

## LOCAL NEWS.

FROM FRIDAY'S DAILY, APRIL 30

**Genealogical Data.**—People of Scotch descent who desire to obtain Genealogical data will do well to employ Brother James P. Low, who is now in Scotland, to act for them in the matter. His present address is No. 17 Lawson Place, Dundee.

**A New Requirement.**—The Utah Commission now require the deputy registrars throughout the Territory to play the role of spotters and informers. The concluding paragraph of their latest instructions reads as follows:

"The deputy registration officers shall, immediately after the June and September revisions of the registration list, transmit to the secretary of the Commission a statement showing the total number of registration voters in his precinct, placing the number of females in separate lists. They will also report the names of all persons whom they have good reason to believe have entered into polygamy since the June revision of 1885."

## THE NAISBITT CASE.

A VERDICT AGAINST THE DEFENDANT—SENTENCE TO BE PASSED MAY 11TH.

The trial of Henry W. Naisbitt was taken up in the Third District Court to-day, the defendant having been indicted on three counts, for the years 1883, 1884 and 1885, charging him with living with and acknowledging his wives contrary to the Edmunds law.

After the names of the witnesses were called, the following open venire jurors took their places in the box:

W. F. Gerrish, J. B. Paxton, S. C. Pancake, D. E. Firman, Nels Gillis, K. J. Handley, S. S. Maxwell, Aaron Sullivan, C. E. Brim, D. C. Murphy, N. Treweek, Henry Carrigan.

The new members were inquired of by District Attorney Dickson as to whether they or any of their relatives were or ever had been "Mormons," and in each case a negative answer was given.

The District Attorney evidently did not want to risk another failure to convict because of the insufficiency of the evidence, so he peremptorily challenged K. J. Handley and N. Treweek, two of the jurors who voted for acquittal in the Dean case, because there had been no evidence to warrant a conviction. After these two gentlemen were excused the jury looked more suited to find a verdict against any one who was a "Mormon."

Henry Carrigan was challenged by the defense and excused.

E. A. Whittaker, W. T. Barbee and L. Bougard next came forward.

Mr. Whittaker was also one of the jurors on the Dean case and wanted some evidence against the defendant, even if he were a "Mormon," before he would convict, and was peremptorily excused by the District Attorney.

L. Bougard was challenged by the defense; excused.

W. E. Blanney and Fred Anderson took their seats in the box. Mr. Anderson had formed an unqualified opinion in the case, and was excused.

Edward Roche was the last juror called, completing the panel as follows:

W. F. Gerrish, J. B. Paxton, S. C. Pancake, D. E. Firman, Nels Gillis, S. S. Maxwell, Aaron Sullivan, C. E. Brim, D. C. Murphy, W. T. Barbee, W. E. Blanney, Edward Roche.

The indictment on which the prosecution proceeded, charged the defendant with unlawful cohabitation with his wives, Frances Hurst Naisbitt, Lizzie Irvine Naisbitt, and Kate Hagel Naisbitt, from April 1, 1883, to Dec. 31, 1885.

Miss Lizzie Naisbitt was the first witness. She testified that H. W. Naisbitt was her father, and Lizzie Naisbitt her mother; in 1883, lived in the 9th Ward; the defendant lived there also; (This witness, being slightly deaf, was excused.)

Kate Hagel Naisbitt was next called. She had been married to defendant 19 years; lived at Hooperville, Weber County; might have visited the city in 1883; might have called at defendant's house, but had never stayed there; stayed a few days at defendant's house in March, 1883; when visiting Salt Lake, she stayed with her sister; had five children, the youngest nearly three years of age.

Frances Hurst Naisbitt testified that she lived in the 18th Ward; was the defendant's wife; during 1883 her husband visited her occasionally; had three children, the youngest six months old.

Lizzie Irvine Naisbitt was called. The defense objected, as she was the lawful wife. Objection overruled.

Mrs. Naisbitt testified that she was the defendant's wife; lived in the 20th Ward; had five children; her husband may have called on her once during the past three years, but not oftener; he supported her during all that period; he called when her new house was being built; there had been no quarrel; lately they did not speak when they met; he ceased coming to the house; it was on her own account; she was offended at him.

Cross-examined—Had not lived with defendant during the past three years; defendant had been away from the city; never took her out or lived with her during the period named in the indictment.

To Mr. Dickson—The defendant was away in the southern part of the Territory; he was present when her young-

est child was born; defendant had two wives when witness was married to him; the first was dead. She died after the marriage of the other two.

To Mr. Sheeks—When her child was born, defendant was sent for and came, staying a short time. Had called once afterward, to see the child.

The prosecution rested their case, which was submitted to the jury without argument.

Mr. Dickson asked that the Court instruct the jury that if they found that the defendant lived with his plural wife and visited his lawful wife, they should find him guilty.

Mr. Sheeks asked that the Court instruct the jury that if the defendant had a wife, it was presumed she was a lawful wife, and the one married after that time could not be presumed to be lawful in the absence of any proof of the fact.

The Court then charged the jury that if they believed from the evidence beyond a reasonable doubt that the defendant lived with any two or all of the women, they should find him guilty; if the defendant had three wives living, and after the lawful wife died, if he married another, the law presumed the last one to be the lawful wife; if he recognized and supported his lawful wife, and visited her but once, that was cohabitation; if during that time he lived with one of his other wives to whom he had been married, that constituted cohabitation; if there was no marriage ceremony with any other than his lawful wife, yet if he held her out as his wife by his language and conduct, and supported her, that was cohabitation. If the defendant lived under any of these circumstances, it would constitute cohabitation. If he associated with them as his wives, the offense was complete.

The jury retired, and in thirty minutes returned with a verdict of guilty as charged, by W. S. Barbee, foreman.

Mr. Moyle stated that Mr. Naisbitt had a large family to support, and would like a month's time before judgment was passed, that he could have opportunity of making proper provision for the care of those dependent on him.

District Attorney Dickson, however, was so kind and considerate that he could not consent to any such a proposition. What should become of the wives and children of the defendant was no concern of the prosecutor's. He would not have to suffer from being deprived of a natural protector, and declared to the Court that this practice of defendants asking for weeks of time before sentence should be stopped. If a man's means of caring for his family were considered he might be kept out of the penitentiary all the time.

Mr. Moyle stated that Mr. Naisbitt had not had sufficient time to arrange his affairs. He had been indicted on the 20th of last month, and the trial pushed right through at the present term. He only wanted sufficient time to arrange for the support of his family.

Mr. Dickson was willing to allow one week, and the Court fixed Tuesday, May 12th, as the date for passing sentence.

The two other indictments against the defendant were allowed to go over for the term.

FROM SATURDAY'S DAILY, MAY 1

**Fatal Accident.**—Castle Dale, Emery County, was the scene of a fatal accident on the 26th ult. Mrs. Caroline Miller, wife of Richard C. Miller, had just emptied some hot water into a tub for washing and stepped outside the room for another bucketful, when her three little children came in and the youngest one, Richard by name, born September 14, 1883, fell backwards into the tub, and was scalded so badly that he died after four hours' suffering.

**By a Utah Composer.**—We have received from White, Smith & Co., publishers of music of Boston and Chicago, a copy of the first of a series of "New Compositions by E. Stephens" being issued by them. This piece is entitled "My Dream," a song for tenor or soprano, the words of which are by M. J. Messer and the music by the talented Utah composer, Brother Evan Stephens, who for some time past has been studying the divine art at "the Hub." It is to be followed by a duet, entitled "Come to me," for soprano and tenor. The price of the first mentioned is 40 cts. The other will be 35 cts.

**Youthful Vandals.**—Four more boys were brought before Alderman Pyper this afternoon, charged with wantonly tearing up flowers and plants in various gardens. The six brought up yesterday on a similar charge were let off with a severe reprimand. Whether to-day's batch of youthful vandals would be treated with the same leniency had not been decided at last accounts, but if the practice in which they are engaged be kept up, more severe measures will certainly have to be resorted to or the youngsters will become incorrigible.

**An Omen Blaze.**—By a gentleman just in from Ogden, we learn of a disastrous conflagration which broke out there at 4 o'clock this morning, and resulted in the entire destruction of Peeble's drug store and Nelse McCarty's saloon. Through the exertions of the fire brigade and the citizens generally, the work of the destroying element was confined to those establishments, although it looked for a time as though the Walker Brothers' building and some others would go. The damage has not been computed, but it will

probably reach \$25,000; insurance not known at present.

Since the foregoing was in type we learn that Mrs. Bowering's millinery store and part of her goods were also consumed. What the loss will amount to or whether insured or not we have not yet learned.

**Overreached.**—An instance wherein "vaulting ambition" overreached itself was developed to-day when the indictment against Geo. C. Lambert, charging unlawful cohabitation with his wives was read in court. The virtuous grand jury, now defunct, in their anxiety to invent a punishment to "fit the crime" charged, which of all others was most heinous in their estimation—in other words, to inaugurate in this District the triple count process and vent their vindictiveness upon a "Mormon"—made two of the counts cover a period spent by the accused in England. The District Attorney, on learning the facts to-day, abandoned all hope of proving that the defendant cohabited with his wives while 6,000 miles distant, and accordingly asked that the jury be instructed to return a verdict of "not guilty" as to the first two counts.

**The Dickson Battery.**—The case of the People vs. Frank J. Cannon et al, were called for trial in the Third District Court this morning. The indictments are against Frank J. Cannon, Hugh Cannon and Angus M. Cannon, Jr., and charge them with having, on Feb. 22nd, entered into a conspiracy to assault Mr. Dickson, and on the same day committed a battery on him. Frank J. Cannon came forward and entered a plea of guilty to the charge of battery made against him. He gave as the reason for his course that one of his co-defendants—Hugh—was a boy only 16 years of age—had already been punished for his offense, and was now in exile; the other, Angus M., had no connection with the occurrence. To relieve the others, he would assume the entire responsibility.

Sentence was fixed for Monday, May 10th.

Mr. Varian then stated that as to the indictment for conspiracy and the charges of battery against Hugh and Angus M. Cannon, Jr., he would ask that they be dismissed, as the prosecution did not wish to harass and oppress the young men. The grand jury had indicted them because that body was desirous of impressing these and all young men that such deeds as the one in this case would not be permitted. The prosecution believed this objection had been attained.

The charges were therefore dismissed as requested.

## THE HANSEN TRIAL.

THE DEFENDANT TESTIFIES AND IS CONVICTED.

The case of the United States vs. Jens Hansen, of Mill Creek, was taken up in the Third District Court to-day, and the following called as jurors:

T. W. Whitley, K. J. Handley, Henry Sadler, Fred. Auerbach, Henry Siegel, Cornelius Hunt, L. Goldberg, J. B. Paxton, W. T. Barbee, W. F. Garish, L. Bougard, W. E. Blanney.

K. J. Handley was peremptorily challenged by the prosecution, and S. S. Maxwell selected instead.

Jens Hansen, the defendant, was called and testified that Bertha Hansen and Kiersten Hansen, the ladies named in the indictment, were his wives and had been for 22 years; he had lived with Bertha during the period named in the indictment, and had visited and taken meals at Kiersten's; both houses were on the same farm; he recognized both ladies as his wives, and acknowledged them to be such.

The jury gave a verdict of guilty, and sentence will be passed June 1st.

## GEO. B. BAILEY'S CASE.

THE DEFENDANT CONVICTED ON THE TESTIMONY OF ONE WITNESS.

In the case of the United States vs. Geo. B. Bailey, of Mill Creek, the indictment charges that the defendant lived with his wives, Elsie Marie Anderson Bailey and Elizabeth Bailey, from May 1, 1883, to April 1, 1886.

The jurors called to try the case were:

W. F. Garish, W. T. Barbee, J. B. Paxton, W. E. Blanney, Edward Roche, E. A. Whittaker, L. Bougard, Henry Carrigan, D. C. Murphy, C. E. Brim, Aaron Sullivan, S. S. Maxwell.

Mrs. Elsie Bailey was the only witness. The defendant was her husband; they had been married 18 years; during the period named in the indictment defendant lived in the same house; her youngest child was a year old; Elizabeth lived in the same house, and was defendant's wife; her children called the defendant father.

The case was submitted upon this testimony, and the jury gave a verdict of guilty, after being out 25 minutes.

Sentence was set for Monday, May 10th.

## ALMOST A TRAGEDY.

AN OUTRAGED HUSBAND FIRES AN INEFFECTUAL SHOT.

There came near being a bloody tragedy in the 8th Ward this afternoon. The trouble was between Ben Rolison and Gerrans. The latter is

the proprietor of the Palace saloon. Rolison, who is under arrest, tells, in substance, the following story: He has been suspicious for some time of the existence of criminal intimacy between his wife and Gerrans. This idea was strengthened by the fact that she wore a valuable ring which had been the property of Gerrans, the latter having given it to her. He asserts also that he encountered them in each other's company in an out of the way place, one night, under cover of darkness, and saw them embrace and separate. Rolison accused his wife of infidelity, but she denied there having been any criminal intimacy with Gerrans.

Rolison naturally chafed under the weight of his suspicions, and, this afternoon, went to Gerrans' saloon and induced that individual to accompany him to his home in the 8th Ward. As they approached the house, Rolison's little boy ran up to him and the father took the child in his arms. At this point it suddenly occurred to Gerrans that he had urgent business elsewhere. He turned and ran away at as high a rate of speed as a large amount of whisky he had taken aboard would admit. In order to bring him to a sudden halt Rolison drew a revolver and fired a shot at him. Luckily for Gerrans, Rolison is a poor marksman. The bullet missed its intended object. Gerrans fell, nevertheless, probably imagining that he was hit. It occurred to him again, however, that distance was the main thing to place betwixt himself and his assailant, so he resumed a perpendicular position and fled from the scene.

Officer A. Smith arrested Rolison, and shortly afterwards Gerrans also appeared at the City Hall.

## GEORGE C. LAMBERT.

TRIED UNDER THE EDMUNDS LAW—HE TESTIFIES AND IS CONVICTED ON ONE COUNT.

The case of the United States vs. George C. Lambert, associate editor of the DESERET NEWS, was called for trial in the Third District Court this morning. In the indictment against Mr. Lambert there were three counts, one each for the years 1883, 1884 and 1885, notwithstanding the fact that during the years 1883 and 1884 he was in England. A plea of not guilty was entered, and the following jurors called:

Cornelius Hunt, T. W. Whitley, Nels Gillis, K. J. Handley, S. S. Maxwell, Aaron Sullivan, C. E. Brim, D. C. Murphy, Henry Carrigan, L. Bougard, E. A. Whittaker, Edward Roche.

K. J. Handley was peremptorily challenged by the prosecution, the District Attorney seeming to have a special aversion to him since he failed to do his bidding by not voting for conviction in the Dean case, when the evidence was insufficient.

W. E. Blanney was sworn to fill the vacancy.

The indictment charges the defendant with having lived with and acknowledged as his wives, Mary Alice Lambert and Rosa Cannon Lambert during the following periods: April 1, 1883, to Dec. 31, 1883; Jan. 1, 1884, to Dec. 31, 1884; Jan. 1, 1885, to Dec. 31, 1885.

The defendant, George C. Lambert, was sworn as a witness and testified that Mary Alice Lambert and Rosina Cannon Lambert were his wives; the first named was married to him 15 years ago to-day; the second 13½ years ago; during the past year his residence had been in Salt Lake City; during the years 1883 and 1884 he had been in Europe, and returned to Utah at the close of 1884; during 1885 he had lived with his wives as their husband.

Mr. Dickson asked that the jury be instructed to find a verdict of not guilty on the first two counts, as the defendant was not in the country during the time therein stated.

The first two counts were dismissed by the court, who charged the jury upon the third count, and upon which only a verdict of guilty was rendered. Judgment in this case was set for Tuesday, May 11th.

The noddsmen were all exonerated, and the witnesses discharged from further attendance on the court.

## THE JENSEN CASE.

FAILING TO OBTAIN SUFFICIENT EVIDENCE, THE PROSECUTION'S HIRED MEN FURNISH TESTIMONY TO ORDER.

The case of the United States vs. Andrew Jensen, charged with living with Johanna Jensen and Anna Andersen as his wives, from May 1, 1883, to April 1, 1886, was tried in the Third District Court to-day before the following jury:

T. W. Whitley, S. S. Maxwell, Aaron Sullivan, C. E. Brim, D. C. Murphy, Henry Carrigan, L. Goldberg, E. A. Whittaker, Edward Roche, Cornelius Hunt, W. E. Blanney, W. F. Garish.

Mr. Dickson asked whether Mr. Jensen would testify, but was answered that in this case the defendant could not furnish the evidence.

Johanna Jensen was called and testified that she was the lawful wife of the defendant; she married him 14 years ago; he then had no other wife.

To Mr. Dickson—I know Johanna P. Jensen; that is my name. Anna Andersen Jensen was called, but was not present.

Mr. Jensen testified that since

May 1, 1883, she has lived in Mill Creek, with her husband; she had children by defendant, the youngest six months old; I know Anna Andersen Jensen; I have known her eight years; she has never lived in the same house with me; she had not lived next door during all of the last seven years; she may have come there six years ago; I own the place I live on, and also where Anna Andersen lives; I did not testify before the grand jury that my husband owns it; the defendant did not give the place to me; he never owned it; I never rented to Anna Andersen; I can see the house if I look for it; there is no house between that and mine; there has been a fence, but there is none now; they are both on the same side of the road; Anna Andersen has two children, one five years and the other four years old; those are all I know of; I saw her three or four weeks ago; I remember being subpoenaed to go before the Commissioner; I saw her a couple of weeks before then; she was called Anna Andersen; I know her as Anna Andersen, not as Jensen; you added the name Jensen; I thought you meant Anna Andersen; I have not heard her called Anna Jensen or Mrs. Jensen; I call her Anna; I am not related to her; her children do not call me aunt; they have been at my house; I do not know whether my husband was there at the time or not; I do not remember having seen him in their presence; never heard them call him father; don't know anything of Anna Andersen's affairs; I have not seen the defendant in her house; I may have seen him about that house, but do not know; I think I have seen him; no one told me to say "I don't know" to every question; my husband has lived with me when he has been home, all the time; he was often up in Mill Creek Canyon; I do not know where Anna Andersen or her children are; I saw her children on the morning the officers came, but their mother was not there.

Minnie Petersen was called and testified: I live at Mill Creek; I know defendant; know his wife Johanna; do not know Anna Andersen; may have seen her; I have seen her children; I do not know their family name; never heard them called Jensen.

George B. Bailey was sworn and said: I live in Mill Creek; know defendant; do not visit him; do not know Anna Andersen; I have seen her at the meeting house, but not in company with defendant; she never visits my house; do not know her children; I am pretty well acquainted; have not heard that she was married; have seen children with her, but do not know whose they were; never saw a child in her arms; have seen her in company with several persons.

Deputy Marshal Tom F. Smith was called. He said—I served subpoenas in this case on the 9th of April; I arrested the defendant; I conversed about his wives; he asked to have his second wife released because she was sick, and it would injure her to bring her to town; he said he would plead guilty; he said her child was only a week old; I went to the second wife's house, but could not get in; the defendant went with me, and the woman and baby were gone; Mrs. Jensen went to bring her back, but could not; Mr. Jensen was greatly worried; Deputy Franks was with us; the action was a topic of conversation all the way to town, and he wanted to plead guilty.

To Mr. Sheeks—I do not consider it is my business to collect testimony; I never caution defendants against speaking; he speaks the English language pretty well; this conversation was in his yard and in the second wife's house; Mrs. Jensen was there; Mr. Franks heard the conversation.

This afternoon O. D. Hendrickson was sworn. He said—I live at Mill Creek; know the defendant; know his wife Johanna; have seen Anna Andersen; Anna Andersen is reputed to be the defendant's wife; the people generally say so.

This evidence was objected to by the defense, and the objection was overruled by the Court.

Cross-examined—I have heard quite a number of people say so—perhaps half a dozen.

E. A. Franks testified—I am a deputy United States marshal; I served subpoenas on two witnesses in the Jensen case—one an aged lady and one who claimed to be Mrs. Jensen; could not say whether the latter was the same who testified here to-day; I heard Jensen say his second wife had a child two weeks old, and was not able to go out; the witnesses I served did not appear before the Commissioner; I heard Mr. Jensen say his second wife went over the hill in a northeast direction; from where I lived; I arrested Mr. Jensen; heard him say his wife was in delicate health; he did not say first or second; I heard Jensen say the witness was not necessary, as he intended to plead guilty.

Cross-examined—I saw Annie Andersen; saw no child, but heard one crying and should judge it was quite young.

The prosecution rested their case. Mrs. Caroline Erickson was called for the defense. She said—I know Annie Andersen; I saw her in Salt Lake less than two weeks ago; she has not got a young child.

Cross-examined—I am slightly acquainted with Annie Andersen; she had no young child when I saw her, on the street in Salt Lake City.

Mr. Dickson—Did you think from her appearance that she was about to have a child?