

FROM WEDNESDAY'S DAILY, APRIL 18, 1888.

W. S. Muir's Trial.

This afternoon W. S. Muir, of Bountiful, was tried on a charge of adultery. The principal evidence against him were his admissions on a former trial that he had lived with his plural wife. The case was given to the jury about 4 o'clock this afternoon.

Mrs. Brightmore Sentenced.

Mrs. Hannah Brightmore, of Grantsville, was in the Third District Court again today, this time to receive sentence. Her offense was selling liquor without having obtained the government special license. She changed her plea of not guilty to guilty, and Judge Zane imposed the lightest penalty provided by law—imprisonment in the penitentiary for six months, and a fine of \$1000. She was removed to the bastille this afternoon.

Continuance Denied.

In the application of Wm. Brown, of Bountiful, for a continuance of his case till the next term, Dr. Taggart was called today, and testified that on Sunday he did not consider it safe for Mr. Brown to come to the city for trial, but he now thought he could do so, if he traveled on the railway. He could not travel the distance in a buggy. The case was set for tomorrow.

Convicted.

George C. Watts, who pleaded guilty to unlawful cohabitation in December, 1886, and promised to obey the law in the future, was convicted on a new indictment for the same offense yesterday afternoon. The evidence against him was to the effect that he did not separate entirely from his plural wife until nearly a month after he made the promise, and that subsequent to that time he had contributed to the support of their children.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of B. D. Cutler, deceased; bond of Annie S. Cutler, administratrix, filed and approved; orders made of publication of notice to creditors and appointing appraisers.

Estate of Richard Stringham a minor; bond of Jed Stringham, guardian filed and approved.

Estate of Andrew N. McFarlane, deceased; bond of Elizabeth McFarlane, administratrix, in the sum of \$1,000, filed and approved.

Estate of John A. Bouck, deceased; bond of Elizabeth Bouck, administratrix, in the sum of \$3,000, filed and approved; orders made of publication of notice to creditors, and appointing John R. Mellen, J. W. Jenkins and Thomas Matthews appraisers of said estate.

Estate of George Nebeker, deceased; claim of W. T. Cromar, for \$304, allowed and approved.

Estate of Jacob Gibson, deceased; order made appointing time and place to hear petition for admission of will to probate.

Estate of John Hagell, deceased; order made requiring Hannah D. Hagell and H. W. Naisbitt, executors, to render account on or before April 30, 1888; order made appointing time and place to hear petition of Martha C. H. Dawson and Ellen H. Peck, asking that distribution be made to them of their share of said estate.

JOHN SQUIRES**Is Convicted of Unlawful Cohabitation.**

The case of John Squires, charged with unlawful cohabitation, was taken up for trial in the Third District Court today, and a jury empaneled.

Mr. Peters made the assertion that all of the witnesses were of the family of the defendant, and unfriendly to the prosecution. At his request they were excluded from the court room.

Harry Squires was the first witness. He testified—I am the son of the defendant; my mother is dead; Elenora Squires is my father's wife; Emily Swain Squires is also his wife; both are now living and have children, who bear the name of Squires; Elenora left here about a month ago, and went east; during last year, father was in Mexico; he went on the 4th of April, 1886; he had not been in the city for over a year before then; when he was in the city he made his home with Elenora; he returned from Mexico in July, 1887, and went to Elenora's house; heard that he visited Emily, but do not know; I heard when he was arrested, but was not present; do not know whether or not he corresponded with his wives while in Mexico; have not seen him in company with either of them during the time mentioned in the indictment.

To Mr. Moyle—Formerly my father claimed Emily Swain as his wife; I don't know anything about it during the last four or five years; there has been no public renunciation of the relationship.

J. W. Squires testified—I am the defendant's son; my mother is dead; father has had four wives; two of whom are now living; there has been a change in his treatment of the last wife during the past four years; he has not lived with her; has been away most of that time; don't know where he has made his home when in the city; I may have seen him at Elenora's during the past year; have not seen him at

Emily's; he was arrested at my brother Walter's house; it was a family reunion; Emily was there by invitation, to the party; father may have been at my brother's half an hour before he was arrested; do not know who Emily came with.

To Mr. Moyle—We invited some of the family to the party; it was given by my sister-in-law to father; the party was broken up by the deputies; father did not come with Emily.

Mrs. Mary Squires testified—I am the defendant's daughter-in-law; my husband's name is Walter; know Elenora and Emily Squires; Mr. Squires has not lived with Emily for four years; he has been away from home nearly all the time; he was at Elenora's a little while, and at my house a little while; I was present when he was arrested at my house last October; he was going away next morning to Mexico; I gave him a party; it was not a family reunion; Mr. Squires had been there all day; Emily had been there but a few minutes when the deputies broke up the party; heard Emily say that she and Mr. Squires had agreed to separate; she did not say she was divorced; I invited Emily to the party because I was at her house that day; never told Mr. Squires of the invitation.

To Mr. Moyle—There was a general understanding of a separation of the defendant and Emily; this was over four years ago; he did not ask me to invite Emily.

Miss Minnie Squires testified—The defendant is my father; Emily Swain is my mother; she was formerly called Squires; father went to mother's house after he came from Mexico, when two of the children were sick; he was there a couple of days; he called there once afterwards, and before he was arrested; he only remained about ten minutes; my father provides for mother and the children.

To Mr. Moyle—Father came to care for the children when they had diphtheria; that was the only time he stayed there; Dr. Richards sent for him; one of the children was very dangerously ill.

Mrs. Emily Swain Squires was called. She testified—My name is Emily Swain; I was married to the defendant twenty years ago; my children bear the name of Squires; I moved to Mill Creek in 1885; I went away to avoid being subpoenaed; went of my own accord; Mr. Squires did not request me to go; he called on me in 1885, while I was at mother's; he was at my house when the children were sick.

After a consultation with Deputy Sprague, Mr. Peters announced that he had no further evidence.

Assistant Attorney Zane asked for the conviction of the defendant, and Mr. Moyle urged that there was no foundation for a verdict of guilty.

The jury retired at 12:30 and this afternoon returned a verdict of guilty.

Mr. Squires' attorney stated that his client would like to have sentence deferred till the 10th of May. His first wife had eloped with another man, and he had instituted proceedings for divorce, and intended to legally marry his plural wife. Mr. Peters did not oppose the request, and sentence was set for May 10.

FROM THURSDAY'S DAILY, APRIL 19, 1888.

Arrested.

At Springville, Utah County, on Tuesday afternoon, R. Bird, an old resident of the place, was arrested on the charge of unlawful cohabitation.

Sudden Death.

At about 6 o'clock last evening John Burt, Sen., died suddenly at his home in the Fifth Ward of this city. He was 73 years of age, and death was caused by general debility. The old gentleman had been around visiting some of his relatives during the day. At the hour named he was sitting in a chair in the front of his house, and fell over suddenly, dead. The funeral will be held at the Fifth Ward meeting house on Sunday, at 10 a. m. The deceased was a quiet and highly respected man. He joined the Church in Scotland, his native land, and came to Utah in 1832.

Served their Terms.

This morning Richard Fry, of Morgan City, counselor in the presidency of the Morgan Stake, emerged from the penitentiary. He served a six months' term and paid the fine imposed.

John Jenkins, of Newton, Cache County, also completed his term today, but owing to some misunderstanding he was held until a message regarding his fine could be received from Ogden.

John Oberhansli, who has been suffering severely from heart disease, has also served his term and been released to return to his home in Utah County. His health was very poor when he regained his freedom.

All of the foregoing were in prison for living with more than one wife.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of Samuel Stewart, deceased; bond of R. C. Stewart, administrator filed and approved.

Estate of Sisson A. Chase, deceased; orders made of publication of notice to creditors, and appointing William Calton, Charles Snyder and Riego Hawkins appraisers.

Estate of Joseph Weller, deceased; proof of posting notices of time and

place of hearing made; order made allowing and approving executor's accounts.

Estate of James K. Baldwin, deceased; bond of Henry Moore, administrator, in the sum of \$7,000, filed and approved.

Estate and guardianship of Minnie J., Lillian and Edward V. Howard, minors; order made appointing time and place to hear petition for order of sale of real estate.

Estate of Robert Pringle, deceased; order made appointing time and place to hear petition of Marion Pringle, praying that letters of administration be issued to her.

In the matter of the application of the removal of Esther D. Peck from the Territorial Insane Asylum; bond of Louis Peck in the sum of \$1,000, filed and approved.

A Veteran Lady.

We learn from President Angus M. Cannon that he yesterday (April 18th), visited Sister Olive Farr, widow of the late Winslow Farr, and mother of the late Lorin Farr of Ogden. This respected and venerable lady is living on Big Cottonwood, this county, with her daughter, Mrs. Olive Walker, and although in her 83rd year, is still active, hale and hearty.

We are informed of some interesting facts connected with her early life and associated with her acceptance of the Gospel and her induction into the Church.

She lived in Charleston, Orange County, Vermont, when Elders Orson Pratt and Lyman E. Johnson, in the early part of the summer of 1832, first carried the Gospel into that country. They held a meeting in the district schoolhouse, and found a welcome home with Mr. Winslow Farr who was a prominent man among the settlers of that part of the country. His wife (the lady now living on Cottonwood) was very feeble, having been bed-ridden for some length of time with a serious liver complaint and other complicated diseases. Elder Orson Pratt was asked to pray with the family before retiring to bed, and in doing so, prayed that faith might be given to Sister Farr that she might be healed, and rising from his knees, he walked to her side, laid his hands upon her head and rebuked the disease in the name of the Lord Jesus and informed her that she should be healed either gradually or instantaneously, according to her faith. She said that she at once felt the healing power of God resting upon her and filling her whole system and immediately removing the extreme distress and pain in her liver and left side. She exclaimed, "I am healed," and immediately arose and walked about her room, praising God.

Early next morning she arose, dressed herself, leaving her husband in bed, and went out, and he, shortly missing her, followed, and met her returning from the river with a pail of water. From that time forth she gained strength, performed her household work, reared her family, all of whom embraced the Gospel, together with William and Zerrubable Snow, brothers of Apostle Erastus Snow, who at that time lived in her family and witnessed her marvelous healing. Shortly after Brother Erastus Snow was baptized in the same town where the above incident occurred. A few years later they emigrated with the Saints and all of them remained faithful.

Sister Farr is the mother of a numerous posterity, many of whom are prominent members of the community.

BEFORE JUDGE ZANE.**Proceedings in the Third District Court.**

In the trial of William S. Muir, of Bountiful, in the Third District Court yesterday afternoon, Miss Lillie Muir, a daughter of the defendant, was subjected to an exceedingly rigid examination by District Attorney Peters while she was on the witness stand. She was closely pressed in regard to some statement which the attorney said she had made on a former hearing. Mr. Peters inquired as to whether she had not made the remark and she replied with some spirit, "You

SCARED ME

into saying that in the grand jury room, but you can't do it here."

At the conclusion of the argument in the case the jury retired, and at about 4:30 p. m. returned a verdict of not guilty.

It was generally supposed that the disposal of the Muir case in the way it had gone would cause the dismissal of the indictment charging Lucy Darke Muir, Mr. Muir's plural wife, with fornication, and the matter was considerably talked of in that line. The verdict of acquittal in Mr. Muir's case was upheld because a conviction on such flimsy evidence, would furnish a dangerous precedent in cases where the defendants were not "Mormons," and because the defendant had already suffered one term of imprisonment and the sentiment in favor of punishing him again was not very strong.

When the District Attorney announced that the case against

LUCY DARKE MUIR

would be proceeded with, it caused unusual interest in some quarters, and it was urged that there was something at the back of it which would develop later on in the trial, which closed this forenoon.

A jury was impaneled, and the prosecution offered in evidence the testimony given by the lady in the trial of her husband on the charge of unlawful cohabitation. This evidence the prosecution considered as admissions which would lead to convict the defendant of the offense charged.

Her counsel objected, and Le Grand Young made an extended argument, claiming that the testimony which it was sought to introduce was obtained through the compulsion of the court, and as the law stated a person could not be compelled to testify against himself, the testimony should be excluded. It was unjust to claim that it was a voluntary act for the defendant to testify against her husband, when it was well known that she did so only because compelled to, even though she did not actually object in court. The court had not informed her of her privilege to refuse on any ground, and it would be

A MANIFEST INJUSTICE,

and contrary to the spirit of the law, to permit the prosecution to carry out its intentions in the present instance.

Mr. Peters argued that the defendant had not been compelled to testify in the case against Mr. Muir, and therefore the statements she made there as a witness for the government could be used against her. She had not claimed the protection of the court at the time she was called, and therefore could not subsequently avail herself of that protection.

Mr. Young remarked that such a construction of the matter was a satire on justice.

The court ruled that the statements made by the lady as a witness against her husband were not given under caution that she was not required to testify to matters that might be used against her subsequently. The general rule is that a witness who voluntarily makes statements criminating himself, may be confronted by the same at his trial. If the witness, at the time the statements were made, is under the belief that it was his duty to answer, it

CANNOT BE SAID

the statements are voluntary. There is no difference, whether or not the witness is under indictment, except that when there is no charge, the witness would be less on his guard. In this case the witness is a woman, and reasonable persons cannot ignore the fact that women are not as well acquainted with the law as men. She was not advised of her privilege of refusing to testify. There was a doubt in the case, and the court in its judicial capacity could not take advantage of a woman. In this case she was required to attend and be sworn as a witness, and to testify. Under the circumstances, it being apparent that she was not informed of her rights,

IT WOULD BE IMPROPER

to use her testimony given in the former case against her on the present occasion. The objection is sustained.

Mr. Peters then took a new tack, and called Wm. S. Muir as a witness—He testified—I live in West Bountiful, Davis County.

Mr. Young asked the Court to instruct the witness that he might decline to testify for certain reasons.

Mr. Peters thought the witness did not need instruction.

The Court, however, thought differently and informed the witness of his privilege.

Mr. Peters asked the witness further questions, and Mr. Muir testified—I went to England in March, 1887; don't know whether I am married or not.

Mr. Peters—When were you first married?

Mr. Muir—I don't want to answer your questions, because I think you

WANT TO CRIMINATE ME

again. You want to get me back into the "Pen," again, and I've just had six months there.

Mr. Peters (warmly)—I want an answer.

Mr. Muir—I won't answer.

Mr. Peters—Are you willing to swear that in your judgment your testimony might tend to criminate you?

Mr. Muir—I am.

Mr. Peters insisted on the questions, until the court checked him by saying that advantage might be taken of the witness' statements in further proceedings against him.

Mr. Peters still insisted, and the Court informed him that the fact of a marriage being proved was a circumstance in a similar proceeding to one that had already been had against the defendant. The witness has a right to decline.

The witness was interrogated further and declined to answer, saying, "You have threatened to prosecute me if you could."

YOU HAVE THREATENED

right here in this room to criminate me. You want to get me in a maze, and catch me. I am no lawyer. I refuse on that ground."

The Court asked the witness whether he meant to say that his answers might tend to criminate himself, and received an affirmative reply.

Mr. Peters repeated his question to the witness.

Court—He has stated that his refusal to answer is on the ground that his statements might tend to criminate himself.

Mr. Peters—He has been acquitted of the charge.

Court—That does not cover all time. More questions form a basis for another prosecution.

Mr. Peters (to witness)—You make your answer under oath?

Mr. Muir—Yes, sir.

At this the prosecution rested.

For the defense Clerk John M. Zane was sworn and identified the record of the trial and acquittal of Wm. S. Muir of the charge of adultery.

The court said this evidence was unnecessary and brought the proceedings to a close by instructing the jury to acquit the defendant. A verdict of not guilty was rendered without the jurors leaving the box.

WILLIAM BROWN,

of Bountiful, Davis County, was called and, on coming forward, was arraigned on an indictment for unlawful cohabitation, to which he pleaded guilty.

Le Grand Young stated that the defendant was suffering from diabetes, as testified to by Dr. Taggart. He was seventy-two years of age, and in no condition to go to prison. The proper place for him under present circumstances was in bed. He therefore requested that in passing judgment only a fine be imposed.

The court then inquired as to the ability of Mr. Brown to pay a fine, and said that in view of his condition, his plea of guilty and his advanced age, no imprisonment would be inflicted, but a fine of \$300 and costs would be required.

JOHN R. BARNES,

of Kaysville, was next called to answer to a charge of unlawful cohabitation. When the court inquired if the parties were prepared to proceed, Judge Powers arose and said, "Yes, sir, we are ready." The appearance of the ex-judge in this capacity caused the court to exclaim, with evident surprise, "Oh, you represent him, do you?"

The names of Deputies Pratt, Franks and Cannon were called as witnesses.

Mr. Peters stated that Mr. Barnes' wives had been placed under bonds but had failed to appear.

Judge Powers replied that the District Attorney was in error, and that no wives had been placed under bonds or even subpoenaed.

Mr. Peters insisted that he was right, and started out to find the bonds, but was unable to do so. At his request the case was set for trial after the next one on the calendar, and deputies were started for Kaysville forthwith.

DR. BREDEMAYER

was next called up on the charge of adultery, and took his seat beside Mr. Varian, his counsel. On the other side sat Mr. McVicker, brother of the doctor's former wife. For the prosecution, Mr. Dickson was associated with Mr. Peters. The names of the witnesses, Rose Thackrah, Mrs. Bredemeyer and Emma Bapty were called. Rose Thackrah was not present, and an attachment was issued for her. Emma Bapty, the girl whom the offense is alleged to have been committed with, is about fifteen years of age, and looks even younger than that. She gave birth to a child about new years, and says Dr. Bredemeyer is its father. After waiting some time for Mrs. Thackrah to be brought in, the court took a recess till this afternoon, when the trial was proceeded with, with closed doors.

OTHER NOTES.

B. B. Quinn was admitted to citizenship.

The witnesses for the defense in the grand larceny case against C. B. Gillette, were ordered subpoenaed at the expense of the Territory, the defendant having no means to secure their attendance.

In the case of John T. Sweeney, indicted for murder in the first degree, in connection with Neal Mulloy, the murderer of G. J. Hughes, the court appointed O. W. Powers as counsel for the defense. Mr. Powers said the defendant wanted Arthur Brown, but on it being shown that Mr. Brown had once refused to take the case, the change was not made.

A FATAL RESULT.

William Bybee Dead.—Mark Hall Arrested for Murder.

The sad affair between Mark Hall and William Bybee, of Ogden, has resulted in the death of Mr. Bybee, which occurred at 3 p. m. yesterday. The Ogden Standard says of him:

Many friends and relatives surrounded the bedside while he was rapidly sinking. He talked freely to them and to his sorrowing wife, comforting them, saying that he was perfectly reconciled to the inevitable. Until the very last moment he counseled them to keep up and weep not for him as he was satisfied and willing to die, for he knew his time had come. Every effort to prevent the spirit from leaving its habitation of mortality was made, but proved in vain. He had improved in the morning, which by many was thought encouraging, but it proved to be only the last rally of the ebbing life.

The funeral services will take place Friday at 10 a. m. from the residence of Mr. J. M. Clark. The remains will then be taken to North Ogden for interment, a wish to that effect having been expressed by him. He has buried a child at that place, which was undoubtedly the cause of his desire.

Deceased was born at Uta, Jan. 23, 1859, being 29 years old last January. He had resided in Weber Valley the greater part of his life, being en-