

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 37.

Salt Lake City, U. T., Wednesday, September 26, 1888.

Vol. XXXVII.

ESTABLISHED 1850.

DESERET NEWS: WEEKLY.

PUBLISHED EVERY WEDNESDAY.

One Copy, one year, with Postage, \$2.50
Six months, 1.50
Three months, .80

DESERET NEWS: SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY

One Copy, one year, with Postage, \$3.00
Six months, 1.75
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, 2.50

Papers sent to subscribers by mail have the names stamped upon them, with figures opposite to indicate when the subscriptions will expire. For instance, John Smith, 4-17-87, means that John Smith's subscription will expire on the 4th day of the 17th month of this year, or November 4th, 1887. Subscribers will please notice the figures on their papers, to see that they have their proper credits, and also to know when to renew their subscriptions, the rule being to stop the paper when the subscription expires.

PUBLISHED BY

THE DESERET NEWS CO.,
SALT LAKE CITY, UTAH.

FROM TUESDAY'S DAILY, SEPT. 19, 1888.

Liberated.

Yesterday Brother Bent Larsen, of Monroe, Sevier County, emerged from the penitentiary. He has served a six months' term for living with more than one wife. He was detained 30 days for the heavy fine imposed.

Osage Orange Hedges.

A correspondent, writing from Taylor, Apache County, Arizona, asks the following inquiries:

"Will you please inform me through the columns of your valuable paper of the time to plant osage orange seed for a hedge, whether in the fall or spring, and the best mode of planting and of caring for while young? How many rods will one pound sow? Do you consider it a profitable hedge to plant in a town?"

Can some one, having a practical knowledge of this subject, furnish the information desired?

First District Court.

In the First District Court, at Provo, yesterday, after granting naturalization to four applicants, Judge Judd, assisted by Judge Henderson, proceeded to the empaneling of the grand jury. Of the seventeen that answered to their names, two were excused on account of labor at home. Those who were passed are: W. H. Brereton, Peter Schwabe, P. C. Hallett, C. E. Koffart, W. H. Randall, S. K. Mount, A. L. Robinson, C. Clawson, W. L. Dykes, H. W. Davis, Geo. W. Basor, Robert A. Hills, George C. Veile, Wm. O. Penny and W. A. Starr. Judge Judd charged the jury, not failing to make special mention of prosecutions in connection with polygamous marriages.

Death of Sister Miles.

From New Zealand papers we learn of the death at Rangiora, of one of the oldest and most respected residents of that colony—Mrs. Miles. She was 76 years of age, and arrived in Rangiora March 7th, 1857, from England. She has left nine living children, forty-six grandchildren and thirty-six great grandchildren. Many marks of respect were paid to the memory of the deceased. She was a member of the Church, having embraced the Gospel in 1877. She was baptized by Elder F. W. Hurst. A widow daughter of Mother Miles lives in the Fifth Ward of this city, Mrs. Ann Miles Norfolk. Many of the Elders who have visited the deceased in New Zealand will doubtless be interested in learning something concerning her demise.

IN COURT TODAY.

Further Sentences for Unlawful Cohabitation.

At the opening of the Third District Court this morning the case of the People vs. George Shields was taken upon a motion to dismiss. The defendant was convicted in the justice's court of disturbing a public meeting. The motion is made on the ground that the appeal was not heard at the next term of court after the appeal was taken. The motion was taken under advisement.

ARRAIGNMENTS.

George Saunders was called, and

was arraigned on a charge of grand larceny, in having stolen a large amount of jewelry and cutlery from Alfred Fosom. John M. Zane was appointed to defend him.

Wm. A. Hibbard was arraigned on indictment found against him for highway robbery. This is the case where E. W. Taylor was held-up and robbed of his watch. The court appointed J. J. Eastley to defend him.

Daniel O'Brien and Henry Baker were arraigned for burglarizing Wm. Shinde's place of business on Aug. 12th. Both defendants entered a plea of not guilty.

W. J. Snyder having withdrawn as counsel for J. A. Spitz, charged with grand larceny, the court was applied to to appoint an attorney for him, but declined, as the defendant had some property.

UNLAWFUL COHABITATION CASES.

James Turner, who pleaded guilty yesterday, to unlawful cohabitation was called for sentence. The court asked him his age, which was 70. In reply to the court he said his children were all grown up; and he had never been in a court before.

The court passed sentence on Mr. Turner, at the same time warning him not to commit the offense a second time. The judgment was \$50 fine and imprisonment for 60 days.

Daniel Lewis was also called for sentence for unlawful cohabitation. He stated to the court that he was a farmer and was 54 years of age. The court sentenced him to pay a fine of \$50 and be imprisoned for 60 days.

Milford B. Shipp changed his plea of not guilty of unlawful cohabitation to guilty. There were three indictments in this case under the segregation scheme, and two of them were dismissed. To the court he stated he had 20 children.

Mr. Peters said that the defendant had been guilty of polygamy.

Court—I mean, is it his first arraignment on the charge of unlawful cohabitation?

Mr. Peters—It is. He kept out of the way for about two years.

Mr. Richards—The fact that a man is guilty of unlawful cohabitation does not imply that he is guilty of polygamy, as some of the marriages were entered into before there was a law against it. I think Mr. Peters' statement is unfair.

It was ascertained that Mr. Shipp was in that class of cases.

The court sentenced him to pay a fine of \$50 and be imprisoned 75 days.

Edward Davis pleaded guilty to unlawful cohabitation, and said he was prepared to receive sentence.

Mr. Peters said the marriage to the plural wife was of recent date, 1881. There was also another indictment against him which would have to be dismissed for want of proof.

Court—Do you think that in passing sentence for unlawful cohabitation I can inflict a punishment for adultery?

Mr. Peters—No, sir, but I state the fact for your honor's information.

Court—I cannot take into consideration a charge of adultery against him. I may hear it mind, but that is a separate affair.

Sentence was passed upon him, with a warning not to repeat the offense. As his marriage was recent, he was fined \$70 and costs, and ordered imprisoned for 75 days.

Eumund Rawlings also changed his plea to guilty of unlawful cohabitation. The time of sentence was fixed for Monday, Sept. 24, at 10 a. m.

The case against Sven Jacobson, unlawful cohabitation, was set for today, but owing to the illness of a witness for the prosecution, it was continued at Mr. Peters' request.

JOHN IRVING'S TRIAL.

The case against John Irving, of West Jordan, was called. In this instance the indictment charging unlawful cohabitation is segregated into five counts. Mr. Hoffman, who appeared as counsel for Mr. Irving, asked that four of the counts be dismissed before any further proceedings were had. Mr. Peters elected to proceed on the second count, covering from January 1 to June 30, 1881, and the other counts were dismissed.

The names of the witnesses were called, that of George Stringam being among the number. He had been brought down from the penitentiary on behalf of the prosecution.

A jury was called and empaneled.

Mrs. M. Revolt was the first witness. She testified—I have lived in West Jordan six years; know the defendant; am acquainted with his wife; Mr. Irving never comes to my house; Annette Revolt is my husband's sister; in 1881 she lived at the defendant's place; she was living there when I came to the country; she has no children; I do not know whether her or not she is Mr. Irving's wife; I only know she lives in the same house as Le and Mrs. Irving; she was never called Irving.

Judith Revolt testified—Annette Revolt, my aunt, lives at the defendant's house; I have called at the defendant's; I don't know whether Annette is Irving's wife or not; my sister Annette also lives at Irving's; I don't know whether she is the defendant's wife or not. I never

FROM WEDNESDAY'S DAILY SEPT. 19, 1888.

First District Court.

Business before Judge Judd, at Provo, yesterday:

David Williams, vs. David J. Williams & Co.; defendants' demurrer confessed; seven days given to file an amended complaint.

Angeline Taylor vs. Hiram J. Taylor; order overruling demurrer; twenty days allowed to file answer.

W. D. Myers vs. C. M. Boley; dismissed at plaintiff's cost.

People vs. Otto Hudson and Cornelius Sorenson; appeal dismissed.

United States vs. J. P. K. Johnson; unlawful cohabitation; plea of not guilty changed to guilty; sentence set for October 9.

United States vs. Elijah Burns; unlawful cohabitation; defendant arraigned and took the statutory time to plead.

United States vs. Charles Hawkins; unlawful cohabitation; defendant entered a plea of guilty; sentence set for October 9.

People vs. Bub Williams; appeal dismissed.

Andrew Lindsey was admitted to citizenship.

Ottomine Frandsen vs. Lars Frandsen; demurrer overruled.

C. C. Christensen vs. P. C. Burrison et al.; dismissed at cost of plaintiff. Tried to find out whether she was married or not.

Mrs. Elizabeth Swinberg testified—I know Mr. Irving; know his wives Elizabeth and Annette; before I moved to Salt Lake I used to live near him; that was six years ago; he married his third wife in 1881; he treated all three as his wives.

To Mr. Hoffman—I was H. B. Crandall's wife; I heard Mrs. Irving talk about Annette's child; heard her say it was the defendant's child; I used to be friendly to the Irving family; I heard that the defendant married a wife in 1881; do not know anything of it myself; I have talked with Deputy Franks about being a witness in the case; this was a week ago.

The prosecution rested its case, and recess was taken till 2 p. m.

This afternoon the defendant, John Irving, was called and testified—I am acquainted with Mrs. Crandall, who calls herself Mrs. Swinberg; I last saw her seven or eight years ago; never saw her at my house since then; in June, 1886, I was before Commissioner McKay; July 30, I went off to my sheep camp, and returned home on the 24th of December, 1886, remained a week and then went off, and was away till the last of August, 1887; I have not been at home a month for the last three years.

To Mr. Peters—I was at home but a few days at the time I was before the Commissioner; have not seen Mrs. Swinberg, or Mrs. Crandall, as I knew her, for seven years; it is 18 or 20 years since she removed from close to where I live; I bought her place, and she removed to the other side of the river; I don't know when she left the latter place; I know Annette Revolt.

Mr. Hoffman objected, as it was not cross-examination.

Court—That won't make any difference.

Witness continuing—Annette Revolt is my wife; she lives at my house; Ann Revolt is also my wife; she has one child.

Mr. Peters—Whose child is it?

Mr. Hoffman objected to the question as incompetent.

Objection overruled.

Mr. Irving—I decline to answer.

To Mr. Hoffman—From Jan. 1 to June 30, 1881, or since, I have not lived with more than one wife; have not, during that time or subsequently, lived with Annette or Ann Revolt as my wife; my first wife is Elizabeth.

W. L. Pickard testified—I know the defendant; he is in the sheep business; a portion of 1886, he was at his sheep camp; he came in to my warehouse with wool, in June, and then went away for several months.

Judith Revolt testified—In 1886 Mr. Revolt was at his sheep camp; he came home in the winter and stayed two or three days; he has been home but little.

The evidence was closed with this witness, and Mr. Peters and Mr. Hoffman made brief arguments to the jury, who returned a verdict of guilty.

On motion of Mr. Peters, the charge of adultery against Edward Davis was dismissed, it being included in the unlawful cohabitation charge.

This closed all of the unlawful cohabitation cases on the trial calendar, and such others as may be set will be in cases where the defendants have not yet been arraigned or where indictments have not yet been reported.

From Norway.

Elder Abraham Johnson, of Mount Pleasant, Sanpete County, reached this city last evening on his return from a mission to Norway. He left Utah September 7, 1888, and went direct to Norway, where he labored during the whole term of his absence. The first year and a half he labored in the Aker branch, on the eastern coast. Many

Saints have been converted in and have emigrated from that section in years gone by, but in recent years the work has been rather dull there. It is now livening up somewhat. Of the condition of the work in general in that country, Elder Johnson says it is favorable.

In or about February 1887, Elder Johnson, and companion, Elder H. C. Peterson, of Logan, visited a place called Sandefjord, where the Gospel had never before been preached. The people turned out en masse to hear the Elders, which so enraged the priest that he announced that he would sanction any measure that might be taken to rid the place of the Elders. In consequence a mob assembled, broke up a meeting which was being held by the Elders, and compelled them to leave. The leader of the mob was the captain of a vessel, and immediately after driving the missionaries from the place he and a number of the mob who were selected as a crew, started on a whaling voyage. Within three days from the time of the riot, the captain and crew were all lost at sea.

In a place called Bergen, on the west coast, elder Johnson met with excellent success. There is a thriving branch there.

Elder Johnson had charge of the company of emigrants which left Liverpool on the 1st inst., and of the division of it which came in over the U. P. last evening. The main company divided at Kansas City, and the portion of it coming over the D. & R. G. will arrive this evening.

His First Charge to the Jury.

The following is the charge given by Judge Sandford yesterday afternoon in the case of the United States vs. John Irving, on trial for unlawful cohabitation. It is the first of the kind the Judge ever delivered:

"John Irving stands arraigned at the bar of this court under an indictment charging him with unlawful cohabitation on the 1st day of January, 1884, at Salt Lake County, in this Territory, and thereafter continuously remained in that condition of unlawful cohabitation until the 30th day of June, 1884. That he cohabited with more than one woman as his wives, viz: with one Elizabeth Irving, and with one Annette Revolt, sometimes known as Ann Revolt, contrary to the provisions of the statutes.

"The testimony presented before you is not very conflicting nor very voluminous. Some of the facts on which this prosecution is based have been admitted by the defendant, particularly the defendant admits that he has three wives. That is a material fact for you to consider.

"The main question in the case is, whether the testimony of the witness on the part of the people, Mrs. Swinberg, is to be received, or the testimony on the part of the defendant, offered by himself. The two are conflicting. It is your duty to consider them carefully, to weigh them, to reconcile them.

"The defendant attempts to prove an alibi as to part of the time for which he is charged with this unlawful cohabitation, and puts on the stand the witness, Pickard, who states that certain parts of the month of June, defendant was some distance from his home taking care of some sheep; and there the defendant leaves his defense as alibi.

"In order to convict the defendant of the guilt of the charge against him, you will, of course, have to find that he committed this act of unlawful cohabitation at the time set forth in the indictment, and you are understood to pass on the credibility of the witnesses yourselves. You have seen them testify, you have heard them testify, and the recollection of their testimony is fresh in your memory. You are to weigh the evidence that has been presented before you, and pass on the whole of the testimony and arrive at a verdict in the case.

"If you believe the testimony adduced on the part of the defendant to be correct and true, then you will bring in your verdict accordingly. If you find on the other hand that the People have sustained the charge by competent proof, then you will find for the People. Every reasonable doubt must be decided in favor of the defendant. If you are satisfied that he is innocent, then you will bring in your verdict in that respect, that he is innocent of the charge against him.

"What is unlawful cohabitation has been laid down by the United States Supreme Court, in the case of Cannon vs. the United States. According to this decision, that offense was—and I am bound to present to you this law as the law of the land, which you will accept and to which you will conform—the court says: 'The offense of cohabiting with more than one woman, created by the third section of the act of Congress of March 22, 1852, in regard to polygamy in the Territory of Utah, is committed by a man who lives in the same house with two women, and eats at their respective tables one-third of his time, or thereabouts, and holds them out to the world by his language or conduct, or both, as his wives, and

It is not necessary to the commission of the offense that he and the two women, or either of them, should occupy the same bed, or sleep in the same room, or that he should have sexual intercourse with either of them."—116 U. S. Rep.

"This is the law on which you will act in this case, gentlemen of the jury.

"The defendant has set up as defense that he has had no sexual knowledge with these women that he calls his wives.

"All the testimony is before you. You will bring in such a verdict as is authorized by the testimony which you have heard in this case."

ATTEMPTED MURDER.

William Henderson Shoots Richard Hook in the Breast.

At 10:30 last evening at Sandy, Salt Lake County, Richard Hook, of Stockton, received a wound that came near costing him his life. He was brought to this city this morning, for surgical attendance. His account of the affair is as follows: At the time stated he was standing in front of a house in Sandy. He was leaning against the street fence filling his pipe, when a man inside the fence ordered him away. Hook replied that he was interfering with no one and would not go till he was ready. The other person, who was William Henderson, ordered Hook off again, but the latter replied that he didn't have to go. At this Henderson drew his revolver and fired two shots. The first bullet passed over Hook's head, but the second shot took effect in his left breast, near the heart. Henderson turned and walked away, while Hook staggered to a smelter, where he had some acquaintances. No surgeon could be found, so the wounded man remained near the fire all night, to keep from getting cold. His wound was not dressed in any way, and the blood saturated his clothing about it.

This morning Constable Lewis of Sandy precinct, was notified and took Henderson into custody. He also brought him and Hook to this city, where the latter was placed under the care of Dr. Benedict, who expressed an opinion that he would recover, though the injury might prove serious. The ball had entered between the ribs and lodged in the back. Mr. Hook was able to walk but has been considerably weakened.

Henderson denied the shooting when first arrested. Subsequently, however, he stated to officer Lewis that he had had a quarrel with a man, and went to his room and procured the weapon, in which he placed three cartridges. When he came out he saw the man coming toward him, and fired two shots over his shoulder. He gave another version of the affair to W. B. Tripp, to whom he said he had fired two shots over a man's head, "just for fun," and did not think he had hit him.

Hook says he had no trouble with Henderson, and never spoke to him until he ordered him away from the street in front of the boarding house. Constable Lewis says that about six weeks ago Henderson engaged in a similar game, firing two shots at Blehard Green, whom he was trying to frighten. The bullets passed between Green's arm and his body, doing no injury. Henderson has been employed at the Mingo Smelter and has no family. He is now in the city jail, awaiting the result of a preliminary hearing, which will be held on Saturday. He was arraigned today and pleaded not guilty. He also made a statement to a News reporter this afternoon, but it was too late for publication in this issue. He says Hook threatened to cut his throat, and that the shots were fired in the air. He says he cannot account for the wound in Mr. Hook's breast.

Says a Chicago paper: A west-side woman is dying through blood-poisoning contracted in the use of "beautifying" complexion extracts. Considering the frequent use of these "balms" it is a wonder that more harm does not result. A great many of these contain a strong mixture of lead and other injurious ingredients, the application of which to a sensitive skin is sure in time to cause trouble more or less serious. It is not safe to tamper with nature's work. She has done her best, and she is pretty sure to resent any attempt to improve on what she chooses to bestow upon us.

NORTHWESTERN STATES MISSION.

The large picture of the Elders of the Northwestern States Mission will be ready for distribution at Conference time, and can be had at C. R. Savage's gallery, opposite Z. C. M. I., or at Anderson's gallery, Nephi. The Elders who labored in that Mission in 1887 will please write to Geo. E. Anderson, photographer, at Springville, Utah, at which of these places they would like to obtain their copies, and those who have not paid their share, please remit the amount at the same time.

WM. M. PALMER,
Pres't. of Mission,
des&wt