at this morning's session of the police court. It was that of the State vs. Lewis L. Burningham, in which Antonia McDaniel was the complaining witness. The original complaint charged the defendant with failure to support an illegitimate child, but alleged during the course of the hearing were raised to many, Assistant County Attorney Harrington asked leave and was granted permission to change the charge to one of fornication.

After some little discussion and the utterance of a demurrer to the complaint on the ground of variance, which Attorney Frank H. Hargette for the defense entered a plea of not guilty, and the hearing was begun.

Antonia McDaniel was the first witness. She answered the stand with a cantering step in her arms and told her story. It was to the effect that she settled at Centerville about three years ago at which time she made the defendant's acquaintance. She was then a widow with three children, her husband having previously died in the South. The defendant, she said, had been very attentive to her during her residence there and was married her, notwithstanding the fact that he was but 15 years of age, while the witness was 32. Last year she moved to this city and Mr. Burningham moved with her, getting a house for her and paying the rent of the same. He did not stop at her house all the while, but was frequently on a trip to Bountiful where his mother resided. She then moved somewhere else during the last year, and her child was born on the 22nd of June, shortly after her arrival here from Bountiful. The defendant had always held her out as his wife, although the marriage ceremony had never been solemnized. He, however, had promised repeatedly that as an distant date he would make her his wife, and the witness had always had that intention in view. She had known that she was in the Name of his marriage to another woman. He had addressed her as Mrs. Lewis L. Burningham, and when he was in the city he stopped with her, both living together as man and wife.

Carl McDaniel, the fourteen-year-old son of the complaining witness, testified that the defendant had lived with his mother both in Bountiful and this city. On the latter place he became a sleeping-room on divers occasions up until about three months ago.

Then followed the testimony of Mrs. Hannah Gilbert, Mrs. Ann Leaker, Mrs. Elizabeth Leaker and Mr. Vera Wells. The three former testified to the native having lived together and supposed as man and wife. They also related that Burningham dressed alone in the house when the child was born on the 22nd of June. Mrs. Wells testified to having moved the household furniture of Mrs. McDaniel from the Eleventh ward to the city in the First ward. Defendant hired him and paid him for the work.

This closed the testimony of the prosecution and the defense proceeded to put in side of the case, beginning with the defendant, Lewis L. Burningham, on the stand. He narrated the circumstances leading up to his acquaintance with the women, three years ago. Mrs. McDaniel had made the first advances and continued to him and had first him in his prattlebower to the subject matter of his illegal relationship with her. At divers times he had helped her financially. He was 21 years of age on July 5th last.

Elias Burningham, the aged mother of the defendant, was the next witness. Her testimony was to the effect that when Mrs. McDaniel first settled in Bountiful, she sat to sympathize with her, she being a widow, and visited and did sewing for her. She chose for the lady and assisted her in other ways. She later threatened to commit suicide if would give up between them, as the woman was not enough to be her son's mother, and intimated the boy, who had prior threatened to leave her home if he did not stay away from home at night, was once also found with him at the home of Mrs. McDaniel. Mrs. Burningham denied that her son had ever visited there at night. She had always warned him against the lady and never let him out after dark. She had never heard of any improper relations between them.

The defendant's mother also was the next witness. Her testimony was substantially similar to that of her mother.

Counsel for the prosecution did not care to argue the case, but Attorney Hargette for the defense made a short but pointed statement. He said that the ground case was one of a very unpleasant nature. He regretted with the utmost sincerity that his client had been brought before her in his mother's home, because he considered it grossly improper. He had no defense to offer to the charge as laid and was pleased to see that the complaining witness had not perjured herself in the matter of the boy's paternity. He thought the case was one for the consideration of the grand jury rather than the police court, and he would submit it to the court.

Judge Weaver said he thought it was a case for the grand jury, but as the county attorney had changed the charge to one of fornication he would hold the defendant to the district court in the sum of $1,000 in default of which he would be committed to the county jail.

The Park and Neighborhood.

PARK CITY, Utah,
Oct. 19, 1896.

To the Editor:

I have just returned from Heber City, Kamas and other settlements to Wasatch and Summit counties. The Latter-day Saints of Park City held very largely attended meetings at the opera house yesterday. Elders John Henry Smith, David O. Grant and C. W. Penrose are here and attended the Sunday school in the morning and addressed the people in the afternoon and evening. Elders Penrose and Smith went from here from Lake City furnished the singing. Prof. J. J. McClellan presided at the organ. The house was packed and a number of many people were unable to gain admittance.

The choir and German singers will give a concert in Park City next Monday night. From there they will go to Heber City, Midway and other towns in Wasatch, where they intend giving a series of concerts. Professor McClellan, Mrs. Lucy Thomas Edwards and Prof. C. D. Schetter are with the company.

The following are all sent to the Ontario mines, except Brother Heber J. Grant, who returned home in the morning train. Elder John Henry Smith got a permit from Mr. George Gibbs and took us all it was in No. 3 mine. We went to the 1500-ft. level, 1,000 feet in depth. Brother Smith showed us through and explained to us the workings of the drifts, etc. The engineer was very careful in letting us down in the cage while the miners, who are used to it, are let down about as quick as if they should fall. There are nearly 400 men employed in the Ontario mines.

The Latter-day Saints of this city are now building a meeting house. The foundation is nearly completed.

One of the merchants here offered a prize of one fine egg $100 and $50 for the second best egg, to be given to the largest egg laid by a hen in Park City.

There are quite a number of nice residences in course of erection, also a new opera house is being built by the A. O. U. W. at Park City.

ERNEST N. PENROSE.

Is Now Well Again.

Elder Lorin Stevenson, a missionary from this city to the Southern States, writing to his parents from Live Oak, Florida, says our greatest enemy, Grover Weed, is now very sick, his life being despaired of. The Elders Gates and prayed three days. Friends in their grief gathered around the bed of the supposed dying man. He said our hands upon him with faith and invoked God's blessings upon him, and he immediately spoke, saying, "I am healed." He arose, dressed himself and walked about the house, which he had not done before for two weeks.

ADDITIONAL TELEGRAPH.

BRYAN IN GOLD GROUND.

He Encounters some On His Tour Through Ohio.

SPRINGFIELD, Ohio, Oct. 20.—The democratic campaign in the Miami Valley district along the banks of the Ohio, has been pronounced here and there with cheers for his opponent. Neighborhood in the country were deep in the throes of a color watch indicate the workers were not on their toes for the democratic candidate. Tents were the stage scenes in each place was reached, and at first the excellent audiences the crowd room for most of the car. There was a good crowd at Bellaire and it was enthusiastic. Bryan addressed them from the platform. He said the message of the republicans was a threat to the laboring men and business men, saying practically he sense the employees of establishments that would not be employed by him unless they voted as their employer. At Bridgeport workers of yellow badges were conspicuous. The speakers of the occasion were strong enough to drown the cheers for the Republican candidate. Bryan spoke three minutes each at Martin's Ferry and Wheeling, discussing the financial question in the quantity and not the quality of the money. At Martin's Ferry good beside were with a large gathering of the audience, and cheers for McKinley alternated with cheers for Bryan. Bryan said in this county sufficient money had the gold once was wanted, and told the story about a Nebraska woman who said her prosperity was a gold will wagon. The afternoon appointment was

The young mother is hardly known which she loves best, the baby or the little bits of its clothes of underwear and outerwear. They approach motherhood with a feeling of awe, and are prepared in a vague way for the coming months of pain and danger. Few of them have been told that these months of pain and danger are no longer necessary. By the use of Mother's Friend the pain is avoided during the expectant period—safety, comfort and health are assured for both mother and child.

Dr. Parker's Favorite Prescription is for the cure of all diseases peculiar to females, and for the relief of suffering during pregnancy. It is not a "patent medicine" to be taken by anybody and everybody indiscriminately, but is a scientific remedy for the cure of certain diseases. It is prepared by a physician of large experience in the treatment of women, in daily use by thousands, and has never been known to fail in a single case. Every bottle is guaranteed to give satisfaction. Send for our book, "Mother and Baby," which contains much valuable information. Sent free.

Address, World's Dispensary Medical Association, Buffalo, N. Y.

A Perfect Tree Danger.

CHICAGO, Oct. 20.—Edgar Lee, a negro, was killed by a falling tree, during the Republican parade, this evening. He was a member of the Lincoln club, and was marching in the parade when the accident occurred. The tree was uprooted by the high wind which prevailed during the parade. Lee was struck on the head by the falling tree and killed instantly.

As soon as their appearance would permit they were sent to Mexico, Kansas, Nebraska and Missouri, and the simple announcement on the part of the agent was that they were "sent west of the Atlantic seaboard." The enclosure particularly the plank of the Democratic platform referring to the United States Supreme Court.

To Locate a Deep Water Harbor.

WASHINGTON, Oct. 20.—The River and Harbor bill passed by last session of Congress contained a provision that the location of a deep water harbor in California should be determined by a commission to be composed of a naval officer to be detailed by the secretary of the navy, an officer of the war department, the engineer in charge of the superintendent, and three civil engineers, to be appointed by the President. The board has been at work for some time, and Secretary Herbert has appointed Rear Admiral J. G. Walker, detailed by the superintendent of the coast and geodetic survey; Captain Augustus F. Rogers, assistant engineer, and Lieut. Wilfred M. Blunt, U. S. N. New York; Gustav S. Morrison, New York; Robert H. Morgan, Illinois.

Marriage Announcement.

NEW YORK, Oct. 20.—Miss Edith Sheppard, daughter of Mr. and Mrs. Edwin H. Sheppard, a great daughter of the late Wm. H. Vanderbilt, was married in Scarborough, on the Hudson, today, to Mr. Albert O. Fabbri. The ceremony, which was performed by Rev. Dr. John Hall, assisted by Rev. Francis Brown, took place in Sheppard memorial chapel, erected by Mrs. Sheppard in memory of her late husband. The church was elaborately decorated with flowers and palms, many being imported expressly for the purpose.

MINOR MENTION.

Henry Harding and John Bingham were fined $10 and $5 in the police court today for fighting.

The case of C. J. Nelden charged with selling milk without a permit, has been set for hearing tomorrow at 2 o'clock.

The registration in the 15th election precinct of Salt Lake county, at which Wm. N. Andersen is registrar, resulted in 93 votes being cast.

In the 18th election precinct of Salt Lake county, Registry Agent Thomas Wright has registered 138 female and 141 male voters, making a total of 280.

The remaining companies of the Twenty-fourth infantry are at the garrison at Ft. Douglas, and the Union Pacific on Thursday evening or Friday morning next.

John McDonald, the gypsy who was arrested on Monday morning, on suspicion of having robbed the house of Mrs. Peters during last week, was up for a hearing in the police court at noon today.

This afternoon Peter S. Condie, the Republican nominee for sheriff of Salt Lake county, called the attention of the board of canvassers and Registration Agent Thomas to the fact that on some ballots his name was misspelled, and requested that the error make the matter right in the minds of the voters.

HOTEL ARRIVALS.

Walker—F. McGrath and wife, Evanston; A. Grant, city; Mrs. Hatch, Cheyenne; C. H. Markham, Fifteen Twenty ranch, Boise.

Cullen—L. E. Rhodes, Ogden; F. Knowles, San Francisco; L. W. Simpson, Chicago; H. Fowler, Colfax, Wash.; San Francisco; John E. Hill, St. Louis.

Templeton—John C. Haines, Evanston, Wyo.; C. D. Hadley, Kansas City; J. H. Goldsmith, Denver; Mrs. Mary Wood, Ogden; H. Fowler, Colfax, Wash.; C. W. S. Heppner, Omaha.

Knutsford—R. D. Clarke and wife, Provo; H. E. Wilson, Chicago; J. Hopper, San Francisco; E. H. Van Gorkom, Denver; Chas. A. Bates, Denver; S. S. Bradford, Cripple Creek.

Night Timber. The sheepmen are beginning to move their flocks from their summer range to that of winter, and wagons are plying between the city and purchasing supplies for whatever is gathered their wagons and other equipments in proper order to stand the winter winds, which will shortly be upon us on the desolate grazing grounds of the western desert.

Prize Advocate: We get the information from a source that is to us the reservation and was in a position to know the facts that the Uintah reservation is soon to be opened. There is much land in Uintah valley that is excellent for raising stock for the winter upon which the Ute Indians graze.

Uncle Sam Gazette.

New York Stock Market.

NEW YORK, Oct. 20.—Government bonds dull; state bonds dull; railroad bonds irregular; U. S. 4s coupon, 126; U. S. 4s registered, 126; U. S. 5s coupon, 112; U. S. 5s registered, 112; Pacific 6s of 95, 104.

Chicago Market.

CHICAGO, Oct. 20.—Wheat—Dec. 68; May, 72.

Corn—Dec. 31; May, 35.

Oats—Dec. 19; May, 23.

Pork—Dec. $8.00; Jan. $8.00.

Lard—Dec. $4.30; Jan. $4.30.

Ribs—Dec. $3.40; Jan. $3.40.

Live Stock.

CHICAGO, Oct. 20.—Cattle—Receipts, 1,000; market steady; Texans, $2.50@3.50; beef steers, $3.50@4.50; stockers and feeders, $2.50@3.50; cows and heifers, $1.50@3.25; calves, $3.00@5.00.

Hogs—Receipts, 5,000; market steady; heavy, $3.50@3.70; mixed, $3.50@3.70; light, $3.50@3.70; pigs, $3.00@3.50.

Sheep—Receipts, 1,000; market steady; natives, $3.00@4.00; Western, $3.00@4.00; lambs, $3.50@5.00.

Omaha Live Stock.

Special to the News.

OMAHA, Neb., Oct. 20.

Cattle—Receipts, 1,000; market steady; native steers, $3.00@4.50; cows and heifers, $2.00@3.25; Texas steers, $2.50@3.50; stockers and feeders, $2.50@3.50; calves, $3.00@5.00.

Hogs—Receipts, 5,000; market steady; heavy, $3.50@3.70; mixed, $3.50@3.70; light, $3.50@3.70; pigs, $3.00@3.50.

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DIED.

[illegible]—In Provo, Oct. 19th, 1896, Orson [illegible], aged [illegible] years. Funeral notice in Provo papers and Millennial Star please copy.

Cures Talk

"Cures talk" is here and there all Hood's Sarsaparilla, as for no other medicine. Its great cures recorded in truthful, convincing language of grateful men and women, constitute far more effective advertising. Many of these cures are entirely unsolicited, and the volume of the people have given Hood's Sarsaparilla the largest sale in the world, and have made it necessary for its manufacturers the greatest laboratory on earth. Hood's Sarsaparilla is known by the cures it has made—cures of scrofula, salt rheum and eczema, cures of rheumatism, neuralgia and kidney cures, cures of dyspepsia, liver troubles, nearly—cures which prove

Hood's Sarsaparilla

Is the best—in fact the One True Blood Purifier.

Hood's Pills cure Sick Headache, 25c.

violation of the prison rules. The reward of conviction, commonly called the Cooper Act and found in compiled laws of 1888, at pages 485 2 6, provides that on conviction in case of murder in the first degree, or for good conduct, during a period of not less than six months in which there is no violation of the prison rules, the governor may grant a pardon, or commute the sentence to imprisonment for life, or for any term of years not less than that to which the convict was originally sentenced. As near as I can learn, the practice has been to commute the sentence of convicts to imprisonment for life, and then to pardon them after they have served such time as the governor may deem sufficient. Section 3 of the act provides that the governor may grant to any convict senten