

## THE POLYGAMY PROSECUTION

ANNA GALLIFANT'S TESTIMONY IN THE CONNELLY CASE—SHE REFUSES TO ANSWER INDECENT QUESTIONS—VERDICT OF NOT GUILTY RETURNED.

The interesting event of yesterday afternoon in the Federal Court room, was the placing of Anna Gallifant, the alleged and now self-confessed wife of John Connelly, upon the witness stand. Our report of the trial closed last evening while Mrs. Sarah Gallifant, mother of Anna, was testifying. Nothing material was elicited from her, beyond what was then published.

## ANNA GALLIFANT

next testified.  
Mr. Dickson.—What is your name?  
Miss Gallifant.—Annie Gallifant.  
Q.—Are you married?  
A.—Yes, sir.  
Q.—To whom?  
A.—John Connelly.  
Q.—The defendant?  
A.—Yes, sir.  
Q.—You were before the grand jury, were you not?  
A.—Yes, sir.  
Q.—You have never been married to any one else, have you?  
A.—No, sir.  
Q.—Do you remember the date you gave before the grand jury?  
Mr. Rawlins objected to these questions.

The matter being left to the Judge, he said: "Let the witness answer the question."

Miss Gallifant.—The question asked me was: Were you married before April 1881? My answer was, Yes.

Q.—You did not testify then that you married him in the Endowment House in 1882?

A.—I did not.  
Mr. Dickson took a long document from his desk, walked over to Mr. E. T. Sprague, submitted it to that gentleman and then, handed it to Miss Gallifant.

Mr. Rawlins.—What is that paper? We object to her being shown anything of that kind.

Mr. Dickson.—We propose to refresh her memory by showing her what she testified to before the Grand Jury.

Miss Gallifant.—They are not well enough written for any one to read. (Laughter.)

Mr. Dickson took several minutes to show the paper to the witness, and then asked, "Are you prepared to say now that you did not tell the Grand Jury you were married in 1882?"

A.—(Hotly.) Those minutes have been changed; I never said the things put down there.

Q.—When were you married?  
A.—February 27th, 1879.

Q.—Where?  
A.—In the Endowment House.

Q.—By whom?  
A.—I think it was Daniel H. Wells. I did not know him at the time, but I have since been told it was he.

Q.—How old were you?  
A.—I was seventeen and past.

Q.—Now did you not state, when asked first by the Grand Jury, that you declined to tell when you were married?

Objected to and overruled.  
A.—I did.

Q.—And did you not afterwards say that you were married in 1882?

A.—I did not.

Q.—What did you mean just now by saying that these minutes have been changed?

A.—Because they are not what I said at the time.

Mr. Rawlins here objected on the ground that by law the proceedings before the Grand Jury were secret.

Overruled after argument.

Continued.—I was born on the 12th of October; was 23 the 12th of this month; was 17 when married.

Q.—When did you first cohabit with the defendant?

A.—(A pause). I decline to answer that question.

Q.—When did you commence cohabitation with him?

A.—I decline to answer. (A pause.)

Q.—When was your child born?

A.—On the 22nd of November 1882; I think this was five days after I testified to the Grand Jury; I first declined to testify because I had made up my mind not to.

Q.—Now, I will ask you again, when did you commence cohabiting with your husband?

A.—I decline to answer.

Q.—Why?

A.—Because I don't think it's a decent question.

Q.—Isn't it decent for a woman to cohabit with her husband?

A.—It may be, but it is not decent for you to ask me about it.

Q.—How long after you commenced cohabiting with your husband was it that your child was born?

A.—I decline to answer.

A long consultation took place, which finally resulted in the prosecution's excusing the witness.

## ELLEN GALLIFANT,

sister of Anna, was the next witness: I know the defendant; I have always lived with my mother; it is four, five or six years since defendant commenced paying attentions to my sister; I don't know how long it was before I testified before the grand jury that they married; I should think about three years; I heard my mother talking about that marriage, that is the way I found it out; I don't know now long it was after her marriage that my sister went to Connelly's store; couldn't say it was a year; couldn't say it was three months; don't know.

Mrs. Sarah Gallifant was recalled and asked to produce a certain memorandum, in which she said yesterday she put down the date of her daughter's marriage. She agreed to go home and look for it, and during her absence the court took a recess from 4 o'clock to a quarter to five, when she returned and announced that her search had been unsuccessful. It was an old book she said, and might have been destroyed.

## ELLEN GALLIFANT,

recalled. Mr. Dickson read from the grand jury minutes—"Don't think it is three years ago, don't think it is two, think it may have been one year." He then asked the witness: "Are not those your statements before the grand jury?"

A.—I don't think that they are. Wouldn't swear. If I did say that, I was mistaken and worried by the lawyer. Have not talked either with defendant, my sister, my mother or any one else about my evidence. Was never told that I had better not come here.

## BERNARD GALLIFANT,

I am a brother to Annie Gallifant; have known the defendant ten or twelve years; I think my sister ceased to live at my mother's house in the fall of '70 or spring of '80; couldn't say positively; I knew of her living away from home before 1882; my mother told me of the marriage; I did not like it much; I never spoke to the defendant about it.

Thomas Howard and Eber Case in turn testified, but nothing material was brought out from them. The court then adjourned till this morning.

Friday, Oct. 31, 10 a. m.

The forenoon of to-day was used up mostly in an endeavor by the prosecution to impeach the veracity of those witnesses who have testified that John Connelly and Annie Gallifant were married in 1879. The object of this is evident, for unless the prosecution can prove that their own witnesses have sworn falsely, the polygamous marriage is barred by the statute of limitations, the indictment having been found three years after the marriage is alleged by these witnesses to have taken place. The first witness called was

## DAVID GALLIFANT,

who said: I have a sister named Annie Gallifant; have known the defendant two or three years; have been told of Annie's marriage, but not in his presence nor by him; don't know when she went to live at his store; she has been working there several years; don't know what time she left mother's house; I was married March 1882, and moved away; I think Annie had left there before; I heard of the defendant's being indicted; but don't know how long before that she went to live at the store; I got back from Montana a year before I was married; I saw the defendant at the house then; don't remember his being there before I went to Montana.

Cross-examined: Don't remember when the store was built.

## MRS. SARAH GALLIFANT

Recalled: My daughter Annie was married to the defendant in 1879; she lived with me about two years before she went to live at the store; they did not live together while she was at my house, that I know of; I think it was in 1882 that she went to live at the store; before she was a member of my family, but did needle-work at Connelly's sometimes; don't know how long she worked at the store before going to live there; I don't think it was a year; I think the memorandum I spoke of yesterday is destroyed; I just wrote it down in an old book, so I could remember it; I wrote down the year and month, but don't remember the month; I might have said yesterday I thought it was February, but my memory is poor; I was told of the marriage a month or six weeks after it took place; I wrote the memorandum with a pencil.

Witness was asked to re-write the entry on a piece of paper, to the best of her recollection; she said she could not see to write without her glasses; some were borrowed for her. She then wrote: "Annie was married the year 1879."

She continued: I did not state to whom she was married; it was an unfinished entry; I write very little. Annie generally wrote my letters; it was a little brown memorandum book of ruled paper, three or four inches wide; there was only one entry in it. Ellen Gallifant was here sent after her mother's glasses that she might see to write the entry plainer.

Witness: Some one was present at the time I wrote it; I don't remember who.

Mr. Rawlins here objected to this questioning as immaterial and improper, and made a ringing little speech. The prosecution, he said, had had unlimited license in recalling and probing this witness with all sorts of irrelevant questions, and it had now reached a point where he thought the court should interfere.

Mr. Dickson replied that the witness was hostile, and they had the right to uncover a fraud if it existed. He did not believe the statement of these witnesses regarding the date of this marriage (February, 1879,) and he had the right to question their veracity and endeavor to impeach it.

Mr. Rawlins: The prosecution have conceded that they have not the right to impeach their own witnesses. All this badgering as to what took place in the absence of the defendant is immaterial and improper. As to counsel's opinion about the date of this marriage that has nothing to do with the matter. It is an unauthorized innuendo, injected into the belly of his argument—a stump speech to influence the jury. Let my client be convicted, if at all, within the rules of evidence, and not by such unauthorized procedure as this.

Mr. Dickson replied to this vigorous speech (which we give but very imperfectly), in a moderate and more humble vein, and the Court then allowed the witness to be still further probed "in the interest of justice." Exception by the defense.

Witness: I simply scribbled it down—I think in the presence of one of my children—but I don't know which one—intending to do it properly afterwards in a better book, and remarked that I would do so.

## MISS SARAH GALLIFANT.

I am sister to Annie Gallifant, have always lived with my mother; Annie is 23 years old, I am 25; it was two or three years ago that Annie left home; I came to the city about 12 years ago; I got acquainted with defendant soon after; he visited at our house, but did not seem more devoted to Annie than to me; never heard him say, nor her in his presence, that they were married. I heard of the marriage before she went to live at the store; I think in 1879.

The witness became frightened, through the badgering of the prosecution, and answered at random for a few moments, saying 1872 then 1879, but on regaining herself said she meant 1879, and not 1882.

Continued.—I could not say how long before the indictment was found. I was in the habit of visiting my sister at the store; my sister was confined with her child in November, 1882; I think I remember the Miles trial; was acquainted with the defendant before that; he had always been friendly with the family.

Cross: The store had not been built very long when my sister went to live there; I think it was the summer of 1882 she went there to live; the defendant has visited us since 1872, and always been friendly; Annie had been in the habit of going to defendant's house long before the store was completed; he visited us frequently during that time; it was perhaps two or three years before she went to live at the store; my sister was summoned before the grand jury a few days before the birth of her child; she was imprisoned or a day and a half and the child was born two or three days after that; my sister first had rooms above the store, then back of the store; it might have been the spring or summer of 1882 that she went there to live.

Redirect.—Do you remember defendant living in any house before the store was built?

Witness.—I believe he lived in the same house with us, but in a different part, at one time; cannot say how long Annie worked in the store before she lived there; it might have been two or three years, I don't know; she may have worked there up to the time she went before the grand jury; when she did work at the store she generally came home nights; she went to sew at Mrs. Golightly's home; don't know of defendant and my sister living together before she went to live at the store.

## BISHOP E. F. SHEETS.

I have been Bishop of the Eighth Ward over 25 years; have known John Connelly for more than five years; the defendant was on a mission a few years ago; I remember the Miles trial; could not say that he went before or after that, nor how long he was absent; it was a short mission, within a year perhaps; cannot say when he went or returned; don't recollect whether he was here during the Miles trial or not; I have not been absent any great length of time in the last five years; no longer than a month or two at a time; my counselors would officiate in my absence; they are Joseph McMurrin and Isaac Brockbank; the defendant, to my recollection, never applied to me for a permit to marry; I saw Annie Gallifant, perhaps three or four years ago, the first time; I saw her in Connelly's store then; did not know of her marriage to the defendant; never heard him say anything about it, to my recollection; a permit to marry would be in writing or in print; I do not keep any record of permits; they are generally written; I never make any report to the Church of marriage permits issued in my Ward; a permit or recommend would be sent to the Endowment House; it would first be addressed to the President of the Stake; Angus M. Cannon is now the President; prior to him, I think George B. Wallace acted; this would cover the past four or five years.

Cross: I remember Connelly's brick store being erected, but don't remember the year.

## MRS. SARAH GALLIFANT

Was recalled, and having received her own glasses wrote once more the entry she remembered to have made of her daughter's marriage. It read: "Annie was married the year 1879." This was offered in evidence by the prosecution; the poor penmanship as an impeachment of her veracity that she made a memorandum; that is, that it was improbable she ever made it.

Cross: The store was erected, I think, in 1882; I think it was less than a year that defendant was absent on his mission; I don't know the year; I cannot say whether it was October, 1878 that he returned.

Redirect: It was after he returned that he married my daughter; I may

have said before that it was after 1879 he returned; I could not state the time positively; I have no conception of how long it was after he returned that he married my daughter. Your questions confuse me, if you would not confuse me I could answer you better. To my best recollection I cannot remember anything about it.

## ANNIE GALLIFANT,

Recalled. I do not remember the month or year that defendant returned from his mission; I cannot give any idea of how long it was after he returned that we were married; it was not three years; my best judgment is that it was not two years; I am not positive at all about it; it was before the Miles trial that I married the defendant, but not many months; I think it was three years and two or three months after I was married that I went to live at the store; I went to work there a few months before I lived there; I think I went to live there sometime in the summer of 1882; I was married in 1879; I may be mistaken about the time that intervened between my marriage and my living at the store; I am not at all positive; I commenced living with the defendant before I went to work at the store; it was a few days after my marriage and in Mrs. Connelly's house; I slept there only once in a while; I refused to answer yesterday because I thought it was indecent; I have reflected since and thought you might compel me to answer; besides you put it in a different form to-day; I was committed before for refusing to answer who my husband was and when I was married.

Cross: It was about the time I went to live at the store that the rooms upstairs were completed.

The court took a recess till 2 p. m.

2 p. m.

The case of the United States vs. John Connelly came to a close at half-past 2 o'clock this afternoon, by the return of a verdict of "not guilty," which the jury were instructed to bring in, and which they did without leaving their seats. The jury and the defendant were then discharged and the latter's bail exonerated.

Now to go back a little. At the opening of the afternoon session the prosecuting attorney, Mr. Dickson, announced to the Court that they had produced all the evidence they had to advance, and were able to find. They were satisfied it was insufficient to convict the defendant, on account of its being made to appear, through testimony that had been given, that the offense charged in the indictment, viz: the marriage of the defendant with Annie Gallifant, took place more than three years before the finding of the indictment. He believed it was perjured testimony that had made this showing, but nevertheless such was the evidence, and they must abide by it.

Mr. Rawlins replied briefly, defending the witnesses against the aspersions of the prosecuting counsel, and claiming that the position taken by Mr. Dickson as to their committing perjury, was unwarranted.

Judge Zane summed up briefly, concurring with the prosecution, both as to the insufficiency of the evidence to convict, and in the opinion as to the false swearing of some of the witnesses. He hoped never to see such a thing in this court again. But as the jury was in duty bound to act on the evidence, and nothing else, the Court instructed them to bring in a verdict of not guilty. This being done, and a few other matters disposed of, the Court adjourned till 10 o'clock Saturday morning.

FROM SATURDAY'S DAILY, NOV. 1.

**Hospital Board Meeting.**—The regular monthly meeting of the board of directors of the Deseret Hospital, will be held on the second Monday in the month, (Nov. 10) at 2 p. m., instead of the first Monday, as usual.

E. B. WELLS, Sec'y.

**Painful Mishap.**—About half past 11 this morning a lady named Hadfield, of Cottonwood ward, met with a painful mishap in front of the News office. She was stepping out of a wagon when her foot slipped from the step and she fell with her face against the wheel, inflicting an ugly gash on her chin and knocked one of her front teeth out, which was driven through her lip by the force of the accident. Suitable remedies were at once applied.

**President Taylor's Birthday.**—This is the seventy-sixth birthday anniversary of President John Taylor. Our honored leader was born at Milnthorpe, Westmoreland, England, on the 1st of November, 1808. A family gathering at the Gardo House, in honor of the auspicious event, is taking place to-day. We join with many thousands in this land and wherever the Saints dwell throughout the world, in wishing the President of Christ's Church on earth, continued long life, health and happiness, and an increase in time and eternity of all blessings desired by the righteous.

**McKnight's Lecture.**—Mr. James A. McKnight gives his popular lecture on Napoleon Bonaparte in Logan, at the Opera House this evening under the auspices of the Y. M. M. I. A. On Saturday next, he will repeat it at the Salt Lake Theatre at 2 p. m. (matinee), for the school children of the city. The teachers are notified that Mr. McKnight will deliver the tickets to them in person, instead of having them call at Dwyers', as suggested at their meeting.

It is his expressed intention to employ the receipts of these lectures in the preparation of others, to be fully illustrated, on educational subjects, astronomy, history, geography, etc., which he will endeavor to present in a manner to promote an interest in those studies.

**Sad and Sudden.**—The death of Miss Hannah T. Anderson, the beautiful and accomplished daughter of Dr. W. F. Anderson, is one of the saddest events of many months. Her sudden demise occurred yesterday noon, and was caused by heart disease. She was feeling slightly ill on Thursday evening, after returning from the Broom Brigade ball at the Opera House, and during the night coughed a great deal and grew worse as morning approached. Dr. Anderson saw with the eye of medical skill and a fond father's intense anxiety that death the dreaded terror was at hand, long before it was suspected by other members of the family, and was perhaps the only one not unprepared for the terrible shock which her death a few hours later created. The deceased would have been 20 years old on the 17th of next December. She was sister to Miss Belle Anderson, M. D., and was devoted to literature, in which she took a course at Ann Arbor in 1882-3. Dr. Anderson and his family have our heart-felt sympathy in their heavy bereavement.

**The Evans Case Postponed.**—At the opening of the District Court this morning, the counsel for both sides in the Evans polygamy trial, which was set for to-day, informed the Court that as it was very probable the whole of the day would be consumed in empanelling a jury to try the case, and that even this would in all probability take more than one day, they had agreed, with the consent of the Court, to put the whole thing off till Monday, so as not to inconvenience jurors that might be obtained to-day by keeping them in durance over Sunday, or something to that effect. Another reason put forth was that Mr. Rawlins, of the counsel for the defense, also represented the same side in the case of the People vs. Richardson, indicted for assault with intent to rob, and he (Mr. Rawlins) preferred that the latter case, which was postponed yesterday, should go to trial before that of the United States vs. Evans. The Court granted the request to defer the Evans trial till Monday, and set the Richardson case for 1 o'clock this afternoon.

**Railroad Accident.**—An accident occurred on the Utah Central Railway yesterday afternoon, as the north-bound train, was pulling into the suburbs. It was on or near Tenth South street, just below the Pettit residence, about half a mile down the track from the depot. Three little boys, sons respectively of Thomas J. Woodbury, Isaac Waddell and Chas. Lambert, were in a wagon on top of some straw mattresses, crossing the track. The wind was blowing at the time quite hard; and as a consequence they did not hear the approaching train, nor see it, as it was then rounding a curve. The engineer, as soon as he caught sight of the wagon, had the brakes put on and the train stopped as quickly as possible. But it was too late to avoid a collision, the cow-catcher striking the hind wheels of the vehicle and upsetting it. Charlie Woodbury, one of the three boys, aged six years, had his collar-bone broken, and young Waddell was bruised some and slightly hurt in the back, but the Lambert lad had the cat-like good luck to alight on his feet and escaped without injury. No blame can attach to anyone, as the affair was purely an accident, such as will occur on the best regulated railroads in the world.

**Priesthood Meeting.**—The regular monthly meeting of the Priesthood convened in the Assembly Hall at 11 a. m., to-day. There were present on the stand: Of the Presidency of the Stake, Angus M. Cannon and Joseph E. Taylor; of the High Priests Quorum, Counselor Edward Snellgrove; and others. The Wards of the Stake were all represented.

President Angus M. Cannon addressed the meeting, and in the course of his remarks said it was well known that many of the Saints had been deprived of their civil rights through the efforts of unscrupulous adventurers who would gag, fetter, imprison and deprive us of every right if possible. But the Saints intended to defend their rights before the highest tribunal of the land. At one time the Jews had no civil, religious or political rights, and to-day it was just as "criminal" to be a "Mormon" as it was to be a Christian in the days when Jesus was upon the earth. But this people did not propose to crouch down and submit to ignominy without using every proper means for redress and protection. Every principle that is constitutional we would maintain. The wicked were trying to bring us into thralldom by every device, but God would sustain us in everything that is pure.

Bishop Clawson said a few words about the Deseret Hospital, which is in a healthy and prosperous condition. He would like all present to go and visit it.

President Cannon reminded the brethren to remember the Tennessee martyr and other funds, thanking those who had already responded so liberally.

Twenty-five recommends were handed in for ordination as Elders.