

# THE DESERET NEWS.

TRUTH AND LIBERTY.

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**THE DESERET NEWS CO.,**  
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FROM TUESDAY'S DAILY, OCTOBER 25.

## Broken Arm.

County Attorney J. H. Moyle is laid up with a broken right arm. He was out riding, when the saddle girth broke and he was thrown to the ground, receiving the injury stated.

## \$5 Sewing Machine.

The Burton-Gardner Company have a novelty in the way of a new kind of sewing machine, called the "American Gem." It is a toy, but does some good sewing. Is easily operated, and is an appropriate and useful present for a little girl.

## Left Their Homes.

On the 20th of last month Benjamin Squires, a boy of sixteen, Wallace Miles, aged nearly fourteen, and a third boy left their homes in this city, since which time their parents have heard nothing from them. It is believed that they went eastward over the D. & R. G. Information concerning either of the lads named will be thankfully received if sent to John Squires, 634 e. Sixth South Street, this city.

## A Horrible Fatality.

We are informed that William Thornley, a man well known and well respected in Ogden was killed a few days since by an explosion of powder at some point in the North. The deceased was a son-in-law of John C. Thompson, Esq., of Riverdale, and leaves a widow and two or three children. The news of the sad event was brought to us at two o'clock this morning, and though a reporter was immediately sent out, the hour was too late to gain further particulars.—Ogden Herald, Oct. 25.

## Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

An order was made allowing and approving the account in the matter of John F. Miller, deceased.

An order was made fixing the 5th day of November for hearing return of sale of real estate, in the matter of the estate of Heber C. Kimball, deceased.

In the matter of the estate of William W. Taylor, an order was made allowing and approving account and discharging the administrator.

In the matter of the estate of Robt. L. Campbell, deceased, an order was made allowing account of administrator and releasing Wilford Woodruff as administrator of said estate; order made appointing Mary Campbell administratrix of the estate upon filing a \$1,000 bond and taking the necessary oath.

## L. D. S. Psalmist.

We learn with much pleasure that the committee, consisting of Elders G. Careless, E. Beesley, J. J. Daynes, Evan Stephen and T. C. Griggs, are actively engaged on the most extensive musical publication yet undertaken in Utah. It will be issued by the DESERET NEWS company in about three months.

The "Psalmist" will contain a suitable tune to every hymn in the Latter-day Saints' Hymn Book. The above brethren and other talented home composers are engaged in preparing original and characteristic music for the book. A portion of the work will be devoted to the old and familiar hymns

so suitable to congregational singing, and for the use of the Saints Choir leaders will do well to note this announcement and prepare to provide their organizations with an ample supply of the "Psalmist," as it will be the standard musical book for use in the general gatherings of the Saints, as well as in the Mutual Improvement, Primary, Relief Society, Quorum, and other meetings.

## Gould and the Coast.

The question of Gould's position on the Pacific Railway question is believed to find a solution in the attitude of his roads in Colorado towards other transcontinental lines. At present he has control, or is supposed to, of the Denver, Texas & Fort Worth, Colorado Midland, and in a few months the Missouri Pacific will be winding its way through the foot hills and landing passengers and freight in Denver. The Missouri Pacific will feed the south and southwest by the Denver, Texas & Fort Worth and the State by the Colorado Midland, and will give all of the roads a percentage of the gross eastern and local traffic. But Mr. Gould and his associates are not satisfied with this, and as it is almost positively known that the Missouri Pacific will not go west of Denver, coast connections to the mountain terminals are a matter of conjecture in railway circles. The general opinion is that the Missouri Pacific will have a transcontinental connection and that it will be in the form of an extension of the Colorado Midland to Salt Lake and the completion of the road recently commenced to join this latter point with San Diego or some other town on the coast. The theory that the Midland is to be extended to Salt Lake is almost clearly established, and in this way Gould is to secure what he has long been playing for—a transcontinental line that will enable him to control and dictate the policy of other lines by calling in the aid of his central properties.—Denver News.

## Rather Cruel.

The Denver News of October 22, has this to say of United States District Attorney H. W. Hobson, of Colorado, who assisted United States Attorneys Peters and Clarke in the suits against the Church and P. E. Fund Company: "Colorado's young district attorney, who puts an 'h' into war and losing law into the government's cases, with that freshness which has always characterized his veridancy, has jumped right in the center of a case out at Salt Lake City, Colonel Broadhead, of Missouri, representing the other side. Early in his career the young Virginian sought reputation at the court's mouth by his notable prosecution and persistent persecution of R. W. Speer, Denver's newly appointed democratic postmaster. The case occupied several days and the young man worried the jury several hours. Out of respect to the United States, when the case was submitted, the jury left their seats, took a ballot on the case, which was unanimous in favor of acquittal, returned to the court room and had it announced, the audience cheered and a brass band in waiting escorted R. W. Speer to his residence. Thus ended the first chapter in the young man's long list of failures.

The government must have rare confidence in the strength of its case at Salt Lake City, involving the confiscation of Mormon Church property, when it puts a minnow like Hobson against such legal whales as Broadhead, of Missouri, and McDonald, of Indiana. It may know beforehand what the judges will decide."

## First District Court.

The following business was transacted before Judge Henderson, at Provo, yesterday:

Hans Christian Hansen, of Gunnison, Sanpete County, was arraigned on a charge of unlawful cohabitation; entered a plea of guilty and promised to obey the law; was fifty-three years old; last marriage occurred in 1883. Sentence set for Nov. 3d.

Henry Beal; same charge; entered a plea of guilty; last marriage was twenty years ago. Defendant was a man of moderate means; had never evaded the issue; was fifty-three years old. Sentenced to imprisonment for three months and a fine of \$300, to stand committed until paid.

Peter M. Petersen, of Ephraim; same charge; was 46 years old; last marriage occurred 1883; had young children by second wife; entered a plea of guilty and came to the conclusion that he would obey the law in the future. The Judge thought his promise to obey the law would hardly be consistent when he had married polygamously since the passage of the Edmunds law. He had deliberately broken the law since its passage and since it began to be enforced. The rule to suspend sentence did not apply to such cases, but to those who entered into plural marriage many years ago. Defendant was sentenced to three months' imprisonment and to pay costs of prosecution.

Peter C. Hansen; same charge; his last marriage was in 1882; his families had been separated for the last two years; married just before the Edmunds law went in effect, but continued in the relation and raised children. The sentence was two months' imprisonment. He promised to obey the law.

Christian Anderson was arraigned and entered a plea of not guilty. Sentence set for 2 p. m., but defendant was absent when called, and sentence passed for the present.

Sentence in the case of the United States vs. John Harris was postponed until Nov. 3.

The case of the People vs. Albert Ether, murder, was called. Considerable time was taken up in arguing a motion for a continuance of the case, as an important witness on part of the prosecution, namely Gilbert Johnson, was absent. The defense maintained that he was a fugitive from justice, as being one of the alleged conspirators against Ether, and would not probably be found. The motion for continuance was denied, as the Court thought the witness could be obtained, if at all, by the time the jury was empaneled. The work of getting a jury is in progress.

Messrs. Evans and Arthur Brown prosecute, and Dixon, Thurman and Sutherland defend.

There were over 30 witnesses in the case.

The grand jury returned 20 indictments, 15 under United States laws and 5 under Territorial laws.

A special venire was issued for 25 more petit jurors.

President A. O. Smoot was brought into court and arraigned on an indictment charging him with unlawful cohabitation. He pleaded not guilty.

Bishop Johnson was also arraigned on a similar charge, and took two days to plead.

## THIRD DISTRICT COURT.

Today's Proceedings Before Judge Zane.

In the Third District Court today

D. L. BYBEE,

of Hooper, Davis County, was called to receive sentence for violating the third section of the Edmunds law by living with his wives. He was interrogated by the Court in reference to his future intention, but declined to promise to obey the law, stating that he could not conscientiously do so. He was sentenced to imprisonment in the penitentiary for the term of six months, and to pay a fine of \$50 and the costs of the prosecution.

The case of James Spillet vs. S. I. Lake County was continued till the next term of court, owing to Mr. Moyle's inability to appear on the day on which the case was to be heard.

The open venire for twelve names, ordered yesterday, was returned, and an examination conducted by Assistant District Attorney Clarke to obtain

## ADDITIONAL PETIT JURORS.

The following named citizens had been served by the Marshal, and answered to their names:

Robert W. Sloan,	John McDonald,
O. A. Carquist,	J. H. Olive,
John Clark,	W. J. Newman,
John Paul,	George Dunford,
Thomas Aubrey,	John H. White,
George Bourne,	T. C. Patten.

In the examination all were accepted. No inquiry was made as to belief in the doctrine of plural marriage.

The Court then said, "Mr. Clerk, read the oath. Gentlemen you will pay attention to the reading of this oath before you are called on to take it."

After the clerk had finished reading, Robert W. Sloan was called by the Court and asked whether or not he would subscribe to the oath. He replied, "I can, but I don't want to."

Court—The question is not what you want to do; can you take it?

Mr. Sloan then asked for an explanation of the oath, especially as to the words "alleged revelation." The Court replied that if he took the oath, "you must solemnly swear that you will not, at any time, under any circumstances, or in obedience to any revelation, from any source whatever, commit polygamy or any other of the offenses mentioned."

Mr. Sloan—Does it bind me for all time or only while the law stands?

Court—The oath binds you not to commit polygamy, or any of the crimes mentioned, so long as there is any law against either of them, that is all.

Mr. Sloan—Then I can take it.

Mr. Sloan stepped forward to the clerk's desk, where he inquired, "Would it not do as well to take the oath administered to voters?"

Court—(severely) You will take that oath or none at all.

Mr. McDonald was next called, and inquired—"That oath is to bind my actions for the future, is it not? I do not see how any man can swear as to what he will or will not do in future. I can take it so far as my present intention and knowledge are concerned, but I do not know as to hereafter."

Court—It binds your future conduct.

It does not mean that you will not commit polygamy or any of the other offenses now and that you may commit them in the future if you desire. It binds you to obey those laws in the future. If you can conscientiously swear to that, do so; if not, do not.

Mr. McDonald—I might change my mind in the future?

Court—If you take that oath now, you do so with the understanding that you will keep it. You do not say you will not go right out from here and commit polygamy or any other offense, but that you will not commit any of them at any time hereafter. You cannot trifle with your oath.

Mr. McDonald—I cannot conscientiously take it for the future, for I don't know.

Court—You are excused.

Mr. Carquist took the oath.

Mr. Clive said he could not subscribe to it.

Messrs. Clark and Newman said they could not take it without violating their consciences.

Mr. Paul said, "I can take it. But I have sickness in my family; my business also requires my personal attention."

Court—If your family is so sick as to require your personal attention, you are excused.

Mr. Paul left the box.

Mr. Dunford tried to get excused on the ground that he was not a taxpayer, having only paid poll tax. The Court would not release him, but he got excused on refusing to take the oath.

Messrs. Aubrey and White said they had conscientious scruples against taking the oath, and were excused.

Mr. Bourne, on being called, said, "I would not like to take it."

Court—It is not whether you like it; will you take it?

Mr. Bourne—I can take the oath in the Edmunds law, or as administered to voters; but that is different.

Court—You should take this oath; it means the same. Did you take the voters' oath with a mental reservation that you could commit any of the crimes therein named when you chose to?

Mr. Bourne—No, sir. But this oath refers to a revelation. Is that a revelation from the Almighty?

Court—That makes no difference.

That oath binds you for the future, and this one means the same thing. It was made with a view to the practice here. It means you will not commit any of the crimes named on counsel or advice, or command or revelation, from any source whatever; the law of the land you will obey first of all.

Mr. Bourne—I cannot take that part which refers to revelation from the Almighty.

Court—If you take the oath you cannot do so with any mental reservation. It binds you for the future. A witness swears to testify to the truth, and afterwards swears. If you take this oath you must keep it. Can you take it conscientiously?

Mr. Bourne—Yes, I can.

Mr. Patton also subscribed to it, making four out of the twelve summoned.

## The trial of the

CHINAMAN, GIN YIN,

on the charge of forgery, was then taken up and a jury impaneled. Messrs. Clarke and Watrous made the arguments to the jury and the case was given to them this afternoon.

The Herald Company vs. S. C. Parker; 15 days additional allowed defendant to answer.

John A. Lawrence vs. Park Mining and Milling Company; verdict for plaintiff for \$279.53.

The case of the People vs. R. Williams, on a charge of rape, comes up next for trial.

FROM WEDNESDAY'S DAILY, OCT. 25.

## Typhoid in the South.

Hon. John Rider, of Kanab, is in town. We learn from him that typhoid fever is common in many of the southern settlements. In Panguitch alone there were seven cases when he passed through that town a day or two since.

## Fire in Monroe.

A telegram from Monroe, Sevier County, yesterday, says: A fire this morning, caused by matches in the hands of small children, destroyed the corals, sheds, haystacks, one calf and the farming implements belonging to Mr. John F. Webb, of this place. The loss is estimated at about \$250.

## The Cases Yesterday.

The two criminal cases taken up in the Third District Court yesterday afternoon were concluded. Gin Yin, the Chinaman, was convicted of forgery, and sentenced to one year in the penitentiary. Richard Williams, who was connected with the vile affair at Sandy, was acquitted of the charge of rape by the jury.

## The Long Term Ended.

This morning Rodger Clawson was before Commissioner Norrell on an application for a discharge from the payment of the fine of \$500 imposed on

him for polygamy. The Commissioner, after hearing the case, ordered a discharge. Brother Clawson is still held on the unlawful cohabitation sentence.

## Raid in Cedar City.

CEAR CITY, Iron Co., Oct. 26.—[Special to the DESERET NEWS.]—Deputy Marshals M. Garry and Armstrong raided our town last night, and searched several houses. They arrested William Dover for cohabitation and subpoenaed three of Bishop Lunt's family to appear before the grand jury in December.

## Returned From Mexico.

Last evening Elder Horace Cummings, of the Twelfth Ward, this city, returned from a mission to Mexico, upon which he has been absent two years and four months. His communications to the News from time to time have contained information relative to the progress of the Gospel in that country. He returns in excellent health, and has brought with him a native Indian child, a little girl, aged eleven years, but small for her age.

## Two More.

Last evening two more "Mormons" were placed in the penitentiary for living with their wives. They were A. E. Bartine and Christian Peterson, who were brought down from Ogden, where they were sentenced by Judge Boreman yesterday. Both of them refused to make any statement as to their intentions regarding the law. The first named was fined \$200 and costs, and the last \$300 and costs. Both received the full extent of the law in imprisonment—six months.

## Alleged Embezzler Arrested.

Some days since the Gast Bank Note Company, St. Louis, sent word to this city to arrest a man named W. C. Crandall, who was wanted there on a charge of embezzlement. A reply was returned to send instructions for the arrest through the proper officers, which was done. Yesterday afternoon Sheriff Burt went to Corinne, whither Crandall had gone on his way west, leaving his wife to join him later. The officer captured his man, and he will be sent to St. Louis.

## To One Year.

In the Third District Court this morning, Thomas Isherwood, who has been in the penitentiary for four months, awaiting trial on the charge of stealing Austin O'Toole's horse, pleaded guilty to the offense. He stated to the court that the theft was committed while he was drunk; he had a family to support, and asked the leniency of the court, promising to lead a better life in future. He was given the least term allowed by the law—one year in the penitentiary.

## Third District Court.

Proceedings in the Third District Court today:

A venire for twelve petit jurors was issued, returnable on Thursday, Oct. 27th, at 10 a. m.

Sol Crown was excused from service as a petit juror.

Wm. Mc. Gillivray was admitted to citizenship.

The People vs. Thomas Isherwood; grand larceny; plea of guilty; sentenced to one year in the penitentiary.

The People vs. John Ferguson; grand larceny; case dismissed.

In the matter of the estate of Elijah Carron, deceased; agreed before the court upon questions of law arising upon the construction of will and codicil and rights of grandchildren to inheritance; submitted and taken under advisement.

Geo. St. Clair vs. Ephraim Moilner, et al.; by consent and stipulation a decree is entered.

## Re-arrested.

Today the trial of John Ferguson, indicted for grand larceny, and accused of misappropriating ore from one of the smelters at Sandy, was called in the Third District Court. A material witness being absent, the case was deferred for a short time, and when called again, the indictment was dismissed on motion of Assistant District Attorney Clarke. Mr. Ferguson was immediately rearrested on a new charge of grand larceny, and was taken before Commissioner Norrell. His counsel, Mr. Hoffman, asked a postponement of the hearing till Wednesday next, at 10 a. m., which was done.

Mr. Hoffman asked that the bail be put at \$250, as the defendant had now been unjustly imprisoned for four months.

Mr. Clarke—No, he was not; we could have convicted him of petty larceny.

Mr. Hoffman—Then it was your duty to do so.

Mr. Clarke—No, it was not; we were after bigger game.

The bonds were fixed at \$700, which the accused was not able to give, so he was sent to the penitentiary.