

THE PETERSON TRIAL.

PROCEEDINGS LAST EVENING AND TO-DAY.

The trial of Andrew Peterson for illegal voting, resumed last evening with the further examination of the defendant, who testified in addition to what was published yesterday, viz.: that in going through the marriage ceremony with Caroline Johnson he simply stood as proxy for her dead husband—that he never lived with or supported Caroline Johnson, and she never called on him for support. Witness also denied the truth of Jacob Lundberg's assertion to the effect that he ever admitted Caroline Johnson to be his wife. He did say in 1878, to Lundberg, on the latter's asking him if he was Mrs. Johnson's husband, that he was only sealed to her for her dead husband, Johnson, and would help her if she ever needed assistance. He simply made this promise out of regard for a general duty he considered he owed to widows and indigent persons.

W. W. Cluff was sworn and testified as follows: Am President of Summit Stake, and was Bishop in that Stake at one time. The basis of the marriage ceremony of the Mormon Church is in the Book of Doctrine and Covenants. I know of no set formula. We may have forms but I could not repeat one. The ceremonies differ according to the nature of the contracts. There are four separate and distinct marriages in our Church. There is a similar ceremony in each form of marriage, but the words change.

Heknew of no printed record of the marriage forms of the Church.

Court adjourned till 10 a. m. Wednesday.

At the opening of the Court this morning, W. W. Cluff was put upon the stand, and was asked to explain the separate forms of marriage in the Mormon Church. He answered that there were four forms in all, but only three in sealing: One of these was for time and eternity combined, another for eternity alone, and the other for time alone. If a man and his wife both died without having been sealed, their nearest relatives, say the son and daughter, might stand for them and be sealed by proxy for their parents. This would not make the son and daughter man and wife. If the children were too young to act, a near relative or friend might act in their stead. Sealing for eternity alone, would not make the parties man and wife for time. Without the sealing ordinance for eternity, the "Mormons" believed all relationship of husband and wife would cease at death.

Witness could not conceive of a "Mormon" marriage where both parties were not willing actors in the contract. "Mormon" marriage was a contract between the parties united. They could decide for themselves as to whether they wished to be married for time only, or for both time and eternity; but the marriage for time would not take place at the Endowment House, but might be solemnized by an Elder or a Justice of the Peace. In the case of the sealing of a man or woman to one who was dead, it would be taken for granted that the dead party was willing. If it were thought he or she was unwilling, witness did not think the marriage would take place. The Church, he thought, would not sanction such a union if it were known that either party was unwilling. It was taken for granted, if the dead party had no chance to attend to it in person, and no other objection was known, that he or she would only be too glad to have it done by proxy. It was generally held that the authority that seals on earth could unseal, though it was believed by some that a marriage for eternity could not be dissolved in this life. Witness thought that any ordinance could be performed by proxy—even if two dead parties were so married. The consent of the parties in such a case, if not revealed—as was sometimes done—might be assumed, though proxy baptism would necessarily precede proxy marriage; leaving, in all such latter cases, the dead at liberty to accept or reject the ordinances performed in their behalf, as they might see fit.

Plural marriages might, in certain cases, be for time only, as in the case of a young widow, already sealed to her dead husband, who married another man for time. A proxy marriage created no moral or religious obligation to provide, except through a friendly feeling or charitable impulse so to do. A contract for eternity would not be made by proxy, where both parties were living. It would then be their privilege to act for themselves. Marriages for eternity were not considered valid, unless performed in a Temple, Endowment House or place designated by Divine authority for that purpose. Such places were for sacred purposes and not open to the public. In proxy marriage or baptism, the ceremony would be similar to what it would be were both parties living and acting personally for themselves, though the wording would be a little different to suit the nature of the case. Where two persons were married before joining the church, that marriage would hold good for time. A son could stand proxy for his dead father in a marriage for eternity. It was generally supposed that the son should be of age, though witness knew of no rule regulating the matter. The ceremony of marriage in such a case would impose no religious obligation on the proxy husband, not even if requested, to support or give advice to the woman, except as a matter of friendship and free will. The status of the case would not require him to ex-

tend any of the rights of marriage to her. It was the rule in plural marriage that the first wife should give her consent at least to the second or plural marriage, and give the additional wife to her husband. It was believed by the "Mormons" that in a future state superior knowledge prevails, and that ordinances performed on earth for the dead, in most cases would prove acceptable to the departed.

Caroline D. Peterson, wife of the defendant, was put upon the stand. She had known Caroline Johnson for about 14 years. At the latter's house in Kamas, in May, 1870, she asked Caroline Johnson if she was Peterson's wife, and she told her she was not. She stopped at Mrs. Johnson's house, while passing, to ask about the matter, as she had heard it reported that her husband and Mrs. Johnson were married. After receiving Mrs. Johnson's answer, witness left and went home. There was no one else present at the time. She asked her husband if he was married to Caroline Johnson, and he said it was only a ceremony he had gone through with her for her dead husband. She knew Mr. and Mrs. Johnson before he died, and visited once or twice at their house. They were from Sweden. Witness had been married to the defendant 27 years. She told her husband what she would say at the trial. He told her to say nothing but the truth. She knew Jacob Lundberg, he had been at her house and staid over night. She heard some of the conversation at breakfast between Lundberg and her husband. She did not hear Peterson acknowledge to Lundberg that he was Caroline Johnson's husband. Nothing was said of such a matter. This was in 1878. They were talking about the Gospel, about the roads, but not about marriage. They went out together after breakfast.

Bergta Anderson, sister of the defendant, was recalled: She heard Lundberg say, a week ago to-morrow morning, when they were on the way to this city, that he wanted to bring witness to town to "send that damned rascal Peterson to the Penitentiary and make old Cluff support his family." When Lundberg came after her at 1 or 2 o'clock in the morning, she told him she did not like it. She would not like to have her brother go to the Penitentiary or be fined. She had a dream the night before in which she dreamed her brother had been taken up and was going to be imprisoned or killed, she woke up crying and said she would sell her last cow, or do anything she could to help her brother.

Andrew Peterson was recalled: At the time he went through the marriage ceremony with Caroline Johnson he was a member of the Mormon Church, and understood the nature of the sealing ordinance and believed in it. The defense offered to prove by this witness that the ceremony he entered into with Caroline Johnson, had in his belief no application to his marriage relationship with her in this life, but solely to her union for eternity with her dead husband. The prosecution objected and was sustained.

The court took a recess.

EVIDENCE ALL IN—ARGUMENTS OF COUNSEL—THE JURY DISAGREE AND ARE DISCHARGED.

The examination of witnesses in the Peterson trial for illegal voting, closed early yesterday afternoon, and the arguments of counsel and the Judge's charge to the jury consumed the time up to half past 5 o'clock, when the jury retired and deliberated, with a brief intermission for supper, during the rest of the night.

Assistant U. S. Attorney, C. S. Varian argued the case for the prosecution. We give a brief synopsis of his speech. He held that a contract between a man and woman, in which both agreed to the relationship of husband and wife in the present, was a marriage, without cohabitation. But if the contract was to take effect in the future, cohabitation was necessary.

The crime charged in this case was illegal voting, based on defendant's bigamy at the time of voting. The prosecution had undertaken to prove that the defendant had married his first wife and afterwards another woman, and then voted while both wives were living. It had been admitted that Peterson married his first wife in Denmark, many years ago, and also that there was a delegate election in 1882.

Mrs. Johnson had testified that Peterson asked her to marry him, and that they were married at the Endowment House in 1870, and that he afterwards spoke to her of the high responsibility he had assumed, and then went to her house and staid two days and nights. In addition to this, which was sufficient in itself to prove a marriage, the witness Lundberg testified that the defendant admitted to him in 1878 that Mrs. Johnson was his wife.

The defendant claimed that it was a celestial marriage, in which he merely acted as proxy. But the temptation to commit perjury, on the part of the defendant and also the defendant's sister, Bergta Anderson, must be considered, and what influence operated to color their testimony. As to Mr. Lundberg and Mrs. Johnson, there was no enmity between them and the defendant, then what possible motive was there for them to pervert the facts? Mrs. Peterson declared it was several months after the sealing took place that her husband told her of it, and that on hearing it rumored that he had married Mrs. Johnson, she went to the latter to ask her about it. If the sealing carried with it no obligations, why did not Peterson tell his wife all about it in the first place? In a Mormon community, where the doctrine of

sealing was understood, was it not strange that it should be rumored that a marriage had taken place?

The defendant said that Mrs. Johnson had asked him to marry her for eternity, why was it then, since both understood this form of marriage, that he was so particular to exact the understanding from her that the marriage was not to be for this world?

Judge Harkness replied for the defense. There was but one question involved in this matter, and the only one upon which he wished to address the jury, viz.: "Was there a marriage contracted between the defendant Peterson and Mrs. Johnson in 1870?" Marriages were dependent upon contracts which provide that the husband shall support and protect the wife, care for the children, etc.

The witness Lundberg testified that in 1878 defendant admitted his marriage to Mrs. Johnson. But the testimony on that point was conflicting. The statement of Mrs. Johnson and that of Mr. Peterson, in relation to the ceremony at the Endowment House, were almost the same, but their action in the premises had been entirely inconsistent with the usual action of husbands and wives, and went to prove that the marriage was, as the defendant had stated, for eternity and not for time.

As long as a man violated no law he had a right to preach, practice and believe what he chose. He should be punished for violating the law against polygamy, but not for performing a religious ceremony.

Col. S. A. Merritt followed, also for the defense. He did not think a man had the right, on account of a religious belief, to violate the laws of the land. The defendant had violated no law. He had been sealed to a woman for her husband in eternity, according to the faith of the "Mormon" Church. Peterson had told Mrs. Johnson that he would stand as proxy for her deceased husband. She did not understand the English language very well then, and Mr. Peterson explained the proxy idea to her in Danish. Understanding this they went through the Endowment House.

It had not been shown that Peterson exercised the rights or duties of a husband. In the absence of such testimony it was fair to presume that the contract entered into was a sealing and not a marriage.

Mr. Varian answered for the prosecution and concluded the arguments in the case. Judge Hunter then delivered his charge to the jury and they retired, as above stated.

At 10 o'clock this morning the jury came into Court and announced that they were unable to agree upon a verdict, and were thereupon discharged by the Court. This renders a new trial liable.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

Denver, 22.—The National State Bank of Boulder, Colorado, suspended this morning after a short run. The failure was long anticipated.

SHAMOKEN, Pa., 22.—Two men were killed and three seriously injured by an explosion of sulphur yesterday in Carson Colliery near this place. Zachariah Henninger and Cavel Gettenbousky, Hungarians, were working side by side in a narrow chamber, only four feet high. They were on their knees, and about twenty yards down the chamber, Peter Suppolski was engaged in drilling. It is thought the foul gas must have accumulated in a crevice above the heads of Henninger and Gettenbousky, for suddenly a terrible explosion sounded through the main, followed by the falling roof of coal. The two miners were hurled down the narrow passage 60 feet killing them instantly.

KINGSTON, Ont., 22.—The authorities have notified the Salvation Army to stop parades and singing and beating drums.

MARYSVILLE, Ks., 22.—About forty masked men went to the jail last night, five of them entered the jailer's residence, presented revolvers at his head and compelled him to open the jail doors. Samuel Trayer, convicted of the murder of John Pennington and wife, was then taken out and conducted to the wagon bridge in the southern part of town and hanged. He is said to have made a full confession, stating that he had no accomplices in the murder. The mob was very quiet and dispersed as soon as the work was done.

AUGUSTA, Ga., 22.—This morning while R. J. Crocker, bookkeeper of the Commercial Bank was making exchange with the National bank at the counter of the latter, he was approached by two unknown parties, one of whom flaunted a check in his face and commenced to question him closely seemingly for information. The party went out and Crocker found \$2,700 had been stolen from the satchel at his side. There is considerable excitement here; no clue. They are believed to be the same parties who worked the Macon banks Thursday.

CINCINNATI, 22.—By the explosion of the fireworks establishment of Diehl & Co., this morning three men were seriously burned about the face and hands. They are Thomas Diehl, George Johnson and Edward Flanigan. After the explosion the roof fell in on the men, holding them down till help arrived. Flanigan died shortly after reaching home, Johnson, the foreman, was badly burned about the head, face and hands. Diehl was also severely burned.

WASHINGTON, 22.—The House committee on appropriations completed consideration of the pension appropriation bill.

The measure appropriates \$20,684,400 and provides that any balance of the appropriation of the current fiscal year that may remain unexpended on June 30th, 1884, shall be reappropriated. This balance is estimated at \$66,000,000. The appropriations in detail are: For invalids, widows, minor children and dependent relatives, and for survivors and widows of the war of 1812, \$20,000,000, for fees and expenses of examining surgeons, \$500,000; for the pay allowances, pensions, for salary, fees for preparing vouchers, rent, fuel, lights, postage on letters to the executive department and to pensioners, \$174,000, and for contingent expenses of pension agencies, \$10,000. The bill provides that the act relating to claimants and attorneys in pension cases, passed June 10, 1878, will be made applicable to bounty arrears of pay of lost horse and bounty land cases and pension cases in which arrears of pensions are or shall be claimed, or granted by the act referred to. It provides that it shall be unlawful for any attorney, agent or any person to demand or receive for his services in pension courts a greater sum than \$10.

It also provides that the fee of \$10 prescribed by law shall not be payable to, nor demanded or received by any agent or attorney in pension cases until such claims shall be allowed. Upon the allowance of arrears of pay, lost horse arrears, pension and pension cases, the commissioners of pensions shall direct that the same be paid by the proper pension agent. This act shall apply to pensions as well as all future applications provided when the pensioner obtaining a pension or increase thereof, on a pending application, has heretofore paid to his agent or attorney a sum equal to the whole or any part of the fee allowed by this act; said pensioner shall be entitled to credit for the same against the sum which would otherwise be payable to such agent or attorney. The bill further provides that on and after July 1, 1884, agents for the payment of pensions shall receive only \$5 each for 100 vouchers, or at that rate for a fraction of 100 prepared, paid by any agent in excess of 4,000 vouchers per annum, provided that from and after July 1st, 1884, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President to reduce the pension agents to not exceed that number of vouchers, the agents to receive the same salary as heretofore, \$4,000 per year.

SYRACUSE, N. Y., 22.—This evening Helen Ransier, a married woman, the mother of three children, shot and killed Adam Sutler. The woman claimed that Sutler had been persecuting her for some time, but she didn't intend to kill him.

The Union Pacific passenger train on the Milwaukee road ran into an emigrant train at Redding at noon yesterday, wrecking two coaches and an engine. Twelve to fifteen passengers were injured, some seriously, none fatally.

Keokuk, 22.—A disease pronounced foot and mouth is prevalent in Van Buren County, Ia. The herds of J. D. Irish and John Tribil near Keosauqua, are the only ones reported in detail, though others are affected. Some of the cattle were attacked in January, and others a few days ago. The freezing theory is not considered tenable here as the animals were all protected during the winter. Several have died. The symptoms are lameness, swelling at the ankle and then cracks of the hoof joint.

Hot Springs, 22.—The Congressional committee closed the investigation of the government work on Hot Springs Creek to-day, and left for Washington. The allegations of fraud were not sustained.

A preliminary investigation near McBean, Ga., of the killing of two negro children, caused the arrest of the father, Ed. Dows. He was trying to raise a crop and found it difficult to provide for his family. He had doubts whether the children were his, and it is suspected that he killed them to get rid of supporting them.

A dispatch from Westchester, Pa., 22d, says: George M. Rupert, borough treasurer and solicitor and treasurer of the Pennsylvania Mutual Fire Insurance Company, is short in his accounts in both corporations. Rupert has turned over all available assets and confessed judgment for \$15,000. The exact amount of the deficit is not ascertained.

At St. Joe, La., the water is three inches above '72.

Washington, 22.—Geo. W. Fairchild, a deputy U. S. surveyor of Nebraska, says all the agricultural land in that section has been fenced by cattle men. Their ranges extend 400 miles and wire fences enclose all desirable public lands, and even water courses are posted at intervals with notices threatening death to any person opening them. Herders assert that they hold these lands under the desert land and timber culture law. The result is a complete check to persons seeking to make homestead settlements.

Denver, 22.—James B. Johnson, of St. Joseph, Missouri, suicided early this morning, shooting himself in the right temple while walking on the platform of the Union depot. Two or more years ago Johnson started drug stores in Salt Lake and Pitkin, Col., having partners in each. He spent most of his time at St. Joseph, occupying a desk room in the drug house of Smith, Vannatta & Co., from whom he bought most of his goods. A few days since it was discovered that Johnson

had feloniously shipped away goods from time to time, aggregating several thousand dollars, was accused and confessed, and at the time of the shooting was in company with Vannatta, en route to Salt Lake for the purpose of transferring stores to indemnify the firm from loss. Johnson was married and occupied a high social position at St. Joseph.

London, 22.—The brig *Eagle* from Naples for Jersey, is ashore at Cape Merler, Istria. The loss of the cargo is inevitable.

Greene, Ia., 22.—An ice gorge two miles long, formed in Shell Rock river this morning gave way carrying with it the large agricultural house of Thomas & Co., with the contents. The dam of Wanatah Mills was carried away. Houses and stores along the river were vacated. The street was flooded. But for the break through the ravine much greater damage would have ensued. The damage is now over.

Philadelphia, 22.—The *Bombay* of Bath, Me., from Philadelphia, for New Orleans, is given up for lost, with a crew of eighteen men. Capt. P. Peterson and wife were on board.

Chicago, 22.—The public was invited to witness a four round glove contest at a shady nook known as "Buckingham," on Fourth avenue, to-night, between two local boxers. The police parted the men, and one of them, seizing Dalton, disclosed the fact that to both of his gloves were fastened iron buckles, which served their purpose in mutilating the face of Anderson. The contest was not permitted to proceed but no arrests were made.

WHEELING, W. Va., 23.—Special intelligence from Gallipolis, Ohio, says that United States Marshal Atkinson came down from Point Pleasant this afternoon and reports that he, with four deputies, before daylight this morning arrested twenty employees of the Keystone Bridge Company, including Superintendent Baird, and took possession of the bridge, which was barricaded at both ends. The men were taken by surprise and surrendered. About eight o'clock the employees of the Western Union Telegraph Company went to work putting up wires across the bridge, when warrants were issued by the State and the workmen arrested for working on Sunday. Prosecuting Attorney Manager, informed Marshal Atkinson this afternoon that warrants had been issued for the arrest of the telegraph workmen as trespassers, and to-morrow morning an effort will be made to make arrests. This will produce a collision between the State and Government, and as the people are unanimously against the Western Union Telegraph Company, the Marshal will be powerless. Threats have been made that the men now under arrest shall neither go to jail nor be taken out of town. If the Marshal attempts to defend the telegraph workmen to-morrow morning, trouble cannot be avoided.

CHICAGO, 23.—*Daily News*, Petersburg, Ill.: Last night Charles Houliden, a farmer living some miles south, quarrelled with his wife, knocked her down with an axe, cut her throat from ear to ear, and inflicted numerous stabs in her breast. He also severely wounded in the hand his son, aged 12, who attempted to interfere. He then went to a neighboring straw stack where he gashed his own throat, though not fatally, and when he was found was arrested by a posse this morning. There are threats of lynching.

BOSTON, 23.—The Boston *Advertiser* will to-morrow print 300 replies to a circular sent to prominent republicans in every congressional district with a desire to obtain a correct representation of republican sentiment throughout the State on the presidential question, and the action likely to be taken by caucuses in the convention the coming month. Edmunds and Lincoln, by a decided majority, are the first choice for President and Vice-President.

Two-thirds of the writers select these names and give the prevailing sentiments of republicans in their vicinity as favoring their nominations. Arthur comes second, Blaine third for President.

Two hundred and eighty republicans give for first choice Edmunds, who received 198 endorsements; Arthur 53; Blaine 19; Gen. Sherman 13; Lincoln 4; Hawley 3; second choice for President, Arthur 68; Blaine 31; Edmunds 51; Gen. Sherman 14; John Sherman 16.

BALTIMORE, 23.—The acid works of Thomas Chappelle, also the adjoining building of the Flamingo Guano Co., were burned to-day. The loss of the acid works is \$115,000, that of the Flamingo company, \$30,000. Both were insured.

Galveston News Dallas special: It is rumored that a serious accident occurred to-day on the Texas Pacific railway, near Big Springs.

BATON ROUGE, La., 23.—Since daylight this morning it has rained continuously. The river is now at the high water mark of '82. Mulatto Point levee is abandoned; no further effort will be made to close the opening. The force at that point will be distributed along other weaker points. Baton Rouge suffers several hundred thousand dollars damage. Much uneasiness is felt concerning levees in this section. The rain will doubtless continue during the night and the river will surely advance several inches. The general impression is that there will be trouble in this neighborhood within the next 24 hours. The break at Mulatto Point is now 200 feet wide and fully 12 feet deep. The Medora levee is gone and the backwater is steadily encroaching upon the front, but a narrow strip of land is left. Plan-