

# THE DESERET NEWS.

Richard F. Scott

TRUTH AND LIBERTY.

No. 42.

Salt Lake City, Wednesday, November 5, 1884.

Vol. XXXIII.

ESTABLISHED 1850.

## DESERET NEWS:

WEEKLY.

PUBLISHED EVERY WEDNESDAY.

One Copy, one year, with Postage, \$3.50  
" " six months, " 1.75  
" " three months, " .90

## DESERET NEWS:

SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY

One Copy, one year, with Postage, \$4.00  
" " six months, " 2.00  
" " three months, " 1.00

## EVENING NEWS:

Published every Evening, except Sunday.

One Copy, one year, with Postage, \$10.00  
" " six months, " 5.00  
" " three months, " 3.00

TERMS-IN ADVANCE.

OFFICE—Corner South and East Temple Sts.

### LOCAL NEWS.

FROM TUESDAY'S DAILY, OCT. 28.

**Thomas Viney Wanted.**—Thomas Viney of this city can learn something to his advantage by calling at the office of Presiding Bishop Preston.

**People vs. Hewlett.**—The case of the People vs. Walter J. Hewlett, indicted for murder in the first degree, has been continued for the term. It was expected to come up to-morrow, but on the representation of Mr. J. L. Rawlins, attorney for the defendant, that his client was suffering from epileptic fits and at present was being attacked with as many as three or four in a day, and Mr. Dickson the prosecuting attorney consenting, the continuance was ordered by Judge Zane.

Hewlett and Joseph Norris are charged in the indictment, found in February 1883, with assaulting, shooting and killing one Richard Connery on the 22nd of September, 1882.

The crime is alleged to have been committed at Bingham, Connery being Hewlett's brother-in-law. The case against Norris was yesterday dismissed, leaving Walter J. Hewlett as the remaining and only defendant in the coming trial.

**Severe Accident.**—On the morning of the 8th inst., as young John Cowanover, son of John Cowanover, of Springville, was driving his cows to the town pasture, he was suddenly thrown from his horse and fell upon his head, rendering him insensible. A little boy who was with him went and told Oscar Mower, who hurried to the scene and found the injured lad apparently dead, with the cows standing around him. Brother Mower did all in his power to help him with the means at hand, and sent for help to take him home. Seeing the boy so low, he laid hands upon him and called upon the Lord to at least spare his life until his mother could see him once more alive. His mother was soon brought to his side, and thinking him dead, her grief was heart-rending. As soon as a conveyance arrived they lifted him in and took him home. Dr. Campbell was called, who did all in his power to revive the seemingly dying boy. Greatly to their joy his pulse began to beat, and life once more asserted its sway. Father Cowanover, of Provo, the boy's grandfather, being sent for, came and besought the Lord in the injured boy's behalf.

Dr. Campbell pronounced it a severe case of concussion of the brain. The boy's father was in Park City, but was sent for at once, and though suffering himself from a severe fall, mounted a horse and rode home, where he found his boy stretched upon a bed of pain and totally unconscious, in which condition he remained for one week. He did not speak for over two weeks, but is now gaining rapidly. The parents desire to thank through the NEWS, the many kind friends who came forward and lent a helping hand in their hour of anxiety and need.

FROM WEDNESDAY'S DAILY, OCT. 29.

**Private, Not Public.**—We have received a call from Brother John Edwards, of Sugar House Ward, who informs us that the property owners on the bench land of that locality have built a new bridge at Pleasant View, over Emigration Creek, in place of the public bridge which was destroyed some time ago by malicious persons. In consequence of the new bridge having been built by private persons and on private property, it is not designed for public use. We are requested to state this much that the general public may be aware of the fact that they have not the privilege of crossing that way. Our informant, Brother Edwards, called in the capacity of a member of a committee of the property holders interested in the matter.

**Supreme Court Session.**—The Utah Supreme Court will hold a two days'

session on the 10th and 11th of November, during the interim of the adjournment of the District Court from Saturday the 8th to Wednesday the 12th. There are several cases to be decided, which were submitted during Chief Justice Hunter's regime, therefore it will depend on the unanimity of Judges Emerson and Twiss, before whom they were argued, whether they will then be disposed of or re-argued before a full bench, with Judge Zane included. If the Associate Justices agree, of course that will settle the business, without Judge Zane's action in the premises; but if they disagree, it will be necessary to re-argue the case or cases before him and the others.

### THE CONNELLY CASE.

THE EMPANELING OF A JURY DRAGS ITS SLOW LENGTH ALONG.

The case of the United States vs. John Connelly, indicted for bigamy, was called at about 10.45 a. m. to-day, the intervening time from the hour of 10 o'clock being occupied with setting the civil calendar. Connelly's case being reached, the empaneling of the trial jury was begun and proceeded with. Twelve names from the venire of thirty-six petit jurors for the term, were called from slips of paper in the possession of the clerk, and on taking their seats in the jury box, were challenged by Mr. Rawlins, who, with Mr. Sheeks, represents the defendant, on the ground that the slips containing their names were not put in the box and drawn therefrom as provided by law. The court sustained the challenge and the jurors vacated the box; their places were filled by twelve men whose names were drawn from the box, the slips having previously been placed there.

Another challenge was made to the new panel by Mr. Rawlins on the ground that the names were not placed in the box at the time the venire upon which they were summoned was returned and kept there till drawn. Judge Zane denied this challenge, remarking with a bland smile that the legislature seemed to be somewhat technical in the provision requiring the names to be put in a box and kept there, as the defense claimed was legal and proper to be done in the premises.

Examination of jurors as to their qualifications then went on, but was soon interrupted by Mr. Varian, speaking for the prosecution, who begged to inform the court that they had been told by the clerk that there had not been any arraignment in this case. The defense replied that they thought the defendant had been arraigned and had pleaded not guilty, and the Judge coincided, from the memorandum in his possession. The clerk said he had no record of it, and was asked to look again among his papers. He did so, but was unable to find it.

A delay of a few minutes occurred and it was then decided that the defendant be arraigned. Mr. Connelly accordingly stood up and the clerk read to him the indictment. He was asked to plead guilty or not guilty to the same, and responded not guilty. The examination of jurors was then resumed, the defense agreeing to take no advantage of the irregularity in the arraignment. A discussion next took place as to the qualification of juror George W. Richmond, who was challenged by the defense on the ground that he was not a tax-payer. The court overruled the objection, holding that the possession of taxable property was sufficient to qualify a juror, so far as that particular qualification was concerned. D. W. Scribner was challenged by the defense for implied bias, the challenge was confessed by the prosecution (they had probably had enough of this juror, who was one of the four who stood out for acquittal in the first trial of Rudger Clawson) and Mr. Scribner was excused. George M. Turpin was excused for a similar cause.

In the crucial test as to polygamy, etc., William C. Winder, George E. Hill, George W. Earl and Carl C. Asmussen were challenged by the prosecution and excused for declining to answer the question as to their belief in its rightfulness.

Mr. Rawlins denied the challenge on the ground that the Edmunds law, where it provides that if a person shall decline to answer, refers to persons living in the practice of polygamy instead of believing in it. The Court ruled that if a juror declined to answer the question on any ground, he should be rejected as incompetent.

Silas T. Pack and Louis Oviatt were excused for declining to answer, and George Hardman for answering in the affirmative. D. C. Booth was peremptorily challenged by the defense and excused. This left two jurors, Thomas Sappington and George W. Richmond, who were sworn; they having (with Booth) negatived the questions as to polygamy and cohabitation. Bailiff Hurd was sworn to take charge of the jurors, and the Court took recess till 2 p. m.

At the above hour the empaneling proceeded, and in little over half an hour the petit jury panel was exhausted

and only two more jurors obtained, making four in all secured thus far. Those obtained this afternoon were J. J. Farrell and M. W. Davis. An open venire was asked for and issued for thirty names, and the last we heard from the court room it had not been returned. The court took a recess meanwhile.

FROM THURSDAY'S DAILY, OCT. 30.

**Accident.**—On Wednesday evening while Bishop Pace, of Springville, was absent at Bountiful, one of his boys, in riding after the cows was thrown from a horse near the Bishop's ranche at the mouth of Silver Creek Cañon, and broke his arm. Brother Atkinson, the Bishop's Counselor, at once brought the injured boy to town arriving here about midnight, and the bones were set and the injured arm, which was otherwise wounded, dressed by Dr. Anderson. Bishop Pace will return home this evening. The boy will remain here a few days for treatment.

**Call for the Idaho Stockgrowers' Convention.**—The following has been sent to the NEWS for publication:

"The stockgrowers of Idaho are hereby invited to meet in general convention at Shoshone, Monday and Tuesday, November 10th and 11th, for the purpose of discussing matters relating to the protection of their interests, and to consider such legislation as is necessary to prevent the introduction of contagious diseases; the losses of horses and cattle by organized bandits and stock thieves, and to provide a system by which mutual cooperation may be secured in every part of the Territory. District and county associations are requested to send delegates.

(Signed) Charles Herman, President of the Utah and Idaho Consolidated Stock Association; Thomas Sparks, S. J. Lonergan, Thomas Keogh, and many others."

### THE CONNELLY CASE.

A JURY OBTAINED—WITNESSES BEING EXAMINED.

The open venire in the Connelly case, issued yesterday afternoon for thirty names from which to complete the panel of the trial jury, was returned by the Marshal about half past 4 o'clock, after the first sheets of this paper's edition were in the hands of its readers. The names of the one score and ten were placed in Deputy McMillan's box, and vigorously shaken by that amiable gentleman, after which they were drawn from as follows: L. A. Cummings, who was absent; A. L. Harding, John Adams, J. R. Nichols, J. F. Stayton and T. F. Mulloy, who walked up and seated themselves as their names were pronounced.

Mr. Rawlins challenged these gentlemen on the ground that they had not been obtained in the manner prescribed by law. Overruled.

Mr. Stayton was excused when it was found that he owned no property in the Territory.

T. F. Mulloy had formed an opinion as to the guilt or innocence of the accused and was challenged and excused.

Mr. Loder, one of the regular panel, was challenged and excused for a similar reason; he is one of the four gentlemen blackguarded by the Tribune for acting on their convictions.

Mr. Bates another of the regulars, was excused for declining to answer Mr. Varian's questions as to his belief. Mr. Harding answered no to the question and was passed.

Mr. Adams and Mr. Nichols were passed by the prosecution, but Mr. Woodman, another of the four who stood out for acquittal in the first Clawson trial, they peremptorily challenged and got rid of.

Another drawing was made of the following: S. C. Pancake, L. A. Cummings, Sam Levy, Herman Hill and C. M. Brown.

C. M. Brown was excused, there being some doubt as to his citizenship, and Joseph Gorlinski was called instead. Not responding, the name of Louis Bamberger was read and that gentleman took the vacant seat.

Mr. Pancake was excused when it was learned that he was not a tax-payer.

Mr. Howard Seebree took his place.

Mr. Cummings was then asked the question: "Do you believe it right for a man to have more than one living and undivorced wife at the same time?" Answering "I do not," he was allowed to keep his seat.

Mr. Levy (vs. Salt Lake City) admitted having a biased mind from reading the evidence in the case; the evidence not having been published as yet, the prescient character of this juror's gifted mind was apparent at a glance and "in a horn." He was laughed at by the uncircumcised rabble, and on learning the cause disclaimed the prophetic gift, but still maintained that he had an opinion which could not be changed. Excused.

Mr. Hill "had found out who the defendant married" and his knowledge (?) disqualified him for any further use.

Mr. Bamberger was biased towards polygamy cases in general, particularly, it appeared, if he was required to sit on them. He would be inclined to convict on very little evidence, less in fact than in any other kind of cases. Excused.

Mr. Seebree admitted having made up his mind long ago as to the guilt or innocence of the accused. He too was let off.

The court now took an adjournment until 10 o'clock this morning. Eight jurors had been obtained, leaving four more to be secured, with eighteen names left on the open venire, with the Third Judicial District as a background of unlimited anti-"Mormon" resource to draw upon.

Thursday, Oct. 30, 10 a. m.

The jury mill was set grinding at the opening hour of this morning's session, and though as usual it "ground exceeding fine," two jurors managed to slip between the upper and nether mill-stones and came out without being converted either into smut or fine flour. These choice kernels were Jas. T. Clasby and Chris. Diehl, making ten jurors of the regulation dozen required for the purposes of the trial.

The grinding still went on and Ned Wallin next wiggled through and fell without breaking into the bin of the accepted.

J. T. Beers came very near passing, and would have succeeded but for the peremptory challenge of the defense, which effectually reserved him for the hopper of a future grist.

John Snell was the next accepted juror, and his swearing in completed the panel.

### JURY.

Thomas Sappington,  
George W. Richmond,  
M. W. Davis,  
J. J. Farrell,  
A. L. Harding,  
John Adams,  
J. R. Nichols,  
L. A. Cummings,  
James T. Clasby,  
Christopher Diehl,  
C. E. Wallin,  
John Snell.

The indictment was read to the jury by the clerk, and the plea of not guilty stated. The first witness called was

THOMAS GOLIGHTLY.

I have known the defendant twelve years; I know an Elizabeth Golightly, a widow; my father's name was Richard and my mother's, Isabel Golightly; Elizabeth was my father's wife at one time; my father has been dead thirteen years; I have heard defendant say, about twelve years ago, that Elizabeth was his wife; have seen them together at the old homestead; they appeared to be husband and wife; have seen them out riding with a child, a little girl; she was called by the children Molly Connelly; [objected to, but as the jury had heard it, the last statement was generously waived by Mr. Dickson] have heard the little girl call defendant "Pa," and speak of Elizabeth as her mother; have known Anna Gallafant two years or more; have seen her and defendant out together riding; have seen a child with them; it was over a year old; have never heard defendant say anything about Anna Gallafant, or heard anyone else in his presence, that I can remember; I may have said something myself; have seen Anna Gallafant at defendant's store, apparently living there; never heard the defendant or Anna, in his presence, say anything about the parentage of the child; have seen it in defendant's arms, and in her arms; (the witness was asked to identify Anna Gallafant in the court room, and pointed her out.)

Cross-examined by Mr. Sheeks: I first saw Connelly at the Golightly homestead; have seen him there perhaps half a dozen or a dozen times; Elizabeth moved away from there last spring; have seen Connelly eating there, one night, perhaps it was Christmas or New Years; saw him there at breakfast once; it was at the old (Globe) Bakery, about a year after my father died, that I asked the defendant if he had married Elizabeth; defendant got angry because I intimated that he had married a woman old enough to be his mother; afterwards defendant admitted he had married her, but reluctantly; I have seen Anna Gallafant at defendant's store four or five times within two years; I inferred that she lived there, and it was so reported; my inference was drawn from seeing her there that number of times; have seen a woman there a number of times, as I passed the window; heard a snickering and knew the defendant's whisper—anyone would who had ever heard him; I was perhaps forty feet away; I can't say that I like the defendant. I don't like his style; I never have threatened to make it warm for him in this trial; I have the same dislike for him as for any man who don't act on the square; I don't consider any man a man at all who won't act squarely.

Re-direct—"I never have spoken to the prosecution about this trial at all; Elizabeth Golightly is about fifty years old; that is why I joked the defendant about marrying her. Excused.

MARK GOLIGHTLY,

son of Elizabeth Golightly and Rich-

ard, was the next witness. I am 16 years old; my mother lives in a new house next to defendant's store; I have seen defendant there; do not know whether the house is his or hers; I left the old homestead about four or five months ago; have seen John Connelly there, over two years ago; he ate there most every day, breakfast and dinner; he commenced taking his meals there a year or two after my father died, at my mother's table; I think Connelly has said grace at the table; I have done the same; cannot say positively that my mother has had a child since my father died; there was a child living there named Mollie Connelly, now living with my mother in the new house; the child is about eight years old; a child was born, I believe, at the old homestead; never heard my mother say it was hers; have seen defendant go into her room, but do not know that she was there; defendant told me yesterday to keep cool and use my judgment on the witness stand and not perjure myself; I have never asked the defendant or my mother, whether they were married; have heard the child call them father and mother; it was treated as their child; I was about five years old when the defendant began coming to the old homestead; I called him John; have spoken of him as my stepfather but not in his presence; (objected to by defense and withdrawn, the jury having swallowed it all); I feel unfriendly towards the defendant; it is due to his treatment and quarrels we have had; my mother has protested when he punished me; my mother has been generally spoken of as Elizabeth Connelly; there were three rooms occupied by mother at the old homestead, two bed-rooms and a kitchen; I have occupied, when there, one of the bed-rooms; the defendant did not sleep with me generally; there was a bed in the kitchen at times; I believe I have seen defendant occupying the same bed as my brother; it was about the time, I think, that the child was born; I may have seen him in my mother's bed, I can't say positively.

The Court here ordered recess till 2 p. m.

2 p. m.  
The examination of the witness, Mark Golightly, was resumed, but little additional evidence of a material character was developed.

MARY GOLIGHTLY,

wife of Richard Golightly, deceased, next testified. She knew nothing of the birth of the child said to be Elizabeth Golightly's. She was indifferent as to the outcome of this trial, being neither hostile to nor in sympathy with the prosecution.

MRS. SARAH GALLAFANT,

mother of Anna Gallafant, was the next witness. She believed her daughter Anna was married to the defendant; Anna was 17 years old when she was married; she was married in 1879; my daughter has had a child; it is nearly two years old; she did not tell me of her marriage at the time; the defendant has visited at my house, before and since the marriage; I don't know that the defendant ever stopped with my daughter over night while she was at my house; she afterwards occupied rooms at the store.

Mr. Rawlins here objected to this evidence as being designed to prove unlawful cohabitation, when the charge in the indictment was polygamy; now that the proof of the marriage was within the reach of the prosecution, circumstantial evidence or evidence going to prove another offense was improper.

Mr. Dickson claimed that they had the right to adduce additional evidence to that which would prove the marriage directly, and the Court refused to sustain the objection made by the defense.

The witness continued: I have visited my daughter at Connelly's store; never saw the defendant there; was not there when she was confined; I saw her child the day after it was born; she told me she was married in 1879. (The indictment was found in 1882.)

### Lime in Baking Powders.

Prof. R. A. Witthaus, M. D., Medical University, Buffalo, N. Y., who is the highest authority, says that "Calcium Tartrate (improperly called Tartrate of Lime), advertised as the lime found in baking powders is derived from the wines that produce Cream of Tartar. It is a constituent of the grape and other fruits, and is absolutely harmless."

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