

upon all occasions you have heard them advocating instead of condemning the practice of polygamy? A. Yes, sir; and the members of the Church are always advocating it on the street and around home. We often discuss this question on the streets.

Q. You mean whenever you have heard it spoken of it has been in advocacy instead of condemnation? A. Yes, sir.

Q. What was the occasion when you heard Robinson speak on it last Friday? A. I was talking to him last Friday and was attempting to induce him to make the promise required here, in court.

Q. It was not at a public meeting? A. It was a talk between him and me; there were a few around there but it was talking between him and me.

Re-cross examination.

Q. You say they are discussing it over there all the time; when did you hear it discussed last? A. The day we held our primary, that was the 29th day of last month.

Q. Who did you talk with at that time? A. There were several standing around there then.

Q. Who did you talk with about it at that time? A. I have talked with several. I think E. B. Edlison was one of them at the time.

Q. Where did you talk with him? A. It was right in town.

Q. Did he come to you and speak to you about it? A. He came up there, and they were all standing around there and talking about the test oath.

Q. Was he advising you to practice polygamy? A. He was advocating it in this that it was right.

Q. Did he advise anybody to enter polygamy? A. I don't wish to be understood that way.

Q. He said he simply believed in the righteousness of it? A. He said something to that effect, that it was right.

Q. Do you testify now as to your recollection? A. Yes, sir, to my best recollection.

Q. Whom did he say that to? A. There were several of us there.

Q. Did he say it to you? A. Yes, sir, he and I were discussing it.

Q. How did the conversation come up? A. It came up over the test oath.

Q. What was said pro and con? A. I was claiming that they had no right to take the test oath. I asked if he meant to say that they did not teach and practice polygamy? He said, "I don't teach it." Then I asked him, "Don't you practice it?" He said, "No, sir," and went on talking that way.

Q. You were trying to prevent him from taking the test oath? A. Yes, sir.

Q. You were trying to encourage these people to break the law in order to keep them from voting? A. No, sir; I was trying to do nothing of the kind.

Q. Are you interested in having this thing done? A. Not more than anybody else in the Territory.

Q. Are you interested in these people teaching and practicing this doctrine, in order to prevent them from having and enjoying this privilege of voting? No, sir.

Q. Then you say that they have not abandoned the teaching of it, and therefore cannot take this test oath? A. No, sir.

Q. Then why did you say to him, when he said "We have not taught it, and have not practised it," that he should not take the test oath? A. I knew he was practicing it.

Q. You are interested in establishing the guilt of these people? A. Yes, sir; sometimes.

Q. You appear as a witness in a great many cases? A. Yes, sir.

Q. You are a standing witness for this court? A. Yes, sir; if there is money enough in it.

Q. Do you mean to say that you are always a witness when there is money enough in it? A. I mean nothing of the kind; I never yet appeared against anybody as a witness who was not guilty.

Q. Intervener objects to any further examination on this subject.

Q. Do you mean that? (Motion to strike out. Overruled. A. I meant to answer your slur, I have not been a witness in any case where a man was not guilty or found so by a jury of his countrymen.

Q. Were you a witness in the Budge case? A. Yes, sir.

Q. Was he found guilty? A. No, sir; but it was because he was not guilty.

Q. Then a jury of his peers did not find him guilty? A. They would have done so, but the judge would not let him or them.

Q. Why did you say a while ago that you never had been a witness in a case where the jury did not find a man guilty? A. I don't know of any others, this Budge case slipped my mind.

Q. Is it not the truth that you testified a little recklessly in these things? A. No, sir.

Q. Who else have you talked with privately in regard to this question of polygamy? A. I have talked pretty much with all the men up there.

Q. Name some of them? A. Jacobs is one.

Q. When did you talk with him? A. It was right there in Rexburg.

Q. How long ago? A. I have been there four years.

Q. I mean exactly when? A. I talk to my neighbors at all times.

Q. Are you certain that you talked to him? A. Yes, sir.

Q. Name some time or place? A. I have talked to him more than once in the last four years.

Q. Can you name any time or place

that you talked with Jacobs? A. In Rexburg during the last four years.

Q. Is that the best you can do? A. Yes, sir.

Q. Can you tell whether it was yesterday or four years ago? A. I was not there yesterday.

Q. Can you give any definite idea as to when it was? A. No, sir.

Q. Name somebody else whom you talked with about it? A. I have talked with Kimball.

Q. When did you talk with him? A. I have talked with him at different times.

Q. Name one time or place? A. I do not pretend to do anything of the kind.

Q. Do you mean that you cannot? A. No, sir.

Q. Can you give the Court any idea as to when you talked with Kimball on the subject? A. I have talked with him several times; I can give nothing more definite than what I have said.

Q. Was it five years ago? A. No, sir.

Q. Was it as much as two or three years ago? A. It was within the last four years.

Q. Was it four years ago and within the last two years? A. No, sir.

Q. Have you any time in your mind when you talked with him on the subject of polygamy? A. I have talked with him last summer in Berry and Winters' Hall.

Q. Where was that? A. At Rexburg.

Q. How did it come up? A. I don't know about that.

Q. Give the conversation? A. I would not pretend to do anything of the kind.

Q. Give the substance of it? A. We were talking about registration. I think I asked him if he was going to register. That is a common question over there, and it generally ends in talking about polygamy, and he said it was no longer taught.

Q. Did he say whether he was going to register? A. No, sir, he did not say anything about it only that he could not register.

Q. Did he say he was a polygamist? A. No, sir; he is the son of a polygamist.

Q. Do you know of any person marrying more than one wife in Idaho? A. Yes, sir.

Q. When? A. Since I have been in Rexburg.

Q. Who was it and when was it? A. It was four years ago.

Q. Is that the last case you know of? A. Yes, sir; there were three cases there one summer.

Q. You have not heard of any cases since then? A. No, sir.

Q. You have not heard of anybody committing that act? A. No, sir.

Q. Anywhere within the last four years? A. No, sir; not of marrying two wives.

(Continued on page 668.)

FROM WEDNESDAY'S DAILY OCT. 24, 1888.

CITY COUNCIL.

Busy and Interesting Session Last Evening.

The City Council met in regular session at 7 o'clock last evening, Mayor Armstrong presiding.

S. F. Pierson and a number of others represented that in November, 1869, George and Sarah Dunford transferred to D. H. Wells, Mayor, four acres in section 15 for street purposes. Said tract had never been used for the purpose named, and as petitioners had become the owners of adjacent property, they asked that the said tract be deeded to them. Referred to the committee on public grounds.

R. G. Savage and others asked that the water mains be extended past their residences. Granted.

A similar petition from Morris Livingston and others was referred to the committee on waterworks.

Peter Nystrom and others doing business on the south side of First South Street asked that more street lamps be placed there, because of the dense darkness that now prevails. Referred to the committee on improvements.

A. A. Leonard and others, residents of the Seventeenth and Nineteenth wards, called the attention of the Council to the condition of Apple Street, which was little better than a short steep hill, dangerous both to life and limb. There was a large amount of traffic on that street, and the petitioners therefore asked that it be cut down to a safe and easy grade. Referred to the committee on waterworks.

Hymn Densen and others asked that water mains be extended upon the block where they reside. Referred to the committee on waterworks.

Twenty-three people who reside in the vicinity of Wm. Kemp's tannery protested against the city designating said tannery as a nuisance. Laid on the table.

Lynch & Glassman presented a diagram of Block 82, Plat C, and desired early and favorable action of the city thereon.

One retail liquor license was granted.

A communication from J. E. Dooley stated that he now withdrew all the conditions attached to his bid for 260 of the city bonds, and would like early action. He understood the Deseret Bank would take the remainder.

Mr. Riter—I move that the communication be referred to the committee on finance. It is not to delay action, but it is well to look into the legality of this matter.

Mr. Clark—Shouldn't the treasurer accept the bid?

Mr. Roberts was anxious that the bonds should be sold.

Mr. Riter amended his motion by adding the Mayor and the treasurer to the committee. The only question with him was as to the legality of the action.

Mr. Webber thought the matter was perfectly safe.

Mr. Dooley—I will state for Mr. McCormick that \$50,000 of this sum belongs to him.

Mr. Riter's motion was carried.

Mrs. Sarah Williams, a resident of South Temple Street, represented that she was unable to pay the tax assessed against her for the extension of water mains—\$21.80—and asked that it be remitted. Referred to the committee on waterworks.

The city surveyor presented the following communication:

In accordance with your instructions, I have made and now present for your approval a map of Salt Lake City, showing townsite entry and all the entries made to which patents have been issued within the corporation. The different plats as shown upon this map are as they appear of record. There are some changes in some of the plats, however, but having been made in a round-about way, there is no record of such changes. For instance, block 150, plat A, together with a street, has been subdivided and sold in small lots, but no map of such change in said block has ever been filed with the city or county recorder, nor in my office; and I also find nine plats of subdivisions and additions within the corporate lines of the city, on file in the county recorder's office. These maps were filed prior to the passage of the law requiring all such divisions or additions to be submitted to the City Council for its approval. Some disposition should be made of these additions, as they are not known now to the city government. It has been intimated to me that the Council's intention was to have all changes made in the city blocks or plats placed upon this map, and then approve the map and place it on file, thus making a wholesale job of it; but this cannot or should not be done, for to do so would only have a tendency to increase the difficulties and errors now existing in changes of original surveys, but if this matter was referred to a committee, no doubt some plan could be devised that would place these changes in a proper channel.

Mr. Carlson moved that the communication be referred to the committee on streets.

Mr. Clark thought it should go to the committee on revision—as the most appropriate.

Mr. Riter—To be consistent, I think it should go to the committee on streets. Every petition that has been before us tonight has been sent there.

Mr. McCormick—Public grounds.

Mr. Riter said there was a matter in connection with this that had heretofore been made the subject of discussion. That was a survey of the whole city. He did not believe there were twenty property owners in this city who knew just what their legal boundaries were. He instanced his own case, where he had made a re-survey, which cut off several feet from the north side of his property that had been held by him and his father before him for twenty years or more. If the lots and blocks in this city were to be squared up at right angles, he did not think there was a perfect lot in the city. Heretofore he had refrained from pressing the subject because of a lack of city funds, but how much longer was this state of affairs to continue? The matter must be taken hold of at some time and the sooner the better.

After further discussion the communication of the surveyor was referred to the committee on public grounds.

Recorder Wells and Councilor Dooley presented a report showing protests to the amount of \$383,900, as having been filed within the time required by law; and \$50,800 which had not been received within the time—a total of \$938,700. There were also protests from Mary R. Winkler and B. H. Schettler, who were residents of the district.

The recorder stated that the \$59,900 worth of protests had been posted by George H. Taylor, as the latter supposed in time to reach the City Hall, but they did not get there within the time specified by law.

The committee on improvements, to whom had been referred the petition of Mrs. William Jennings and others, asking that a cement sidewalk, eight feet wide, be laid on the north side of South Temple Street, between East Temple and I streets, recommended that the prayer be granted, and that the supervisor be entrusted to prepare an estimate of the cost of the same. Adopted.

The committee on waterworks, to whom had been referred the petitions of W. H. Perkes and John Alford, reported that no exceptions should be made in these cases. Adopted.

Chief Ottinger presented his report for the quarter ending August 31, 1888. It showed—Fires during the quarter, 17; loss, \$15,605; insurance, \$10,490; miles traveled, 184; horse used, 6,500 feet; hours of service, 22. The total expenditures for the quarter were \$4,530.99. He had received a proposition from the Sibley Company to rebuild the old steamer and pay freight one way for \$1,900. A new steamer of the same capacity as the old one would cost \$4,800.

The city attorney presented his report for the quarter ending September 30th. Only one case has been appealed from the police to the Third District court, and the judgments of the police court set aside in the following cases: Salt Lake City vs. Julia Eastman; Salt Lake City vs. Emma De Mar.

The committee to whom had been referred the petition of David Hilton and others, recommended that in this case the water mains be laid commencing at the intersection of Third and G streets, one and a half blocks

westward. In regard to that of Samuel Williams, that the extension be made from the present termination of the main one block, midway between L and M streets. Adopted.

Police Justice Pyper presented his report for the quarter ending September 30th, showing the number of cases tried and the manner in which they were disposed of.

Alderman Pyper presented a bill for an ordinance amending section 19, chapter 32, of the Revised Ordinances, making that section read as follows: "Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord thereof or his agent, the tenant or his agent and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and be equally liable therefor; but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, then the occupants, and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof." Received and ordered printed.

The mayor suggested that he would like to consult with the Council. The law made him the judge of the qualifications of all the doctors, dentists, plumbers, oculists and aurists who came here to do business, and who applied for licenses. As he was neither a plumber, a dentist, doctor, oculist or aurist, he did not feel competent to pass upon the qualifications of those who came before him for licenses, and asked to be relieved of the duty assigned him. He thought there should be a competent examining board to attend to such matters. Half a dozen physicians had applied for licenses lately, and he had refused to issue licenses to them until he had had the advice of the Council on the matter.

Then followed a lengthy discussion of doctors and their habits. One member stated that when the license fee was but \$1, a great many had taken out licenses in order that they might avoid sitting on juries, and for other similar reasons.

Mr. McCormick protested against the practice of issuing licenses to "Tape-worm Tom," the "King of Pain," "The Great and Only Lightning Tooth Yanker," and others of that ilk, who, with a poor banjo and worn singing, drew large crowds and monopolized the public sidewalks and streets. If he had his way in the matter he would give such fellows thirty days instead of a license.

Mr. Roberts was also of the opinion that it was wrong to allow such persons to prey upon the public as they are now doing.

At length, the request of the Mayor was tabled, with the understanding that, in issuing licenses, he might use his discretion as to the examination of applicants, and call in such advice as he might deem necessary.

Mr. Dooley desired to know whose business it was to see that the street lamps were lighted at a proper hour.

Several voices—Ellerbeck.

Mr. Dooley—It is a matter that is shamefully neglected, and one that the marshal might properly attend to.

The following bills were allowed, and appropriations made:

Star Printing Company for 200 copies revised ordinance.....\$610.70
J. H. Anderson, reading proof, making index, etc., on same.....245.00
Supervisor's fund.....1,000.00
Waterworks.....1,000.00
Marshal.....500.00
Fire department.....500.00

The sewerage proposition again came up, the question being as to the next step to be taken in the matter.

Mr. Riter moved that the committee on finance be instructed to consider and present their views to the Council as to whether some means could not be devised by which a sewer bond could be authorized. His idea was that the issuance of such a bond would prevent the whole of the assessment from falling upon the people during the first year, and that the payments might be made in equal sums annually for four years until the entire amount had been paid up. After some discussion the motion was carried, and the matter referred to the finance committee, with the Mayor and attorney associated.

Mr. Clark desired to know whether the Council did not have it in their power to cut down the district if they so desired it.

Mr. Richards—Not without going over the work again.

Mr. Roberts moved that it be the sense of the Council that work on the sewers be commenced.

Mr. Clark objected. He saw no sense in rushing the matter through. He wouldn't vote for a pumping apparatus. Other and better means might be devised.

Mr. Roberts did not understand that if his motion were adopted work would necessarily be commenced this morning. The Council had submitted a proposition to the people. The people, by a large majority, had said they wanted sewerage. The question was whether the Council intended to keep faith with the public or not. He merely wanted the Council to be honest. He saw no harm in saying it was the sense of the Council that the sewerage work should be proceeded with.

Mr. Dooley expressed similar views, and after the question had been thoroughly discussed, it was put to the Council and carried, Mr. Clark voting "no."

After some talk in reference to theatre ticket speculators, etc., the Council adjourned.

FATAL ACCIDENT.

Christian D. Barnston is Crushed to Death.

Advices from Cedar City, Iron Co., state that on Monday evening a fatal accident occurred in Cedar Cañon, resulting in the death of Christian D. Barnston, of Cedar City. The deceased left his home on Monday for the purpose of getting a load of poles which he had secured, and on his way down the mountain the reach of his wagon broke, causing the load to capsize, he falling underneath the same. The accident happened about sundown. Some persons who were working at the scene of the accident, becoming alarmed at the non-arrival of Mr. Barnston, who anticipated camping with them for the evening, immediately went in search of him and found him as before stated, at 9 o'clock in the evening, his head and part of his shoulders being bare. They immediately extricated him and found his limbs powerless. He requested them to rub his legs and try to produce circulation, but this did not avail. They carried him to their camp, and did all in their power for his comfort, immediately dispatching a messenger to his residence for assistance to take him home. He died about 2 a. m. yesterday in the camp before mentioned, and before the conveyance reached him. His body arrived home at 8:50 a. m. a coroner's inquest was held, and a verdict rendered in accordance with the above facts. His wife and relatives are stricken with grief at the sad affair. He was 32 years old, and leaves a wife and two children. He was highly respected in the community. It is supposed he laid under the load about four hours before assistance reached him.

FIRST DISTRICT COURT.

Business Transacted at Provo and Ogden.

Yesterday the following cases were heard before Judge Judd, at Provo:

People vs. Jerry Patnode et al.; murder; bonds, fixed but none were raised and the prisoners were remanded to jail.

Springville vs. John Doull; witnesses Peter H. Jacobs and Edward M. Crandall, not being present, were fined \$10 each for contempt.

Robert H. Scott was admitted to citizenship.

Pleasant Grove vs. John Whittaker; giving away intoxicants; bonds forfeited for not appearing.

United States vs. Albert Jones; unlawful cohabitation; defendant made his appearance in court and pleaded guilty; bonds fixed at \$750; sentence set for November 19.

People vs. Wm. H. Clark, embezzlement; October 25th to plead.

Springville vs. John Doull; selling intoxicants; bonds forfeited; case continued till November 5th.

The grand jury came into court with twelve United States and six Territorial indictments.

United States vs. Charles Magnuson et al.; ignored by grand jury.

People vs. Wm. A. Hapey, Alfred Whittcott (D & R. G. engineer), and Wm. F. Dunne, ignored.

People vs. Charles Baker et al.; grand larceny; Oct. 24 to plead.

People vs. John Larsen; two indictments for grand larceny; sentenced to 14 months in the penitentiary.

United States vs. David Graham, adultery; order subpoenaing witnesses or defendant.

Springville vs. John Doull; selling intoxicants; order substituting copy for original complaint lost; set for hearing Nov. 5.

United States vs. Henry Nebeker; adultery; changed plea to guilty; sentence set for Oct. 27.

Louis Oldham vs. Mary Oldham; divorce granted.

At Ogden, Judge Henderson disposed of the following business:

In the case of James Allen vs. Wm. Johnston et al.; an order substituting an answer and demurrer on motion of plaintiff's attorney.

John T. Cutler et al. vs. G. S. Higginbotham; order dismissing at plaintiff's cost without attorney docket fee, on agreement.

Wm. H. Miller vs. Henry Morgan et al.; trial; the court granted an order of non suit; defendant takes exceptions.

John Weaver vs. Henry Morgan et al.; dismissed on motion of plaintiff's attorney.

John Keck, as assignee, vs. Frank H. Dyer; jury partially impaneled when court adjourned to 7:30 p. m.

At the evening session, the case of William Farrell vs. the Ogden City Council, in which the plaintiff seeks to prohibit the taking of the census of Ogden, was argued and submitted.

Convicted of Perjury.

A. S. Anderson, a "Mormon" who resides at Rexburg, Idaho, took the test oath a few days ago, and registered. He was arrested on a charge of perjury, and at his trial yesterday the jury brought in a verdict of guilty.

RICHLY REWARD. are those who read this and then act: they will not take them from their homes and families. The profits are large and sure for every industrious person, many have made and are now making several hundred dollars a month. It is easy for any one to make \$5 and upwards per day who is willing to work. Either sex, young or old, capital not needed; we start you. Everything new. No special ability required; you, reader, can do it as well as any one. Write to us at once for full particulars, which we mail free. Address: Stinson & Co., Portland, Maine.