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TRUTH AND LIBERTY.

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LOCAL NEWS.

FROM TUESDAY'S DAILY, OCT. 12

Sureties.—The bondsmen for Bishop W. E. Bassett, on the charges of polygamy and unlawful cohabitation, are John Clark, Wm. H. Rowe, Orson H. Pettit and White & Jones.

The Test Oath.—A special dispatch to the News from Blackfoot, Idaho, dated yesterday, says: "The test oath law is declared constitutional. A stay of proceedings was granted to notify counsel for the defense."

Address Wanted.—Thomas O'Donnell, postmaster, Gads. Ill., Perth County, Ontario, Canada, desires, in behalf of John Buncey, to obtain the address of, or some information regarding Eliza Pack, who came to this city about twenty years ago, from England.

Born and Died.—To-day, at five minutes past 12 o'clock, the wife of Mr. T. G. Dawson gave birth to a fine boy, and the mother and child were doing so well for a time that the husband and friends of the family were jubilant; their feelings were soon crushed, however, by the fact of the infant dying at 5 o'clock p.m., changing the scene and feelings of joy to those of mourning.

Three Indictments.—This morning William Haigh, of West Jordan, was arraigned in the Third District Court, charged with having lived with more than one wife. The first indictment alleges that the offense was committed during the year 1884, and names Mrs. Mary Ann Haigh and Mrs. Belle Webster Haigh as his wives. The second indictment covers the year 1885, and the third is from Jan. 1, 1886, to April 1, 1886. The defendant entered a plea of not guilty in each case. His bail is \$1,500.

S. R. Marks Arrested.—Shortly after 2 o'clock this afternoon Stephen R. Marks was brought to Commissioner McKay's office, in custody of Deputy Gleason. He had been arrested a few minutes before, at the Co-operative Furniture Company's shops, corner of South and West Temple Streets. The Commissioner was not in at the time, so the examination was deferred to a later hour. The charge is, of course, that Mr. Marks has been living with two wives.

Returned.—Dr. H. J. Faust is home again from a business trip to Illinois and Missouri. He was in Chicago when the pleuro-pneumonia broke out, and was convinced at once of the ravages and extent to which it would go; but Hopkins, the veterinarian of Wyoming, and one of the best in the West, went to Chicago and at once took active and effective measures to prevent the plague from crossing the Missouri River, which have been successfully accomplished, and we of the Far West are now in no danger. Things otherwise were looking along about as usual. The Doctor brought with him 29 head of Holsteins, picked out of S. S. Mann's Sons' herd, the finest in the country, and will breed and sell them.

The Newbold Case.—A Wyoming grand jury recently investigated the circumstances connected with the death of the late George Newbold, at Almy, Wyoming, some time since, and made the following report to the District Court:

"We, the grand jurors for Uintah County, Wyoming, after having fully investigated the cause and manner of the death of George Newbold, find that he came to his death by falling from and being run over by the coal cars of the U. P. R. Co., and we severally censure the said U. P. R. Co. and its foreman, Mr. Thomas Curran, for placing a very old and infirm man in a situation which he was not competent to fill, and we think that the heirs of the

said George Newbold, deceased, should be fully remunerated by the said U. P. R. Co."

Court Notes.—In the Third District Court to-day, the sentence of Orson P. Arnold, for unlawful cohabitation, was deferred until Thursday, the 21st.

United States vs. Wm. Hague; unlawful cohabitation; three indictments; defendant arraigned and pleaded not guilty to each.

Cunington & Co. vs. James T. Monk; default and judgment.

Frederick Heath vs. Salt Lake County; court allows defendant to be heard before granting a motion for judgment.

Daniel Kyer vs. Daniel Bateman; jury return a verdict for plaintiff.

Matthew Orr vs. John T. Rich et al.; postponed on motion of plaintiff.

Bertha Bamberger vs. James Williamson et al.; dismissed by consent, each party to pay its own costs.

Frisco Con. Mining Co. vs. Daniel N. Swan; trial before jury in progress.

Intentions of the U. P.—Charles Francis Adams, President of the Union Pacific, passed through Ogden a few days ago, en route to the Pacific Coast. His party were joined at Ogden by P. P. Shelby, assistant general traffic manager, and the company went on to Portland, Oregon. The San Francisco Chronicle says of the object of the trip:

"President Charles Francis Adams and General Superintendent S. T. Smith of the Union Pacific are to visit this city soon in company with C. A. Whittier, Boston capitalist, for the purpose of looking about for a suitable outlet for the Union Pacific to this coast. The statement was semi-officially made some time ago that this road would soon begin work on an extension from Ogden. P. P. Shelby declared at the time of his last visit here that in all probability the Union Pacific would build the next transcontinental line."

The Arnold Case.—This morning Orson P. Arnold was called to receive sentence on three counts of unlawful cohabitation. The following motion was interposed in the case:

In the District Court of the Third Judicial District, Territory of Utah, Salt Lake County:

United States

vs.

Orson P. Arnold.

Said defendant moves the Court to set aside the verdict rendered against him herein, and for a new trial, upon the following grounds, to-wit:

1.—That said verdict is contrary to law.

2.—That said verdict is contrary to the evidence.

3.—That the Court misdirected the jury in matters of law, and erred in the decision of questions of law arising during the course of the trial.

SHERK & RAWLINS,

F. S. RICHARDS,

LE GRAND YOUNG,

Attorneys for defendant.

Mr. Rawlins said he was ready to proceed with his argument on the motion, but as there was an unfinished case before the court, and Mr. Varian desired to go to Ogden this afternoon, the case was postponed until Thursday next, at 10 a.m.

FROM WEDNESDAY'S DAILY, OCT. 13

A Business Trip.—Brother Joseph Hall, of Ogden, is now engaged making a tour of the settlements of Weber and Box Elder Counties in the business interests of this office. We bespeak for him a kindly reception by the numerous friends of the News in that part of Utah.

Court Notes.—In the Third District Court to-day the jury in the case of the Frisco Consolidated Mining Company vs. Daniel N. Swan, gave a verdict of \$400 for the plaintiff.

Daniel Kyer vs. Daniel Bateman; 10 days' stay allowed.

Matthew Orr vs. J. T. Rich et al.; trial before court in progress.

Admitted to the Bar.—At Provo, Hon. Wm. H. King was examined for admission to the bar last Monday evening, in open court, before the following committee: District Attorney Dickson, B. W. Driggs, Jr. and A. G. Sutherland. The committee reported favorably. The examination was very creditable to Mr. King, and he was duly initiated into the legal profession. Mr. King starts in a few days to Ann Arbor, Mich., to further pursue his legal studies.

Tooele Y. M. M. I. A.—On Sunday evening, October 17th, the Y. M. M. I. A. of Tooele City met and elected the following officers: President, A. J. McCustin; counselors, J. W. Tate and J. C. De La Mare; secretary, John E. Hansen; assistant secretary, Thomas Spiers; corresponding secretary, D. D. Houtz; treasurer, J. C. De La Mare; programme committee, Joseph M. Dunn, F. M. Lyman, Jr., George H. Tate, F. D. Harmon, Joseph Crancer and George A. Remington. The association begins the present season with very favorable prospects.

Lost in the Mountains.—The Southern Utah Times has the following account of an incident that lately happened near Osceola, Nev.:

"J. C. Edwards got lost up in the mountains the other night while out searching for his cows. The Monitor mine closed and searching parties were out all night and until noon the next day, when the missing man was found; heavy clouds hung around the mountain top and the old man became bewildered in one of the deep cañons, and had he not been supplied with matches he might have frozen to death."

"A Good Citizen."—The Enterprise, published at Malad, Idaho, in a late issue, has the following in reference to Bishop George Stewart of that place:

"Bishop George Stewart left yesterday for Blackfoot, to be in attendance when his case is called. The Bishop made a splendid, good, patriotic speech at the meeting the other night, and baring his infatuation for the creed of Brigham Young, which is hard accounted for in his case, he is a clever neighbor and good citizen."

"He is a good citizen" is nearly always admitted, even by their enemies, of the men who, like Bishop Stewart, are made victims of religious persecution.

A Night Raid.—Before daylight this morning—at about 5 o'clock—a squad of deputy marshals surrounded the house of Mr. Samuel Russell, in the Fifteenth Ward. A warrant of arrest, on the charge of unlawful cohabitation, was presented, and the deputies were informed that Mr. Russell was not home. This was not satisfactory, however, and the place was thoroughly ransacked for him, and also for his alleged plural wife, neither of whom were found. Mrs. Russell and others of the family were subpoenaed to appear at Commissioner McKay's as witnesses, but as the accused has not been arrested, the case will probably go over until his return home.

Carp.—The following will be of interest to persons who devote attention to the industry to which it refers:

Editor Deseret News:

Under date of the 14th inst., Brother Stephen Walker, of Peoa, Summit County, U. T., writes me:

"My carp pond is fed by a spring whose water is 56 degrees Fahrenheit, where it comes from the ground, and 82 degrees in August, where it leaves the pond. It contains a taint of sulphur. The pond's greatest depth is seven feet (the area is not given,) and contains watercress and fish food in abundance. It does not freeze entirely over in winter. My carp are very active and are growing wonderfully fast when the altitude (Peoa must be a mile above sea level) and the long winters are considered. I have a 'leather' carp that weighs eight pounds. I am very fond of my pets, and sometimes feed them bread, boiled potatoes, etc. My main object is to stock the meadow creeks for the benefit of the community." Respectfully, etc., A. M. MUSSER.

THE MARKS CASE.

THE EXAMINATION UNFINISHED—MCKAY BREAKS OUT AGAIN.

The preliminary examination in the case of the United States vs. Stephen R. Marks did not take place yesterday afternoon as was expected, owing to the inability of the deputies to find witnesses. This morning the defendant, his wife and Miss Sudbury were present at Commissioner McKay's office. The complaint, sworn to by E. A. Ireland, is dated April 1st, and accuses the defendant of having lived with Mrs. Olive Hoagland Marks and Malvina Sudbury as his wives, contrary to the law.

The Commissioner informed Mr. Moyle, who appeared for the defense, that there was no prosecuting attorney in the city at present, and suggested that the case be set for 2 p. m. to-day. Mr. Moyle wanted 10 p. m. to-morrow fixed, but the Commissioner finally concluded to conduct the whole proceedings himself.

One of the witnesses, Fred Sudbury, 11 or 12 years of age, was not present. Miss Sudbury, in reply to the Commissioner, stated that Fred had said he did not think he would come, and an attachment was immediately issued and given to a deputy to serve.

Miss Juliet Sudbury was the first witness called. She said—I have known the defendant about 16 years; he resides on Centre Street, in the 17th Ward; I live in City Creek Cañon; it is about a mile from defendant's home; he has a wife and two children. I know of Mrs. Marks is here; his eldest child is a girl; I do not know how old she is; the other child is also a girl, two or three years old; there are several children dead; I have known Mrs. Marks about 15 years; Fred Sudbury is my brother; I have four sisters, Lavina, Clara, Sarah and Caroline; Lavina lives at home; as do the others; I do not know of any of them being married.

Commissioner.—Have you ever heard that any of them were?

This question was objected to by the defense as calling for hearsay testimony. The Commissioner, of course ruled in his own favor.

Witness.—I have heard that two of them, Lavina and Clara, were married; do not know who to; neither of them keep house; I have not visited them except at home; do not know that they are married to Mr. Marks; he never told me; I have not conversed with him about it, nor with any one else; my mother lives in the Cañon; do not know of my sisters living in the 21st or 17th Wards; do not remember seeing them at Mr. Marks' house except on one occasion, at a party; this was about seven years ago; I have been there since, but did not see my sister there; have not met Lavina at any other place with the defendant; heard she was married about eight years ago, I think; do not remember who told me, or where; never heard her husband referred to by name; never heard that she was married to Mr. Marks.

Commissioner.—Do you recollect positively, that no name was mentioned?

Witness.—I told you so.

Commissioner.—Well, don't be so pert about it. We can do without that.

Witness, resuming.—Lavina lives at home; I saw her on Monday afternoon; I do not know where she is now; never heard the name of Clara's husband; I do not know who my brothers-in-law are, and don't want to know.

Mr. Moyle objected to the manner of questioning as unfair. (Overruled.)

Witness to Commissioner.—My sister Lavina has not left home during the past seven years; she never kept house or boarded elsewhere in town.

Mrs. Olive H. Marks testified.—I am the defendant's wife;

The defense objected to the testimony on the ground that the legal wife could not be compelled to testify against her husband. (Overruled.)

Witness, to Commissioner.—I was married in Salt Lake City 16 years ago the 20th of September; live on Centre Street, No. 60, 17th Ward; I have two daughters, one five years and the other sixteen months old; I know Lavina Sudbury; have known her 14 or 15 years; she never lived at my house; I do not know that my husband is married to her; may have heard so; I heard a rumor to that effect; I do not know how long since; I paid no particular attention to it; I don't know where I heard it or from whom or when.

Commissioner.—Did you ever have any conversation with your husband about it?

Mr. Moyle.—Your honor, we object to the question as being improper. Judge Zane.

Commissioner (interrupting).—She may answer.

Mr. Moyle.—Judge Zane ruled positively that a wife could not be compelled to testify as to any confidential communication from her husband.

Commissioner.—I don't care. I've passed on it, and when I pass on a question, I don't want any further argument.

Mr. Moyle.—I would like to speak for my client. I would like to argue—

Commissioner.—You've got to stop, you can't argue a question after I have passed on it.

Mr. Moyle.—I presume I have a right to argue it. Some of the rights of the defendant should still be respected. Judge Zane.

Commissioner.—Well, I don't want to hear any argument.

The examination of the witness then continued. Mrs. Marks said—My husband never told me he was married; he never asked for and I never gave my consent to a marriage; I did not converse with him about it.

Commissioner.—Why did you hesitate when I asked you, then?

Witness.—I did not hesitate. I was interrupted.

Commissioner (gruffly).—You look at me. Have you heard of his being married to Lavina Sudbury?

Witness.—Oh, I've heard of his being married to a dozen; the rumors were so foolish that I did not believe them; I have heard the names of others besides. Lavina Sudbury mentioned, but do not remember them at present.

The Commissioner then ordered the examination continued until 4 p. m., remarking, "If the other witness (Fred Sudbury) does not come we will take another continuance."

At the close Mr. Moyle suggested that the Commissioner had not acted in a very dignified manner in interrupting him, but McKay replied, "This thing has got to be stopped. I won't have it," and considerable more in the same strain.

FROM THURSDAY'S DAILY OCT. 21

Wants to Hear from Her.—Mrs. Glover, of Park Place, Schuykill County, Pa., would like to hear from Mrs. Dunkuff, whose maiden name was Bessie Glover. Mrs. Dunkuff is a native of Staffordshire, England, and is supposed to have resided for the last twenty-four years in Salt Lake City.

She is, if living, seventy-one years of age. Any information sent to the above address will be thankfully received.

From Price.—D. J. Williams, Esq., of the firm of D. J. Williams & Co., of Price, Emery County, came to this city last evening. He reports considerable business activity at that point, and the rapid growth of that town. Some of the officers of Fort Du Chene purpose residing at Price. A great deal of the freight for Fort Du Chene, the Indian Agencies in Uintah County, and the Ashley country, is being discharged from the cars at Price, furnishing employment to teams, of which there are not enough to supply the demand.

Indictment Quashed.—In the Third District Court to-day, Mr. Varian called the attention of the Judge to the fact that a demurrer to the indictment had been interposed in the case of the United States vs. Henry H. Hawthorne, as the bill found against him by the grand jury did not state the name of the first wife, or when or where the marriage took place. The prosecution confessed the demurrer, and the indictment was quashed. At the request of Mr. Varian, the case was re-submitted to the grand jury.

Holstein Cattle.—An advertisement in to-day's News announces the latest development in the matter of grading up on the part of our stock raisers. H. J. Faust & Son have brought in a large importation of blooded Holstein bulls, cows and calves, as good stock as can be found and all carrying in their ears the metallic tag of the herd book. The cattle are on exhibition at Grant Brothers' stables, where all are invited to come and see them. Dr. Faust has shown commendable enterprise in this direction and deserves encouragement.

A Fall.—At a late hour last evening a gentleman passing the Excelsior Bakery, heard a cry of distress, and a call for help, uttered in a female voice which seemed to be near to him, yet muffled. He traced the sound to a point about twenty feet back from the sidewalk, north of the building named, where there is a square hole designed to admit light into the cellar under it, and ordinarily covered by a grating. This grating had been lifted, and a lady, past middle age, had, by some means, fallen into it. It was about seven feet deep and made a very narrow and uncomfortable prison. By main strength the gentleman raised the unfortunate woman to the surface. She was unhurt, but might have been seriously injured. All such traps should be kept covered.

Bishop Mousley Arrested.—Lewis H. Mousley, Bishop of Bluffdale Ward, in this county, was arrested yesterday by Deputy Pratt, and last evening was arraigned before Commissioner McKay, on a charge of unlawful cohabitation. He gave bonds in the sum of \$500 for his appearance at 10 o'clock this morning. John Gabbott and Wm. Petersen being accepted as sureties. This morning the examination, which occupied but a few moments, took place. The Commissioner administered the oath to two ladies who were present as witnesses, and asked each of them if she was the wife of the defendant, and was living with him. Both of the witnesses answered these questions affirmatively, when the Commissioner ordered the defendant to be held for the grand jury. Bail was fixed at \$1,500, which was furnished, and the defendant was released.

Goes to the Grand Jury.—At about 11 o'clock this forenoon the closing proceedings in the case of S. R. Marks commenced before Commissioner McKay.

Mrs. Hannah Marks, mother of the defendant, was sworn. She had merely heard a rumor to the effect that her son was married to Miss Sudbury; had met that young lady but once, and that was more than two years ago.

Mrs. T. G. M. Smith, sister to the defendant, was sworn. She knew nothing of the alleged marriage of her brother to Miss Sudbury; had heard a rumor about it; had met Miss Sudbury only twice.

Mr. T. G. M. Smith was sworn. He knew nothing of the alleged plural marriages; had met Miss Sudbury four times: twice on the street and twice at birthday parties, in company with other people; never saw the lady in company with defendant.

In commenting on the testimony Commissioner McKay admitted the entire lack of any direct evidence against the accused, but observed that he would prefer to have the grand jury investigate the case, and would therefore hold the defendant in the sum of \$3,000, and the witnesses in the sum of \$200 each to appear before that body. Wm. Peterson and W. N. Williams were accepted as sureties on the witness' bond but not on that of the defendant. B. F. Cummings, Jr., was accepted as one of the latter's bondsmen, and another had been sent for when our reporter left the Commissioner's office, at which time that official, in company with three ladies, witnesses in the Bassett case, was about to depart for the grand jury room.