

not know whether Anna Maria was married to Hansen or not; witness' was born in Hansen's house nine years ago.

The prosecution rested their case. Frederick H. Hansen, the defendant, sworn in his own behalf; he married to both women, but had lived with both during the same time; had not occupied Anna Maria's room during the last four years; was only one bed in his house; had trouble with the Jenseas about commencing April 14th, last. Examined—Before April last there were not two beds in the house; Anna Maria was born in the two-roomed

Anna Maria Hansen testified she was wife of defendant; had not lived with him since July 1883, as his wife; had lived in the same house with him.

Examined—Bosserd her husband as she did other men when living for her; did not know how he was living; he worked her farm.

The case was then submitted without argument.

The court gave its charge to the jury, and through the formality of re-reading came back almost immediately with the unchangeable verdict of

request of the attorneys for the defendant, sentence was deferred until Monday 5th, to give the defendant time to provide a shelter for his family during the winter.

### OTHER FLAGRANT JUDICIAL OUTRAGE.

INDIVIDUAL GRAND JURORS DIS-REGARDED BECAUSE THEY WILL NOT SIGN A NUMBER OF INDICTMENTS AGAINST CERTAIN PERSONS FOR ONE REASON.

A grand jury came into court at 10 o'clock, and presented one indictment under the laws of the United States.

McKay then arose and stated there was a matter he wished to bring to the attention of the court, which had been discussed informally elsewhere in the grand jury room. That one member of the grand jury had the right to say whether he would find an indictment or not, when the same time he admitted evidence sufficient to warrant it, claiming that it would be a usurpation of the part of the grand jury to find an indictment under certain circumstances, notwithstanding the evidence warranted it. Mr. McKay then stated that the objection was in relation to finding an indictment in a certain period. The court referred to said he would do nothing, in spite of being reminded of his oath required it, under the instructions of the court. Under the circumstances Mr. McKay thought the juror incompetent.

The court asked for his name and Clayton was named as the juror. Mr. McKay said yes, he was the juror and desired to correct Mr. McKay's statement. That he had refused to indict where the evidence warranted. That he had voted against indictment in that case.

Mr. McKay stated that the point he was that the juror refused to indict more than one indictment. The court assumed to say whether the law was correctly laid down by the juror or not. It was not disputed that the grand juror was right to say whether the evidence was sufficient or not, but the grand juror claimed that even where the evidence was sufficient, the finding of more than one indictment was unconstitutional; that the law of 1862 fixed maximum punishment for polygamy and the Edmunds law showed the intention of Congress to fix the most punishment for unlawful cohabitation, which he termed the "for" offense; at six months' imprisonment and \$300 fine; and to find two more indictments against a man might be punished to even a greater extent than for polygamy.

Mr. McKay stated further that there another juror he asked to have a vote off for substantially the same reasons, Mr. Jacob Moritz; and he informed that there were others.

Mr. Davis stated that in certain cases he had the same opinion as Mr. McKay.

Clayton was interrogated by the court and said he believed it was unconstitutional to find more than one indictment. The Constitution provides excessive fines or unusual punishments shall not be imposed. He said he voted for indictment where "the law" warranted it, but to go back and find an indictment for every day, every minute or week, he would not do. Notwithstanding the evidence warranted the defendant had been living in unlawful cohabitation for three years, he would find but one indictment. He had advised with no one, and with no one, except perhaps his

Moritz and Mr. Davis thought where parties had been indicted, and convicted, those parties should have a chance after they came out if they didn't live within the time they were ready to indict them.

The court then interrogated each of the other jurors as to whether he took the same position, but they all remained in the negative.

Mr. Moritz, Mr. Davis and Clayton: I am surprised, gentlemen, that after you took the oath you that you would investigate and

brought before you, and whenever the evidence was sufficient you would find the truth, and nothing but the truth; that you would not be influenced by fear, favor or affection, or by any reward, or promise or hope thereof, but in all your presentments, you would present the truth, the whole truth, and nothing but the truth, that you will state you will not do it—

Clayton—I have stated that I would, and did so.

Court—The effect of your statement is to that effect.

Clayton—I don't understand it that way—

Court—Men must be careful when they take oaths—

Moritz—We had no evidence. We didn't take a vote on it.

Court—But you have no right to state you would not do it. You cannot trifle with your consciences like that in this court. It is astonishing that men have not more regard for their oaths than that. Where the evidence is sufficient you have no discretion whatever. If it is sufficient to indict. You must indict; if it is not sufficient, you cannot indict. You have no more discretion than this Court has when a case is submitted to it. If the evidence is one way, the Court, under its oath cannot find another. If a case is submitted to the Court, if the evidence is with the plaintiff, it cannot find the facts the other way. So with a grand jury; you have not the slightest discretion. You must move directly according to your oaths, and find the truth according to the evidence. You have no right to say you will not indict though the evidence may be sufficient. You have no right to say a law is unconstitutional or wrong after the Court charges you that it is the law. It is the duty of the Court to charge you what the law is with respect to your duties as grand jurors, and has so charged you. Gentlemen, you are excused as unworthy to sit on a grand jury. Next time you come before the Court and are questioned as you were in this case, as members of the grand jury, answer frankly and honestly, and if you go on the grand jury you must be governed by your oaths.

Mr. Moritz, Mr. Davis and Mr. Clayton, you may retire, you are discharged from this grand jury.

This afternoon Mr. McKay made an argument in support of the proposition that the Court had power to fill the vacant places in the grand jury. He read from the decision of the Supreme Court in the Clawson case, affirming the legality of the open venire process in obtaining a petit jury, and contended that it was within the power of the Court to adopt the open venire course in the present instance. At the close of his remarks, Mr. McKay moved that an open venire issue, and the Court ordered that it be for six names, and be returnable forthwith.

This proceeding was followed, as the 200 names on the jury list were exhausted. The next grand jury, for the December term, will in all probability, as a consequence, be made up entirely by the open venire process, when there will be no question as to the crusaders obtaining a body of inquisitors to their liking in every report.

Upon the return of the open venire, J. S. Scott, J. T. Clasbey and A. Gebhardt were selected to fill up the grand jury, which it is now anticipated will be better adapted for the purposes of persecution.

FROM SATURDAY'S DAILY, OCT. 10.

**Another Fire at Tooele.**—Our correspondent "J. D." informs us that another fire occurred at Tooele on the night of the 8th, which consumed the barn of Brother Joseph Mechem, together with seven tons of lucern, a buggy and other things. A cow which was in the building when the fire commenced had a narrow escape, and was released with some difficulty. The cause of the fire is unknown, but it is conjectured that the stump of a cigarette, thrown away by some passing smoker, must have been carried by the wind to the barn and ignited the hay.

**Beaver Court.**—The following comes to us as a special per Deseret Telegraph line:

BEAVER, Utah, Oct. 10, 1885.

Editor Deseret News:

The trial jury has been discharged, the cases all having been disposed of. The business of the term is about finished. A motion for a new trial in the case of Geo. Buchanan, convicted of an attempt to commit rape on a girl ten years old, was argued to-day. The Court overruled the motion, but on account of the old age of the defendant, gave him a life sentence—five years in the penitentiary. F. Shiner, convicted of an assault upon a little girl, has been sentenced to three months in the county jail. Motions for new trials in the cases of J. Nelson for grand larceny, and Orrick for murder in the first degree, will be argued this afternoon. If the motions are overruled, they will be sentenced to-night. MOONSHOE.

**Substantial Sympathy.**—A correspondent, writing from Manti under date of 30th ult., says:

"Some two weeks ago the brethren working on the Temple subscribed upwards of \$160 for the benefit of the families of Brothers Kempe and Christopherson, sentenced to terms of imprisonment in the Detroit House of Correction, by unjust United States officials."

"No doubt there are many families who, under present circumstances, need assistance, and if that passage of Scripture, 'Go thou and do likewise,'

were carried out, a great many would be relieved; and as the winter is approaching such help would be very much appreciated. As brethren, we are bound by the covenants of the Gospel of Jesus Christ to help each other, and if we possess its true spirit we will, as a people, take pleasure in doing so."

I have just learned by the News of yesterday, of the course of Bishop Clawson before the court, and feel elated over it, and more than correspondingly humbled at the cringing course of others. My feelings at present are, Let us be valiant in the defense of what we know to be right before God, and let the opinions of men go for what they are worth.

"We have no concessions to make. The business will not pay either in time or eternity. Did our friends wish us to cease doing wrong, I for one would make a promise to do so as readily as possible, but when they wish us to violate sacred and holy covenants, and have our wives branded as adulteresses and our children as bastards, it is asking more than honorable manhood can do, leaving out altogether the intelligence and light which the Gospel has brought to those who have received it."

### ROBERT SWAIN

WITHDRAWS HIS PLEA OF NOT GUILTY AND PLEADS GUILTY.

The case of Robert Swain, indicted for unlawful cohabitation with his wives, the trial of which was set for Monday next, was brought up in the Third District Court this morning, and the defendant withdrew his plea of not guilty to the charge, and entered one of guilty.

Mr. Kirkpatrick stated that Mr. Swain was a poor man, and desired sentence to be deferred to the second of November, that he might have time to make arrangements whereby his family could be provided for during the approaching winter.

The Court fixed the date of sentence for Monday, November 2d.

### GEORGE ROMNEY

RECEIVES THE FULL SENTENCE.

In the Third District Court this morning, Mr. George Romney withdrew his former plea of not guilty, and entered one of guilty to the charge of cohabiting with his wives.

Court—Have you any further order in the case?

Mr. Kirkpatrick—He is ready for sentence.

Court—Well, Mr. Romney, is it your intention to obey the laws of the United States?

Mr. Romney—I have no remarks to make.

Court—You are not prepared to state what you will do?

Mr. Romney—I am not.

Court—Well, you will be sentenced to six months' imprisonment and to pay a fine of \$300 and costs.

Mr. Romney then left the court room, and after taking leave of his family and numerous friends, went to the penitentiary.

### THOMAS PORCHER

IS ALLOWED TIME TO EARN FOOD FOR HIS FAMILY BEFORE PASSING SENTENCE.

The case of the United States vs. Thomas Porcher, for unlawful cohabitation with his wives, was called up before Judge Zane this morning, and the defendant's plea of not guilty withdrawn and one of guilty made.

Mr. Kirkpatrick, in behalf of the defendant, requested that the pronouncing of the judgment be delayed for six weeks or two months. The reason for asking this length of time was that Mr. Porcher, who was by trade a tinsmith, and a poor man, had been out of employment for some time past, and his family were in destitute circumstances; he had just obtained work, and it would be a kindness to allow him time to earn a little money for the support of his family.

Mr. Varian said that the employers of Mr. Porcher had assured the prosecution of the facts as stated, and agreed with Mr. Kirkpatrick.

Court—Well, let it be fixed for Nov. 21.

### W. A. ROSSITER SENTENCED.

HE RECEIVES THE FULL PENALTY, AND IS TAKEN TO THE PENITENTIARY.

Upon the reassembling of the Third District Court this afternoon, Judge Zane asked the prosecuting attorney, Mr. Varian, whether he had anything to present to the court, and that functionary replied that Mr. Wm. A. Rossiter was present to receive sentence.

Mr. Rossiter was called, and the Court said—Mr. Rossiter, I suppose you are aware that you were indicted, tried and convicted by a jury, of the crime of unlawful cohabitation, contrary to the laws of the United States. Have you anything to say why sentence should not be pronounced?

Rossiter—No, sir.

Court—You don't wish to express any intention as to your future conduct towards the Government?

Rossiter—No, sir.

Court—Nor you do not wish to give any assurance that you will not advise others to violate the law?

Rossiter—No, sir; I have nothing to say.

Court—Well, a man cannot expect any leniency, standing up in court and proposing to violate the laws of the United States, and to advise others to violate them. You will be confined in the penitentiary for six months, fined three hundred dollars and costs, and stand committed until the fine and costs are paid.

Mr. Rossiter then left the court room, and in company with Mr. Romney, went to the penitentiary this afternoon, to augment the number there confined for the Gospel's sake.

FROM MONDAY'S DAILY, OCT. 12

**Appointments.**—The Governor has appointed the following notaries public:

John H. McChrystal, of Juab County; Thomas K. Stevens, of Washington County; Joseph J. Snell, of Salt Lake County.

**Emery County.**—O. J. Anderson writes from Castle Dale on the 7th that the weather in that part is beautiful and the health of the people generally good except at Huntington, where a fever of some kind has lately prostrated several children, though none have yet died from it.

**Resigned.**—District Attorney W. H. Dickson and his assistant, C. S. Varian, have given to the public the news of their resignation as officers under the government. Mr. Varian's resignation took effect on September 5th, since which time he has been acting as Mr. Dickson's appointee, while that of the District Attorney, which was forwarded to Washington on Sunday, will go into effect on the 31st of December, unless the Department of Justice decides to call it up before. This time is given that a successor may be appointed. Messrs. Dickson and Varian expect to remain in Utah and practice their profession. They claim that the emoluments of the office of prosecutor do not amount to sufficient to enable them to pay the assistant attorneys which are necessary for the business, and leave a proper equivalent for their own services.

**The Situation at Rock Springs.**—We have been shown a private letter written by a gentleman at Rock Springs from which we learn that matters still remain in a very unsettled condition there. He thinks the U. P. Company are making preparations to shut down the mines at that point if they have to let the Chinamen go, and that they are determined to get the Knights of Labor element out of the camp. A notice was stuck up on Sunday morning last, requesting all the white men engaged in the mines to cease operations, but this was unheeded. A number of Chinamen have lately been subjected to most disgusting and outrageous indignities at the hands of their defenders (?) the soldiers, and one of the latter has also been guilty of an attempt at criminal assault upon some little girls.

**Fire in Fountain Green.**—Brother Lewis Anderson, writing to us from Fountain Green, Sanpete County, Utah, October 9th, says:

"Yesterday, about 11 o'clock a.m., the cry of fire was heard in our streets, and soon flames and smoke were seen to issue from the premises of Brother Andrew J. Aagaard. A new barn, just completed, hay sheds, yards, stacks of grain estimated to contain six hundred bushels, forty tons of hay, and one wagon were consumed. The loss will reach fully one thousand dollars."

"Through the energy of our citizens, who turned out en masse to fight the flames, Brother Aagaard's dwelling-house and granary were saved from the flames."

"Cause of fire, matches in the hands of children."

**Information Wanted.**—"Ubique" writes the News as follows:

"If a merchant found guilty at our city court of selling a pound of goods short of weight, or a yard the same, can he be tried for every time he has used that weight or measure? This is the nearest parallel I can find for more indictments than one for cohabitation."

"Ubique" should remember that though a man can be convicted of the same offense but once in a city court, the District Court is not bound by the same rules that obtain there, or anywhere else that we ever heard of. There are as many styles of law as of yard-sticks and measures, with infinitely more difference as to scope."

**An Interesting Incident.**—Last night, after the conclusion of the services in the Eighteenth Ward Chapel, Elder John Nicholson, on the invitation of Bishop O. F. Whitney, associated with his Counselors—Elders Robert Patrick and Wm. B. Barton—accompanied the brethren named to the Bishop's residence. Quite a large number of others—ladies and gentlemen—all personal and highly esteemed friends of the principal guest, also assembled at the same place.

Bishop Whitney announced to those present that the occasion of the little gathering, was the presentation to Brother Nicholson of a spontaneous token of esteem from a number of his personal friends. It consisted of a handsome purse, and was accompanied with the best wishes of the donors. The accompanying address—to which the signatures of those friends of the gentleman who was the recipient of this kindly manifestation were attached—is so eulogistic of him that he objects to its publication in the News,

claiming that he is not entitled to such an encomium.

He was not only surprised but absolutely overwhelmed at the evidence of good feeling and sympathy exhibited toward him, and it was with difficulty that he could make any response, his feelings being so deeply touched by the incident.

To say that he appreciated the kindly act of his friends but tamely expresses his estimate of the price he places upon their good will.

Under the circumstances, coming in the manner it did, he could not do otherwise than accept of the token of esteem so delicately and affectionately tendered. To do otherwise would be to manifest a disregard of a disinterested feeling of friendship that is more precious to him than the wealth of a world.

**Again at Liberty.**—Brother James C. Watson, having served the period of imprisonment in the Penitentiary imposed upon him for the crime (?) of cohabiting with his wives, less the discount allowed by the Copper Act for good behavior, and having paid his fine, was released from durance vile quite early this morning. His brother, who had counted on his release, was on hand with a team, and he was soon conveyed to his home, where the greeting he received was such as any king might envy. Coming up into the business part of the city, he could scarcely make his way, the greetings from acquaintances were so frequent and hearty. The unfeigned joy with which his hand was grasped and congratulations were bestowed upon him for the integrity and firmness which he had manifested, told very plainly that the feeling entertained toward him for the course he had taken was one of honor. He is regarded as no criminal; quite the reverse; he has won admiration as a man of firmness and honor, who would rather suffer the ignominy of imprisonment with the vile, than sacrifice principle or be untrue to his covenants.

He reports the other brethren confined in the penitentiary as being in good health and spirits. Brother Cannon, he says, wants his friends to understand that no happier man lives today than he is.

Later in the day Brother A. M. Musser, whose term of imprisonment expired simultaneously with that of Brother Watson, was also released, and we are sure that all we have said herein is equally true of him. He has lost nothing in the estimation of his acquaintances by submitting to imprisonment for the sake of principle.

**Commissions Issued.**—On Friday, Governor Murray issued commissions to the following officers, elected last August:

John W. Gibson, justice of the peace, Edmund R. Shaw, constable, North Ogden precinct, Weber County.

Samuel Dye, justice of the peace, Alma Keyes, constable, Uintah precinct, Weber County.

Parley P. Bingham, justice of the peace, Wilson precinct, Weber County.

Wilson Cragun, justice of the peace, Pleasant View precinct, Weber County.

Noah L. Shurtliff, justice of the peace, Harrisville precinct, Weber County.

James Johnson, justice of the peace, Hooper precinct, Weber County.

Jos. L. Geddes, constable, Plain City precinct, Weber County.

James C. Ferrin, constable, Eden precinct, Weber County.

George Thackeray, justice of the peace, John London, constable, Croyden precinct, Morgan County.

Geo. Criddle, justice of the peace, Milton precinct, Morgan County.

Thomas Cupit, justice of the peace, Park City precinct, Summit County.

T. L. Allen, justice of the peace, Coalville precinct, Summit County.

Oliver Lockhart, surveyor, Summit County.

A. L. Seward, superintendent of district schools, Summit County.

John Clyde and J. W. Witt, Jr., constables for Heber precinct, Wasatch County.

John Fowers, constable, unexpired term, Charleston precinct, Wasatch County.

William Lewman, surveyor, Garfield County.

William S. Lewis, justice of the peace, Kanab precinct, Kane County.

Walter G. Adamson, justice of the peace, Lakeview precinct, Tooele County.

Samuel Bryson, constable, Woodruff precinct, Rich County.

John H. Barton, constable, Greenville precinct, Beaver County.

Philip Stringham, recorder, unexpired term, Uintah County.

Cyrus Neff, constable, East Mill precinct, Salt Lake County.

David Brown, constable, Draper precinct, Salt Lake County.

### Good Results in Every Case.

D. A. Bradford, wholesale paper dealer of Chattanooga, Tenn., writes, that he was seriously afflicted with a severe cold that settled on his lungs; had tried many remedies without benefit. Being induced to try Dr. King's New Discovery for Consumption, did so, and was entirely cured by use of a few bottles. Since which time he has used it in his family for all Coughs and Colds with best results. This is the experience of thousands whose lives have been saved by this Wonderful Discovery.

Trial Bottles free at Z. C. M. I. Drug Store.