PROVO PICKINGS.

FIRST DISTRICT COURT DOINGS.

In the case of the United States vs. Loverage, indictment for unlawful cohabitation that was called Tuesday afternoon, the defense objected to the indictment on the ground that the only witness endorsed upon the indictment was the defendant himself. Mr. James Kimball made an argument against its sufficiency. Mr. Hiles, Assistant District Attorney, stated that the objection was captious, and should be summarily sat down upon; that it had been the practice in some instances for the defendant to seek to go upon the stand as a witness for the prosecution. He characterized it as a "nasty quibble and should not be countenanced by the court." S. R. Thurman, for the defense, replied to the argument of Mr. Hiles instantly and said: "I have no doubt that if the District Attorney had it in his power he would summarily sit down upon the proposition advanced, as well as every other proposition that would in the least degree afford the defendant a fair trial. But I thank heaven that your honor is upon the bench instead of the District Attorney." He stated that until this day in this end of the district, in all the cases of this class the defendant had voluntarily gone upon the stand and made his statement with the view of not subjecting his family to the annoyance of answering improper questions of the District Attorney; that in all such cases the defendant had been convicted; that the utmost good faith had been given, and in the light of reason and experience there was no occasion for the ground made by the District Attorney. But in the case of Mr. Kirkwood, which had just been tried, the defendant had made

THE SAME OFFER

with the same purpose in view, which offer had been rejected by the Prosecuting Attorney; that the same attorney had called and had paraded them before the jury and then stated that the witnesses were absent, possibly by the procurement of the defendant himself.

Mr. Thurman said that it was unfair and unjust and intended only to prejudice the minds of the jury against the defendant, and because of the unjust and unfair proceeding on the part of the District Attorney, the defendant now demanded at the hands of this Court his legal rights, and proposed to stand upon whatever rights he was entitled to under the law. He demanded that this indictment be quashed, set aside and dismissed, for the reason that it was not found upon legal evidence, for the reason that it was patent upon the face of the indictment that the evidence upon which it was found was insufficient to convict, that the confession or admission of the defendant is never sufficient in any case to sustain a conviction, that there must be corroborative proof of the *corpus delicti*; that in these cases, the defendant being the only witness examined before the grand jury, we must presume that his admission or confession, or whatever it may be termed, was unsupported by any other evidence whatever.

THE COURT

strongly intimated that he was in accord with that view, and understood that to be the sole aim of law, whereupon the District Attorney, in reply, shunned the issue, would not confess the point and asked that the indictment be dismissed on the deficiency in other points.

The Court dismissed the indictment

The jury in the Kirkwood case were out two hours and twenty-five minutes. The Court sent them word he would adjourn in ten minutes, when they came in and rendered a verdict of guilty on the two indictments charged.

In the case of the U. S. vs. Charles Hardy, in resisting a U. S. officer, Charles N. Redfield (deputy marshal) was placed on the witness stand. He lives in Provo, was commissioned before Ireland three years ago last February. The commission was exhibited and objected to by the defense, J. E. Booth, upon the ground that the commission was not

SIGNED BY IRELAND

as U. S. Marshal. The objection was overruled and an exception taken. Had been acting in the capacity of deputy marshal something over three years; received the subpœna from the Third District Court for service upon one Jeunte Seaman alias J. Hill; the writ was to bring her before the grand jury at Salt Lake; produced a copy which was objected to by the defense, on the ground that it was not certified to. Overruled. Received the subpœna on the third of March at 9.30 a.m. The person on whom the subpœna was to be served lived in the 2d ward of this city. Served the subpœna soon after securing it on that day. I went down to Mr. Hardy, and sent the bailiff to the back door; I went to the front; a chair laid in the door; I knocked two or three times, but nobody answered; the door was open and I went to the inner door and knocked two or three times; at last there was a young lady came to the door and I asked for Miss Hill. Told her I had a subpœna for this lady, and asked whether Miss Hill was there and was informed she was not; the girl told me I could not search the house without a search warrant; saw the defendant first up stairs; I went up the stairs; (counsel for defense wanted to know what authority he had to go up stairs); I saw Mr. Hardy up stairs; I stepped in the room wher Mr. Hardy was, and he said, "You can't go through this house without a search warrant," and caught me by the laps of the coat and

PUSHED ME DOWN STAIRS;

I went to the door of another room and it was closed; I called for those inside to open it, or I would burst it open, when some one opened it from the inside, whom I found to be the person I wanted, and I served the papers on her; before I went, Hardy said to me, "If you had come to my house in the night I would have shot you;" I told him if he had been young instead of an old man, I would have thrown him down stairs, and that was all that transpired, only that I asked her—the woman—if that was her true name; she said it was; Mr. Hardy seemed to be very much excited when he met me at the stairs; the old fellow said before I left, "The rebels are in power now, but it will be our turn next."

ON WEDNESDAY,

at 10 a. m., the case of the United States vs. Hardy was continued, Deputy Redfield on the stand. He had no search warrant; supposed he had a right to search the house after entering it, as he had a subpœna; it was his intention to break open the door where the lady was unless she opened it.

Mr. Hardy then took the stand. Was in the house at home, attending to his business—as a tailor; his daughter called him down and told him Mr. Redfield was down stairs, wanting to search the house; Mr. Hardy went down, and met Mr. Redfield, said he would not allow him to search without a warrant; Redfield said he would knock me down unless I did; I told him if he made the attempt I would break his head, and if he had come in the night I would have shot him; when I told him not to advance, that I intended to defend my integrity, Redfield threatened to knock me down again; I told him to advance and I would shoot the top of his head off; I had nothing to shoot with, but I would take his pistol away from him; he then called for help, and I started to put him down stairs, but he hollowed for help and other deputies came in; I did not touch him with a finger; the lady came there from Sanpete and rented a room of me, giving her name as Mood, so when the officer came and asked for Miss Hill I did not know her; if he had asked if a woman was there, I could have told him yes, but the woman was a stranger to me.

To the prosecution: Knew the man Redfield was a marshal, or some officer, by reputation; Redfield showed me no authority, no paper.

My daughter gave me the first information of Redfield being in the town. She said he had tried to get in; had turned a key and said he would break the d——d old door down. When I first saw him I asked him for his authority; he said

HE NEEDED NONE,

that he had a subpœna for Miss Hill; when he threatened to knock me down he reached his hand in his pocket, and I thought it was for a pistol, and I intended to grab it from him. This was all upstairs. I am a free-born citizen, and mean to maintain the order of my house; did not think he searched in his pocket for a subpœna; he said nothing about it and did not show it; I prevented him from going into the room. He did not touch me nor I him, it was all threats.

Mrs. Hardy, sworn. The District Attorney objected, on the ground that the wife cannot testify for or against her husband. The attorney for the defense said, "You don't mean that, do you?" He was afraid Mr. District Attorney

WAS DEFICIENT

in some other parts of his education as well as writing, and referred to yesterday. The statute laws of 1884, section 1370, settled the question. She was a competent witness when called by the defense. Overruled.

MRS. HARDY TESTIFIED

to the deputy being there and trying to break open the doors; saw there was some trouble, did not see it all.

Mrs. Osterlook (the daughter) was called and substantiated the former testimony—that Mr. Redfield tried to open the door by turning a key; the door was locked on the inside; he threatened to break it open; said he was going to make a search, and if her father resisted he would break his head; heard Redfield say to father, when he went up stairs, that he would knock him down; father did not touch him; Redfield was called down stairs by other deputies; called at the door of the lady, read the subpœna and went off.

To the prosecution: Heard Mr. Redfield call for help and Mr. Glenn came; heard father say that if Redfield made another move he would blow his head off; saw him put his hand in his pocket; Mr. Glenn came after Redfield called for help, and told the latter to come down; he went down.

The case was submitted. There were some arguments upon the brief of the defendant. The arguments were made by Prosecuting Attorney Hiles and J. E. Booth, attorney for the defense, and the jury went out Wednesday afternoon.

Disagreed.—About 5 o'clock last evening, the jury in the O'Brien case again came into Court and reported that they could not agree on a verdict. They were discharged.

PROVO POINTS.

DOINGS OF THE DISTRICT COURT—MRS. JONES DISCHARGED, THE OTHERS CONVICTED.

On Wednesday, the case of the People vs. Van Ausdal, accused of assault upon one Savory, of Santaquin, Utah County, an old man of three-score and ten, was taken up. The testimony showed that a crowd of boys had assembled at his place, a barn where the old gentleman had cider on tap. The boys had become somewhat intoxicated and threw cider in Savory's face, and after the old gentleman had barred them from coming again, the defendant with others undertook to break open the barn door, and in doing so cut through it with an ax, into the old gentleman's hand, which was holding the door. That the offense was committed on the 10th of February last, and upon indictment found by the grand jury, the defendant was arraigned on the charge. The jury was charged Thursday morning at 9 a. m., and shortly after the jury returned with a verdict of not guilty.

The jury returned at 10 o'clock last night in the case of U. S. v. Hardy (resisting and obstructing a U. S. officer) with a

VERDICT OF GUILTY.

The same day the case of the U. S. vs. Jas. W. Loveless, indictment for unlawful cohabitation, was called at 9:30 a. m. A jury was impaneled.

Mrs. Jas. W. Loveless was called and asked by the defense to be sworn upon her *voir dire*, on account that she could not be called without the defendant's request, being the first and lawful wife. Defense stated to the court that he wished that this testimony of Mrs. Loveless be for the Court, and not as evidence; granted. The witness testified that she was the wife of defendant; married in 1847 at Council Bluffs; Mr. Loveless was a single man at that time; have continued to live with him ever since as his wife, and do so at the present time. She was asked by the Prosecuting Attorney if her husband had any other wives. Objected to by the defense; that testimony had not been upon the issue. She had already testified that he (her husband) had no other wives at the time she married, and now she could not be sworn as a witness without her own and her husband's consent, as the District Attorney was seeking evidence for the purpose of the case in a preliminary examination.

The court

SUSTAINED THE OBJECTION

that she was not a competent witness to be sworn in the case.

Mary Breseton Loveless was called—Lived in Provo 30 years; knew defendant; he was her husband and had been for 30 years; I know a person called Josephine Loveless; did not know when she last saw her; think it was two weeks ago on the street; know Matilda Loveless; she is his first wife; Josephine was his third wife; (objected to.) "What is the reputation of Josephine as being defendant's wife?" Objected to and overruled. Matilda lives in the Second Ward, I live on the farm; Matilda has 10 or 11 children, known as Loveless' children; I have 13 children and Josephine has 8; defendant had not lived with witness for the last two years. "Does your husband, believe in or is he a member of the Church of Latter-day Saints—does he believe in polygamy?" Objected to by the defense. Mr. Hiles, the District Attorney, was asked his purpose of the question by the Court. He stated that it was to show the defendant had a disposition to live in polygamy, etc. The

QUESTION WAS WITHDRAWN.

Examination by the defense; The witness was married to defendant in 1855. Thought he was married to Josephiae in 1859. "What do you mean by the reputation of her being defendant's wife?" "That it was known and understood by others in the family." "State the reputation of yourself and Josephine in the family as defendant's wife since the passage of the Edmunds bill?" "I don't know anything about her." "Then you base it upon the fact that they were married several years ago?" "Yes, sir." Her youngest child was one year old, the next was four.

Newel Knight was called—Lived on Provo bench; was a son-in-law of the defendant; my wife is a daughter of Matilda. "Do you know Mary Britton Loveless?" "She is reputed to be his wife." Witness stated that he was not familiar with their affairs in the last eight years. "Are you a member of the Church of Latter-day Saints?" "No, sir, I am not."

Mrs. Dalquist called—Knew nothing about the defendants; was a Swede and could not understand much; had been in this country three years.

James Gray called—Lived in Provo; knew defendant about 25 years; knew Josephine Caldwell; believed she was related to the defendant Loveless; by reputation was his third wife; had seen them only in passing their place at the farm once or twice a year; lived five or six blocks away from defendant; thought he

MADE HIS HOME

at Matilda Loveless', his first wife; did not know much about them in the last four years.

John Leetham called—had lived in Provo 30 years; knew defendant, also Matilda, Mary and Josephine Loveless; Matilda's reputation was as his first wife, Mary as the second, and Josephine the third. The children went by the name of Loveless; based his understanding on the fact that they had been reported to be his wives for a number of years.

The case was submitted by the prosecution.

At 2 p.m. John Durrant, of American Fork, was arraigned on a charge of unlawful cohabitation, one count. Plea, not guilty.

Wm. R. Webb, of American Fork, charged with unlawful cohabitation, two counts, plead not guilty.

Arguments to the jury in the case of Bishop Loveless were opened by the prosecution.

After the arguments, the charge was given to the jury, which retired at 3:15. They returned in a few hours with a verdict of guilty.

The time for sentence in the Kirkwood case was set for Oct. 11th.

The case of the U. S. vs. Jones, (Julia Jones, of Provo) for resisting a United States officer, was taken up. The District Attorney considered the Julia Jones case

NOT VERY AGGRAVATED

and asked a dismissal, which was granted. The case of the People, etc., vs. Dewit C. Watts, impleaded with John Watts, indicted for grand larceny, was taken up. The District Attorney moved the Court that S. R. Thurman be associated with him in the case, he having examined the witnesses before the committing magistrate. Mr. Johnson objected to Mr. Thurman coming into the case as it would be employing private counsel to assist the Prosecuting Attorney. The objection was overruled, and an order was entered that Mr. Thurman be associated with the prosecution in the case. A jury was impaneled.

On Friday the case was in progress and likely to last a day or so. There are several counts for cattle stealing.

THE MASS MEETING.

A LARGE REPRESENTATION—HARMONIOUS PROCEEDINGS—DELEGATES ELECTED.

Pursuant to published announcement representatives of the People's Party met in mass convention at 12:30 p.m., at the City Hall.

Mr. J. F. Wells moved that Francis Armstrong be selected as chairman of the convention. Carried.

Mr. Armstrong took the chair.

Mr. Adam Speirs moved that Heber M. Wells be appointed secretary. Carried.

Wm. Fuller was appointed chaplain.

Mr. Walter H. Beatie was appointed sergeant-at-arms.

Prayer was then offered by the chaplain.

The secretary read the call for the convention as follows:

HEADQUARTERS PEOPLE'S COUNTY CENTRAL COMMITTEE,

SALT LAKE CITY, September 23, 1886.

A mass convention of the People's Party will be held at the City Hall, on Saturday, October 2d, 1886, at 12:30 p.m., for the purpose of electing sixteen delegates to represent Salt Lake County at the Territorial Convention to be held on Monday, October 11th, to nominate a candidate for Delegate to the Fiftieth Congress.

By order of the County Central Committee. JOHN SHARP, Chairman.

On motion it was decided that the delegates to be chosen from this convention to attend the Territorial Convention be allotted as follows: From each of the Municipal wards of Salt Lake City, except the 4th Municipal Ward, 3; and from the 4th Municipal Ward, 2; from the county outside Salt Lake City, 2; total, 16.

Mr. Wm. Thorn moved that a committee of five be appointed to nominate, subject to approval by the Convention, the delegates from Salt Lake County, said committee to be appointed by the chair. Carried.

The committee on nominations withdrew to an adjoining room, and an address was made by Mr. George G. Bywater.

The committee on nominations entered and presented the following report:

Hon. Francis Armstrong, Chairman, and Gentlemen of the Convention:

Your committee on nominations beg leave to report the following names of persons for delegates to the Territorial Convention.

WM. THORN, Chairman.

NOMINATIONS FOR DELEGATES.

From First Precinct—W. W. Riter, E. M. Weiler, Adam Spiers.

From Second Precinct—John C. Cutler, David McKenzie, J. H. Anderson.

From Third Precinct—James Watson, Elias A. Smith, J. W. Summerhays.

From Fourth Precinct—James Sharp, Junius F. Wells.

From Fourth Precinct—Francis Armstrong, George D. Pyper, Spencer Clawson.

At large—D. B. Brinton, O. P. Miller.

On motion of Mr. T. J. Howell the report was received and the committee discharged.

Mr. John R. Howard moved that the delegates be instructed to place in nomination the name of Hon. John T. Caine as delegate to Congress. Carried.

On motion of Mr. Langton the delegates named on the committee's report were accepted as the choice of the convention.

The minutes were read and approved.

On motion, the Convention adjourned *sine die*.

Benediction by the Chaplain.

ORSON P. ARNOLD'S TRIAL.

He has Acknowledged One Wife Only,

But the District Attorney Wants him Convicted for Visiting his Former Polygamous Wife and her Children.

DICKSON SAYS THOSE WHO PROMISE MUST DIVORCE THEIR POLYGAMOUS WIVES!

THE COURT MUST ANNUL AN UNLAWFUL CONTRACT!

In the trial of Orson P. Arnold, on the charge of unlawful cohabitation, yesterday afternoon, by request of the District Attorney, all of the witnesses except the one testifying were excluded from the court room.

Orson P. Arnold, Jr., was the first witness called for the prosecution. He testified—The defendant is my father; my mother lives in the Thirteenth Ward: I have not lived at home during the period named in the indictment; I visit mother about once a week; have seen father at mother's house during meal times; father has been away from home some of the time since May, 1885; he was away from home two or three months, I think; I know Fanny Linnell Arnold; she lives on First West Street, in this city; she had lived there for six or seven years; I have been at her house several times during the time since the month of May, 1885; I have seen her there every time I went there; she has four children; the eldest is about 10 years old—the youngest is about 3 years old; it is a boy, I think; I never heard it called by name; have seen my father at Fanny's house since the 1st of May, 1885—two or three times; we have passed there several times in a buggy, when he would call in and I would wait for him until he came out; I never left him there nor called for him; I do not think I would have forgotten it if I had done so—either before or since May, 1885; it is some time since I saw father at Fanny's, (after some hesitation) about a month ago; the last time I saw him there was when I left him in a buggy; I waited for him to come out, as we went there together; he was absent about five minutes, when he returned; I have been there with him three or four times during the past year—twice in the past two months; I am merely guessing at it now; I don't remember having seen him there since the first of January and the 11th of May this year.

Mr. Dickson here began to refresh the witness' memory from the grand jury notes. Mr. Sheeks objected to his doing this from such an unreliable source, when Mr. Dickson retorted by saying he had no right to accuse the clerk of the grand jury of making false entries. The objection of the defense was overruled by the court.

Witness, to Mr. Dickson—I don't think I told the grand jury that I had seen father at Fanny's house within the first two or three months of this year.

To Mr. Rawlins—When father called on Fanny he did not tell me what he went for; he never said anything to me; I suppose he went there to see the children; there has been but little or no association between the two families.

Fanny D. Linnell was called and said—I was married to the defendant, 14 years ago; he has been at my house to see the children quite often, generally as often as once a week; he has been away during the present year—I do not remember the exact date; could not tell anything about it; he did not tell me where he was going; he has eaten there several times, but not this year; I went to Ogden with him in May, 1885; I left there in company with him and came back with him; we stopped at a hotel; we had dinner and supper there; I had my meals sent to my room; he did not eat with me; I do not know where he slept; he came into the room with the waiter when the meals were brought up; he may have been there in the morning before we went to the train; he did not stay; a year ago—the last summer—we were out driving; it was when my baby was sick; I could not say how many times it was in the summer of 1885; I have not been out with him since that time; have never been at the Theatre with him since the 1st of May, 1885; he took me home from there once or twice in company with my sister; he was at my house during the latter part of January—when there was sickness.

To Mr. Rawlins—I remember the time when Mr. Arnold pleaded guilty to unlawful cohabitation. At that time it was understood that we were not to hold the relations of husband and wife any more; since that time he has been there but once at night—when my baby was ill; my family is dependent upon him for a living; he has provided us with a home; whenever he called it was in the day-time; it was during the illness of the baby that we went out riding with it; it was by the advice of a physician that we took the baby out; he took meals there, at my invitation, to meet and talk with the children; the time he staid all night was when the baby was sick; he sat up with it; sometimes when he called he never entered the house; his visits were on business, and to look after the children