

He was sentenced to three months' imprisonment and to pay a fine of \$300 and the costs of the prosecution.

On Jan. 25 the grand jury of the Ogden branch of the First District Court finished its labors and was discharged. The following report was submitted:

To Hon. H. P. Henderson, Judge of the First Judicial District, Territory of Utah.

Herewith is respectfully submitted the report of the grand jury for the term ending January 25th, 1889.

Total number of cases examined, 194; witnesses examined, 405; cases dismissed, 73; indictments found, 121; United States, 104, territorial, 17; total number of days in session, 32.

The grand jury recommend to the court's attention the condition of the jail at Brigham City. The structure referred to has been examined by a committee delegated for that purpose, and they report the building unsafe both for the detention and habitation of criminals.

The records of that county show ample resource financially for the construction of a substantial building.

Very respectfully,

W. A. BATES,

Foreman Grand Jury.

In the First District Court at Ogden, January the 26th, Peter J. Rasmussen, of Milton, Morgan County, was arraigned on the charge of unlawful cohabitation. He appeared without counsel and pleaded guilty. He waived time for sentence and said he was willing to obey the law, having obeyed it from the time he understood the law, some two years ago. He stated that he was 69 years of age; had two wives; married the last some seven years ago; she was then 32 years old; she had one child about five years old; he had about 40 acres of land.

The court informed him that it had been the policy of the government to suspend punishment where the people promised to obey the law, but it was customary to have defendants pay the costs. Yet the court, taking everything into consideration, did not feel to impose even costs, as defendant was aged and decrepit. Sentence was therefore suspended during good behavior.

Wm. C. Rounds, of Milton, Morgan County, was arraigned on the charge of unlawful cohabitation. He also appeared without counsel and pleaded guilty. He was 59 years of age; he had two wives alive; married the last twelve years ago; she had four children, the youngest being nearly five years of age. He desired a week's time before sentence.

Court—You don't feel that you can take the same course as this other gentleman?

Defendant—Well, I would like to consider it.

Court—It would be a great deal more pleasant to me to dispose of cases in that way, if possible. Yet those matters are left entirely with you. You don't feel to let the case take that course today?

Defendant—No, sir, not today.

Time for sentence was set for February 14th.

Ill in Prison.

Brother Wm. Hill, of this county, who is serving a term in the penitentiary for living with his wives, is severely ill with inflammatory rheumatism. He is unable to leave his bed.

A Bishop Installed.

Bishop George Halliday, of Santaquin, has been appointed to preside over the American Fork Ward. The Bishop was duly installed by the presidency of Utah Stake, on Sunday, Jan. 20.

Surrendered Himself.

James Carlisle, of Mill Creek, who has been wanted on a charge of unlawful cohabitation, gave himself up to Commissioner Norrell Jan. 26. He pleaded guilty to the charge, and was placed under \$1000 bail to await the action of the grand jury.

Voluntarily Appeared.

Paul Cardon, of Lofan, surrendered himself into the hands of the officers on Jan. 19. Unlawful cohabitation is the charge.

Mrs. Hendricksen.

On Jan. 19 Mrs. Esther Hendricksen went from Ogden to Logan, having answered the questions asked her by the grand jury.

Released From Prison.

Brother Archibald T. Oldroyd, of Glenwood, Sevier County, was released from the "pen." January 24, having served a term of four months for unlawful cohabitation, in addition to paying \$50 fine and \$77 costs.

F. A. Petersen, of Levan, Juab County, was released from the penitentiary Jan. 25. He has served an eighteen months' term on a conviction of adultery. This was a case where a charge of unlawful cohabitation was construed into adultery, as it was for living with his plural wife that he was prosecuted.

Thomas Duce, of Hyde Park, Cache County, and N. Anderson, of Utah County, were released Jan. 26 from the penitentiary. The former has served three months, and the latter fourteen months, for living with more than one wife.

On Jan. 28 Jens Andersen and N. L. Petersen, both of Ephraim, Sanpete County, were liberated from the Penitentiary, having served their respective terms for the offense of unlawful cohabitation. The former underwent imprisonment for three months, and an additional 30 days for the fine and costs, amounting to \$50. The last named has served five months; but in his case no fine was imposed.

Some men cannot stand prosperity—for want of opportunity.

THE ZANE WITHDRAWAL.

There was an unusually large attendance of members of the bar at the session of the Territorial Supreme Court January 29, brought out by anticipation of action on Judge Zane's notice of withdrawal from the prosecution of charges against F. H. Dyer, as receiver in the suit against the Church.

At 10:25 Chief Justice Sandford and Associate Justices Boreman, Henderson and Judd came into the court room, and after the opening Judge Judd proceeded to read the opinion of the majority of the court in the Church suit, relating to Judge Zane's withdrawal, before mentioned. As the closing part of the opinion was reached it created a sensation in Court, of a nature that has never before been witnessed in connection with the proceedings. The document is as follows:

In the Supreme Court of the Territory of Utah.

United States of America, plaintiff, vs. the late Corporation of the Church of Jesus Christ of Latter-day Saints and others, defendants.

On the first day of December, 1888, T. C. Bailey, Rudolph Alf and J. F. Millsbaugh, describing themselves to be trustees of the Seventh and Eighth School Districts, and secretary of the board of trustees of the Twelfth School District, brought before this Court a petition in which they set out by description, divers and sundry pieces of real estate, alleging that the same was the property of said late corporation. They likewise alleged that on March 23d, 1888, April 4th, 1888, and May 14th, 1888, Receiver Dyer instituted actions in the Third Judicial District Court of this Territory against various defendants, and in the complaints in said suits, among other things, alleged that said last above described tracts of land were obtained and held by said late corporation in violation of section 3 of the act of July 1st, 1862, and not for the purposes of the worship of God, or parsonages, or burial grounds, and that the claims of the various defendants in said suits were invalid, and prayed that the deeds of said various defendants be held to be colorable, and that the cloud upon the title created by such deeds be removed, and that the possession of the said lands be adjudged to the said receiver for the uses and purposes mentioned in the said section 3 of the act of March 3d, 1887.

The petition then proceeds to state that afterwards, on or about the 9th day of July, 1888, the said receiver and the defendants to the suits above named, compromised said suits, and in lieu of said tracts of land described in said complaint (except a portion of lot 8, in block 76) that said receiver took the sum of \$84,666.15, or a note therefor, to stand in the place thereof, and be treated and applied as the land should have been treated and applied; that the solicitors of said corporation were the attorneys of said defendants, except one; in said compromises, and there-