THE DESERET NEWS.

TRUTH AND LIBERTY.

Salt Lake City, Wednesday, February 17, 1886.

Vol. XXXV

11/1

ESTABLISHED 1850. **DESERET NEWS:** WEEKLY. PUBLISHED EVERY WEDNESDAY, \$2 50 1 50

No. 5

One Copy, one year, with Postage, six months, ''''''' three months,

DESERET NEWS: SEMI-WEEKLY PUBLISHED EVERY TUESDAY AND SATURDAY Dre Copy, one year, with Postage, "six nonths, " three months, " 53 00 1 75

EVENING NEWS: Published every Evening, except Sunday.

One Copy, one year, with Postage, \$10 00 six months "500 three months," 250

PURLISHED BY

THE DESERET NEWS CO., SALT LAKE CITY. UTAH.

LOCAL NEWS.

FROM TUESDAY'S DAILY, FEB. 9

Homicide at Goose Creek.—By letter from James Stoddurt, dated Oakley, 7th inst, we learn that news had just been received there that a uegro sheep herder, named Gobo, who it is claimed is well known in certain parts of Utah, has been shot by cattle-men. We are promised the particulars as soon as they can be ascertained.

Accidental Death.—Nephi Stewart, whose home is in Payson, met with a violent death while on his way home from Tintic on the 7th inst. He passed through Homansville about 11 a.m., and four hoars later was found only half a mile from that place beside his wagon, which had tipped over upon its side. He had evidently been thrown to the ground when the wagon his head. He was unconscious when found and remained so up to the time of his death. Walter Gardner and John Miller, of Homansville, did all that was possible to resuscitate him, but the doctor who was summored for bim. His body and team were sent on to his friends at Payson. Trim Your Trees.—Now is the time Accidental Death .-- Nephi Stewart.

Trim Your Trees .- Now is the time to thoroughly trim the truit and shade trees and destroy the moth eggs, whice are to be found in bands encircling thh

in hand; had uever been able to had the witness. The prosecution rested their case. Mrs. Mary Smith was sworn for the defense. She was the wife of the de-fendant; was acquaiuted with Julia Winter; had lived in the 10th Ward 15 years; Julia had lived there until May 1, 1882; she then went to the 2nd Ward, and had not returned since; all the time since that date defendant had lived in the 10th Ward with witness; Julia left the house because the de-fendant intended to comply with the Edmunds law. To Mr. Dickson — Defendant had lived with her continuously since May, 1882, every day and every night; was always there ex-cept when at work; he stayed all 1 ten the witness. TOR LIVER accused of uulawful cohabitation to be guilty. Court — You had better stand aside. The following uamed and numbered were then called for: 50 Isaac A. En-ery, 41, H. N. Greene, 107 F. H. Bemis and 29 George M. Seott. Mr. Emery was excused for his be-life. H. N. Greene, of the firm of Knowlden & Greene, real estate avents, did uot guilty. REGULATOR DISIDASID SYMPTOMS: Bitter or bad taste in white or covered with a brown fur; pain in the back, sides, or jointe-often mistaken for Rheumatism; sour stormach; loss of ap-petite; sometimes nauses and waterbrash, or indigestion; flatblency and acid eructa-tions; bowels alternately costive and lax; headache; loss of memory, with a painful sensation of having failed to do something which ought to have been done; debility; low spirits; a thick, yellow appearance of the skin and eyes; a dry cough; fever; reat-iesances; the urine is scanty and high col-ored, and, if allowed to stand, deposite a sediment. Greene, real estate agents, did not believe in plural marriage, nor did F. H. Bemis or George M. Scott, who folcatch the lines, which were dragging upon the ground. Ou reaching a point opposite the old Council House they overtook a buggy in which Mrs. John Wardrobe, Jr., and three childree were riding, and there the frantic animals attempted to separate and pass on either side of the vehicle. The lines by which they were connected prevented their doing so and at the same time threw the buggy top, which was resting behind, so violently forward as to strike the lady upon the head, tear loose some of the braces by which the top was supported and otherwise damage the buggy, besides thoroughly frightening its occupants. Had it not been for one of the run-away animals falling down just after the collision and the horse attached to the buggy being an unusually quiet and safe animal, the consequence must have been much more serious for the lady and the abilition whose serious for the lived with her continuously since May, 1882, every day and every night; was always there ex-cept when at work; he stayed all night; she left him in bed at night, and found him there in the morning; he was not away a single night; he slept at home every night, except once when he went out into the country on basi-ness; did not know of his taking meals anywhere else than at home; he might with Julia Winter; never saw or heard of a fourth child of Julia's. James Smith was called, but not be-ing present, Daniel H. Snarr took the stand. He was acquainted with Julia Winter; last saw ber 17 or 18 years Mr. Greene had no bias against the delendant; was friendly with him; knewsome of the facts in the case, and had formed an unqualified opinion. stand. He was acquainted with Julia Winter; last saw her 17 or 18 years ago; never saw her while she lived at Mr. Smith's house. Saiha Winter's sister; last saw her in May, 1885; had not heard of or seen her since; prior to May, 1885, her sister lived in detendant's house at the farm in the Second Ward; she had also lived in the 10th Ward, where wituess visited her; saw Mr. Smith lu Julia'a rooms; visited once or twice a year; saw Mr. Smith there in the evening; he called her Julia; she had two children when in the 10th Ward; the eldest child had spoken to Mr. Smith; did not hear it call him father; heard Mr. Smith say the children were bis; had heard Julia called Mrs. Smith outside of the house; did not hear Juha say Mr. Smith caress the children, and had seen Julia take meets with the family and alone; had seen defendant take meals with her sister apart; from the family; Julia Challenged and excused. F. H. Bemis was a miner; he knew nothing of the case, and had no opiu-ion or prejudice; would give the de-fendant the benefit of the doubt the SIMMONS LIVER REGULATOR (Purely Vegetable) Is generally used in the South to arouse the Torpfd Liver to a healthy action. anywhere else than at home; he night have taken meals elsewhere; had con-versed with her husband several times about the charge against him; had not lemant the benefit of the doubt the law allowed him. Geo. M. Scott had formed uo opinion from what he had read; had no bias in this class of cases, nor against the defendant; had a bias against the crime, as compared with other offen-ses; thought it would not require less the crime to convict in these cases than it acts with extraordinary efficacy on the versed with her husband several times about the charge against him, had not taiked with him of his relations with Julia Winter; had not talked of the yonncest child. This was all of the testimony for the defense, and Mr. Dickson addressed the jury. He argued that for a number of years prior to the passage of the Edmands till the defendant lived in one house with his wife, and with Julia Winter in the apparent relation of tusband and wife. The defendant then moved Julia away, with the os-tensible purpose of conforming to the law; when she had moved, Mr. Smith was several times seen in her house; another child was born, which Salina IVER, KIDNEYS, AND BOWELS. AN REFECTUAL SPECIFIC FOR evidence to coovict in these cases than in others: there was a presumption of guilt in this class of cases, which it Malaria, Bilito Constipation, Bilito Constipation, Jaun Nausca, Colli Nausca, Bon Mental Cepression, Bon Etc., Etc., Etc., Etc. Dyspepsia, Billousness, Jaund ce, Colic, Bowel Complaints, would require avidence to overcome. Challenged by detense. To Mr. Dickson-Had a general prejudice against the offense of unlawhave been much more serious for the lady and the children, whose escape from injury was rather a narrow one. Endorsed by the use of 7 Millions of Bot-ties, as iul cohabitation; thought he could give the defendant a fair trial. Chal-lenze denied by the prosecution. The Best Family Medicine FIRST DISTRICT COURT. For Children, for Adults, and for the Aged. The Court overruled the challenge and the juror was accepted. Mr. Rawlins said the defense desired EDITOR HEMENWAY FINED FOR LIBEL. SAFE TO TAKE IN ANY CONDITION OF THE SYSTEMS another child was born, which Salina Winter had testified the defendant claimed as his. LeGrande Young followed for the J. H. ZEILIN & CO. the First District Court held ber sister apart from the family; Julia moved to the 2d Ward about four years ago; she moved to the 17th Ward for the First District Court held to exercise their peremptory chal-beden yesterday, the case of lenges, and objected to any more jurors United States vs. C. F. Mid- being sworn until the panel was full. in SOLE PROPRIETORS. PHILADLPHIA, PA. PRICE, 01.00. Ögden

....

dieton was postponed in consequence of the sickness of Hon. F. S. Ricnards, one of the counsel for the defense. By conseut of counsel for the plain-tiff the cases of Moses Thatcher vs. Josiah Hendricks, same vs. Job Webb, same vs. Geo. Brown, same vs. James Cowley and same vs. Niels Nelson, were continued for the term. By request of Judge R. K. Williams, W. G. Child, Sr., was given till Tuesday, February 17th, in which to plead, in order that his attorney may have an opportunity to look over the ruling of the Supreme Court in the Snow cases. His Honor then stated that to day was the date set for passing sentence ou C. W. Hemenway, editor of the Orden *Heraid*, and requested that gen-tleman to stand up and state if he had any reason why sentence should not be passed inpon him for the first of the three cases of libel of which he had been couvicted. Judge Williams represented Mr. Hemenway and stated that bis conduct during the probationary period allowed by the Court since the couviction had been such as to commend itself to his honor, and reminded the Court that the

been such as to commend itself to his honor, and reminded the Court that the defendant was the first person who had been prosecuted for newspaper libel in

been prosecuted for newspaper libel in the Territory. Judge Powers then reviewed the case, reminded the defendant that the law allowed him to impose a fue of \$1,000 and imprison him for one year, and concluded by saying: "The sentence of the court is, in case No. 694, that you pay a fine of \$200 and costs of prosecution, and that you stand committed until the fine is paid. In the other two cases. Nos

you stand committed until the fine is paid. In the other two cases, Nos. 686 and 755, sentence is suspended. I have not thought it was my dnty, in view of the course vou have taken, that I should inflict a p n-ishment, or that this pulshment should be severe. I have endeavored simply to do that which would call your attention, perhaps more forcibly, to the fact that the law of libel must not be violated, and to call the atten-tion of others to that fact—as an ex-ample to the public, and as a punish-ment to you for the offense charged." Mr. Hemenway was then remanded to the custody of an officer.

THIRD DISTRICT COURT.

CASE OF S. H. B. SMITH IN PROGRESS.

NO CASE FOR THE PROSECUTION-BUT THE VERDICT IS JUST THE SAME.

The Court overruled the objection. Mcssrs. Bemis and Scott were then

Two others, 36 Edwin Pettit and 63

sworn.
Two others, 30 Edwin Pettit and 63
John M. Young, were called.
Mr. Pettit was excused for his belief.
John M. Young did not believe in
piural marriage, but would not be as
zealous in prosecuting this class of
cases as others. Excused.
Next came 197 Stanley H. Clawson,
and 92 Joseph A. Peck, both of whom
were excused for their belief; as were
also 58 Zadoc Mitcheil, and 154 Wm.
Galbraith for the same reason.
The next called were S1 Bolivar
Roberts, and 79 J. J. Greenwald.
Bolivar Roberts would be as zealous
in punishing those entering the relation
of plural marriage subsequent to 1863,
as other offenses, but not against those
married prior to that date. Challenged
by the prosecution.
To Mr. Rawlins—Had no bias for or
against the defendant; would determine the case on the evidence, and
would not require any more evidence
than in ordinary cases; would convict
if the evidence justified it; would be
with the law.
To Mr. Dickson—If it transpired
that the defendant married his wives
before 1802, he would have sympathy
for him; would make up his mind from
the law and evidence; would require
positive evidence in any case; would

for min; would make up his mind from the law and evidence; would require positive evidence in any case; would act with impartiality. Juror accepted. J.J. Greenwald was satisfactory to the prosecution. He had no prejudice in the case, and was passed by the de-fendant.

fundant. The defense challenged Mr. Scott

the prosecution. He had no prejudice in the case, and was passed by the de-fendant. The defense challenged Mr. Scott peremptorily; the challenge was over-railed and an exception taken. The panel being completed, the cisrk read the indictment charging S. H. B. Smith with violating the Edmunds law by cohabiting with Mary Smith and Julia Winter Smith as his wives. Sameel B. Smith was the first wit-ness for the prosecution. He was son of the defendant in this case; his mother's name was Mary C. Smith; she lived in the 10th Ward; witness also lived there, knew Julia Winter: had five brothers and aldressed defend-ant as father; and Mrs. Mary Smith as mother; his mother was recog-nized as defendant's wile, and lived with her as such; a number of years ago Julia Winter lived in the house; shellved there up to shortly the passage of the Edmunds law; left in the spring or early part, of summer; his father owned a farm, where Julia Winter went to live; she had two children then, both small; there were eight rooms in the Tenth Ward house; Julia occupied the up stairs; she took meals with the rest of the family. The defense objection was overruled. Witness had seen Julia Winter inver the children at the table; also hired girls, and hired men; did not re-member Julia's children were his; she was known as Julia; uever heard defend-ant say Julia's children were his; she was known as Julia; uever heard defend-ant say Julia's children were his; she was known as Julia; uever heard defend-ther called Mrs. Smith; did not know why she moved away; defendant and wit-ness helped move her away; did not remember who directed the moving; heard defendant say after the passage of the Edmunds bith, be would have to move Julia away; Julia had a third child, which defendant said just came in the 17th Ward a part of the time prior to that; saw Julia Winter inder the exact conversation; withess remembered testifying before the grand jury; last saw Julia Winter before Commissioner McKay; she was then living on the farm; sho had li THE VERDICT IS JUST THE SAME. Our report of yesterday's proceed-lags in the Third District Court closed with eight persons having been selected as jurymen for the case of S. H. B. Smith and the issuance of a special venire for 30 more names from which to complete the panel. After Court was opened this morning a call was made for 1 W. H. Remington, 46 Josepn R. Mergan, 52 Moroni Gillespie and 4 Wm. A. Crabtree, all of whom responded. W. H. Remington did not believe it right for a man to have more than one wife, and was passed. Messrs. Morgan, Gillespie and Crab-tree believed in plural marriage, and were excused. Mr. Remington in a general way had formed an opinion as to the guilt of the produced of the world reported and the Spark of Hope. After you have suffered for years from nervous prostration, maiarial fever, debility, insomnia, indigestion, and a dozen other complaints, and have ex-hausted the patience of your physician and your family, and have settied down in the belief that you are a confirmed invalid, then try Dr. Henley's Celery, Beef and Iron; you will soon discover renewed vigor of life, the blood will grow rich, the nerves strong and the appetite will be regained. For sale by all druggists. are to be found in bands eucliceling this twigs or smaller limbs, and which will after awhile develop into eaterpillars to denude the trees of their leaves and destroy the fruit, crawlinto our houses and make sensitive people shudder at finding them upon their persons. A lit-the trouble just now on the part of those who own trees, if all will act unitedly, will effect unly rid our gardens of the caterpillar pest, and that too without injuring the trees or destroying their symmetry, for only the very small limbs, and as a general thing only the ends of them will need to be trimmed off, and burned, to clear the trees of them entirely. Mr. Remington in a general way had formed au opinion as to the guilt of the accused. It would require evi-dence to remove that opinion. If a man was arrested charged with crime, he would conclude he was guilty, but would be guided by evidence. Challenged by defense. To Mr. Dickson — Believed all ac-accused of unlowful cohebitation to be THE GREAT GTALLET SIMMONS Unfailing Specific them entirely. A Narrow Escape.-While a team, the property of Brother Erra T. Clark, of Farmington, was coming up South Temple Street, past the south gate of the Temple block, to-day, with a load of hay on the wagon a slight breakage of some part of the vehicle occurred when the wheels struck the rallway track, to remedy which the driver de-sceuded from his load and unhitched his horses, leaving them unfastened while he busied himself about the wagon. All at once the animals took it into their heads to run away and started so suddenly that the driver was unable to catch the lines, which were dragging upon the ground. Ou reaching a point opposite the old Council Honse they

dout a year; 'she had four children; hast saw her early in 1835; the fourth child was then young. The defeuse objected to the testi-mouy as immaterial, this court having so ruled; the court had also discharged one accused of unlawful cohabin-ation on the ground that sexual inter-course was immaterial. Mr. Dickson contended that in that case (Ames) there was shown only

case (Ames) there was shown only three or four acts of illicit intercourse and the birth of a child: in the case at bar a different condition was shown to

and the birth of a child: In the case at bar a different condition was shown to exi-t. Mr. Rawlins argued that the prose-cution had offered no evidence that during the period named in the in-dletment the detendant and Julia Win-ter had lived together; in fact, their testimony now songht to be introduced was immaterial. The Court had ruled that it was the living together in the babit and repute of marriage that con-stituted the offense. The Court overruled the objection. The defense objected on the further ground that there was no evidence tending to show association between the defendant and Julia Winter as husband and wife. Mr. Dickson said he proposed to show this association, and the witness continued: This fourth child was a hoy three or four months old; the third child was betwees two and three years old then; the children went by the farmly name of Smith; did not know the name of the youngest; wit-messhad seen Mr. Smith at the house in the farm in the daytime; saw him with the fourth child, whom he recog-nized as his; met Mr. Smith at meals in the 17th Ward, ou only one occasion; wituess did not visit very often; met Mr. Smith there almost as often as she went; saw kim twice after the fourth child was born; never saw the

in the 17th Ward, on only one occasion : wituess did not visit very often; met Mr. Smith there almost as often as she went; saw him twice after the fourth child was born; never saw the child in his arms. Cross-examined by Mr. Rawlins---Was on friencily relations with Julia Winter; had lived in the Fifth Ward all her life; when she visited her sister first she stayed all night, but did not see defendant there; when she did see him he was at work in the lot; had also seeu him in the house, in the day time; he went away before witness did; he was there at work; when he got through work he went away; he took dinner with her sister in the summer of 1885, in the Seven-teenth Ward; had nad conversations with the defendant, regarding the chil-dren, including the youngest, last win-ter; it was when. defendaut visited there; Julia was not present; defeu-dant called the child his; they were talking about being arrested for co-hrbitation; she said she would testify if called on, aud he told her the young-est child was his; witness had not al-ways been on frieudly terms with de-fendant; had nothing against him now. James Snith was called but knew very little of the case. U. S. Marshal E. A. Ireland testified that he had received as subpona for Julia Winter; he serve 1 and returned it; afattachmeat was issued, and an attempt made to serve it upon her, without success; Collin had the matter in hand; had uever been able to find the witness. The prosecution rested their case. Mrs. Mary Smith was sworn for the

defense. There was no attempt to deny the fact that JuliaWinter was the defendant's plural wife; when the Ed-munds law passed, the evidence dence showed she had been moved away. The law did not say he should not support her and provide her a

dence showed she had been moved away. The law did not say he should not support her and provide her a home, which he did. It had been shown that he pursued a course to conform to the law. There had been no flaunting to the world of the women named as wives. Mr. Rawlins, for the defense, read from the decision of the Supreme Court of the United States on the def-inition of cohabitation. He then made a short argument, holding that when-ever a man was arrested, it was im-proper, because of popular preindice alone, to convict him without evidence. The man who conformed to the law

ever a mañ was arrested, it was im-proper, because of popular prejndice alone, to convict him without evidence. The man who conformed to the law would, under such circumstances, be just as liable as the one who dki not. The example of the defendant was contrary to that condemned by the law. The speaker wanted the guilty convicted, and the innocent acquited. The defendant in this case had done all the law could re-quire of him under the circumstances. He had not, since the passage of the law, introduced or acknowledged Julia Winter as his wife; nor had he turned her out into the street; but he had provided her and his children with a home, as was his duty. Mr. Dickson contended that the de-fendant was of a class of people who were banded together to defeat the laws of the United States which they were taught to disregard. This case was different to others tried, in an ingeuious defense being made. The defendant had enjoyed marital privileges, but had not dwelt under the same roof. In this community disregard of the law was daily and hourly preached, and the jury should be zealous in enforcing the law. The defendant's wife; he moved her away when the Edmunds law passed; but a child had been begotten since; and a verdict of not guilty would nullify the law. If this was allowed a man might have 365 wives, and yet escape punish-ment. In this case both women were caring children, and that was all that was nccessary to complete the offense. The court then charged the jury, who retired at 3.40 p. m. In half an hour the jury returned with a verdict of "Guilty."

In half an hour the jury returned with a verdict of "Guilty."

Spark of Hope.

