

EIGHT YEARS CONFINEMENT

In the penitentiary, during which time his honor hoped he would reform, and learn to earn a living by honest industry. Penty, as we must now call him, was born in Ohio, and is 33 years of age. He is well formed, about 5 feet 9 inches high, and of very fair complexion. He was remanded to the charge of the marshal.

Thomas Tombs, Abraham Smith-walter and John Morton, all formerly subjects of her Britannic Majesty, applied for citizenship in the United States. The first two gave satisfactory answers and were admitted, but it had been reported to the court that it was rumored that some time since John Morton was intending to

TAKE A PLURAL WIFE,

and after thoroughly catechising him, the Court said he would take more time to investigate the matter, and his admission was postponed indefinitely.

Alexander Bowman, a jurymen, was excused for the term.

The case of the United States vs. John Bergen was next called. Defendant, in the indictment, is charged with polygamy. The following jury was impaneled to try the case: James Goodwin, Wm. M. Burrows, F. Foy, Wm. Beton, J. K. Fowler, John Germer, Temple Short, A. J. Stone, W. M. Barry, Charles Jay, Wm. Studer, Thomas O'Connor. They were examined by Messrs. C. C. Richards and Dickson as to their qualifications, when Studer, O'Connor and Burrows were excused.

Before other names were called, Mr. Rawlins, of the defense, moved to have the indictment quashed, on the ground of imperfect endorsement thereon, and further as shown by the records and the sworn statement of the clerk of court, it had not been filed in open court. His honor, however, overruled the motion. Charles Webb, Joseph Jenkins and Jonathan Pullum were sworn to fill the vacant places. The defendant pleaded "not guilty" and the trial commenced.

The first witness called was Maria Bergen. She was married to defendant in 1874. Was then living at Salt Lake City. Was there last March. She knew Matilda Lundsted by sight, who is the

ALLEGED PLURAL WIFE.

First saw her in the street of Salt Lake City. Did not then know her. First met her at the home of witness. Saw her subsequently to this time but could not remember when. She went with defendant to Logan some time last April. Arrangements were made to go some time before they went, but could not say how long. Did not remember how long it was before that time that Matilda Lundsted came to witness' home. Did not remember the day of the month they went to Logan, but it was on a Sunday. Knew that Matilda was going to Logan. Anna Black told her so. Did not tell her that she was going to marry witness' husband. Her husband did not say anything about it. Witness' mind was troubled by being called up here so often, it has made her memory defective. When they got to the railroad depot she did not know what Matilda Lundsted was going to Logan, for; had not been told. She supposed they were going to perform the same kind of work as witness was—that was work in the Temple. Did not know who owned the house she stayed in at Logan. All three went into the house together. It was not

A PUBLIC HOUSE.

They all slept in the same room. Did not know the name of the family they stopped with—never heard it. All went to the Temple together. Was there several days; all went together and all came away together. All slept in the same room every night; there were two beds in the room. Her husband gave witness a railroad ticket, but does not know whether he gave Matilda one or not. When they returned home they all ate at the same table at Bergen's home. About half past nine p. m. Matilda and defendant left together, and witness guessed defendant did not return to the house again that night. Witness was only

MARRIED ONCE TO DEFENDANT.

That was in November, 1874. The name of defendant's former wife was Annie Bergen. Witness never saw her—has seen her photograph. She did not come to this Territory, she stayed back in New York. Witness has had no children by defendant. He had two by Annie Bergen. The reputation was that defendant lived with and acknowledged Annie Bergen as his wife in New York, and that he lived with her up to the time he left New York and came to Utah. Witness did not know what year that was.

Prosecution here moved that the testimony concerning Annie Bergen being the legal or first wife of defendant be stricken out. This was objected to by the defense, and a long debate ensued on the motion. Counsel for defense argued that it had been proved by "reputation," that Annie Bergen was the legal wife of the defendant, that he had a family by her, and that they bear his name. One of the children, a young man, is now residing in California. Dickson argued that there has been no evidence whatever to prove that Annie Bergen was the wife of defendant at any time. It was argued that if the testimony on this part of the matter be allowed, then the indictment

MUST BE QUASHED.

The judge sustained the motion, which was excepted to by defense. At 5:05 o'clock p.m. a five minutes' recess was taken.

Augusta Bergen was next sworn. Was married to defendant in August, 1872. Had a husband living at that time. She has never lived or cohabited with defendant as his wife. She lived in the same house with him, cooked for him, but did not occupy the same room with him. It is thirteen years since she saw or heard of her first husband. His name was Augustus Neighbour. She does not know where he now is.

Rawlins asked witness if she had been divorced from her husband. Dickson objected, and a long debate followed. The objection was overruled.

Witness said she had applied for a divorce to the probate judge of Salt Lake County, but did not get any.

At 5:30 the court adjourned till 9:45 a. m. to-day, without much being reached in this case.

UGDEN DEPARTMENT.

UGDEN CITY,

November 30, 1886.

DISTRICT COURT PROCEEDINGS.

The arraignment of George Chandler was the first business this morning; he is indicted for unlawful cohabitation. He pleaded "guilty" to the first count, and "not guilty" to the other three. The trial is set for next Tuesday.

The trial of John Berger was then proceeded with. We have not space to-day for an account of the proceedings.

James McDermott was arraigned on a charge of having obtained money under false pretenses. He pleaded "not guilty."

The grand jury filed into court and handed in a number of indictments, which, of course, were not made public.

The indictment against George W. Thatcher, charging him with unlawful cohabitation, was discharged.

Mrs. Susan Parry came into court and took a seat in front of the judge. She looked sad, dejected, pale and weary. Her counsel asked the Court to postpone passing her sentence until the first Monday in January, 1887. His Honor said he appreciated the fact that this was a very grave offense, the penalty for which is 15 years in the penitentiary and a large fine besides. He was also fully satisfied that the offense was committed by the procurement of other parties, and not of her own volition, and that it is a very distressing position for a lady to be placed in. Still an example ought to be made, for the crime was a heinous one. Considering all the circumstances, the court consented to postpone the time of sentence to the date desired, and that if defendant's husband pays all the expenses of the suit to save the government from loss in that respect and otherwise satisfies court it will then

SUSPEND FURTHER SENTENCE.

The costs will be about \$125. His Honor further said if the man whom she has been shielding would come forward and voluntarily surrender himself, she should not suffer; otherwise he had no promise to make. She then left the court.

THOMAS EVANS a native of Wales was made a citizen of the United States

GENERAL JOTTINGS.

THERE ARE ALREADY docketed to come up in their order in the First District Court, the cases of The United States vs. E. A. Box, the United States vs. Abraham Chadwick, the United States vs. Joseph H. Dean, the United States vs. James May. Numerous other arrests have been made but it is not yet publicly known how many more have been indicted. It is expected that at least the cases above named will be disposed of during this term of court.

THE PEOPLES PORKERS'

this year are falling beneath the knife of the butchers earlier than heretofore, and the fat barn grunners are sharing a similar early fate. By the way there appears to be a vast number of swine in this section of the country, at the present time. They have been offered for sale cheap—for one dollar upwards each at the age of one and two months.

THE WIFE of Elder John Bott, of Brigham City, Box Elder County, was before the grand jury this morning. She was asked a few questions. One was if she was Bott's legal wife and how long she had been married to him. Answers were brief and satisfactory. She received her per diem and mileage and returned to her home.

ABOUT EIGHT o'clock last night a man who was under the influence of intoxicants was taken to a restaurant on Fifth Street, by a friend, a room and bed were engaged for him and he was laid therein to rest. Shortly after he fell from the bed to the floor and was again assisted to his couch. About 9 o'clock a crash was heard in the room over the kitchen, and a large quantity of window glass was scattered upon the ground. Mr. Morley, the proprietor, ran up stairs to look for his guest. He had left his room and gone into an adjoining one, crept under the bed and crouched against the wall. Morley went for a police officer, and in the meantime the inebriate had descended to the kit-

chen and seated himself, half naked as he was, among the ladies.

Mrs. Morley threatened him with a hot bath of boiling water if he did not retreat. He was obstinate and refused to move. At this time the officers removed him to the cooler, where he slept off the fumes of his potatoes, and to-day he was fined \$15. His name is Gustave Carlberg.

LAST NIGHT the library room of the Central School was well filled with the teachers and others interested in educational matters. Press of business prevented me from accepting the invitation to be present. From one of the participants, however, I learned that it was a very enjoyable affair. The object of the gathering was the formal opening of the library. The room is fitted up in good taste, and the appointments and conveniences are completed. It is centrally situated in that magnificent building, of which the citizens are justly proud. The proceedings were interspersed with musical exercises, and addresses suited to the occasion. Joseph Stanford, Esq., made the opening speech, and was followed by Messrs. T. B. Lewis, E. H. Anderson, Jos. A. West, Rev. Mr. Bailey, A. T. Wright, H. H. Rolapp, John Seaman, Miss Marion Treseder. The library already contains one hundred and fifty volumes of standard works, historical, biographical, general literature, etc. It is an excellent institution and will receive the hearty patronage of all friends of education in particular, and of our citizens in general. Success to the land-able enterprise.

MUSICAL INSTRUCTIONS.

Editor Deseret News:

It is pleasant to note the great interest manifested in music by the young people of Salt Lake City at present. It is indicative of the fact that mental exercises are beginning to take the place of physical ones in furnishing the pleasure and amusement of the young. The dance is giving way to musical gatherings, which is a step upwards to higher and nobler things. For this state of things great credit is due to our local music teachers, who have steadfastly persisted in training the young to an understanding and a liking for this beautiful art; unasked and generally poorly remunerated, they have used their whole energy in training large classes, societies, schools and choirs, until to-day it is but a small task to call together five, six hundred or even a thousand singers, who, if not very proficient in the art, can enjoy and execute fairly well. In glancing over the packed assembly gathered at the City Hall to form the new Choral Union a few evenings since, it was a pleasure to see the number of young, fresh faces assembled to re-enforce the old, faithful members of larger experience; two-thirds probably of the whole present were those found in children's classes only three or four years since, and these must now infuse new life to the whole society. "Such is life," the children of to-day are the men and women of to-morrow, and the habits, desires and usefulness of these coming men and women depends much on their training of to-day. In view of this fact it was a hope-inspiring sight to the music lover to see the 500 or 600 youthful alto singers in the Assembly Hall on last Thanksgiving day, and while one would naturally desire to have seen a corresponding force of adults present to counterbalance their immense force of alto, it was amusing, and not disagreeable in many respects to see—or rather hear—our future prospects fairly "drawn out"—musically speaking—the present force there, singing with, or against them. One could not help thinking what an inspiring effect it would have been had the trebles, basso and tenors been there to correspond. Talk of congregational singing! It would have appeared suddenly in its full and sublime force! Then the question arises, if one man could and did have five hundred altos trained to sing their parts of eight pieces and that done in a little over two months, would it not be quite possible to get the same number of each of the other parts trained in a short time? Just think of the fine results! not only when all brought together but in the singing of every school in the city. If as many basso and tenors (or material that could be trained to become basso and tenors) could not be found, begin with half the number. Let them meet together and be trained as these were. But still all these brilliant "short cut" results should not blind any one to the fact that permanent progress in our music must depend upon the proper, intelligent study of its rudiments. Master the reading of it, if you would become a useful musician. The excellent opportunities our community have for this is unexcelled anywhere in the world (where it is taught regularly in the public schools.) Now we have teachers here pre-eminently adapted to give these instructions, who do so at prices within the reach of the poorest. Prof. Careless is devoting his time to this, in connection with other instructions, and Prof. Stephens almost exclusively to class teaching. Not a word need be said of their special merits, both are well known, as are the good results of their labors. But the people need to be reminded of the golden opportunities they are letting slip by. (Though some hundreds are availing themselves of them, other hundreds equally need the instructions.) Our new Zion's Choral Union, has a mission to

fulfill in cultivating and advancing the musical, not in educating its members in the rudiments of music or in directly training or bettering our choirs, as some seem to think. Choirs cannot draw upon it to any great extent for either members or music; the latter will seldom be suitable for their use on the Sabbath, while for members the society must rather draw on choirs than the reverse. Its mission is a higher and more artistic one—that of amassing talent together to render grand, massive works, lifting up the taste and ambition of its members to a higher standard. Its success, as well as that of every musical organization, must depend upon the practical, intelligent ability of its members and conductors, and not the reverse. Its condition five years hence will greatly depend on the proper training of the 600 youthful singers lately assembled in the Assembly Hall, and the hundreds of others growing up; just as its success to-day depends much on the past training of its members. Let instruction lead, and the good results will follow. OBSERVER.

OUR FAST DAY.

WHY WE SHOULD OBSERVE IT.

The Prophet Joseph Smith designated the first Thursday of each month to be observed as a fast day by the Latter-day Saints, and inaugurated the practice of holding meetings on that day that the members of the Church might assemble together to sing and pray and testify one to another; also to bring their offerings to the Bishop or presiding officer for the benefit of the poor and needy. These gifts are called fast offerings, and were we as liberal as we should be in this regard, would constitute a fund amply sufficient for the immediate wants of the poor among God's people.

Fasting has been a practice that has been observed by the people of God from time immemorial; it was a mark of humiliation and was generally accompanied with prayer. David says: "I humbled my soul with fasting and my prayer returned unto mine own bosom." In another place he says, "My knees are weak through fasting." Certain days and months were observed among the Israelites as times of fasting. Zachariah, speaking of a time when the Lord would specially favor His people says: "Thus saith the Lord of Hosts; The fast of the fourth month and the fast of the fifth, and the fast of the seventh, and the fast of the tenth shall be to the house of Judah joy and gladness and cheerful feasts," etc. Isaiah charges the people with an improper observance of their fasts and uses the following language: "Behold in the day of your fast ye find pleasure and exact all your labors (is this not the case with us?) Behold ye fast for strife and debate and to smite with the fist of wickedness! ye shall not fast as ye do this day to make your voice to be heard on high." And he asks, "Is not this the fast that I have chosen?" to loose the bands of wickedness, to undo the heavy burden and to let the oppressed go free and that ye brake every yoke." "Is it not to deal thy bread to the hungry and that thou bring the poor that are cast out to thy house? When thou seest the naked that thou cover him and that thou hide not thyself from thine own flesh?" "And if thou draw out thy soul to the hungry and satisfy the afflicted soul, then shall thy light rise in obscurity and thy darkness be as the noonday." Whenever an important blessing was sought to be obtained by God's servants in ancient times, fasting generally accompanied their petitions. David says when pleading for Judah's deliverance from captivity: "And I set my face unto the Lord God to seek by prayer and supplications with fasting." The example of Jesus in this regard is a very prominent feature in his history and as one evidence of its efficacy we will refer to casting the foul spirit out of a certain lad as recorded in Matthew and in Mark also; both these Evangelists relate that the father of the child brought him to the disciples, but they failed to cast him out, and that they asked the Savior privately. Why could not we cast him out? And he said unto them, This kind can come forth by nothing but by prayer and fasting, plainly intimating that the Son of God himself would have been powerless to work this miracle without the preparation of prayer and fasting. It is recorded in Acts that the Apostles ordained Elders in every church; accompanying this ordinance with prayer and fasting. Paul exhorts the people of Corinth to give themselves to fasting and prayer. In fact the Scriptures abound in examples, showing the efficacy of prayer accompanied with fasting. And to the very meagre observance of this practice by many of the Latter-day Saints may be attributed that lack of spiritual endowments, gifts and powers so necessary to be enjoyed by God's people.

If ever there was a time in our history when humility was necessary and fasting and prayer essential it appears to me that the present is certainly the time; much less should we fail to strictly observe the day that has been designated for this purpose by the Prophet of God. In our eagerness to obtain the "almighty dollar," we have pursued our business on that day to the neglect of meeting together as we should and as a consequence of this neglect our fast offerings have not been paid and we have partaken of our food on that day the same

as others. Is this right? It certainly is not, and the sooner we correct this wrong the better it will be for us. Elders can leave their homes from one to five years at a time to carry the Gospel to people of other lands, and what material has performed one or more faithful missions abroad can truthfully say he is not as well off financially as if he had stayed at home and labored for his family during that time? Such a case cannot be found throughout Zion, plainly showing that increase and blessing belong to God. There is certainly as much need for diligence and faithfulness in Zion as abroad, and we should be willing to spend a portion of our time at least in worshipping God when we are privileged to stay at home.

Temple building is certainly as important to the Latter-day Saints as any other labor that can be named and yet that labor can cease on fast days to give those employed an opportunity to fast and worship God but the merchant, the man of business, the mechanic, the artisan as well as the common laborer who are working for themselves (although they are Elders of Israel) cannot close their places of business nor cease their labors on that day or do so only to a very limited extent, thus showing less devotion than the children of Judah whose hearts are set upon gathering wealth; for several times during the year they leave their business to attend to their feasts, pass-overs, etc., as established by Moses and others thousands of years ago.

In view of our past neglect it was quite pleasing to see advertisements in our daily papers lately announcing the closing of certain business houses on fast days.

The prominence given to such announcements lies in the fact that these individuals up to the present stand nearly alone in this regard. Whereas, on the contrary any one or more business house, owned and kept by Latter-day Saints that remained open on that day should be a mark for comment and therefore the announcement of such closing is a reproach to the people, for they should be attending to their religious duties on that day, thus rendering altogether unnecessary the keeping open of any and every place of business.

Seeing we have greatly neglected our duty in this regard in the past and perhaps neglected our prayers both in our families as well as in secret, and have not been strict in the observance of the Sabbath day let us turn and repent, that perchance God may have mercy upon us and verify the promises he has made to his people. Let us live so before God that he can recognize us as the people of Zion and the land we occupy as the land of Zion, where God can minister to His people and the powers of the heavens be made manifest. Zion must be redeemed, but the redemption of the land of Zion will not be until her people sanctify themselves before God, for the work of redeeming Zion belongs to the people of Zion and the heavens are anxiously waiting to assist us in this labor. Then why should we neglect any duty to gratify our fallen nature, our pride, our worldly ambition or our selfishness? Why should we seek by such incessant labor to gather the wealth of this world at the risk of losing the spirit of our calling, our faith in God and jeopardize our hopes of eternal lives?

FELLOW LABORER.

SUMMONS.

In the Probate Court, in and for Salt Lake County, Utah Territory.

Harnett Lee, Plaintiff,

James Lee, Defendant.

The People of the Territory of Utah send Greeting:

To James Lee, Defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you by the above-named plaintiff, in the Probate Court of the county of Salt Lake, Territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of summons—if served within this county; or, if served out of this county, but in this district, within twenty days; otherwise within forty days.

The said action is brought to obtain a decree from this court dissolving the marriage contract existing between said plaintiff and you, on the ground of failure of defendant to provide plaintiff with the common necessities of life and desertion since March, A. D. 1882.

And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to this court for the relief prayed for and east of suit.

Witness, the Hon. Elias A. Smith, Judge, and the Seal of the Probate Court of Salt Lake County, Territory of Utah, this 2nd day of October, in the year of our Lord one thousand eight hundred and eighty-six.

JOHN C. CUTLER, Clerk.

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CONSUMPTION.

I have a positive remedy for the above disease; by its use thousands of cases of the worst kind and of long standing have been cured. Indeed, so strong is my faith in its efficacy, that I will send TWO BOTTLES FREE, together with a VALUABLE TREATISE on this disease, to any sufferer. Give Express and P. O. address.

DR. T. A. SLOCUM, 181 Pearl St., New York.

CASH

Paid for STRAW at the Paper Mill, mouth Big Cottonwood, Five Dollars per ton,