

## ANOTHER VICTIM.

JAMES TAYLOR CONVICTED OF UNLAWFUL COHABITATION IN THE FIRST DISTRICT COURT.

OGDEN CITY, Jan. 6, 1886.

Editor Deseret News:

After the reading of the minutes today, the following named jurors were accepted to try the case of the United States vs. James Taylor, indicted for

## UNLAWFUL COHABITATION:

Walter Holbrook, George Corey, C. J. Goodwin, W. H. Wattis, Chas. Webb, P. J. Thorsted, John Keck, Thomas Grant, W. W. Corey, D. H. Spencer, A. Kuhn, E. M. Williams. The prosecuting attorney then stated the case to the jury, which was that the defendant had three wives, namely: Annie Taylor, Annie Dyer Taylor, Annie Bailey Taylor. Counsel said the charge covered a period of from June 1st, 1882, to May 1st, 1885, inclusive. He expected to show that there had been no interruption between these women and the defendant in their relations of husband and wives during the three years above named.

Thomas D. Dee was the first witness called; He lived in Ogden during the past four years; knew the defendant; lived about 30 rods from him; was defendant's brother-in-law—Annie Taylor was his sister. The other two ladies were generally reputed to be defendant's wives, but witness had not heard defendant speak of them as his wives, but had heard him speak of Annie Taylor as his wife during the time named; neither did he remember stating before the Commissioner that he had met the defendant in Annie Dyer's house; had no recollection of hearing the defendant speak of

## ALL OF THEM AS HIS WIVES.

Witness had, during the time named seen the defendant and Annie Dyer and Annie Bailey at his (witnesses) house together, but they did not go or return together. He had seen the defendant and these three ladies, in company with many others, go to and return from church. Annie Dyer went to Salt Lake a few days previous to the passage of the Edmunds law, and on her return she went to live in her own house, where she still resided. During a portion of the time mentioned defendant had provided for the maintenance of Annie Dyer.

Counsel consulted notes supposed to be statements taken before the grand jury, and asked witness a question suggested by those notes. Counsel for the defense objected, and the Court ruled that the attorneys on either side could consult notes, no matter where they came from or originated, simply for the purpose of aiding

## OR REFRESHING THEIR MEMORY.

On cross-examination witness stated that the residence of defendant was two miles north of the city proper, on Main Street, and the general reputation of the neighborhood was that during the time charged in the indictment, the relations of husbands and wives between defendant and Annie Dyer and Annie Bailey Taylor were severed.

F. A. Miller was the next witness. He knew the defendant and those who were alleged to be his wives; previous to the time named in the indictment he understood that these three ladies were the wives of defendant; but during the time so named the general reputation was that the relations of husband and wives had ceased to exist between him and Annie Dyer, and Annie Bailey Taylor.

Court then took recess till 1.30 p.m.; at that hour M. C. Thompson, a Scandinavian was admitted to citizenship, after stating that he liked the Constitution, government and country of the United States, and promising to obey all the laws of the country.

In the case of Nathan Kimball vs. the Ogden Herald Publishing Company, by stipulation of counsel, the suit against all the defendants except the corporation and Hemenway, was dismissed, and judgment was entered for \$500 and costs.

The case of James Taylor was then resumed, and Joseph Bailey was called as a witness. His testimony was immaterial. Matilda Bailey, aged 13 years, was next called. Annie Bailey was her mother, and the previous witness was her brother. She knew defendant, but had not seen him eat at her mother's house, nor sleep there during the last year, and did not remember to have seen him go out with her to church or any other place during the time named.

Frank Lundquist was called to the stand. He said, prior to 1882 the ladies in question were generally reputed to be the wives of James Taylor; but he now knew so little of the family relations of the defendant, that he was set aside.

August Lundquist was the next witness, and his testimony was similar to that of the previous witness. He appeared to know so little that the Court severely reprimanded him as an unwilling witness and ordered him to remain and not to leave the court-room until the Court had again talked with him on this matter.

George Thompson had known James Taylor for 14 years, and was acquainted with Annie Taylor during the years from June 1st, 1882, to May 1st, 1885; knew Annie Dyer during the same period, and he understood her to be his wife, as well as Annie Taylor. He did not know Annie Bailey Taylor. He said it was generally understood in the neighborhood where they lived that these ladies were the wives of James

Taylor, during the years 1882 and 1885. On cross-examination he admitted that during 1882, he lived about half the time in Davis County. It was also discovered that all his information was based on hearsay, and he actually knew

## LITTLE OR NOTHING

about the matter.

William Sharp was the next witness. He knew the defendant, but was not on visiting terms with him; knew the alleged wives; had during the time named in the indictment, seen defendant out walking and also riding in a vehicle with Annie Taylor and Annie Dyer; had been acquainted with defendant for 5 or 6 years; lived about one-fourth of a mile from Jas. Taylor, but of his own knowledge he knew nothing of the defendant's marital relations. In the year 1882 it was reported that the relations of husband and wives had ceased to exist between defendant and Annie Dyer and Annie Bailey.

Benjamin Garr was next put under oath to testify. Knew defendant and the alleged wives, and lived near Mr. Taylor since 1872, but during the year 1882 was part of the time away from home; and during the time named had seen defendant in the yard of Annie Dyer, and had also seen him go back and fourth to Annie Bailey's home, but this was seldom—and he had never seen him in either home of the ladies, except on two occasions. It was the report that since 1882, these ladies ceased to live with James Taylor as his wives.

## ANNIE DYER

was the next witness. She was, prior to the passage of the Edmunds law, the wife of the defendant. During the year 1882, he called at her house several times and ate at her table a few times. She had not during that time met defendant at the house of Annie Bailey; had walked with this lady and defendant to church. Defendant had also slept in her house a few times, and also taken breakfast there several times during 1882, but not during the last year. She had also several times been invited to ride into town in the same carriage with Mr. Taylor and Thomas D. Dee. Defendant contributed partially towards the support of witness.

Eliza M. Garr was next sworn. She was acquainted with defendant and his alleged wives. She had seen the defendant and the ladies walking together a few times, and also riding a few times. The alleged wives were called by their maiden names to distinguish them. Witness has been at the home of Annie Dyer a few times, but never saw defendant there. This closed the testimony for the prosecution.

Wm. Barker was the first witness called for the defense. He lived in Mound Fort; had lived there fifteen years, and had known defendant all that time. Knew Annie Dyer and Annie Bailey. They also, as well as defendant, lived at Mound Fort. Since March, 1882, Annie Dyer had lived in the brick house where she now resided. Annie Bailey had occupied her present residence since prior to 1882. In that neighborhood they had not been considered the wives of defendant since 1882, and they had been known as Annie Dyer, and Annie Bailey. They were not still known as his wives by the community where they lived.

Charles Morton, Julius Farley and John Maddock testified, but their statements were simply corroborative of the other witnesses.

Both sides now rested, and at half past four p.m., the court charged the jury. The instructions were brief and similar to the charges given in former cases of this character. His honor quoted the decision of the Supreme Court on the definition of cohabitation. He closed by saying: "I charge you further that no public act of divorce, or proclamation, that he had put away the women will be sufficient to hold him guiltless, if you find beyond a reasonable doubt, that he lived, or cohabited, as I have defined the term, during the time mentioned in the indictment, with the women, or any of them named in the indictment. All such matters would be immaterial. The question before you is: did they live or cohabit, as the term has been defined to you, during the time named in the indictment?"

After a brief absence the jury returned into court and the foreman stated that they had not reached a verdict, owing to a misunderstanding in relation to the evidence of Annie Dyer, which was read by the official reporter, when they retired and shortly after six o'clock rendered a verdict of "Guilty!"

WEBER.

## CHARGE OF JUDGE POWERS IN LORENZO SNOW'S CASE.

Utah Territory, First Judicial District Court.

United States vs. Lorenzo Snow. No. 743.

Gentlemen of the Jury:

This case is a prosecution for an alleged misdemeanor. It is charged that the defendant, on January 1st, 1884, in the county of Box Elder in this district and Territory, and on divers other days and times thereafter and continuously, between said first day of January, 1884, and the 31st day of December, 1885, did then and there unlawfully live and cohabit with more than one woman, to wit, with Adeline Snow, Sarah Snow, Harriet Snow, Eleanor Snow, Mary H. Snow, Phoebe W. Snow

and Minnie Jensen Snow, and during all the period aforesaid, at the county aforesaid, he, the said Lorenzo Snow, did unlawfully claim, live and cohabit with all of said women as his wives.

If you believe from the evidence, gentlemen of the jury, beyond a reasonable doubt, that the defendant cohabited with the women named, or any two of them, as wives, and that he held the women, or any two of them, out to the world as wives, by his language or his conduct, or both, you should find him guilty.

It is not necessary that the evidence should show that the defendant and these women, or either of them occupied the same bed, or slept in the same room; neither is it necessary that the evidence should show that within the time mentioned in the indictment the defendant had actual intercourse with either of them (the phrase "cohabit with more than one woman" used in the statute means to live with as wives); the offense of cohabitation is complete when a man to all outward appearance is living or associating with two or more women as wives.

Of course the defendant might visit his children by the various women, he may make directions regarding their welfare; he may meet the women on terms of social equality but if he associates or lives with the women, or any two of them, as a husband with his wife, he is guilty. The Supreme Court of the United States, in construing the Edmunds Act, says that the statute "seeks not only to punish bigamy and polygamy when direct proof of the existence of those relations can be made, but to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household, with all the outward appearance of the continuance of the same relations which existed before the Act was passed."

Before you can find the defendant guilty you must be satisfied beyond a reasonable doubt, that he has cohabited with two or more of the women named during the time, or a portion of the time named in the indictment, to wit: between the first day of January, 1884, and the thirty-first day of December, 1885. The evidence introduced as to what occurred prior to the time named in the indictment, is before you for your consideration as tending to throw light upon the relations of the parties within the time charged. If there is evidence that the defendant had married the women, had been living with them as his wives before the time named in the indictment, it may be considered by you as tending to throw light upon the relation of the parties within the time charged. If there is evidence that the defendant had married the women, had been living with them as his wives before the time mentioned in the indictment, it may be considered by the jury as adding weight to any circumstances proven, pointing to unlawful cohabitation during the time the offense is charged. If you find beyond a reasonable doubt that the defendant had, during the year 1884 a legal wife living in Brigham City, Box Elder County, Utah Territory, from whom he was undivorced, that he recognized her as his wife, held her out as such and contributed to her support as such wife, and that during that year he lived in the same house with the woman Minnie, recognizing her as his wife, associated with her as such and supported and held her out as his wife, then the offense of unlawful cohabitation is complete and you will find the defendant guilty. The legal wife in this case is the woman whom the defendant first married.

The law presumed the defendant innocent until proven guilty beyond a reasonable doubt. A reasonable doubt is a doubt which has some reason for its basis; it does not mean a doubt from mere caprice or groundless conjecture; it is such a doubt as a jury are able to give a reason for. If, after a careful and impartial consideration of all the evidence in the case you can say and feel that you have an abiding conviction of the guilt of the defendant and are fully satisfied of the truth of the charge, then you are satisfied beyond a reasonable doubt.

You must accept the law as given you by the Court as final; you are not judges of the law. You will not consider what counsel upon either side have said regarding the law of the case, except so far as it is borne out by the charge of the Court. It is not the province of counsel to discuss the law to a jury; you will remember your oaths and try this case upon the evidence given you by the witness stand and the law as expounded by the Court.

You are the sole judges of the credibility of the witnesses, the weight of the evidence and of the facts. If you find the defendant guilty you will say in your verdict, "We, the jury, find the defendant guilty in manner and form charged in the indictment." If you find the defendant not guilty, you will say, "We, the jury, find the defendant not guilty."

## CORRESPONDENCE.

## ROUGH EXPERIENCE.

Vain Efforts of Two Elders to Gain a Foothold in South Carolina.

Paris, Spartanburg Co., S. C., Dec. 31st, 1885.

Editor Deseret News:

As there is an article going the rounds of the newspapers relative to our being banished from Anderson County,

South Carolina, we thought a few facts would be of interest to some of your many readers.

On Nov. 12th we bade our friends farewell here and took a sunset course, without purse or scrip, in search of the honest heart. We found people generally greatly prejudiced, and invariably were refused school houses in which to hold meetings. Having a letter from Brother John Cummings, of Heber City, Utah, requesting us to visit his old friends and relatives in Anderson County, where he was born and reared, we journeyed in that direction. Passing through Greenville County we found it very difficult to get food and lodgings. On one occasion after calling nine times to stay all night and being refused, we gave our pocket knife for a bed. This, no doubt, was occasioned by the articles which had just been published in the county papers.

In the Greenville Weekly News for Nov. 17th, the following editorial appeared: "The people in the upper section of this county who run the Mormon missionaries away did exactly what they should have done. The Mormon Elder must go from this region; he must go in a hurry. If he insists on staying his visit will be made very permanent, excessively quiet, and satisfactory to everybody except the Elder."

Several other articles of a similar character appeared in the Enterprise and Mountaineer.

Not being able to find friends, we were soon in Anderson Co.; this was only

## "JUMPING FROM THE FRYING PAN INTO THE FIRE."

for the third night we spent in that county we were refused protection and food many times, notwithstanding we were the first Latter-day Saints who had been there for years.

They were not content with turning us from their doors, but one dark, stormy night they banded together mob-fashion and followed us. We had just got comfortably located at the house of one Mr. Colley, who had formed the acquaintance of some of our people in Colorado, when the good Christians (?) called him out, intimating their intentions to "slink" us. He gave them to understand it would not be healthy for them to bother us while under his roof, so we were not disturbed that night. The next day being Sunday we only traveled a mile. About 7 o'clock in the evening the man who had kindly consented to take us in, was called out and requested to send his wife to his neighbor's, as about 50 men were in search of us. He advised us to

## MAKE OUR ESCAPE.

A hint was sufficient, so we took to the woods, and remained there all night. We concluded to leave the county, and crossed into Pickens County.

Not satisfied without seeing Brother Cummings' friends, we traveled twenty miles to the place where he was reared.

We had no dinner and had to retire without supper. Convinced that we could do no good in Anderson County, we started out of that much prejudiced section. A mob had organized and was in search of us; they followed us by the tracks in our shoes. We had left the road and taken to the woods to spend a few hours reading, thus eluding their search for a time, but they were determined not to be baffled in their evil designs.

Just after sunset we called on a Mr. Kay who, after a few inquiries, consented to keep us all night. Hardly were we seated before the house was surrounded by our

## TRAILING "CHRISTIANS,"

five coming in at one door and two at the other. They were thoroughly aroused after their long search, but we calmed them somewhat by showing them the views of Salt Lake City and some photo's we had, also giving them our Articles of Faith.

They said "this is not a healthy place for 'Mormons,' we are in the majority and you must go with us to Belton," a small railroad town. We soon arrived at Belton; the town people assembled at the drug store and we were requested to give a detailed account of our proceedings since our sojourn in Anderson County. After this we were taken out by a guard while the people decided what to do with us. On returning we were told they had decided to let us go, providing we would promise to leave the county and use our influence against any more "Mormons" coming to that county. If they did, violence would be used.

Feeling we had done our duty, and that we could accomplish nothing in a county where we had been

MOBBED THREE NIGHTS IN A WEEK, we agreed to do as they requested, and concluded to heed the injunction of Jesus: "If they persecute you in one city, flee ye into another."

They then concluded to give us something to eat before starting out, so they called for salmon and crackers and had the pleasure of seeing two "Mormons" appease their hunger. They also gave us a lunch to take with us, making a total cost of 50c for them.

Mr. Kay asked if we might spend the night with him, which was consented to by all present. The next morning we "shook the dust off our feet" against Anderson Co., and started for Spartanburg, feeling truly thankful to our Heavenly Father that he delivered us from the hands of men who a few hours before were seeking our lives.

Prospects for accomplishing much

more good in this State are not very encouraging at present.

WILEY G. CRAGUN,  
JOS. THORUP.

## DIPHTHERIA.

HOW TO MITIGATE THE CALAMITY.

A MUNICIPAL BOARD OF HEALTH SUGGESTED.

Editor Deseret News:

Benjamin Franklin truthfully said "Public health is public wealth," and the great English Premier, Disraeli, observed, "The health of the people is the first duty of the statesman." These quotations are respectfully submitted to the serious consideration of our city fathers.

The calamitous diphtheria, which continues to prevail in this locality, should awaken the citizens and municipal officers to action, with a view to stopping the progress of the dire scourge. This city is unusually well situated to give its inhabitants unsurpassed advantages for the maintenance of health, and it is simply the fault of the people and city council, that conditions are permitted to exist prejudicial to health. The owners of houses and lots are to blame for the existence of disgusting privy vaults, loathsome pig pens, filthy stables and corrals, rotting manure and garbage heaps, stinking cesspools, noxious accumulations of slops, and other breeders of disease. No reasonable excuse can be given for permitting those things to become nuisances. There should be no hole in the ground for the reception and retention of fecal matter. Ash bins could conveniently furnish disinfectant material for the contents of closets, and render it easy to remove. The accumulation of the

## OFFENSIVE WASTE MATTER.

near residences, besides being a positive injury to health, is a great source of annoyance and worry, concerning how to properly dispose of it. In other cities, of less magnitude than this, it is considered the duty of the authorities to provide means for the removal of pestiferous matter, why should it not be done here? The public health demands that it be rendered innoxious, and moved to where it can be utilized, or at least, do no harm, and some of the public funds might well be devoted to that purpose. It seems to me that no householder would object to pay a reasonable sum, occasionally, towards getting offensive matter removed from his lot or doorway.

There is no more prolific disease breeder than the pig and its pep. Many scientists and doctors declare that, next to over-indulgence of appetite,

## EATING PIG MEAT

is the greatest cause of human ailments. If people will persist in eating the accursed thing, which God has declared is unfit to eat, its foul, polluting sty should, at any rate, be banished from the city limits. Give the swine a field to run in, away from human habitations, feed them lucern, rye or other decent food, and then the naturally unclean animals will not cause quite so much sickness in those who ignore God's law by devouring them.

It is an evidence of laziness in the owners if they allow muck to accumulate in stables and corrals to fester and pollute the surrounding atmosphere; and render unhealthy the cows or other animals that have to stand or wallow in it. It may be considered that our municipal officers are, to some extent, censurable for not compelling such lazy people to observe the city ordinances relating to such matters. The people have a right to the naturally pure air of our mountain retreat, and they who pollute it, by permitting offensive nuisances to exist, should be punished.

It was pertinently remarked by a Herald correspondent, a few months ago, that "any law that is not enforced is

## A HUMBUG,

and our city fathers, to be consistent, should strike all such from the statute book." I hope to see the day when the people of this city will not need ordinances relating to quarantine or nuisances, when all will live above the law, maintaining perfect cleanliness in their persons and surroundings, but, meanwhile, I join with many others in wishing that the existing, essential laws were strictly enforced. If I am rightly informed, the quarantine law is almost a dead letter here, at present there is scarcely any pretense made towards keeping it, by those who should be subject to it. If the inmates of houses wherein diphtheria prevails go to and fro in the city, follow their usual avocations, visit, enter street cars or stores, attend meetings, etc., then our quarantine law may well be regarded as a horrible farce.

But I need not elaborate on these vital questions, my purpose in writing is not simply to talk about evils, but to suggest, as

## A PRACTICAL METHOD

of remedying them, that a sanitary commission, or municipal board of health should be established, combining a number of citizens with some knowledge of sanitary affairs, and several members of the City Council, who would devise and carry out such measures as are essential to assist in protecting the public