

Schettler: four counts—Oct. 1, 1884, to June 30, 1884; July 1, 1884, to March 31, 1885; April 1, 1885, to Dec. 31, 1885; Jan. 1, 1886, to Sept. 30, 1886. Plea of not guilty.

John Cartwright; cohabitation with Ellen Cartwright and Ann Cartwright; one count, Oct. 1, 1883, to Sept. 30, 1884. Plea of not guilty.

Wm. H. Foster; cohabitation with Eunice Foster and Eliza Newland Foster; one count, Oct. 1, 1883, to Sept. 30, 1884. Plea of not guilty.

John Gillespie, of Tooele; cohabitation with Catherine Gillespie and Hannah Chamberlain Gillespie; two counts, Sept. 1, 1883, to Dec. 31, 1884; Jan. 1, 1885, to July 1, 1886. Plea of not guilty.

Amos H. Neff, of East Mill Creek; cohabitation with Catharine Neff and Elizabeth Neff; two counts, Sept. 1, 1883, to Dec. 31, 1884; Jan. 1, 1885, to July 1, 1886. Plea of not guilty.

Second District Court.—The following are Monday's proceedings at Ogden:

Mr. Isaac Burton was excused as a petit juror for the term.

Tregent vs. Baker; demurrer to complaint overruled and fifteen days given to answer.

Burgom vs. Snow et al.; demurrer to complaint overruled and ten days given to answer.

The grand jury presented two bills of indictment under the United States and one Territorial. The grand jury ignored charges against Mrs. A. Marks, Harry K. Thompson and Charles Patten.

John W. Pike was sworn as official reporter pro tem.

Herman Eskland and Thomas Strange were admitted to citizenship.

The People vs. William Anderson; case heretofore dismissed, argued and submitted.

The People vs. Samuel Miller; defendant arraigned upon an indictment for house-breaking and given the statutory time to plead.

Swen Anderson was admitted to citizenship.

Venue issued summoning 12 additional jurors.

The People vs. Reuben A. McBride, murder; continued for the term on account of absence from the Territory of witnesses for the defense.

The People vs. Cleon Jackson; case set for October 11th.

The United States vs. R. C. Kirkwood, unlawful cohabitation; jury being impaneled.

Home from Alabama.—Last evening Elder J. C. Delamare, of Tooele City, returned via the D. & R. G. W. from a mission to the Southern States, on which he has been absent almost two and a half years. On April 8th, 1884, he left home and was assigned to Alabama as his field of labor. There he acted in the capacity of a traveling Elder, preaching the Gospel as he could find opportunity, and meeting with varied success. He was threatened by mobs, but paid no heed to them, and suffered no violence. Last October he was appointed to the presidency of the Alabama Conference, which position he filled until his release to return home. Last March he was waited on by a mob numbering 150 men, headed by ex Governor Cobb, who prevented his holding public meetings, and forbade him preaching, under pain of death. He continued to teach privately, however, and in April the mob reassembled in an attempt to kill him. They were prevented doing this, however, by the bold stand taken by the gentleman at whose house Elder Delamare was staying. The feeling throughout the State is very bitter against the "Mormons," though at the present time the conference is in a prosperous condition, with good prospects for the future. In one case the stable, a span of horses and stack yards of a friend of the Elders were burned, and others were threatened with similar treatment if they gave shelter to the Elders. Brother Delamare has greatly enjoyed his labors throughout. His health was good with the exception of an attack of chills last fall, which lasted a couple of months. He leaves for his home to-morrow.

Commissions.—The following commissions were issued from the Executive Mansion on Friday:

L. Hoag, constable, Farmers, Salt Lake County.

Alma Hardy, constable, West Weber, Weber County.

Andrew Smith, constable, First precinct, Salt Lake County.

J. W. Burt, constable, Fourth precinct, Salt Lake County.

C. A. Hickenlooper, constable, Pleasant View, Weber County.

J. W. Grow, constable, Huntsville, Weber County.

W. C. Burgen, justice of the peace, Union, Salt Lake County.

G. D. Pyper, justice of the peace, Fifth precinct, Salt Lake County.

A. G. Adamson, justice of the peace, Brighton, Salt Lake County.

W. C. Burton, justice of the peace, Second precinct, Salt Lake County.

A. E. Park, justice of the peace, Fairfield, Utah County.

Virgil Kelly, constable, Washington, Washington County.

Alma Greenwood, treasurer, Millard County.

W. K. Reid, prosecuting attorney, Sanpete County.

James Metcalf, justice of the peace, Gunnison, Sanpete County.

Geo. Nixon, constable, Holden, Millard County.

Edward Parry, justice of the peace, Fountain Green, Sanpete County.

Palan McFarlan, justice of the peace, Ephraim, Sanpete County.

Henry Jensen, justice of the peace, Mayfield Sanpete County.

Geo. Finlason, justice of the peace, Oak Creek, Millard County.

B. J. Stringham, justice of the peace, Holden, Millard County.

N. W. Pryor, justice of the peace, Cedar, Iron County.

John Duncan, justice of the peace, Heber, Wasatch County.

Henry Aird, justice of the peace, Heber, Wasatch County.

H. C. Hillinger, county surveyor, Utah County.

Wm. Bays, notary public, Wasatch, County.

Henry Jensen, justice of the peace, Mayfield Sanpete County.

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THE JONES-TRESEDER TRIAL.

THE EVIDENCE ALL IN.—IS IRELAND A PERJURER AS WELL AS CONSPIRATOR?—THE CASE BEING ARGUED.

After the News had gone to press last evening, Capt. J. W. Greenman testified—I went to the Valley House on the 20th of January last, for the purpose of overhearing a conversation; heard Franks and Treseder talking in an adjoining room; I lay down on the floor part of the time; heard Treseder say they wanted to know what was going on in the District Court, and they were willing to give a good price for the information; knew Treseder's voice well; had known him for ten years.

To Mr. Brown—I was in the Valley House an hour or a little more—fifteen or twenty minutes—before Franks and Treseder came in: I was told during the afternoon the service that would be wanted of me; Franks said he wouldn't make any promise until some responsible party appeared to guarantee the money; I don't remember that Franks suggested any names of any he would like as security; am sure that Franks did not mention Jones' name; I believe he did say he would like to have Orson Arnold; don't know why he did it; heard nothing between Ireland and Franks as to any reason they had for wishing to catch Orson Arnold; I recollect bringing Treseder in from the pen in a single buggy, instead of the regular wagon; they wanted him in a hurry; I told him I thought it would be better for him if he made a clean breast of it; didn't tell him it was Jones and not him they were after.

To Mr. Dickson—I think the way Arnold's name came in was that Franks was putting a number of names and asking if they were behind him. I talked with Treseder when I brought him in from the penitentiary on my own responsibility; I had no authority to make any promises.

Deputy Marshal T. F. Smith was called and testified—On the evening of January 21st, I was in the rear of a saloon on First South—first with deputy Franks, later with Marshal Ireland; I saw no one in the room; saw Franks, Treseder and Jones come out of the back door and climb over a board fence; they went down the alley till stopped by another fence, and they then came back and went through the saloon to the street.

To Mr. Brown—The yard where we all were is an alley fifteen or eighteen feet wide; I was about eight feet south of them as they came out, Ireland was fifteen feet from me, "still at the hole;" Franks got on top of the fence and pulled Jones up; I had not heard of this matter before; didn't know the nature of their business till I went there with Franks; we then looked at the room, and he made a hole, half an inch wide and an inch and a half long in the wall; I went out and tested the hole; did not look through after I came with Ireland; had not heard of this matter when I signed Franks' bond.

Mr. Brown—Are you worth \$10,000.

Objected to by the prosecution; objection sustained.

Witness to Mr. Brown—Was a deputy about three weeks before Jan. 21st; before that I was in the grocery business.

Albert Fischer, W. J. Quillen, James Watson and C. W. Rankin testified to having seen Franks, Treseder and Jones in the Gem Saloon.

Ex-Marshal Ireland was recalled and testified—I was present at the examination of this matter before the commissioner; don't recollect having seen a postal card with an address written on it. Treseder's memorandum book was placed by me in the Marshal's safe; the postal card was never put in my possession.

To Mr. Brown—Have not talked with Franks and Dickson of the testimony in this matter.

Commissioner McKay was sworn. Before he took the stand Mr. Brown asked him if he had not been in the court room while Mr. Franks was testifying. He replied yes. Mr. Brown then objected to his testifying as he had violated the rule excluding witnesses. Mr. Dickson said he was not aware during the morning that he should have to call the commissioner. There was no violation of the rule. The Judge ruled that he might testify. He said he remembered the postal card with the address upon it introduced as testimony before him. His impression was that he had handed it to Marshal Ireland. He had looked for it since, but could not find it.

The prosecution announced that they rested their case, and court adjourned to 9:30 a. m. to-day.

This morning the prosecution obtained permission to recall E. A. Ireland, who testified—I never revoked the appointment of Franks as bailiff before he was appointed deputy marshal.

Mr. Brown objected, as the indictment charged Franks had been bribed as a deputy and not as bailiff. Franks had ceased to act as bailiff on May 29th, 1885.

The objection was overruled by the court, and the testimony allowed to go in.

To Mr. Brown—I had him sworn in as bailiff; he was drawing pay as bailiff and deputy marshal both up to when I went out of office; I have no record of his appointment as bailiff; he never had a written commission; prior to Franks being appointed bailiff I do not know how many I had appointed.

Mr. Brown moved to strike out this testimony; refused by the court.

To Mr. Brown—I do not know how many commissions I had revoked; there were less than five whose commissions were revoked; Franks held two offices; when I transferred a man to guard I revoked his appointment; I did not specially tell him so; I considered his removal from court a revocation of his appointment; they are paid differently; a guard gets more wages; Mr. Franks was changed to being a guard, and received pay as such; I re-appointed him bailiff when he came back; I told him he was to be bailiff; I think he was sworn in, but do not know; I have no memorandum of it; I recollect appointing him; do not know when or who was present; I do not remember the occasion; he was brought in and set to work.

E. A. Franks recalled—After I was guard, before I was made deputy, I was not re-appointed bailiff; Ireland said my old commission was good enough; I was never re-appointed.

Mr. Dickson opposed several of the requests made by the defense for instructions to the jury, and in his opening argument reviewed the testimony and asked the jury to convict the defendants.

Le Grand Young followed for the defense. He argued that it must be shown, to constitute the crime, that Franks was a deputy at the time the agreement was made, which had not been done, and therefore the defendants must be acquitted, as the charge in the indictment was not proven. Every good man would despise the despicable method by which Marshal Ireland procured the commission of a crime. The crime alleged to have been committed was not half so disgraceful as the action of the Marshal and others with him, who, because they were waging a fight against a certain class of the people, said to themselves, while performing their dastardly work, "It don't make any difference what we do we are above reproach, and are above finding out." The officers were not justified in what they had done, for as Judge Zane had said, "The object of the law was to prevent crime, not to induce men to commit it."

This afternoon Mr. Brown made his argument. He thought the requests made by the defense in reference to charging the jury as to the law, should be granted. One of these requests which the District Attorney had opposed, was in the language of the court itself, in the Hampton case. Under these instructions Marshal Ireland and those with him were shown to be what they were in connection with this case, informers, spies, spotters. Franks had told Treseder that he was not a deputy, but was in the private service of Ireland. This Court had held that knowledge of the official position of Franks was necessary, when the demurrer to the indictment was overruled. The evidence showed that the defendants did not have that knowledge. The bond that was procured for Franks by Ireland was not in accordance with the provisions of the Poland law—it was in fact no bond at all.

Mr. Brown was still speaking as we went to press.

FROM WEDNESDAY'S DAILY, SEPT. 29

Released.—To-day Brother L. D. Watson, of Parowan, and Levi Minnerly, of Wellsville, were released from the penitentiary. The latter has served five months, to which he was sentenced without any fine. The former was imprisoned for a six months' term and 30 days for the fine.

John Wm. Snell was brought down from the penitentiary to day for examination on his application for discharge, but a hearing had not been had when we went to press.

An Invention.—The Scientific American of September 18 has the following:

"A washing machine has been patented by Mr. William M. Egan, of Salt Lake City, Utah Ter. The suds box has a close fitting cover and a false concave bottom of parallel bars, the clothes presser being a perforated board with fingers that enter and work in the grooves of the bottom, so that when the presser is vibrated it raises the clothes out of the water, squeezes, and then allows them to fall back into the suds."

Cannot be Found.—The case of the United States vs. Joseph Blount, indicted on a charge of unlawful cohabitation, was reached in the Third District Court to-day. The defendant was not present, and inquiry of the District Attorney elicited the fact that the Marshal had been unable to find him. Mr. Dickson says Mr. Blount went before the grand jury and made a clean breast of everything, and the prosecutor supposing that he would plead guilty, only obtained a one-count indictment against him and made no effort to secure his arrest. The whereabouts of the defendant are, of course, unknown at present.

The U. S. vs. Henry Arnold.—The setting of the case of the United States vs. Henry Arnold for trial at this term of the Third District Court, has been a matter of comment by the public. The defendant is under an indictment containing one count, and charging him with cohabitation with his wives, in violation of the Edmunds law. It has been the general understanding that he was in England or some other foreign country. When Mr. Dickson was asked for an explanation as to why he fixed the date of trial of a defendant who had not been arrested and was not in the country, he stated before the commencement of the present term of court he received a letter from Mr. Arnold, in which the latter said he would come and stand trial. He has not yet arrived, however.

FATAL ACCIDENT.

AN OLD MAN, STRUCK BY A TRAIN, DIES FROM HIS INJURIES.

About 11 o'clock to-day, Thomas J. Jones, a very old man, was struck by the D. & R. G. train from the north. The accident occurred on the bridge on North Temple Street. He endeavored to get out of the way, but the rate of speed at which the train was traveling prevented him. He was struck on the back and thrown into the mud. He was bruised and shaken, but it is not positively known how serious his injuries are.

Since the above was written we learn that Brother Jones expired from his injuries at 2 o'clock. He had been taken to his home, in the 16th Ward. Surgical assistance was called, but he was beyond the reach of human aid from the first. The deceased was 82 years old, and much respected by all his acquaintance.

THE LEAKER CASE.

"Presumptive Cohabitation" Extended Still Further.—The Defendant Convicted.

Judge Zane's Latest Definition Makes the Polygamous Status Criminal, Notwithstanding the U. S. Supreme Court's Opinion.

The trial of David W. Leaker, of the Eleventh Ward, was held in the Third District Court to-day. The defendant was indicted for unlawful cohabitation with his wives, Ann Leaker and Elizabeth D. Leaker, from July 1, 1883, to June 1, 1886. The following jurors were selected to try the case:

W. H. Roy, Albert Fischer, M. Dusseldorf, S. C. Paucake, Alfred Thompson, J. P. Martin, Geo. Mullett, J. B. Wilson, S. E. Underhill, Jos. Foster, Jas. Winchester, Geo. Schill.

Mrs. Sarah Ann Denney was the first witness called, and testified—I live in the 11th Ward; have known the defendant 13 or 14 years; he is my husband's brother-in-law; my husband is Charles Denney; my maiden name is Gold; the defendant married my husband's sister, Elizabeth Denney Leaker; she lives in the 11th Ward; she has several children; I think the youngest is about three years old; I was last there three or four weeks ago; the defendant was not there; I visit there occasionally and have seen the defendant there; the children call him father; I have met him there in the evening; I know Ann Leaker; she lives next door; there is a passage way between the two houses; it is rooted over, one house is two-story, the other only one-story; have never heard defendant call Ann Leaker his wife; have been in her house; Elizabeth's daughter, Nettie, lives with her; have seen defendant in Ann's house, but not for four years past; have never seen Ann in Elizabeth's house; 14 years ago they all lived together; they separated five or six years ago, defendant, Elizabeth and her family, moving into the two-story house; the defendant then recognized both women as his wives.

Mary Annette Leaker testified—I am D. W. Leaker's daughter; my mother's name is Elizabeth; I live with Ann Leaker, and have done all my life; the houses are not joined, but are quite close; there is a passage part of the way between; mother has eight children, the youngest about two years old; father lives with my mother; I have seen him in Ann Leaker's house; he came on Friday last to tell us to come to court; he came two or three days before, to speak to me; I do not know how often he comes; he does not call regularly; I don't remember seeing him there when Ann was home; she is away part of the time; I go into my mother's house often; I have not seen Ann there; have not heard my father speak of being married; heard mother speak of the anniversary of her wedding; mother was married in April—I do not know the year; I do not remember any wedding celebration; the children call the defendant father and Elizabeth mother; defendant sometimes called Ann my "Ma," when asking about her; Ann Leaker and I live together and are alone, except when we keep boarders; father only came to see me, or to bring something for me; he never came to the house to see Ann; I don't think he supports her; he provides for me; father keeps a meat market; we don't live on a eat alone; Ann pays for what she eats; father does not send provisions to the house for Ann; she owns the house she lives in.

Objected to by the defense as immaterial.

The prosecution insisted that if the defendant contributed to the support of Mrs. Leaker, he recognized her as his wife.

The objection was overruled by the Court.

Witness, to Mr. Dickson—I have never heard father call Ann his wife; have heard her speak of a marriage, but not in his presence.

Lizzie B. Leaker testified—I am the defendant's daughter; I live with mother; my youngest sister is about two years old; I know Ann Leaker; I often go into her house; she also comes to mother's; saw her there yesterday; she may come in once a day; she does not take meals there; never saw her there, that I remember, when father was home; he generally comes home late from work; I never saw him in Ann's house, or going there; mother sometimes goes there; never heard father speak of his marriage to anyone.

Mrs. Elizabeth D. Leaker testified—I am married to the defendant and have lived with him during the past three years; Ann was married to him before I was; she lives next door, and often comes to see me; I never saw her there when the defendant was home; I visit Ann's house, but never saw him there; they were never divorced; she supports herself; Ann was married ten years before I was; we are on very friendly terms.

To Mr. Young—The roof of my house is higher than that of Ann's; her house is back of mine and to one side; they are close together, a narrow passage between; the houses are not connected by doors.

To Mr. Dickson—I have lived there five years; the houses were built at different times; we can walk between them; one roof is higher than the other; there is a separate roof over the passage.

Mrs. E. D. Leaker recalled—My husband and I do not talk of Ann; they separated before the Edmunds bill passed.

Frank H. Dyer testified—I am U. S. Marshal; I examined the defendant's house this morning; (the house was described to the jury.)

To Mr. Young—I did not examine the house with a view to testifying; I heard a deputy asked relative to the position of the house, and looked at it.

Mrs. Charlotte Springhall testified—I know the defendant; saw him in the door of Ann's house, talking to his daughter; never saw him more than twice; never saw him talking to Ann; I live in part of the house.

The prosecution rested their case.

The defense asked time to show that the Marshal's statements in reference to the houses were incorrect.

Mr. Dickson stated that he would not concede that the Marshal was mistaken, but would admit that it was not material in the case.

The court said it was not necessary for any delay, as the fact was immaterial.

The case was submitted without argument.

The defense requested the court to charge the jury that if they found the defendant had not slept or ate in the house of Ann Leaker or contributed in any way to her support, they should acquit. And further, that the simple fact of a man having two wives was not sufficient to convict unless association with both of them was shown.

The Court refused the requests of the defense, and charged the jury that if they found that the defendant had a lawful wife who lived in a house near by, the law presumed cohabitation as to her; if the defendant lived with his polygamous wife, even though he did not visit, support or associate with the legal wife, the verdict should be guilty.

This charge, of course, left no course for the jury except to convict, and a verdict in accordance therewith was rendered.

Sentence was fixed for October 6, at 10 a. m.

A VERDICT OF GUILTY.

The Jury in the Jones-Treseder Trial do the Prosecutor's Bidding.

The Pertidy of some Federal Officials Held Up to the Public Gaze by Mr. Brown.

BUT THE COURT CLOSES ITS EYES TO CONSPIRACY THIS TIME.

Yesterday afternoon, in the trial of N. V. Jones and E. M. Treseder, on the charge of attempting to bribe Deputy Marshal Franks, Arthur Brown, for the defense, continued his argument after we went to press.

He called attention to the fact that Franks was made a deputy especially to catch the defendants, that an act that would not otherwise be reached by the law would be made criminal.

In the Hampton case it was charged that the officers had opened houses of assignation for the purpose of entrapping individuals into crime. Mr. Varian, refused to prosecute persons accused of crime under those circumstances; he honored him for it; the Court in ruling upon the matter, said then of the conduct of those officers, who were accused of encouraging crime, "It cannot be characterized in too strong terms." So the conduct of E. A. Ireland could not be characterized in too strong terms. The instance did not vary a whit from the other. The indictment alleged that Franks had been approached and paid money as a deputy marshal, and

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