

FROM SATURDAY'S DAILY, NOV. 24.

## AMONG THE JUDGES.

## Legal Proceedings in the Various Courts.

## THIRD DISTRICT COURT.

The case of Frances R. Anderson vs. S. C. Ewing closed in the Third District Court last evening at 10:30. The jury found a verdict in favor of the defendant.

M. Buford vs. S. J. Lonergan et al.; defendant moves to relax costs; plaintiff objects and alleges that he has not had proper notification; taken under advisement.

United States vs. W. H. Hill; unlawful cohabitation. The indictment in this case was found more than two years ago, but the defendant was never arrested. Yesterday afternoon he surrendered himself to the marshal and was arraigned. He pleaded guilty to the charge, and the time of passing sentence was fixed for Dec. 8 at 10 o'clock.

Suit has been entered against J. Freeman and others, of Fort Herri-man, Salt Lake County, for \$1000 damages. It is alleged in the complaint that sheep belonging to the defendants were herded on the property of the plaintiffs, and the amount named is asked for as compensation. The plaintiffs, all residents of Summit County, are George Carter, William Carter, Charles Carter, William Reynolds, Archibald K. Anderson, William Crook, Archibald A. Anderson, George Young, E. R. Young, Jr., Robert Young, Ephraim Bates, Anthony Bates, Daniel Bates, George Robinson, Andrew Frazier, Henry Reynolds, George Moore, Robert Leaman, Warren M. Frazier, W. D. Cockrell, Richard D. Dix, Henry Leaman, James Kirkle, Andrew Peterson, Frederick Peterson, William Appgood, Benjamin Williams, Richard Williams, Bennett Higby, Charles Rixby, James M. Hixon, Sr., James M. Hixon, Jr., V. M. Hixon, M. F. Lee, George Reddin, George R. Daniels and Frederick Larsen.

## FIRST DISTRICT COURT.—PROVO.

Proceedings on Thursday before Judge Judd:

United States vs. N. H. Groesbeck; defendant arraigned for adultery; pleaded not guilty.

Sophie Anderson vs. Lars Anderson; divorce; ten days given in which to file new complaint.

Hannah L. Brundage vs. Joseph Brundage; decree of divorce granted; Hannah Brundage to take her maiden name of Taylor.

O. H. Blomsterberg vs. Wilhelmina Blomsterberg; decree of divorce granted; property to be undivided.

W. H. Farrar vs. Martha P. Farrar; ordered dismissed.

H. Woodruff vs. C. Lyons; suit ordered to be brought in the name of the administrator.

George P. Thompson vs. White & Sons; stay of execution for five days. Spanish Fork Co-op vs. L. O. Lawrence; order appointing A. O. Smoot referee, to report at the opening of next term of court.

United States vs. John Turner; cutting timber on government land; jury brought in a verdict for defendant, "no cause of action."

Springville vs. James Hawley; order overruling demurrer; exception taken; answer to be filed by June 1st next.

Friday's business at Provo was as follows:

Washburne Chipman vs. Joseph Swazey; by consent of defendant judgment was entered for the amount prayed for and half the costs.

Elsine D. Madsen vs. Christian Madsen; divorce; an order was made granting a decree of divorce and giving the plaintiff half the property, both real and personal, as well as \$25 per month for her support, and costs of court, with \$100 attorney's fees.

P. Young vs. Wm. Mellor et al.; demurrer overruled; answer to be filed by the 20th of December.

Mt. Pleasant vs. P. M. McArthur; appeal dismissed.

## FIRST DISTRICT COURT.—OGDEN.

The cases that came up before Judge Henderson were disposed of as follows:

The grand jury reported eight indictments under the Edmunds law. The case of the United States vs. McCary, John L. Jones, Erick Elanson and Niels Lindquist, unlawful cohabitation, were dismissed, having been ignored by the grand jury.

In the case of the United States vs. Frederick Theurer, Mr. Peters stated that upon examining the minutes of the grand jury he desired that the case be dismissed, and it was so ordered.

In the case of the United States vs. Alanson Norton, unlawful cohabitation, the defendant withdrew his plea of not guilty and entered one of guilty. Sentence was set for Dec. 24th.

The case of the United States vs. Charles Kelly, unlawful cohabitation, was taken up for trial. The names of the witnesses were called, among whom was Henry E. Steele. He was not present, and Marshal Egan informed the court he was not here. "Very well," said the attorney for the defendant, "we shall stand on our plea then." This created a great deal of merriment among members of the bar, the court even deigning to smile, while Mr. Peters, a little annoyed, said, "I don't see why he is not here when he is wanted."

E. T. McGee was the first witness called. The other witnesses were excluded from the court room. He said defendant was on a mission during the time named in the indictment up till the fall of 1887; had during the

remainder of the time lived with his first wife Emma, as witness had often seen him there but never at any other place; did not know Mary Kelly, but knew Sarah Ann Kelly; did not know her to be the wife of anybody; she had one child about five years old; she had lived with her parents during the time named in the indictment; the repute in the neighborhood is that she is defendant's wife, and that he is the father of her child; knew Mary Kelly but not by that name; she had several children; defendant is reputed to be the husband of Mary and the father of her children; had seen defendant in company with Sarah Ann.

Sarah Jane Crockett testified that she had known Mr. Kelly for two years. She came from England in Oct., 1887. Defendant preceded her here four or five months; witness had occupied Mr. Kelly's house while he and his first wife were living in Idaho; did not know a Mary Kelly who was reputed to be defendant's wife; witness was acquainted with Sarah Ann. Sarah Ann Wrightson was called. She testified that she had known defendant for a number of years; knew his wife Emma, who had seven children; saw defendant in May, 1888.

Objected to by defense as being subsequent to the indictment. The objection was overruled, the court deciding that subsequent occurrences may give rise to some presumption that similar occurrences had taken place during the time embraced in the indictment.

Witness continued—I saw Mr. Kelly once, in April, 1888, at the Co-op. in Brigham City, and on two other occasions, once at the commissioner's court.

Mr. Peters—You are a married woman, I believe?

Witness—Yes, sir.

Mr. Peters—Who is your husband?

Witness—Mr. Kelly.

Continuing, the witness stated that she married defendant in Salt Lake City, October, 1882. He had two wives living at that time, Emma and Mary. The latter lives in Brigham City; has four children. Witness did not begin living with defendant until about a year after marriage; her child was four years old. Defendant ceased living with her in August, 1884; visited her after that when the baby was born and a time or two after. He then ceased visiting her until September, 1888. She had worked for defendant in his shoe shop in 1884 until two months before the birth of her child. Had not worked for him since. He left for England in April, 1885; witness was not in defendant's company at any time during 1887; he wrote letters to her while in England.

Mr. Peters—What was the substance of the letters?

Objected to, as the writing of letters from a man several thousand miles away could not be construed into unlawful cohabitation.

The objection was overruled, as the question was asked not to convict but to show the relationship recognized between the two parties.

Witness stated he addressed her at times in those letters as "My dear wife."

The witness showed great reluctance in answering the questions put to her, and Mr. Peters exhibited much impatience.

Mrs. Holt was called. She knew nothing of the case, and Mr. Peters moved for dismissal, as defendant had been away too much of his time to be guilty of unlawful cohabitation. It was so ordered and defendant was discharged.

The divorce case of Hyrum W. Bowman vs. Hannah Bowman was taken up. Plaintiff alleged that his wife had refused to live with him, claiming that he did not treat her right. The testimony of his son and his son-in-law, who married Hannah's daughter, was to the effect that plaintiff had entered into polygamy and afterwards apostatized from the church; that on account of the latter and paying more attention to the plural wife than to defendant, she claimed he had not kept his vows to her and therefore refused to live with him.

Plaintiff being recalled, testified that he entered into polygamy 17 years ago with the consent of Hannah. His plural wife was now about 33 years old, making her 16 years old at the time of marriage. Hannah was 30 years old when he married his plural wife. The trouble in early years between witness and Hannah was that she thought she knew more than he did; when he married the second wife she thought she knew more than ever. Court—So your entering into polygamy confirmed her belief that she knew more than you?

Witness—I suppose so. Witness stated that he considered it his privilege to enter into polygamy and that it was Hannah's duty to submit to it. He had deeded property to Hannah which she now occupied.

L. R. Rogers, plaintiff's attorney, presented the case of his client and asked that the side of humanity should weigh in this case even though the evidence was not as strong as the court would probably like to see it.

The court stated that plaintiff taking advantage of Hannah's belief in polygamy as well as his own, married a young girl, devoted more attention to her than to the first and finally shocked Hannah's sensibility by apostatizing from the very belief that had weighed upon Hannah and crowded the girl into the family. Hannah did exactly right in kicking plaintiff out after such treatment. "I would like to hear the last wife's side of the story, as I consider her the wronged party."

Here the matter rested until Hannah could be brought into court.

August Peterson, a native of Denmark, now of Cache County, applied for citizenship and was admitted.

Gustaf Kihlstrom, a native of Sweden, now of Weber County, was admitted to citizenship.

The grand jury reported six additional indictments found under the Edmunds law. The cases of the United States vs. Pierson Ballinger and Wm. Coleman, unlawful cohabitation, had been ignored, and defendants were discharged.

Wm. H. Maughan, of Cache County, charged with unlawful cohabitation in three indictments, withdrew his plea of not guilty, and entered a plea of guilty to each. On the charge of adultery he also entered a plea of guilty; December 24th was set for sentence. Mr. Peters asked that he be placed under \$2,000 additional bonds and it was so ordered.

## PROBATE COURT.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of Eliza Ordridge, deceased; bond of John L. Nebeker, administrator, in the sum of \$400, filed and approved.

In the matter of the estate of Horace S. Eldredge, deceased; a number of bills were approved and allowed.

In the matter of the estate of Andrew Jensen, deceased; order made appointing time and place for hearing petition for letters of administration.

In the matter of the estate of Rebecca M. Jones, deceased; order made appointing time and place to hear petition for letters of administration.

In the matter of the estate of Frank Crocker, deceased; order made fixing day for hearing return of sale of real estate.

Certificates of marriage for the following were filed with the county clerk: Alvin Caldwell and Ada Harper; Thomas Hills and Ada Edgington; George B. Gudgeon and Janet Campbell; Schuyler S. Gates and Mamie H. McAllister; George Sheets and Henrietta Gunn; Gus H. Peterson and Carrie Hansen; William A. Aubrey and Sophia Jenkins Ernest M. Cummings and Rosalie Snyder; Peter Hoffmann and Barbara Zemp, all of Salt Lake City.

## A JUDGE'S JUSTICE.

A brief item of news comes from Vernal, Uintah County, of a tragedy that occurred there on the 14th inst. Pardon Dodds is a United States Commissioner, and a short time ago was appointed by President Cleveland to be Probate Judge of Uintah County. It is stated that on the date named he was playing billiards with a gambler, and in a quarrel which arose, Judge Dodds drew a revolver and shot and killed his opponent. The details of the tragedy are not forthcoming. The slayer was released on giving \$2000 bail to await the action of the grand jury.

## COMMISSIONER'S COURT.

A man named Peterson was arrested last evening on a charge of adultery. He is the person who had his wife arrested a short time since on the same charge; now the wife is the complainer. Peterson could not get bonds last night and was taken to the penitentiary. His examination was set for this afternoon, before Commissioner Norrell.

## Sentence Suspended.

In the case of Peter N. Anderson, of Santaquin, Utah County, on whom sentence was suspended by Judge Judd last week, Mr. Anderson sends a request that we publish the following statement of the passing of judgment:

"Judge Dusenberry stated that this defendant, several years ago, married a crippled woman as his plural wife, and that he had never lived with her, but had always lived and expected to live with the first. A Church divorce was now pending. Sentence was suspended."

## Thanksgiving in the "Pen."

A number of gentlemen have been canvassing among the merchants and business men of this city, with a view of getting up a Thanksgiving dinner for those imprisoned in the penitentiary. The most gratifying success has been met with thus far, the donors having been numerous and liberal. It is anticipated that the prisoners will experience the best Thanksgiving that has ever been held within prison walls. Marshal Dyer having kindly consented to the arrangement and, with Warden Pratt and associates, given all necessary assistance.

Butte, M. T., Nov. 20.—Geo. Hickman, a pipe-fitter, one of the men injured by the boiler explosion yesterday at the Boston and Montana Copper Company's works, died this morning from his injuries. This makes the fifth victim of the disaster. Two others of the injured, Richard Wing, a machinist, and John Ecstis, a carpenter, will probably recover. The coroner's jury this evening returned a verdict that "Warren T. Edmunds, William O'Connors, Jacob Kramer, Henry Winters and George Hickman came to their death by the explosion of the boiler of the old Colusa concentrator, caused by the sudden introduction of steam at 80 pounds pressure, the boiler registering but 50 pounds." Nobody was censured.

An Eagle Rock, Idaho, farm has already sent out this fall five hundred thousand pounds of potatoes. Three years ago the same locality had to import "murphies" for its own use.

William Dunn, the Puute Indian who killed Charlie Wianemucca in Nevada last June, was found guilty of manslaughter by the jury the other day. He received the verdict without emotion, and on learning that the penalty would probably be ten years in the state's prison, his countenance indicated that he would as soon be hung.

Ukiah, Cal., Nov. 20.—Tas Eureka south-bound stage was robbed by one masked highwayman nineteen miles north of here this afternoon at 3 o'clock. The robber took Wells, Fargo & Co's treasure box and all the mail pouches. There were no passengers on the stage. It is not known how much the robber got. A posse will probably start for the scene of the robbery tonight.

## BIRTHS.

EVANS.—In this city, November 24th, 1888, to the wife of John E. Evans, of Dinwood's furniture house, a son. Mother and child are well.

## OBITUARY.

JONES.—In the Fifteenth Ward, this city November 18th, 1888, at 1:40 p. m., Rebecca Maria, relict of the late Nathaniel V. Jones, and daughter of Samuel and Hannah Burton. Deceased was born in Mercer, Essex County, Upper Canada, February 16th, 1826. She was baptized in January, 1838, at that place when her father's family received the Gospel. The entire family, soon after the latter date, started for Far West, but on account of the exodus of the Saints from Missouri, they located at Walnut Grove, Illinois in 1839. In October, 1844, the family removed to Nauvoo, and on March 14, 1845, deceased was married to Nathaniel V. Jones by Heber C. Kimball. She lived in Nauvoo until the Saints were driven out, and in the spring of 1846, left there, arriving in Council Bluffs about July 1. On the 16th of the same month, her husband enlisted in the Mormon Battalion, leaving her with a child about four months old. From Council Bluffs deceased removed to Atchison County, Mo., where she remained until her husband's return from California in August, 1847. In August, 1849, deceased arrived with her husband and two children in Salt Lake Valley, having made the journey by ox team. Since that time her home has been in the Fifteenth Ward of this city. Owing to the absence of her husband on missions most of the time, she was left with her family to struggle with the difficulties of a newly settled country until Feb. 16, 1863, when on the 37th anniversary of her birth, she buried her husband. She has since been a widow for the last twenty-six years of her life.

During the many years which Sister Jones has lived a widow, she has shown remarkable industry and perseverance, in caring for her children, both temporally and spiritually; her first great care and thought being to instill into their minds the principles of truth as taught by the Prophet Joseph Smith. The early and unfortunate death of her son, F. B. Jones, who was killed in New Mexico, produced a great shock to her nervous system and the many years of constant care and attention occasioned by the continued ill health of her daughter, Mrs. Clara J. Young, now deceased, bore heavily upon her in both mind and body. Her tender and sympathetic devotion to her children has invariably made their trouble or misfortune her own. Amid all the changes and trials of life she stood firm and unflinching to the truths of the everlasting Gospel, and showed an eminent devotion to her sense of duty and principle, both in private life and public duties.

Deceased was, since 1855, an efficient and active worker in the Relief Society, and at her death was counselor to the president of the Society in the ward in which she lived. At the time of the arrival of the Saints who crossed the plains with hand-carts, she was specially active in ministering for their relief.

She was the mother of eight children, four of whom are now living. The original cause of the debility which terminated in death was disease of the kidneys, attended with acute brain trouble. On Sunday, November 18th, she taught her class of young ladies in the Sabbath School as usual, but on the same evening was taken violently ill, with severe pains in her head. She was a great sufferer until death came to her relief.

## DEATHS.

SAVAGE.—In the Twentieth Ward, Salt Lake City, of cancer and teething, at 6 a. m. November 20th, Ina Labelle, infant daughter of R. G. and Labelle Savage.

BADGER.—At Kelton, on November 15th, 1888, Elder John C. Badger, aged 63 years and 3 months. Brother Badger injured himself by overlifting about two weeks ago, since which time he has not felt well. He has also suffered from heart disease. He joined the Church in early days and was ordained a Seventy in Nauvoo. He leaves a wife and a numerous family. He was interred at Park Valley Nov. 17th, 1888.—[CON]

STARMER.—In this city, Sunday morning November 25th, of typhoid pneumonia, Arthur W. son of W. R. and O. M. Starmar, aged 5 years. Millennium Star and Idaho papers please copy.

ROBINSON.—At his residence in Salt Lake City, Nov. 21, 1888, of chronic asthma, William Robinson.

Deceased was the son of George and Margaret Robinson, and was born April 11, 1832, at Darlington, County of Durham, England. He was baptized a member of the Church of Jesus Christ of Latter-day Saints in 1853; emigrated to Utah the same year.

THOMPSON.—At 326 Second South Street, November 23, 1888, at 4 a. m., of consumption, Wm. A. Thompson, formerly of Detroit, Michigan. Notice of funeral hereafter. Michigan papers please copy.

BODEN.—At Peterson, Morgan County, Nov. 20, of bronchitis, Charles Boden; born in Milford, Staffordshire, England, Dec. 21, 1832. He died as he had lived, faithful Latter-day Saint.—[CON] Millennium Star, please copy.

TOL. OT.—At Lemington, Millard Co., Oct. 7, 1888, Stephen Barton, son of Stephen H. and the late Ruseletta C. Brownell Talbot, aged 1 year, 3 weeks and 1 day.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One bay MARE, 6 or 7 years old, 2 white hind feet, shod all round, branded X on left thigh.

If said animal is not claimed and taken away within fifteen days from date, it will be sold to the highest cash bidder, on Wednesday, December 5th, 1888, at 2 o'clock p. m.

JAMES TEMPEST, Poundkeeper.

Riverton, S. L. County, Nov. 20, 1888.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One old brown HORSE, spot in forehead and on nose, three white feet, saddle and collar marked.

If the above described animal is not claimed and taken away on or before Dec. 8th, 1888, it will be sold at public auction, at the City Estray Pound, Washington square, to the highest responsible bidder, at 2 p. m.

M. SHELMEKDINE, City Poundkeeper. Salt Lake City, Nov. 22, 1888.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One bay HORSE, 3 years old, branded X on left thigh.

If damage and costs on said animal be not paid within 15 days from date of this notice, it will be sold to the highest cash bidder, at West Jordan estray pound, at 10 o'clock on the 7th day of December, 1888.

Dated at West Jordan Precinct, S. L. County, Utah, this 22d day of November, 1888.

E. A. BATEMAN, Poundkeeper of said Precinct.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One old bay HORSE, star in forehead, stiff in fore parts.

Which, if not claimed before Friday, Dec. 7th, at 10 o'clock a. m., will be sold to the highest bidder.

J. M. FISHER, Jr., Poundkeeper of East Mill Creek Precinct, Salt Lake Co., Utah.

Neff's P. O., Nov. 22, 1888.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One bay HORSE, about 12 years old, has saddle marks, is branded on left thigh S.

If damage and costs on said animal be not paid within fifteen days from date of this notice, he will be sold to the highest cash bidder, at the estray pound in North Morgan, at 10 o'clock p. m., on the 8th day of December, 1888.

Dated at Morgan City Precinct, Morgan Co., Utah, this 23rd day of November, 1888.

GEO. HEINER, Poundkeeper.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One red HEIFER, about one year and a half old, branded D on right hip, some white under belly, on rump and tip of tail. If damage and costs on said animal be not paid within fifteen days from date of this notice, it will be sold to the highest cash bidder, at Butteville estray pound, at 10 o'clock a. m., Monday, December 3rd, 1888.

Dated at Butteville Precinct, Salt Lake Co., Utah, this 19th day of November, 1888.

CHARLES R. WOOTTON, Precinct Poundkeeper.

## ESTRAY NOTICE.

## I HAVE IN MY POSSESSION:

One white 2 year old STEER, under hook or slit in left and square hole and square crop in right ear, illegible brand on left hip resembling R.

One red 2 year old HEIFER, white star in forehead, white spot on back, and white flanks, branded resembling S on right hip.

If damage and costs on said animals be not paid within 15 days from date of this notice, they will be sold to the highest cash bidder, at the estray pound, Mount Pleasant, at 10 o'clock a. m., on the 8th day of December 1888.

Dated at Mount Pleasant Precinct, Sanpete Co., Utah, this 23rd day of November, 1888.

LAURITZ LARSEN, Poundkeeper of said Precinct.

## IS THIS A TORY GOVERNMENT?

IT THREATENED TO BE IN THE early days of our independence, but all relics of Feudalism were overcome in the patriotism and Democracy of the people. It is nearer it now than ever before. The Republican party of the United States is the counterpart of the Tory party of Great Britain, and neither can live because both are illiberal, unjust and retrogressive.

A KEY to the solution of the political maze in which we are enveloped can be found at the shops of JOE BARKER, Democrat, Parliamentarian and Mormon, 70 Commercial St. He can also provide any other kind of Key, or Lock, or Gun, or Fittings that may be desired, and make repairs neatly and cheaply. Republican and other sinners are made welcome. Tipping orders taken for work. Drop in. dim & wit

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