

ment, or at any time, a legal grand jury, because he says that fifteen persons and no more were, on the 13th day of October, 1875, empanelled and sworn in this court as a grand jury to serve therein at the October term, 1875, of this court; that the said persons, to the number of fifteen and no more, acting as such grand jury, found said indictment, and the same was not otherwise found; that the said George Reynolds was not under arrest, nor had he given bail for his appearance at said term of court to answer the criminal charge contained in said indictment, or any charge whatever, before the said indictment was found, and this the defendant is ready to verify; wherefore he prays judgment of the said indictment, and that the same may be quashed.

2.—And the said George Reynolds, for a further and distinct plea to said indictment, says that he ought not to answer to or be tried on said indictment, because he says that the grand jury that found said indictment was drawn without any public notice of the time or place of the drawing of such jury having been given by the judge of the Third Judicial District of said Territory; and this the defendant is ready to verify; wherefore he prays judgment of the said indictment, and that the same may be quashed.

3.—And the said George Reynolds, for a further plea, says that he ought not to answer to or be tried on said indictment, because he says that at the time of the drawing of the said grand jury by which the said indictment was found, to wit, on the 23rd day of September, 1875, one Aaron Greenwald was drawn as one of the jurors of said grand jury, and was summoned, and on the 11th day of October, 1875, appeared to serve on said grand jury, that being the first day of the said October term, and the day upon which said grand jurors were summoned to appear.

That the said Aaron Greenwald was, on the — day of Jan., 1875, when the list of two hundred persons qualified to serve as grand and petit jurors was made, a male citizen of the United States, over twenty-one years of age, could read and write the English language, had resided in the Third Judicial District of said Territory for six months then next preceding, and on the said 11th day of October, 1875, did and ever since then has continued to reside in said district.

That he was at all times herein mentioned of reputed sound mind and discretion, was not so disabled in body as to be unable to serve on said grand jury, had not been convicted of any capital or infamous crime, and owned taxable property and paid taxes in Utah Territory, and was and is in all respects competent and qualified to serve as a member of said grand jury.

And the said George Reynolds says that afterwards, to wit, on the 13th day of October, 1875, the said Aaron Greenwald, having been drawn, summoned and having appeared as aforesaid, and being then competent and qualified in all respects to serve as a grand juror as aforesaid, the name of him, the said Aaron Greenwald, was, without any cause, reason or authority whatever omitted from the panel of said grand jury, nor was he called at the impanelling of said grand jury, at any time, to serve thereon. And this defendant says that the indictment found herein against him was found by said grand jury, consisting of fifteen persons, without the said Aaron Greenwald being a member thereof and by no other. That the said defendant was not under arrest, etc. Wherefore he prays judgment of the said indictment and that the same may be quashed.

4.—And the said defendant, for a further plea, says that he ought not to answer to or be tried on said indictment, because he says that the persons acting as a grand jury of this court at the October term, 1875, by whom the said indictment was found, was not a legal grand jury, because he says that Andrew Kjoenstine and James Godfrey were drawn, summoned, impanelled and sworn contrary to law as jurors of said grand jury; that they each acted as a member of said grand jury in finding said indictment; that they were not, nor was either of them drawn at the time and place appointed by the judge of the said Third District Court for the drawing of grand jurors to serve at said term; that the said James Godfrey was drawn

afterwards, to wit, on the 11th day of October, 1875, and not at any other time, and the said Andrew Kjoenstine was drawn on the 13th day of October, 1875, and not at any other time, to serve as jurors of said grand jury; that no necessity therefore had arisen, nor any necessity to draw any other or additional grand juror or jurors, to serve at said term, either when the said James Godfrey or the said Andrew Kjoenstine was so drawn. That said George Reynolds, defendant, was not under arrest, etc., and this the said George Reynolds is ready to verify; wherefore he prays judgment of the said indictment and that the same may be quashed.

5.—And the said defendant, for a further plea, says that he ought not to answer to or be tried on said indictment, because he says, that the names of the persons who were impanelled and sworn to act as grand jurors at the said October term, 1875, and that found the said indictment, were not drawn from the box containing the names or any names on slips of paper or otherwise of persons that had previously or at any time been selected, prepared, named or drawn by the judge of probate of the county in which said court was held and by the clerk of said district court, or by any judge of probate or clerk of the district court, or taken from any list of names so selected, prepared, named or drawn as aforesaid. That said defendant was not under arrest, etc.

6th.—And the said George Reynolds for a further plea, says that he ought not to be held further to answer said indictment or to be tried thereon, for the reason that he says that the grand jury that found the said indictment had not before the finding thereof been sworn as such grand jury or according to law or otherwise. That said def., &c., and this said defendant is ready to verify. Wherefore he prays judgment of said indictment and that the same be quashed.

Williams and Young, and Sheek and Rawlins, Attorneys for George Reynolds.

GEORGE REYNOLDS.

Territory of Utah, } ss.  
Salt Lake County. }

George Reynolds, being duly sworn, says that he is the defendant in the foregoing pleas and that they are true in substance and matter of fact.

Subscribed and sworn to before me this 6th day of December, A. D. 1875. JAMES JACK,  
Notary Public  
For Salt Lake County, U. T.

On the convening of the Court yesterday afternoon the matter of the pleas was taken up, District attorney Carey entering a demurrer to the first. After argument on both sides, the demurrer was sustained.

The District Attorney replied to the remaining five pleas, and the court took a recess till seven o'clock, to give time to the counsel for the defense to consult as to the course they would take with regard to the replications, which denied the alleged facts set forth in the pleas.

At seven o'clock evidence was presented, and the matter argued by the attorneys.

This morning, the court, in a lengthy opinion, sustained the demurrer and replications of the U. S. District Attorney, and overruled the plea in abatement.

Excommunicated. — James McKnight was cut off from the Church of Jesus Christ of Latter-day Saints, in the 16th Ward, Nov. 19th, 1875, for apostasy.

The above action was confirmed by the High Council of this Stake of Zion, Dec. 2nd, 1875.

F. KESLER,  
Bishop of the 16th Ward.  
Salt Lake City, Dec. 9th, 1875.

FROM FRIDAY'S DAILY DEC. 10.

Weber Stake Conference. — The Ogden Junction announces the annual conference of the Weber Stake of the Church at that city commences on Friday, Dec. 17th, at 10 a. m.

A Preaching Tour. — On Wednesday Elder Orson Pratt returned from a preaching tour through Tooele and Rush Valleys. During six days he held fourteen meetings, which were all well attended. The topics mainly treated upon were repentance, renewal of covenants by baptism, and the adoption of a stricter self-sustaining policy in

the matter of home productions. He was accompanied in his tour through Tooele Valley by Bishop Rowberry.

In Wisconsin. — A letter from Elder Miles P. Romney, dated at Viola, Richland Co., Wis., to a relative in this city, states that himself and Elder Moroni McAllister, his companion missionary, are meeting with cheering success in their labors. They have lately been traveling from place to place, among people who had never heard an elder preach, and holding meetings nearly every night, the congregations being crowded. They were being everywhere received and entertained hospitably by people who were entire strangers to them. Elder McAllister, who is quite a young man, was becoming quite proficient in preaching, and was also a great aid in the missionary work on account of his good ability as a singer.

The Reynolds Trial. — Yesterday, after the ruling of the Court setting aside the pleas in abatement set up by the defendant, the latter was again arraigned, and pleaded "not guilty," when the matter of obtaining a jury for the trial was proceeded with. The first array was equally divided, being composed of half "Mormons" and half non-"Mormons." Two of the non-"Mormons" were challenged for cause and excused, and another, Charles Reid, admitted that he had formed but had not expressed an opinion, he being challenged for cause, by the defense; challenge overruled and defense excepting. Another juror was excused for having expressed an unqualified opinion. Homer Brown, W. A. Bills, W. F. Reynolds, and James Johnson declined to answer a question put by the prosecuting attorney as to whether they were living in polygamy, on the ground that they would criminate themselves. The court ruled that they need not answer. They were then challenged to the favor, on the ground of their being polygamists, the Court sustaining the challenge, the defense excepting.

The defense as an offset to this ruling desired to ask Mr. Prescott, a juror, whether he had not a strong prejudice against parties who were living in the practice of polygamy. Question ruled out by the Court, defense excepting.

Others were drawn from the box, among them James McGuffey, who said, "I was on the jury when the case was tried before, and that lets me out." S. J. Lees passed for cause. Eli Ransohoff had expressed an opinion from what he had read in the papers about the case, but did not think that would influence his verdict. Challenged for cause by defense; overruled, defense excepting.

After a lengthy continuation of proceedings in keeping with the foregoing, a full panel was at length obtained, about 5 o'clock last evening, as follows—

Henry Simons, Emanuel Kahn, Eli Ransohoff, B. F. Dewey, Chas. Reid, George Hogan, Edward L. Butterfield, Frank Cisler, Samuel Woodard, Nathan J. Lang, John S. Barnes and Lucien Livingstone.

At the evening session of the court, which convened at 7 o'clock, John Tuddenham and Mary Tuddenham, the parents of Mary Ann Reynolds, wife of defendant, also Mayor Wells and Amos J. Lucas were sworn witnesses for the prosecution and testified.

The prosecution offered to prove by J. R. McBride that the Amelia Jane Schofield Reynolds had testified at the former trial that she was married to the defendant, by Mayor Wells, on August 3rd, 1874, the defendant admitting the same also, by his attorney. The defense objected and the Court said it would hear arguments and authorities on Friday morning on the question as whether the testimony given by the absent witness at the former trial could be introduced in the one now proceeding.

Marshall Maxwell and deputy Pratt were each examined as to the issuance and endeavors to serve a subpoena on the absent witness, Mrs. Amelia J. S. Reynolds.

FRIDAY MORNING, 10 a. m.

The prosecution introduced evidence to prove that there had been a previous trial of defendant for the same offense.

J. G. Sutherland, one of the attorneys for the defense in the former trial of the defendant, for polygamy, was sworn for the prosecution.

The court overruled an objection to a question put to the witness by the prosecution as to whether the witness had admitted, when acting as attorney in the previous trial, that Amelia Jane Schofield was married to George Reynolds on the 3rd day of August, 1874, defendant excepting to the ruling. Witness answered the question affirmatively.

The making of this admission was also corroborated by Adam Patterson, sworn reporter for the previous case, an objection by the defense to the admission of this witness's evidence also being overruled by the Court, defense excepting.

The defense moved to strike out Mr. Sutherland's testimony regarding the admission, on the ground that he had no recollection of having any consultation with defendant when he made it; motion overruled. Mr. Carey testified to the defendant being in court at the time the admission was made. The court said it would admit the testimony of Messrs. Sutherland, Patterson and Carey.

Deputy Marshal Pratt testified to having received a subpoena to serve upon Amelia Jane Schofield; that he went to the house of defendant, but did not find her. He saw defendant there, of whom he inquired for the whereabouts of the absent witness and was answered that she was not there, but that witness could search the house if he had got a warrant; or he could take his, defendant's, word for it. Witness asked where the absent witness was, when defendant answered that that was for him to find out. As witness was leaving Mr. Reynolds said something which, to the best of his belief was, "she don't appear in this case." In answer to a remark of witness that the absent witness was causing him considerable trouble, and would get herself into trouble, defendant said, "Oh, no, she won't till a subpoena is served on her."

The Court overruled an objection to the introduction of the reporter's notes of the evidence given at the previous trial by Amelia Jane Schofield. The notes were read, showing that she testified to having been married to Mr. Reynolds, August 3rd, 1874, at the Endowment House in Salt Lake City.

J. R. McBride testified to having heard the evidence given by Amelia Jane Schofield (Reynolds) at the former trial, and gave the substance of it.

Hamilton Gamble testified similarly in substance as the previous witness. The Court said it would exclude Judge Sutherland's testimony.

The prosecution closed here.

Mr. Adam Patterson was sworn reporter, by the Court, to take the evidence.

Mayor Wells was recalled to the stand, and testified, at considerable length, concerning the nature, purposes and effects of polygamy and other points.

Another.—This was another of the lovely mornings.

FROM SATURDAY'S DAILY, DEC. 11.

Four Crops. — Mr. Chas. Twelves brought us this morning a fine cauliflower and some lettuce, the latter being the fourth crop raised on the same ground this season. Mr. Twelves has cauliflowers still growing and expects to cut some at Christmas. — *Utah County Times*, Dec. 9.

Concert. — We learn that the people of the First Ward intend having a concert of sacred music, vocal and instrumental, commencing at 6 o'clock to-morrow evening, the object being the cultivation of a taste for a superior class of music. No charge will be made for admission. The programme will include trios, duets, solos and quartets. The First Ward has an excellent choir, of about 24 members.

Sudden Death. — Yesterday a man named George Henry Baxter, about thirty-six years old, was taken suddenly ill while at work digging in the trenches for the water mains. He was conveyed to his home in the 11th Ward, in a carriage. About 9 o'clock last night he suddenly expired. To-day an inquest was held by Coroner Taylor and a jury, but the verdict was withheld until the completion of a post mortem examination, which was to be conducted by Dr. J. M. Benedict, at 3 o'clock to-day.

## TERRITORIAL DISPATCHES.

PER DESERET TEL. LINE.

The Lincoln Mine Case—Arrested.

BEAVER, Utah, Dec. 10th.

The District Court, this morning, the case of J. H. Dupaix and others was called, and an application was made to declare the Lincoln Mining and Smelting Company bankrupt; the court adjourned till 2 p.m.; at 2 p.m. the court adjourned till to-morrow morning. Much interest in this case is felt throughout the county. J. H. Beatty, present superintendent of the Lincoln mines, is pushing to completion the new pump; the water is said to be only eleven feet deep, and if the court refuses to allow the motion of plaintiff's bankruptcy the working of the mine and smelting will be immediately resumed.

Sam. Porter, a one-eyed witness of the murder of Jno. P. Hunter by Joe. Hunt, in October last, was arrested this afternoon, and taken to jail ironed, on a charge of being accessory to the murder of Hunter.

## OFFICIAL EMBEZZLEMENT IN THE SECOND JUDICIAL DISTRICT.

The Grand Jury Report the U. S. Marshal a Defaulter.

An Ugly State of Things.

The following was received over the Deseret Telegraph line to-day, from our special agent—

BEAVER, Dec. 13th.

*De eret News*.—The report of the grand jury shows a state of affairs alarming in their nature. Out of over thirteen thousand dollars appropriated by the Government for this district, a searching examination by the grand jury shows that little or nothing has been paid, while Marshal Maxwell's books represent that most if not all of the jurors have been paid in full. Not one of the witnesses examined by the grand jury has been paid, whereas Maxwell's account shows all their fees settled with false entries, only some eight thousand dollars being accounted for, leaving between three and four thousand dollars gone into the sinking fund. Members of the grand jury express profound disgust and indignation at the state of affairs, and, in some instances, are outspoken in their conviction that this Tammany business has been going on a long time, and many thousands of dollars spirited away. Considerable excitement exists and a demand for Maxwell's indictment is becoming quite general. It seems impossible for any satisfactory explanation to be given of the affair. Since Maxwell had the money in his possession, while here, in July, he has made entries upon his books showing witnesses and jurors paid, nearly all of whom paid their own expenses and got nothing.

The *Enterprise* claims to have proofs of graver offenses in this connection than embezzlement, and promises to lay them before the public immediately. It requests all persons who attended the July or subsequent terms of this court and having unpaid claims against the same, to forward them instantly, and numbers have already been received. One man testifies that he signed a voucher for a thousand dollars, so that correct accounts could go to Washington, with a promise that he should have the money when it was forwarded. He has received three hundred dollars and cannot get any more. There is an additional item of nearly two thousand dollars, for supplies for prisoners, which was doubtless a rich morsel, in view of the fact that the prisoners were boarded at Fort Cameron on government rations.

BENARES.

Like "Quaker Guns"

Artificial teeth are of little use and easily detected. Take care of the real ones. All you need is fragrant SOZODONT; use it daily and your teeth will be the last of nature's gifts to fail you. ds&w

BEFORE your Lungs begin to fester, stop the cough that may otherwise destroy you, with HALE'S HONEY OF HOREHOUND AND TAR. Pike's Toothache Drops cure in one minute. d&w