

FIRST DISTRICT COURT.

On the reassembling of the court Friday, Sept. 19th, the Lemon unlawful cohabitation case was continued. The case was argued in brief and submitted to the jury, who found a verdict of not guilty.

James M. Stewart changed his plea of not guilty and entered one of guilty, and was sentenced to be confined six months and pay the costs of the prosecution.

Rudolph Mason desired to become a citizen of the United States. He believed in the form of government of the United States and would support the constitution, but as he was a "Mormon," citizenship was not granted.

James P. Johnson, of Utah County, had the quality of being a non-"Mormon," and was consequently admitted to citizenship.

SATURDAY, SEPT. 20.

The court opened at 10 o'clock, Judge Blackburn on the bench.

The grand jury came into court and reported fourteen indictments, and retired for further business.

Attorney Zane asked the sureties be exonerated in cases the grand jury had ignored. The following cases were ignored: United States vs. Eliza Burns, Daniel Candland, Joseph Amoldus, John Quannburg, the people vs. Elizabeth Murphy et al. The case of John Hanover, charged with keeping a public nuisance now came up.

Mr. Lamsen was the first witness. He testified: I am acquainted with the defendant. Have known him two years. His place is at Eureka. Keeps a corral and stable. In April his corral and stables were in a bad condition, having hogs, manure, etc. The premises were overrun with cattle, hogs and calves. Manure was piled up and it smelled very badly. Some of the cattle died and were allowed to lay there for two or three days. This was in last April. Some were left until they were destroyed by hogs. This was next to my house. Four or five other families are thereabout. Have not complained to Hanover. Didn't think it was necessary. He had said he would stink us all out. I think it was injurious to health to have a stench of that kind around.

Cross-examined by Mr. Sutherland—Have lived at Eureka two years; all land is public; everyone who has pigs allows them to run loose; some have had orders to keep them up by the board of health. Defendant's cattle died before the complaint was made; I think the cattle starved to death; don't know that his cattle were poisoned; don't know of a postmortem examination of the cattle; don't know of more than two cattle dying; I think his son shot one to get it out of misery; The cows he claimed were poisoned died in May, after the trial.

A number of other witnesses were heard. Defendant was then called and said: I have lived at Eureka three years. He denied the story told by the witnesses for the prosecution, and other witnesses corroborated him. After a brief argument, the jury retired.

Arthur H. Campbell pleaded not guilty to the charge of adultery.

Zachariah S. Taylor was arraigned on the charge of unlawful cohabitation, pleaded not guilty, and the case was set for next Saturday.

Soren Mickelson, arraigned on the charge of unlawful cohabitation, pleaded not guilty.

James H. Jenkins, charged with adultery, pleaded not guilty.

Charles Vincent, charged with adultery had no attorney, wherefore Mr. Sutherland having been appointed by the judge took the statutory time to plead for him.

Charles W. Rollinson, charged with unlawful cohabitation, pleaded not guilty.

Rasmus Jespersen, charged with adultery, pleaded not guilty.

Christian Otterson pleaded not guilty to a charge of unlawful cohabitation.

Charles A. Perry pleaded not guilty to a charge of adultery.

Court adjourned until 1:30 p. m.

In the First District Court, Provo, on Saturday afternoon, James Guyman was arraigned on a charge of unlawful cohabitation. It was stated that defendant had had five wives, but as he had not been living with more than one for a number of years he was discharged.

Isaac McWickers pleaded guilty to a charge of unlawful cohabitation, and was sentenced to six months' imprisonment and to pay the costs.

Charles A. Perry withdrew his plea of not guilty to the charge of adultery, and pleaded guilty. He stated that he was poor and that this was his first offense. He was sentenced to two years and costs.

George W. Hales, charged with polygamy and also unlawful cohabitation, took the statutory time to plead.

W. B. Bennett was sentenced to one year's confinement and costs of court for adultery. He was very aged and infirm and had never before been charged with the commission of any crime. He was one of the pioneers of Utah and had done much to help build up this country.

The jury could not agree on a verdict in the Hanover nuisance case.

MONDAY, SEPTEMBER 22.

The district court convened at 10 o'clock.

The jury in the Hanover nuisance case returned a sealed verdict of not guilty.

Chas. Vincent pleaded not guilty to the charge of adultery. The case was set for October 1.

George Hales pleaded not guilty to the charge of polygamy and unlawful cohabitation.

Christian Otterson withdrew his plea of not guilty and pleaded guilty to the charge of unlawful cohabitation. As he stated that he would obey the law in the future, he was sentenced to one month's imprisonment and to pay the costs of the prosecution. On application of Attorney King the costs were remitted.

J. R. Bashard was arraigned on the charge of unlawful cohabitation.

He pleaded not guilty to the indictment.

Hiram S. Crane, arraigned on the charge of adultery, took until 2 o'clock to plead.

The case of William Brock, charged with the murder of John F. Foote in Emery County, was called and a jury impaneled. The defendant pleaded not guilty.

Court took a recess until 2 o'clock.

At the Monday afternoon session the court completed the empaneling of the jury.

The first witness was C. D. Foote. He testified—John F. Foote was my son; he was brought home some time in September, 1889; there was a bullet wound between his eyes.

J. H. Mitchell of Vernal, Utah—I was on Brock's ranch in November 1889; Mr. Brock and Mr. Foote were there; stayed at the ranch until the afternoon, and saw the difficulty between Brock and Foote; went into Brock's house and took a drink; Brock and Foote made a wrestle for the drinks, and Foote insisted that Brock should set up the drinks, which Brock did; they continued to quarrel and Foote took up a pair of scales and struck over the counter at Brock; they then made a bet on my weight; Mr. Foote got up to weigh himself; he got up to the scales and pressed up against the ceiling making himself weigh heavier; Brock told him to weigh fair; Foote made some remark which caused Brock to say, "maybe I am as well healed as you are;" Foote attempted to pull his gun out of his scabbard; I came between him and the counter, and grabbed his arm and said, "For God's sake, you don't want to do anything like that, let me take your gun." he dropped his gun back in the scabbard and I turned around and took several steps toward the door, when I heard a shot fired; I turned to see if anybody was shot; Brock had a gun leveled at Foote; Foote was six or seven feet away facing Brock and had his hands down to his side; Brock fired again and Foote fell; Brock came to the door with the gun in his hand.

After some cross-examination, J. H. Egans at the Brock post office, Emery County, testified—I was present at the time of this difficulty; I was Brock's partner; on the day of the shooting, Mr. Foote came along hunting for cattle; I was out behind the stable and when I came in they were drinking; some of us went in and ate dinner and when we came out Foote and Brock were wrestling; Foote wanted Brock to set 'em up; when we went into the saloon, Foote had the scales striking at Brock; Mitchell took the scales from him and I hung them up; I went out and when I came in again they were weighing; Mitchell weighed himself first, and then Foote weighed himself; in weighing, Foote humped his shoulders up against the ceiling, and making himself weigh more; they then wanted me to weigh them, but Foote kept on humping his shoulders against the ceiling and I told them I would have nothing to do with it, they kept on quarrelling, finally Foote attempted to pull a gun