

to be his wife; I may have said to the grand jury that it was understood that the defendant was the father of Martha's children; I am under the impression that some people think so.

Witness, to Mr. Richards—The time I spoke of when Martha was at the defendant's house was before the first date named in the indictment; I have never seen them together since.

To Mr. Dickson—Martha is sometimes called by the name of Eardley; some people believe that is her name; I think if anyone asked me for Martha Eardley I would imagine they referred to Martha Priest; I do not remember my father calling her his wife; my father did not take Martha on a mission with him or bring her back; she lived at mother's a few months 12 or 14 years ago; she had no children then; she was there in the capacity of a servant girl; I don't know when her eldest child was born; it must have been four years after; I don't know whether anyone but her children live with Martha; my father's brother lived on the same block.

Mary E. Eardley testified—I am a daughter of defendant and Zuviah Eardley, I have known Martha Priest 10 or 12 years; do not remember her living at my mother's house; have not seen her for six or seven months; know her children; they come to the store and the house; I never saw them there when defendant was home; from November, 1882, to the summer of 1884, father was home most of the time; don't remember hearing father speak of Martha's children; nobody told me to say, "I don't remember;" the children go by the name of Eardley; Martha and her children get goods from the store, and they are charged to Martha; I do not know who pays for them; Martha has been at father's house; this was while he was absent in England; he went a year before we were called before the grand jury; father seldom went into the store when he was home; I don't remember hearing him speak of Martha; never heard mother call her his wife, nor had any conversation about their relationship; I don't know whether her children are related to us; they are treated as relatives; I never asked any questions about them; never heard defendant call them his children, nor them call him father; he called them by their given name; I have been to Martha's house; never saw defendant there; he lived home; never saw him in company with Martha; her children are treated as other children are; I don't know whether Martha is reputed to be father's wife; I believe she is.

Annie Eardley testified: I am a daughter of James and Zuviah Eardley; I live home; am acquainted with Martha Priest; have seen her at my mother's store; her children came there too; father worked out in the yard and seldom came in the store; I never saw Martha pay for any goods; they were charged to her; her children are treated as are others who come there; never saw them in my father's presence that I remember, but may have done; never heard them call him father; never heard Martha called Eardley in my father's house; do not know whether she is reputed to be the defendant's wife; never saw him in company with her that I remember.

Mrs. Zuviah Eardley was sworn as a witness.

Mr. Dickson—Do you know Martha Priest?

Witness—Am I compelled to testify against my husband?

The defense offered the objection that the witness herself declined to testify against her husband. Mr. Rawlins stated that he desired to argue the case.

The Court said the question had been discussed on a former occasion, and would allow the witness to answer any question except as to confidential communications made by the defendant.

Witness, to Mr. Dickson—I know Martha Priest; she lived with me as a hired girl 12 or 14 years ago; I engaged her myself; she came there with her sister; my husband was not acquainted with her before then; I do not know whether I discharged her or she left; my husband never occupied a room with her in my house; she moved from my house to the 4th Ward; there was an other family in the same house; she rented and paid for the rooms herself, I suppose; I don't know whether she had money or not; I may have visited her once or twice; her first child John, [was born there; it was an infant when I first saw it; I never saw my husband there; my husband lived at home with me; I do not know who lives with her now; I visit her very seldom; I do not know whether her children are my husband's or not; they are reputed to be his children; Martha is regarded in the family as his wife; never heard her spoken of as such; I never called her his wife; I have never heard her children call the defendant father; he called them by their Christian name; they may have called him papa; Martha's youngest child was born in 1881; have seen my husband in Martha's presence; she gets the supplies for her family at the store; they are charged, but not paid for; she is never asked to pay.

To Mr. Richards—Have heard Johnnie address the defendant as papa.

Mr. Dickson said he believed that was all the testimony he had to offer, but would decide by 2 p. m., to which hour the court took recess.

Upon the reassembling of the court, Mr. Dickson said he had been unable to find any additional evidence for the prosecution. The testimony showed

no cohabitation during the period named in the indictment, and he therefore requested the court to instruct the jury to return a verdict of not guilty, which was accordingly done, and Mr. Eardley was set at liberty.

#### FROM FRIDAY'S DAILY, SEPT. 17

**Bitten by a Horse.**—This morning, on the Cannon Farm, south of this city, as Charles Cannon, a boy, son of President Angus M. Cannon, was taking a station to water, the animal seized the boy by one of his hips, and threw him into the air. The horse's teeth lacerated the flesh in the region of the hip, and the injuries sustained by the lad are, we are informed, quite severe, being both external and internal.

**Lieutenant Young.**—On Wednesday evening Lieut. R. W. Young, with his family, reached this city from Governor's Island, New York Harbor, where he has been stationed for a long time. Lieut. Young has been transferred to Fort Douglas, and will report for duty there on October 1st. When asked if he thought the fuss made by the anti-"Mormon" press about his being stationed at Fort Douglas would attract any attention from the leading officers of the army, he replied that, in his opinion it would not, as he believed the propriety of the transfer had been duly considered by them before it was made. We were pleased to meet the young officer, and to find him in excellent health and spirits.

**A Useful Pamphlet.**—We are in receipt of a 36-page pamphlet, compiled by Brother John Sears, of this city. Its title is—"The Final State of Man-kind, demonstrated by the prophecies of the Old and New Testaments; also the Book of Mormon and the Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints." The little work consists of a compilation of quotations ingeniously arranged, pointing to the leading subject defined in the title. It will not only be found useful to the seeker after religious truth generally, but missionaries would find it of assistance to them in the Scriptural evidence it furnishes in support of positions that they take in preaching the Gospel.

**Killed by the kick of a Horse.**—On Thursday of last week a seven year old son of David M. Whitaker, of Brighton, went into a stable where a horse was standing. The father was near the stable door, and hearing the horse kick twice, stepped into it, and saw his little son lying prostrate. He picked up the child, and noticed that the little fellow's mouth was bleeding freely from a cut in the inside of the lower lip, but observed no other injury. The child soon seemed to be all right, and next day gave no evidence of being badly hurt. On Saturday last, however, he became delirious, though a casual examination revealed no mark, bruise or other sign of such an injury as would cause delirium. A close scientific scrutiny, however, revealed a small hole in the skull just behind and concealed from view by one of the ears. The child grew worse and died last evening.

**Charged with Robbery.**—W. F. Allen is a conductor on a freight train on the D. & R. G. Yesterday he left his coat hanging in his caboose. In the pockets of the garment were a deposit book of the Deseret National Bank and a pocket book which contained a check for \$66.25. All these were missing when Mr. Allen had occasion to put his coat on. He laid the case before the officers, describing the man whom he suspected of having robbed him, and whose name is Charles Shively; and last night deputy marshal Greenman arrested the latter, who, with his wife, was registered at the White House. Shively is a D. & R. G. brakeman. He was placed in the penitentiary and kept there until this forenoon, when he was arraigned on a charge of grand larceny, before Commissioner McKay, waived examination and was placed under \$1,000 bonds.

The check was made payable to bearer, but Shively, it appears, wrote Mr. Allen's name on the back of it, and cashed it at the Occidental saloon where the officers found it last evening. This circumstance may lead to the indictment of Shively for forgery.

**Commissions Issued.**—On the 20th inst. the following commissions were issued from the Executive Mansion:

J. N. Peterson, surveyor, Sevier County.  
A. W. Jones, assessor and collector, Washington County.  
S. L. Slaughter, assessor and collector, Beaver County.

On the 21st the following commissions were issued:

C. S. Christiansen, constable, Elsinore, Sevier County.  
Benjamin Hibbet, constable, Petersen, Morgan County.

J. W. Coons, constable, Richfield, Sevier County.  
H. R. Stevens, justice of the peace, Big Cottonwood, Salt Lake County.

Simon Christensen, justice of the peace, Richfield Sevier County.

Charles Anderson, justice of the peace, Elsinore, Sevier County.

Mads P. Madsen, justice of the peace, Lake View, Utah County.

John Green, justice of the peace, Petersen, Morgan County.

Edward Payne, justice of the peace, Glenwood, Sevier County.

Geo. F. Bean, prosecuting attorney, Sevier County.

John A. Hellstrom, county clerk, Sevier County.

Andrew Hoppler, probate judge, Sevier County.

Alma L. Smith, assessor and collector, Summit County.

J. N. Laws, treasurer, Tooele County.

J. E. Riggs, treasurer, Kane County.

George F. Bean, treasurer, Sevier County.

J. A. Beavan, assessor and collector, Tooele County.

J. W. Coons, coroner, Sevier County.

#### COOPER SUCCUMBS.

HE HAS SERVED ONE TERM IN THE "PEN," AND THEN PROMISES.

Last evening Frederick A. Cooper, of West Jordan, against whom three indictments charging unlawful cohabitation had been found, and who has served six months in the penitentiary, came into the Third District Court, accompanied by his attorney C. K. Gilchrist. The latter stated the case and said that Mr. Cooper was now willing to promise to obey the law. His first wife had died, and he had remarried one of the others, with whom he proposed to live, and would sustain no relations with the other. The certificate of this marriage was produced.

Mr. Cooper was then catechized by the Court, to whom he gave assurances that he would obey the laws against polygamy and unlawful cohabitation in the future. He then pleaded guilty to the two indictments remaining against him, and at the suggestion of the District Attorney, sentence was suspended pending good behavior, and Mr. Cooper was set at liberty.

#### THE DEAN CASE.

Mr. Dickson Places an Informer on the Witness Stand.

The trial of Joseph H. Dean, charged with unlawful cohabitation, continued in the Third District Court yesterday afternoon, after the News went to press.

Mrs. Agatha Ridges further testified, in answer to interrogatories by District Attorney Dickson—I don't know where my daughter Florence has been nor where she now is; do not think I have heard from her since June; do not think she has a child; she was not in delicate health in June; was perfectly healthy; when she left in February she did not state where she was going nor how long she would be gone; I did not inquire; never asked defendant if he had married my daughter; heard it from current rumor when Florence lived at his house; she never previously left home without saying where she was going.

To Mr. Rawlins—My daughter went to Logan to get her endowments; that has no connection with marriage; she went to Dean's for the purpose of dressmaking.

To Mr. Dickson—It is not a fact in our Church that a young woman must have her endowments before she is married, but she can't be married in the Temple without having had them.

Mrs. Adelaide Wood testified—Florence Ridges is my half sister; she was at my house last January; the defendant brought her there in a buggy; she staid about two months; she had a room—the parlor—fitted up for her; Mr. Dean came there about once a week; don't know where he stopped; I have left them in her room together when I went to bed; and have found him in the house next morning; he has never been there since Florence left.

Juliette Wood testified that the defendant had stopped at Mr. Wood's house all night on one occasion when she and Florence Ridges were there; plural marriages were celebrated in the Logan Temple.

Mrs. Adelaide Wood, being recalled, testified that she had seen Mr. Dean and Florence parting; had not seen him kiss her.

Court then adjourned to 10 a. m. today.

This morning Mrs. Agatha P. Ridges was recalled and said—My daughter came home from the depot when she returned from Logan; I do not know who came with her; Mr. Dean was in my house in 1885; he came several times, but not before Florence went to Logan; he was there four or five days ago; he came once when Florence was there, in February last; he was not there in June; my daughter's reputation is good.

To Mr. Rawlins—The defendant, in February last, called at my house when Florence was there.

To Mr. Dickson—He accompanied her to his house; it was about 9 p. m.

Mr. Dickson appeared to be slightly worried over something, but after some delay issued a subpoena for John C. Young, who was called and testified—I know the defendant; I saw him at Logan in June, 1885; it was on the 12th; he was at the railway station in company with a young lady; I was talking with Goodwin; defendant assisted the lady out of a hack, with her bundles; he saw me, and went around to the back of the car; the lady seemed nonplussed at seeing me; after the train started, the defendant came into the same car where the lady was seated; he seemed to avoid recognizing her.

Mr. Rawlins objected to this testimony as having no bearing on the case. He was willing for the witness to testify to acts, but not to his own conclusions. The objection was overruled.

Witness, to Mr. Dickson—I closely observed the conduct of the defendant, and called my wife's attention to it; the lady looked at him, but he did not seem to notice her; she was about 17 or 18, over medium height, blonde complexion; would weigh about 140 lb; she had a dark mole on one side of her neck; large, brown eyes; they came down to Ogden, where they got on the Utah Central train; on reaching Salt Lake he carried her bundles, and they both got into a conveyance and drove off to the north.

To Mr. Rawlins—I did not recognize the lady; do not know Florence Ridges; a number of people got on the train at Logan; nobody else attracted my attention; there were others in the hack, but I do not know who they were; the lady had three bundles, or hand satchels; did not say they had bundles because they had a particular significance; they all seemed to belong to the lady; the lady became nonplussed when the defendant dropped the satchels and walked rapidly away; neither of them said anything; I think he saw me; that is the effect my presence has on people as I was on the staff of the Tribune; I have known the defendant since he was a city councilor; I didn't watch anything else; I understood in Logan that Thursday was a marrying day, and the lady seemed under Mr. Dean's care; I had an idea it was a case of polygamy and watched it closely; the defendant did not get away from me in the car; he assisted the lady at Ogden; she may have looked at me on the train; I did not avoid her, but took a close description of her; it was fun for me; my wife was enjoying the fun too; the car was pretty well filled; some gentlemen were talking to Mr. Dean; she did not speak to or smile at him, but seemed to be watching him; I lost track of him momentarily at the Salt Lake depot, but soon got sight of him again; the defendant did not sit alongside of the lady, but may have done so when I did not notice him; I was out of the car for about half an hour; I do not remember seeing you (to Mr. Rawlins) on the car; I was at Logan only once last year; I am sure it was in June, on the 12th, I think; I remember now, that you were on the train.

George C. Wood, who had been brought in from the penitentiary, where he is serving a sentence for polygamy, was called and testified—I am acquainted with defendant; he was at my house a number of times from Jan. 1 to April 1, 1886; he never slept with me; I have conversed with him on the doctrine of polygamy; I do not know whether he said he believed in the doctrine or not; I believe it to be right—I know it; I do not remember what he said.

Mr. Dickson—Did he differ from your views?

Objected to by defense. Objection overruled.

Witness, to Mr. Dickson—I don't know and I don't care.

Mr. Dickson—But we do care.

Witness—Well I don't; I think we did agree on some things.

Mr. Dickson announced that the prosecution rested their case.

The defense stated that they had no testimony to offer.

Mr. Dickson addressed the jury. He said that the evidence was entirely circumstantial. Where the alleged plural wife was not present it was impossible to find a witness to the marriage. While the evidence was circumstantial, he believed it was sufficient to convict, as it showed that the defendant and Florence Ridges were in Logan together in June 1885. The defendant paid attention to Florence, which indicated that it was a case of plural marriage. "I think too highly of the defendant to believe it is a case of adultery. The worst I have to say of him, except this offense of polygamy, is that he has sat and listened to the testimony given in court in reference to his conduct and that of a lady for whom he has a feeling of affection."

Mr. Rawlins followed for the defense. He argued that if the circumstantial evidence could be reconciled with the innocence of the defendant he must be acquitted. The prosecution should make out their case beyond a reasonable doubt.

The statute under which the prosecution was brought was construed to mean the ostentation of the polygamous household. There was no evidence of a marriage in the case. The defendant and Florence Ridges had been in Logan at the same time, and both for legitimate purposes. John O. Young saw the defendant assist a lady out of a hack and being in the habit of discoloring facts, had concluded it was a case of bigamy. He was so greatly interested that he took an accurate description of the lady, kept a close watch on her actions, and came and told it in court. Mrs. Dean was called on the stand, and had been tortured by the District Attorney until she was willing to acquiesce in anything he said to escape the torture. Her evidence, notwithstanding the badgering she had been subjected to, bore the semblance of truth, regardless of the fact that it might or might not send her husband to the penitentiary. But that evidence disclosed nothing to indicate that the defendant had committed any offense. The attentions the defendant had shown to Florence Ridges had no ostentation of the marriage relation. It rather indicated that he intended to marry her, and showed that if the event had been consummated, it was in all probability early in April, about the time Florence Ridges disappeared.

I do not wonder at the anxiety of Mr. Dickson and his deputies to find the lady. I do not mean to make any insinuation of wrong. I know of the strict and unapproachable virtue of the District Attorney and his gallant deputy marshals." The speaker concluded by showing the jury that the charge in the indictment had not been sustained by the proof, within the period indicated, whatever might be said of any other time.

The Court then took recess until 2 p. m.

F. S. Richards followed Mr. Rawlins this afternoon, in an argument for the defense. He called the attention of the jurors to the fact that they were not called to render a verdict at the request of the attorney for the government, but to act as arbiters and decide whether or not the defendant was guilty of the offense charged. He did not ask for mercy, but that his client should receive justice at their hands. He only asked that they weigh the evidence without prejudice, and give their verdict accordingly. The defendant had thrown around him by the law the presumption of innocence, which was sometimes disregarded by juries, and unless that presumption was overcome by the evidence it should stand. In considering the question, the jury were confined to the period named in the indictment—Jan. 1, to April 1, 1886—for the proof of cohabitation. Two elements had to be proven—that the parties were married, and that they lived together. As to living together, there was no proof of that during the period named. All the evidence showed was that the defendant visited Florence Ridges. If this circumstance could be reconciled with the innocence of the defendant, the verdict should be not guilty. So far as the actual marriage was concerned, or even the claim of marriage, there was no evidence to show anything of the kind. The fact that they were in Logan, where marriages are solemnized, was not convincing proof to a reasonable man that a marriage had been consummated. In this class of cases the theory of the prosecution was that if a man paid attention to a woman he was guilty; or, when circumstances required, if he avoided her, he was guilty—anything to secure conviction. After the District Attorney had badgered, abused and annoyed a witness, he would come before the jury and ask them to believe only that which was unfavorable to the defendant, and disregard all else. The evidence, taken all together, made no case against the defendant, and he should be acquitted. With this lack of proof, the District Attorney, with the sympathy and generosity of a Shylock, demanded his "pound of flesh," and asked a conviction because the end justified the means. The jury ought to be just to the defendant and not permit themselves to be swayed or governed by prejudice. The claim that unless the defendant was found guilty the law would be without vitality, was an argument unworthy the representative of the government. All the defendant wanted, all he asked, was that the jury give a verdict fairly, honestly and impartially, according to the law and the evidence.

District Attorney Dickson made the closing argument for the prosecution. He expended some time in making thrusts at Mr. Rawlins in return for that gentleman's ironical remarks in reference to the prosecutor. Mr. Dickson said he wanted those who assailed the District Attorney to have some foundation for their action. He had been as gentlemanly as was possible in his treatment of witnesses. He was not discouraged in performing the duties of his office. He endeavored to be vigilant in seeing that no guilty man escaped the penalty of the violation of the law. If the defendant was innocent, he did not want him convicted. But he believed him guilty, and expected the jury to find a verdict in accord with that idea.

At 4 p. m., when the News went to press, no verdict had been rendered.

#### FROM SATURDAY'S DAILY SEPT. 18

**Growing Worse.**—Miss Zella Webb, the young lady who was so badly burned at Provo, by the breaking of a lamp, a few days ago, is reported as growing rapidly worse. Her condition at present is very dangerous.

**Sudden Death.**—Last evening Mrs. Sarah P. Jones, wife of William X. Jones, plasterer of the Fifteenth Ward, was stricken down by an attack of apoplexy. All efforts to resuscitate her were in vain, and this afternoon she passed from this life. She was highly respected by those acquainted with her, and leaves a large family.

**The Livingstone Case.**—Yesterday afternoon the case of the United States vs. Charles Livingstone, against whom there are three indictments charging unlawful cohabitation, was called for trial in the Third District Court. The defendant and witnesses were present, but the case was continued for the term, on motion of District Attorney Dickson.

**Information Wanted.**—George Siamaker, of Brockland Cottage, Brock Street, Basingstoke, Hants, England, is anxious to hear from and learn the whereabouts of his brother Frederick who, on January 10th, 1886, was in Lea, Plote County, but has not since been heard from. The information is urgently desired and will be thankfully received.

**W. L. Snow Pleads Guilty.**—Yesterday afternoon Willard L. Snow,