

had been guilty of the charge, and he was accordingly released. This is the second time that Mr. Hutchings has been arrested on the same charge and the second time he has been released.

Warren B. Smith, of American Fork, was before Commissioner Greenman May 24, on a charge of unlawful cohabitation. He entered a plea of guilty, and was held to await the action of the grand jury at Provo. The witnesses were required to furnish bonds in the sum of \$500 each. Brother Smith's bail was fixed at \$1500.

The case of the United States vs. Allen Hunsacker, unlawful cohabitation, was placed on trial. The same jury that tried the Slater case was empaneled in this case. The evidence was brief and insufficient. By the direction of the court the jury brought in a verdict of not guilty and defendant was discharged.

In the case of the United States vs. Charles Crabtree, unlawful cohabitation, the defendant withdrew his plea of not guilty, and entered one of guilty. Sentence was set for May 27th.

United States vs. J. E. Taylor; in this case the bond of \$1000 required for the appearance of Jane M. Capnor was declared forfeited when the witness failed to appear at the trial. Today a motion was made to have the forfeiture set aside. It was shown by witnesses that the lady had been informed by the officer that she would be notified when she would be needed; that she heard the case was going to be tried, and prepared to come to Salt Lake, and that while she was in readiness and was awaiting the promised notice, she received word that her bonds had been forfeited. On this showing the court ordered that the forfeiture be set aside.

Commissioner Pratt also issued a warrant for Monroe Allred, on a charge of adultery, in living with his second wife. Mr. Allred was not arrested, but his alleged plural wife was, and she was required to give \$300 bail for her appearance.

C. O. Falkman should have been sentenced May 24th, having been convicted of unlawful cohabitation, but sentence was postponed until May 31st.

Thomas Obery, of Paradise, was called on the charge of unlawful cohabitation. He was sentenced to imprisonment for three months and the payment of the costs of the court.

Jens Christiansen, convicted of adultery, promised to obey the law and was given fifteen days' imprisonment.

The case against O. J. Spencer, indictment for adultery, was ordered dismissed on the plea that former conviction of the same offense had been found under the charge of unlawful cohabitation.

The case of the United States vs. Moroni Marriott, unlawful cohabitation, was tried. The evidence proved insufficient and the jury returned a verdict of not guilty by direction of the court.

The case of the United States vs. Joseph E. Taylor, unlawful cohabitation, was taken up for trial. The indictment is one of the old segregation order, and contained four counts. The prosecution failed to select the count upon which they would proceed, until after the jury was sworn, although the defense frequently asked it. The first count was selected, and was for living with Louisa R. Taylor, Lisadore Williams Taylor and Jane Capnor as his wives, from December 2, 1883, to June 1, 1884.

Mr. Louisa R. Taylor was the first witness. She testified—I was Mr. Taylor's wife, but have been divorced from him; was married in 1853; in 1883 my husband lived at the old homestead; I lived in the new house; I was never in the old house after 1875 or 1876; all I knew of the marriage of Lisadore Williams, I learned from the *Tribune*; I told him if he had married her, he could leave the house; he left; this was in 1876; I was not acquainted with Lisadore Williams, even by sight, in 1883; I saw her at the house prior to 1883; my sister, Jane Maria, was married to the defendant, as his plural wife.

To Judge Powers—Mr. Taylor has not lived with me since 1876; we permanently separated then; he called two or three times on business; I never met Lisadore Williams since her marriage; I have seen her in the yard three or four times a year; at least I suppose it was her, though I could not tell what the distance was; Mr. Taylor married my sister in 1874 or 1875; I have heard that she is now married to some one else; I don't know her present husband's name; she got a divorce from Mr. Taylor; I knew several years ago that she had separated from Mr. Taylor.

Mrs. Lisadore Williams Taylor testified—I was married to Joseph E. Taylor thirteen and a half years ago; he was away a great deal of the time; he went away a short time before I was called before the grand jury. I know Jane Capnor, or Jane Maria Hanks; have not seen her at my house for seven years or more; they separated about seven years ago or more; her youngest child is about eight years old, or more.

To Judge Powers—I was before the grand jury twice. I cannot say that Mr. Taylor was home from December, 1883, to May, 1884; I think he was not there.

Miss Annie Taylor testified—My mother is Louisa R. Taylor; he has not lived with mother for the past thirteen years; he left home about six years ago; I have not seen Jane Maria Hanks for about two years ago; I do not know Lisadore Williams; I have seen her many times during the past thirteen years, passing along the street and in the yard at the old house.

W. H. Dickson testified—I examined the witnesses before the grand jury, in the case of Joseph E. Taylor; in February or April, 1885; I remember that there was a subsequent investigation.

Miss Hattie Little testified—I live at Mrs. Lisadore Taylor's; have been there three years; never saw Jane

M. Hanks at the house; I have seen Mr. Taylor at the house.

Mrs. Lucille Hoge, wife of Judge E. D. Hoge, testified—Mrs. Lisadore Taylor is my sister; I understand that in 1883 and 1884 he lived with my sister; she lived in his house, and was understood to be his plural wife; I saw them out riding about five years ago, in the winter of 1885.

This ended the testimony, and a recess was taken till this afternoon. Mr. Varian then asked that the jury be instructed to find a verdict of not guilty, and the court so ordered.

#### Elder Robert's Lecture.

The lecture on "Agnosticism," delivered by Elder B. H. Roberts last Friday evening before the Student's Society of the Latter-day Saints' College will be published in the *DESERET WEEKLY* at an early date.

#### Released From Prison.

Otis L. Terry, of Fairview, Sanpete County, was liberated from the penitentiary Tuesday, May 20, after serving a sentence of nine months for living with his plural wife.

James Sellers, of Richfield, Sevier County, was also released today at the expiration of his sentence of eighteen months, for a similar infraction of the Edmunds law.

Bishop Joseph S. Horne, of Richfield, was also among the number who emerged from the bastille today. He has served an eighteen months' term for living with his plural wife.

#### Death of Elder Brain.

Elder Edward Brain, the well-known builder and brick manufacturer, died at his residence in the Twenty-first Ward, at 9 o'clock a. m., today, May 23rd. The illness which prostrated him was brief, but few of his friends being aware of it, and his death was therefore unlooked for. On Saturday last he called at Zion's Savings bank for the purpose of obtaining money with which to pay his employees the following day. When there he met an acquaintance concerning whom he remarked pleasantly to Cashier Schettler, "I want him to speak at my funeral." Almost immediately after the gentleman to whom he referred had left the building Brother Brain was seized with a sudden illness and sat down in a chair. He was conveyed to his home, where he rallied occasionally, but finally expired at the time mentioned above.

Brother Brain was born at Wick, Gloucestershire, England, August 15, 1821, and was consequently in his 69th year. He joined the Church of Jesus Christ of Latter-day Saints by baptism in August, 1844, at Bath, and emigrated to Utah in 1852. Besides having done a great deal of contract work in the building line, he labored for a long period on the Church works, but of late years he has been entirely engaged in the manufacture of brick, in his yard in the extreme east by north portion of the city. He has for many years acted in the capacity of deacon at the Tabernacle during