

## EDITORIALS.

## THE OGDEN CONTEST.

The People's Party in Ogden City will have no trouble in retaining the balance of power, to which they are entitled as the majority, if they are only careful enough, to guard against the trickery of the so-called "Liberals." The desperate straits to which the plotters were reduced in order to conceal their doings on the new registry lists, showed up in the arrest of poll tax collector Brown and special policeman Poulter, whom they feared were taking notes of their proceedings. Of course there was nothing to hold the arrested officers, and they had to be discharged. It is in order now to proceed against the persons who assaulted and officers when in performance of their duty.

But the most important thing for the People's Party to do now is to weed out from the registration lists the names of unlawfully registered persons. It is claimed by those who ought to know, that non-residents and others who had no right to do so have registered, so as to swell the numbers of the alleged "Liberals" and give opportunity for frauds at the election. Although the representatives of the People were prevented from stopping this evil at the source, the registration machinery being in the hands of the enemy, they must follow it up and see that it is not allowed to overflow and accomplish what is intended. First, purge the lists as far as they can be cleansed of illegal entries. Then see that every person not entitled to vote who offers a ballot is challenged at the election. Finally take action against all who attempt to practise or connive at fraud in any of the proceedings affecting the election, that offense being a felony, punishable by a maximum penalty of two years' imprisonment and a fine of a thousand dollars.

A fair and free fight for the city offices between two parties is not to be objected to. If the so-called "Liberals" can muster a lawful majority at the polls, no one has the right to try to prevent their obtaining the control which they seek. But if the stories of fraud already attempted which are afloat have any foundation in fact, there should be no hesitation in moving resolutely for the prosecution of the offenders, whether officials or private citizens. There must be a fair election, no matter how spirited the contest may be, and it devolves upon the leading members of the People's Party to see that this is secured.

Vigilance, now and at the time when the lists are posted, should be used to trace out all bogus registration. During the ten days from the fifteenth to the fifth day preceding the election, objections to the right to vote must be heard by the senior Justices of the Peace, under the territorial statute; the municipal ordinance has been made in conformity to it in effect. Let the ordinance be critically examined and complied with in reference to this matter, and let no bogus register be allowed to pass without a test.

We are perfectly satisfied that the People's Party have a fair and ample majority to carry the election if they are not cheated out of their rights by "Liberal" trickery. They must not be intimidated by such "buffs" as the illegal arrest of the two officers during the registration. A confusion should be avoided, but there must be no backing down before threats or any other species of terrorism to which the desperate plotters may resort. The People must stand up for what is right and be determined to maintain it, and be ready at the same time to oppose and punish that which is wrong, by every lawful means at their command.

This is a turning point in the affairs of Ogden City. If by timidity or carelessness the People's Party allow the enemy to secure an advantage, it will take them years of difficulty to escape from the bondage and burdens that will be put upon them by "Liberal" rule. Toole County history is warning enough on that head. Let the People hold on to their position this time, and victory at future elections will in all probability be of easier achievement. A good ticket, vigorous canvass and a square contest are demanded and must be assured.

## OGDEN OCCURRENCES.

Moroni Brown Discharged - Civil Cases in Court - Joseph Parry and Bishop Bassett Arraigned - Etc.

At 10 o'clock yesterday afternoon Moroni Brown appeared before U. S. Commissioner Black, to answer to the charge of obstructing citizens while registering, and for which he was arrested on the 22nd inst., by Deputy U. S. Marshal McLellan, at the instigation of L. B. Stephens. The defendant pleaded not guilty, and Ogden III is, for the prosecution, opened the proceeding. Several witnesses were called and testified that in the afternoon of the day above named they went in a carriage to the registration office to have their names registered and listed for voting at the city election, to be held in February next. After they had registered and while returning to their

carriage they saw defendant on the sidewalk, and he asked them in a civil manner if they had

## PAID THEIR POLL TAX.

The defendant was not at all excited—at least, his demeanor did not indicate that he was; nor was he discourteous, but was respectful to them.

Deputy McLellan was sworn and testified to having made the arrest. The raucous attorney for the prosecution asked the witness if he knew what polygamy was. Mr. H. H. Rolapp, who appeared for the defense, objected to the question as being immaterial. The court sustained the objection, and said that it and similar questions were proper only for another court.

Mr. Illies made a few remarks in support of the charge against the defendant, but they were of the

## FEATHER-WEIGHT KIND

and were not entertained by the Commissioner.

After he closed, Mr. Rolapp moved to have the case dismissed, as the charge was not borne out by the testimony of the witnesses. The Commissioner thereupon discharged the defendant.

## COURT ITEMS.

About eighteen months since Mr. W. G. Child, of this city, commenced suit in the District Court to recover the sum of about \$420 from Lyman B. Wells et al. The amount was mostly cash loaned, for which he held their note; some of it was for merchandise purchased at his store, considerable of it by Mrs. Ferguson, who formerly kept the "Saddle Rock" restaurant in Ogden. The note was placed in the possession of Judge R. K. Williams, who, unfortunately, lost it. The case has been thereby delayed. On Friday evening last, after the conclusion of the Johnson case, a jury was impaneled to try this suit, and in the morning it was resumed. It occupied nearly the whole of the day, and the case will not be given to the jury till 10 o'clock Tuesday morning. It is of but little public interest.

Yesterday, Joseph Parry came into court and listened to the reading of a two-count indictment, charging him with unlawful cohabitation. He pleaded guilty to one count and not guilty to the other. He will be sentenced Jan. 8, 1887. The other count has gone over for the term.

Bishop W. E. Bassett pleaded not guilty to the charge of polygamy. A motion was made by his counsel to dismiss the indictment, but it was overruled, and the trial is set for next Friday at 10 o'clock a. m.

The examination of the charge against Moroni Poulter was set for yesterday before Commissioner Black. The defendant was promptly on hand, but the complaining witness was not.

After an hour's delay the court said the prosecution were not ready and asked for a continuance, which was granted. It is now set for 1 p. m. on Tuesday.

## THE POLICE COURT

has been pretty quiet. A couple of drunks received attention in the morning, one of which cost the drifter \$10, the other was discharged with fatherly admonitions from the court to be in the future more temperate, a wiser and better man than he had been.

In the afternoon the Union Opera House was well filled with the Sunday School children of the Second Ward, Ogden. There were in the neighborhood of four hundred, who had assembled under the watchcare of the superintendent and teachers to enjoy themselves in dance and in song, which they did to their hearts' content. They were also regaled with a good supply of oranges, nuts, candies, etc. The occasion will form one of the green spots in their memories to which they can often revert with pleasure in the future.

In the evening the teachers and older members of the school tripped "the light fantastic toe" to the sound of merry music, at the same place, until the hour of midnight.

Preparations are in progress for the grand oratorio of

## "ESTHER,"

the beautiful queen. It will be given in the Ogden Tabernacle, on the 29th inst., and the two following evenings, by the singers of Ogden, assisted by a class of juvenile singers; the whole forming a grand chorus of seventy-five voices. The singers will appear in the gorgeous costumes of the ancient Jews and Persians. Mrs. H. P. Henderson will preside at the piano and Mr. A. G. Bixler will have the general direction of the affair. The proceeds will be devoted to the benefit of the free reading room, where numbers of young men can, and do, spend many pleasant hours, reading and acquiring useful knowledge.

The flag of our Union has been placed at half-mast all day in token of respect for the late General John A. Logan.

The Unlawful Cohabitation Mill Very Busy—Seven More Victims Secured—The Child-Well Case—A Heaton Takes an Appeal, Etc.

## THE COURTS.

At ten o'clock this (Tuesday) morning the Judge charged the jury in the case of W. G. Childs vs. L. B. Wells et al., and they retired for consultation.

The case of the United States vs. Abraham Chadwick, charged with unlawful cohabitation, was then called.

There are three counts in the indictment. The defendant had previously pleaded "not guilty."

The usual formula of obtaining a jury was gone through, which, with the challenges and filing up, occupied a long time. The indictment was read to the jury; the time covered therein is from January 1st, 1884, to December 1st, 1886, continuously. The case was stated in a few words by the prosecution to the jury.

## MARY ANN CHADWICK

was the first witness. She said she was married to defendant in 1866, and that he had another wife living at the same time. She was then excused.

Mary Chadwick was the next witness. She was married to Mr. Chadwick at Council Bluffs in 1869, and came to the Territory of Utah in 1882; she was acquainted with defendant's other alleged wives. The defendant next was sworn and said he was first married to

## MARY A. BURTON

in 1840. She died in 1850. He married Mary Foxall in 1853; she died in 1857, of cholera, at Council Bluffs. In 1866 he married Mary Ann Chadwick. He subsequently married other wives. He said Mary A. Nubie Chadwick was his now legal wife.

Mary Ann Nubie Chadwick was recalled and testified that she was married to the defendant in 1866. She lived on the farm at North Ogden. Mr. Dickson proceeded to examine her in regard to the relations of Mr. Chadwick with others, or alleged plural wives. Defense objected. The matter was argued briefly, and Dickson said he thought it necessary to have an absolute ruling in the case as he had another case pending in which the legal wife is called as a witness.

The court said it had not been shown to his satisfaction that she was a legal wife, as the defendant was married with another woman at the time he married witness, and the court ruled that she, under the circumstances, was a competent witness. He said he still adhered to his former ruling, that where it is clearly shown that a lady is the defendant's first or

## LEGAL WIFE

he would allow her to be sworn and testify to that fact, but nothing more. But in this case it had not been shown that the witness was the legal wife of the defendant. Nothing new was elicited.

Mary Ann Wheeler Chadwick recalled and testified that she was married to defendant in 1853; lived at North Ogden; had had 12 children, nine living, and three dead. Did not live on the farm, but about two miles from it. Defendant sometimes visits her; eats and sleeps there some times. He continued to live with her after Mary A. Foxall died.

Isabelle Chadwick sworn. Is daughter of Mary Ann and M. A. Chadwick. Lived at home lately; her father visited there. Had heard them speak of their marriage; she addressed them as "father and mother." He eat and drank and slept there some times.

Both sides then rested and the case was submitted without argument. At 10 o'clock the jury, quoting the opinion of

## THE EDMUNDS LAW

under which the suit is brought, and the violation of which is a misdemeanor. At noon the jury returned to make up their verdict. As soon as they left the room, the case of the United States vs. N. C. Mortenson, charged with unlawful cohabitation, was called. But before the jury was completed, the jury in the Chadwick trial came in and rendered a verdict of guilty on all the counts, as charged in the indictment. Court then took a recess till 2 o'clock p. m.

At one o'clock Moroni Poulter appeared in the court of Commissioner T. J. Black, to answer to the "obstruction" charge. The case was called and at once dismissed. The fact is, there is a

## SKELETON IN THEIR CLOSET

that they do not want to call up. Their own witnesses compromised them on the other Moroni case, and they had sense enough not to risk an further exposure.

At two p. m. the District Court again opened. J. C. Nielsen pleaded not guilty to a charge of grand larceny. Day of trial not set.

On motion of W. H. Dickson, Esq., the charge of unlawful cohabitation against John Carver was dismissed. The old gentleman is feeble and not yet fully convalescent from a severe attack of illness which had reduced him almost to death's door. Indeed, his life was despaired of.

The trial of N. C. Mortenson was proceeded with. There are two counts in the indictment.

Thora B. Christensen was the first witness. She was married to the defendant in 1876. Has lived with him at Monticello ten years. She has three children by defendant, the youngest of which is three years old. She knew defendant's other wife. Mortenson went to see witness at her home once or twice a week, but

## DID NOT EAT

with her. He, however, sometimes stayed with her at her house all night. She lived about two blocks from defendant's other wife.

Niels Mortensen, son of the defendant, was sworn. He said his mother's name is Mary Ann Mortensen; his father has been on a mission; since his return he had lived some of the time with witness' mother. That was all.

This closed all the testimony and the case was submitted without argument. At 2:40 p. m. the court charged the jury, who retired to make up their verdict. They were not long in coming to a decision in regard to the fate of Mortenson.

John Marriott, who had previously been arraigned on a two-count indictment for unlawful cohabitation and pleaded not guilty, was again called, and by permission of the court, changed his plea to that of "guilty." Sentence to be given on the 8th of January, 1887.

At 3:15 p. m., the jury came into court and rendered a verdict of "guilty" on both counts against N. C. Mortenson. The sentence is set for the 8th of January next. Chadwick will be sentenced on the same day.

The case of unlawful cohabitation against John C. Dewey was next called. Mr. Dickson made a motion to

## DISMISS THE CHARGE

on the ground that the alleged plural wife was a woman well advanced in years; that she lived in Idaho; that she was at defendant's place on a visit only, to see her children, and as the attorney believed it was a bona fide visit, as alleged, he did not want to take advantage of any technicality. The motion was granted and the defendant discharged.

Shrewd Dickson! He can see as far through a "hole in the wall" as those can who made the aperture. He saw no chance of making a case against the defendant, hence he was discreet enough and had sufficient "magnanimity" to make the motion for dismissal, which all were pleased to see the court accede to.

At 4:20 the deputy marshals came into court, having in their custody William Butler and James W. Burton, of Monticello. They were shortly afterwards arraigned. Butler on a four-count indictment for unlawful cohabitation. Burton on a two-count indictment for unlawful cohabitation. They were allowed till Friday, the 31st inst., to plead.

## THIS AFTERNOON,

in the Justice's Court, Quong Dan Lung was fined ten dollars, by Alderman Dee, for selling liquor without a license. The charge was fully proved against him; nevertheless, by advice of his attorney, Mr. A. H. Nelson, the defendant took an appeal to the District Court.

At six o'clock the jury in the Child-Well case had not reached a verdict. They had been out about seven hours. The Court, in the interval, had sent to them to ask if they needed any instructions; they sent him a negative answer.

At 8:30 p. m. no decision was reached. It is a much mixed-up case for the 12 jurors to unravel.

Later—No cause of action, was the verdict.

Corinne Contributes Another Case to the District Court Calendar—Other Proceedings in Court—Grand Performance by Local Talent of the Cantata of "Queen Esther."

## ANOTHER CORINNE CASE.

In the District Court this (Wednesday) morning, another interesting suit was commenced, in which a Corinnite again, in the person of C. P. Tarpey, figured as plaintiff, and the Deseret Salt Works was arraigned as defendant. This was an action for the ejectment of defendant from certain lands which the complainant sets forth have been and are now unlawfully held and occupied by said defendant against the said C. P. Tarpey, who claims to be the lawful owner, by deed, of said property. The examining and impaneling of the jury in this case consumed all the morning until after 12 o'clock. In his examination of the jurors, Mr. Varian, who appeared for the plaintiff, took a somewhat new departure. The attorney is certainly a masterly catechiser. Among many other questions, he asked if they were acquainted with the parties litigant, (naming them individually) whether they had heard that parties in Corinne had recently gained a great deal of notoriety by the numerous law suits in which they had been engaged in this court. What impressions if any had been made upon their minds in relation thereto by reading the

## OGDEN CORRESPONDENCE.

In relation to their own cases; were the jurors bondholders, and if so, from whom did they acquire the titles to their lands—were the sources of proprietorship the United States Government, the Central Pacific, or other railroad companies, or individuals? Were they hostile to the acquisition of land by the railroad companies, even if they should acquire millions of acres? Had they ideas that this was a system of land monopoly? Had they any socialistic views in relation to the lauded proprietorship of these corporations or of individuals? Would they not consider that the railroad companies had equal rights with a poor person to acquire large areas of land, provided they obtained the property legally? Numbers of other kindred questions were propounded and answered in most cases satisfactorily to the legal inquisitor. After sundry challenges the panel was finally completed at 12:05 p. m. Mr. Varian then stated the case to the jury, briefly, that this transaction brought for the ejectment of the defendant from lands located near

## MONUMENT POINT,

in fragments of section 9, township 11, north of range 9 west; also certain portions of another section in the same locality, and which have been unlawfully held from August 1, 1885 until the present time to the exclusion of occupancy by the plaintiff, who is the lawful owner of said premises, which he would prove by the presentation of deeds for said lands which would be offered in evidence. The contested property is situated in Box Elder County, Utah. Counsel introduced a deed given by the Central Pacific Railway Company at their office in San Francisco, California, to C. P. Tarpey, of Box Elder County, Utah, for the land now in controversy, and for which Tarpey paid said company. The deed is dated July 3, 1885. P. L. Williams, Esq., for the defense, objected to the deed as being no evidence of transfer of the property in question to Tarpey, as there was no witness produced of the execution of the deed, no attestations of witnesses as is required to make it legal.

Mr. Tarpey was put on the witness stand and swore that he had

## PURCHASED THE LAND,

paid for it, and the deed which had been offered was the instrument he had received from the C. P. R. R. Co. for the same. Mr. Varian argued that the deed itself, properly signed, sealed and recorded, even without witnesses, was prima facie evidence—it was good and sufficient proof that the deed was genuine and valid. Mr. Williams claimed that no deed or instrument was valid unless attested and proved by witnesses. It must be proved and certified as the law required. He claimed that the deed now offered, lacking, as it did these requisites, was no deed at all in law, and could not be offered or received as evidence in this case. He said the deed must be signed by one or more credible witnesses, and must be acknowledged and approved in the office of the recorder of the county in which the land is located. Numerous authorities were quoted by each counsel in support of the respective positions. The arguments were continued in the afternoon until 3:30 p. m., when the court said he was of the opinion that under the statutes and from what had been said on the subject the deed is defective, and he would so rule in this case; the objection was sustained. Mr. Tarpey was then put on the stand to verify the various signatures, seals, etc., attached to the deed. He said in reply to his counsel that he

## WITNESSED THE SIGNATURES,

that he paid the money for the deed, etc. All this was objected to by the defense, but the testimony was admitted by the court for the present. Further objections were interposed because the testimony did not maintain the issue contained in the complaint. This objection was overruled. Plaintiff then read and offered in evidence a lease obtained by Tarpey from the C. P. Railroad for certain tracts of land which includes, it is alleged, the land now occupied by the Deseret Salt Company, the possession of which the plaintiff now claims. Objected to by defense, and overruled by the court. W. H. Bird, land attorney for the C. P. R. R. Co., was called to prove the signatures of Messrs. Mills and Miller, respectively land agent and secretary of the company. The chief clerk of the land office at Salt Lake City, was called to prove the dates of survey and filing of certain land on the lines of the railroad which include those in dispute by the parties litigant. The case was still going on when we left the court room at dusk.

## OTHER THINGS.

During the day Hyrum House, of Corinne, pleaded not guilty to a charge of altering or falsifying a public record, while acting as justice of the peace, on the 11th of April, 1885.

Mr. White, counsel for W. G. Child, gave notice of an appeal from the verdict of the jury in the case of Child vs. Wells, et al.

About 6 o'clock this evening a heavy rain storm set in which made it very difficult to get about in the town. Nevertheless there was a fair audience in the Tabernacle at night to witness the rendition of Queen Esther. The character cast was excellent. At 8 o'clock the curtains were drawn and the "King's favorite," surrounded by his flatterers, appeared in all his vain glory. The costumes were elegant and appropriate, representing those worn by the ancient Jews, the Persian royalty, nobility, etc.

It has been a long time since the citizens of Ogden enjoyed such a grand musical treat. The rendition was impressive and deeply interesting, and the appreciation of the discriminating audience was evinced in continuous applause from the opening to the close. But when the fifth act was reached, and the gorgeous assembly of youthful maidens "came with a few bright flowers," the admiration of the audience knew no bounds, it was manifested in vigorous applause until hands tingled. The characters were well cast and every one seemed peculiarly adapted to his or her part and filled it with exceptional exactitude. "Esther" will be repeated to night, when doubtless a good house will greet it.

—The entire space of the Idaho Democrat of the 26th, is taken up with Governor Stevenson's message, "besides which," it says, "several columns of advertisements are omitted."