THE END NEAR

Prosecution in the Olson Case Closes.

THE DEFENSE BEGINS

Judge Powers' Ideas of why Miss Olson Killed Hall.

JUDGE ZANE AND THE REPORTERS

Scenes in the Court that are Decidedly out of the Usual Run—Powers and Varian Indulge in a Clash.

The spectacle of a woman on trial for her life attracted the usual big attendance of spectators at the Third district court yesterday morning, when the struggle for a jury to try Amanda Olson, the slayer of Frank Hall, was resumed. As on the opening day, Miss Olson wore a heavy veil which entirely concealed her features and this was only raised for an instant so that the jurors might ascertain whether or not they had ever seen her before.

When the court adjourned on Thursday night, eight of the twelve jurors had been secured, and the first call yesterday morning brought to the box Fred Little, C. D. Brinton, Heber Young and H. McRae. Judge Powers at once commenced examining them, and Mr. Little was excused because he had formed a fixed opinion as to the case.

Mr. Young knew he could not try the case impartially and he was allowed to go.

Messrs. Brinton and McRae were passed for cause, but the prosecution challenged both peremptorily.

The box was again filled by calling William Anthony, J. R. Morris, David Pearl and J. M. Crabbe.

Judge Powers' examination of these gentlemen resulted in Mr. Morris being excused for actual bias.

IS THIS RUSSIA?

Mr. Varian then took the jurors in hand and his first question to Mr. Anthony was "Have you read the *Tribune's* accounts of this case," and Mr. Varian then inquired if he had read the article which appeared in the *Tribune* that morning. Judge Zane's attention was finally attracted by these repeated references of the prosecutor to the *Tribune* article, and he asked Mr. Varian what the article was.

Mr. Varian—I refer now to a statement of the case in this morning's *Tribune*, and I understand that THE HERALD also contained a statement of the facts.

A copy of the *Tribune* was handed up to his honor, who, after reading it, said: "Who wrote this article? Is the reporter here? A reporter ought to have intelligence enough to know that he should not obstruct the administration of public justice by trying to get men to commit themselves. It is an improper attempt to influence persons who may be called to act as jurors."

Judge Powers—In regard to the newspaper articles, I may say that nothing published will interfere with the defense in this case.

Judge Zane—Yes, but these things cause delay here by the jurors reading them before hand. Is the reporter who wrote this article in the *Tribune* here?

Mr. Varian—I do not know who the reporter is, but I do know that a statement purporting to be the facts of this case appears in both the morning papers.

Judge Powers—I do not think from what I have read of this that the reporters have overstepped the bounds. I feel that Mr. Varian has been trying to make a tempest in a teapot for the purpose of attempting to prejudice something in this matter—to make out that the newspapers have been doing something they should not. The newspapers have a right to publish statements in a public trial.

Mr. Varian—That is impertinence!

Judge Powers—I shall express myself, whether it is impertinence or not.

Judge Zane—Well, that is enough; I do not want to hear any more.

After scanning the *Tribune* report again, Judge Zane said: "These reports seem to be a statement of the facts of the case, and for a reporter to make such a statement in a newspaper while a jury is being selected is improper. It seems to be an attempt to influence the trial of this case, which any intelligent and fair-minded man knows is not right. The jury must try the case upon the evidence as it is elicited from the witness stand. This attempt to influence persons who may be called as jurors—which may in some instances result in their disqualification—is, I say, very improper. Some courts might handle a reporter very severely for attempting to interfere with the administration of public justice. Who are these reporters who gave this information?"

E. G. Ivins stated that he wrote the article in THE HERALD, which, by the way, his honor had not read.

Mr. James P. Bloor—And I in the *Tribune*.

Judge Zane (to the *Tribune* reporter)—Then, why? Didn't you know we were selecting a jury, and taking a great deal of trouble to do so?

Mr. Bloor—We had no intention of interfering with the administration of justice. I have attended a good many trials and done the same thing, and there has been no trouble about it before. I have reported in California and elsewhere, and it has always been the practice to outline the case so that the public might follow it.

Judge Powers here arose and said—I submit that those who employ these gentlemen are responsible for what has appeared, and they may be cited here if necessary.

Judge Zane—Did you furnish these statements to the papers?

Judge Powers (emphatically)—No, I did not, your honor.

Judge Zane (sternly)—Then take your seat. You know well enough this is not right. Let the *Tribune* reporter be sworn.

Mr. Bloor was sworn and Judge Zane inquired: "How came you to write this?"

Mr. Bloor—It is merely a synopsis of what has already appeared in the *Tribune* on the 29th of September. I only came into the town recently, and am not acquainted with the case. I simply wrote from the statement previously published. It is a custom to do this in other places.

Judge Zane—It is somewhat surprising to me that such a thing as this should have been done. It has not been a custom here, to my knowledge, and hereafter when a case of this character is on trial you must understand that, while selecting juries, a statement of facts to influence a jury is wrong. It might have influence in the case.

Mr. Bloor—There is nothing in the article that has not been published before.

Judge Zane—Yes, but that was some time ago. You have no right to publish anything of this kind during the trial of the case. Any fair-minded man will say it is wrong. (After a pause)—Well, I will let it pass this time, but if such a thing as this occurs again I shall deal with the reporter very severely. I will not have the administration of public justice delayed in this way.

Judge Zane then turned his attention to Mr. Ivins, who arose, but was not sworn.

His honor asked why Ivins made the statement of the case in THE HERALD.

Mr. Ivins—I wrote it simply as a matter of news and I took express pains to leave out anything in the nature of evidence.

The judge admitted that he had not read the statement in THE HERALD, but the facts were fully given in the *Tribune*. After reading THE HERALD, which had been passed up, his honor remarked: 'Well, you seem to have stated the facts."

Mr. Ivins—I did not intend to go any further than to state the bare facts of the case, without any evidence, as developed at the preliminary hearing, which I attended and reported. I had the evidence before me when I wrote this report, but did not think it proper to use it at the time.

Judge Zane—Well, the article might prejudice a juror.

Mr. Ivins—I don't think it would. It merely states the fact of the homicide, with the statement of the reason given by the defendant.

Judge Zane—Some men do not attach importance to newspaper reports and others do. This time I will say nothing more, but understand that hereafter, while a case is on trial, the facts of the case are not to be stated.

Judge Powers—I wish it to be placed on record, your honor, that, as counsel for the defense, I have at no time, from the inception of this case up to the present moment, interfered, suggested, or done anything at all with regard to furnishing or coloring any statements which have been made. I make this statement in view of the manifest effort of counsel (meaning Mr. Varian) since yesterday to cause it to be felt that matters of this sort have come, in some way, from the defense.

Judge Zane—The prosecution was objecting to these newspaper statements, and you seemed to be justifying them and claiming that the reporters had done nothing more than their duty.

Judge Powers—I said the reporters were not responsible, but the people who employed them.

Judge Zane—I must say it is a strange thing that a man of your experience should attempt to justify such conduct.

Judge Powers—And I want to say once for all that I do not hunt the newspaper offices, nor ask for anything to be published in the papers unless my name is over it.

Mr. Varian—I trust your honor will absolve me from the charge which Judge Powers has made against me. I never made an attempt to cast any reflection upon the defense. I would not be guilty of attempting to prejudice the case of this girl in any way. It seems to me that imputation comes from an ill-balanced mind, or something else. Counsel can take it which way he likes.

Judge Zane—Let us proceed with the case now.

SMOOTH SAILING AGAIN.

The extraordinary proceeding ended here and the examination of jurors was resumed. Messrs. Anthony, Pearl and Crabbe were found to possess the necessary qualifications and were accepted by both sides.

This left but one juror wanting, but it took a long struggle to get him.

W. H. Roy, E. Dowden and Jacob Alt were called successively and were excused because they had fixed opinions.

E. Garn stated that it would require more evidence to induce him to find a woman guilty of a capital offense than it would a man. He was excused.

J. S. Darke had a settled opinion as to the guilt or innocence of the accused and was allowed to go.

G. E. Wallace, W. P. Jennings and D. A. Shiley were excused because they could not try the case impartially.

D. F. Krigbaum stated that he had no settled opinion, and could try the case impartially. He was accepted by both sides and the struggle for a jury ended. The twelve men are: G. H. Doran, David Thomas, James Bourne, Charles Ellison, J. F. Grant, W. A. Taylor, David Pearl, J. M. Crabbe, William Anthony, D. F. Krigicaum, J. M. Cahoon, James Ashman.

VARIAN BEGINS.

The indictment charging Amanda Olson with murder in the first degree was then read by Clerk McMillan, and Mr. Varian commenced his opening address. He said that on the evening of September 29, last, Frank C. Hall and Mrs. Hart, were passing down C street, and on reaching the corner of First street, Miss Olson was seen standing on the sidewalk. Hall walked on a few steps, when Miss Olson stepped out into the street and shot Hall in the head, killing him instantly. She then went to the city hall and gave herself up. Saying that she had killed her seducer. She also gave to the officer a letter in which she gave her reasons for her act.

On the afternoon preceeding the killing she went to Evans' gun store and purchased the pistol with which Hall was killed. While he had an idea as to the line of the defence, he had no right to state it. He had only to add that the case be determined upon all the evidence. The case was an important one both to the people and to the defendant, and all parties concerned in the trial should proceed impartially and fairly.

HELD IN RESERVE.

Judge Powers said he wished to reserve his opening statement until the conclusion of the case for the prosecution.

A recess was taken until 2 p. m.

The Afternoon.

In the afternoon the attendance of spectaters was larger even than in the morning, and about thirty ladies occupied seats within the railing. Keene, the tragedian, was an interested spectator.

GOING FOR VARIAN.

Judge Powers said that since the jury had been sworn, he had heard that Mr. Varian discussed the case in the Alta club on Thanksgiving day in the presence of several persons. One of the jurors has a member of the Alta club, and he asked permission to interrogate Mr. Crabbe as to whether he had heard the statements made by Mr. Varian. Mr. Crabbe replied that he had not, and the trial then commenced in earnest, W. A. Stanton being the first witness calld by the prosecution.

Mr. Stanton testified—On the evening of September 29 last, I was driving along First street, when a young man asked me to hurry to C street. I did so, and on arriving found a man lying on the street car track with a bullet hole in his head. I felt of his pulse, and ascertaining that the man was not dead, I went for Dr. Hamilton and brought him to the place. Shortly after, the police wagon, in charge of Captain Lange, arrived, and the body was removed. I afterwards saw Miss Olson at the city hall.

To Judge Powers—When I reached the scene, Mrs. Hart was there. She said that the injured man was Frank Hall and that Amanda Olson had shot him. When I saw Miss Olson at the police station, she looked very wild, and I thought she was out of her mind. The reporters were trying to get some statement out of her but she refused to talk and seemed to want to be alone.

Dr. Hamilton was the next witness. He testified: On the night of September 29, Major Stanton called for me to go and see a man who had been shot. I went to the corner of Eleventh and C streets, and found that the man was dead. He had been shot in the head.

Captain Charles Lange testified: On the evening of September 29, I was at the police station when the defendant ran into the room. She was very wild and excited, and asked us not to let any one harm her. She had a letter in one hand and a pistol in the other, both of which she turned over to the officers. To Marshal Young she said:

"I HAVE SHOT MY BETRAYER."

The marshal asked if she had killed him, and she replied that she did not know. I then took the patrol wagon out and brought the body of Frank Hall down, and it was taken to the undertaking establishment of Evans & Ross. Miss Olson was accompanied by a young man, whom I have seen since.

To Judge Powers—Miss Olson looked very wild, and there was a look in her eyes which attracted my attention. She walked about the room in an agitated manner and talked incoherently.

Harry Lyons testified—I accompanied Captain Lange to get the body of the man killed on the night of September 29. Before going, I saw Miss Olson in the marshal's office. Her face was flushed and her manner agitated.

Officer McCurdy testified—I had charge of the police office on the evening of September 29. At 6:50 Miss Olson came in and said, "I have shot my betrayer and wish to give myself up." She then handed over a letter and a pistol. After the marshal had read the letter, he asked her how many times she fired, and she replied, "Once." and that "he fell." Afterwards she said to me: "I had to do it; I could not stand it any longer." She was very much agitated and I had to place her in a chair twice.

To Judge Powers—I saw the young man who came to the police station with Miss Olson, but have never seen him since that night.

MISS OLSON WAS VERY WILD,

so much that it would have attracted the attention of any by-stander. I know I gave her water twice within ten minutes. She also appeared to be afraid that someone was after her. In the course of half an hour she must have said "You won't let them hurt me?" fifty times.

Judge Laney testified—I was at the city hall on the evening of September 29, when Miss Olson came to the station. It was evident she was suffering from intense emotion. At first I thought she was a crazy woman, and I had just reached that conclusion when she presented a pistol at me. This, of course, startled me. All this time she was uttering a kind of a wail and finally she said: "I've killed him! I've killed him!" I asked her who she had killed and she said: "I have killed Frank Hall, my seducer." She then handed me a letter saying, "This will explain it all." She continued to be much agitated, called for water frequently and asked us to protect her.

Marshal Young testified—I was at the police station when Miss Olson came there on the night of September 29. She had a revolver in one hand and a letter in the other. She presented the pistol to Judge Laney, who jumped back. She then handed the weapon to officer McCurdy, saying: "I have shot my betrayer, Frank Hall." After reading the letter I ascertained from her where the shooting had taken place, and finally she said:

"I COULDN'T STAND IT ANY LONGER.

I had to do it." For a time she was very much agitated, but finally told me the particulars of the shooting and the circumstances which led up to it. I have never been able to find any trace of the young man who escorted her to the hall. She spent the night at Mrs. Merrill's house, and the next morning was much calmer, although still nervous. The very intense excitement under which she was suffering when I first saw her had disappeared. The pistol she used was a 32 calibre Hopkins & Allen revolver. All the chambers but one were loaded, and the hammer rested on the empty shell.

HER LETTER.

The letter given by Miss Olson to Officer McCurdy was produced and was read by Marshal Young. It was as follows:

SALT LAKE CITY, Sept., 29, 1890.

GENTLEMEN:—I, Amanda Olson, write this to relieve me of a public explanation, which I know I will be called upon to do. I will not have the nerve. It is hereby understood that I have shot Frank Hall, my betrayer, for this reason: Two years ago last June I was introduced to him by Mrs. Hart, a lady neighbor whom I have known since I was a mere child. After the introduction I was invited out buggy riding with her and the said Mr. Hall was the driver. I did not know that they had plotted any harm against me. I trusted her as a friend and him as a gentleman, and she cannot say that I flirted with or gave him any cause to increase his thoughts to me, or did I dream of anything but friendship; but nevertheless she became jealous and told me not to come over any more, for she was afraid Mr. Hall would fall in love with me, and from that day to this I have never been near her door. But that made no difference. He met me coming from my work, begging me to let him have a conversation with me, but I refused him time and time again, but he gave me no peace. I ask the advice of my parents and they said there was no harm in speaking to him. And it was the old story. I refused him he then asked my parents if he could visit at our house and they thought he was an honest man and said he could come and see me a few times and acted the gentleman in every way. But he soon carried out evil purpose for me and blighted my life, with his smooth tongue he gained my promise to keep quiet and would marry me but he was afraid I would not, and he left the city and been away for ten months. Saturday I seeked an explanation from him but he was so hard and cruel to me and only laughed when I spoke to him, and though it was a public place we were conversed he even then dared try to assault and so that I had to push him over the chair to get away from him, and he told me then that he never had any intention to marry me. Then I swore vengeance. That is all.

AMANDA OLSON.

Continuing his testimony Marshal Young said—After I had read the letter, Miss Olson said: "I killed Frank Hall because he ruined me, and he did it in a room next to the one in which my father and mother were sleeping." Then she added that he had promised to marry her, but had gone away without doing so. She said that on the Saturday preceding the killing Hall met her in the Co-op., and asked for an interview. This was granted, and he took her to an eating house, where he again assaulted her.

To Judge Powers—I should say that when the defendant came to the police station, she was suffering from extreme agitation. Her face was pallid, and there was a wild, hunted look in her eyes. The next morning this nervousness had disappeared, and she seemed to be in a sort of stupor. When the reporters came to the hall soon after Miss Olson arrived, I told her, at the request of a friend of the family, that she had better not talk with them until she had seen an attorney. When the reporters endeavored to interview her, she made the answer I had suggested. While Miss Olson was walking up and down the police station, she would frequently lean against the railing and wall, as though physically unable to stand. She did not have the appearance of a sane person.

WHERE SHE GOT THE GUN.

M. R. Evans testified—On the morning of September 29, Miss Olson came to my store to purchase a revolver. I showed her a 22-calibre, and she said that was too small. She was going to travel, she said, and I finally sold her a 32-calibre. There was nothing unusual in her appearance or manner.

To Judge Powers—Her appearance in the store was cool and deliberate, and I afterwards stated to you that I took her for a New West teacher. I am not certain that it wasn't is late as 2 p.m. when she came to the store.

Mrs. Ann Hart testified—I reside at 277 C street, this city. On the evening of September 29 last, I left my home and was walking down C street with Frank C. Hall. When we reached the corner of First street I saw Amanda Olson standing by a tree near the corner. This was about 6:30 o'clock. As we passed the corner, Miss Olson made some remarks which I did not catch. We passed on, and Mr. Hall turned an instant and looked back. We were just in the centre of the street. A shot was fired and

HALL FELL AT MY FEET.

I looked around and saw Miss Olson standing a short distance away with a smoking revolver in her hand. She said "I will serve you the same way." Then she ran down the street.

To Judge Powers—Until recently, the Olsons lived opposite my place on C street, but they now live around the corner from my house. I have known Miss Olson eighteen years, and had known Frank Hall about two years. He first came to live with about two years ago last June. He was married, but his wife was not here. On the way down the street, we met Miss Bennet. I was simply walking with him, without any destination. Mr. Hall was going down on business for the first time since his return from the east. When we passed Miss Olson I was near it to her; she had a handkerchief in her hand. My attention was attracted to her by her appearance. I observed her eyes and there was a devilish look in her eyes, such a look as I had never seen there in my life, although I had known her for years intimately. I did not call Hall's attention to her. We were engaged in conversation. When she fired she was from eight to ten feet away from me, and I saw the smoke from the revolver. I did not notice her approach, nor did I see the flash of the gun. I did not tell two young men, just after the shooting, that she fired a shot at me too. I knew that Amanda Olsen was acquainted with Frank Hall, in fact, I introduced them.

Jacob P. Olsen testified—I am employed at Evans' gun store. At about 5 o'clock on the evening of September 29, the defendant came to the store and had a trigger spring put in a pistol. I should judge that it was about 6 o'clock when she left. I wanted her to wait until the next day, so that I could make a spring for her, but she said she was going away, and to accommodate her I took a spring from another pistol and put it in.

This closed the evidence for the prosecution.

THE DEFENSE BEGINS.

Judge Powers proceeded to make his opening address. He said the defense would make no contention that Amanda Olson killed Frank Hall. But they would show that at the time the pistol was discharged, Miss Olson was not responsible, morally or legally, for the act. The defendant was 22 years of age. In the fall of 1889, she was introduced by Mrs. Hart to Frank Hall. She was not familiar with the ways of the world. She was a modest, shy, virtuous girl. She had never had a lover, and aided her father in her support by her own work, and went to and from her work daily. After the introduction, Hall commenced paying her attention. He was an experienced man of the world and knew the arts by which to win a woman's love, and he undertook to win the heart of this girl. He was married, but he told this girl that he could at any time secure a divorce, and later on he told he would do so, and would marry her. In time he won her affection, and became all the world to her. She was light-hearted, cheerful and happy, and was the light of her home. She had given to him her whole heart and soul, and the man knew it. He also won the confidence of the parents, so that when he was sick they cared for him. It ran on until one night, while sitting with her in her own home, he made an assault upon her, and afterwards told her that he had done it so that he might be sure of her. He besought her to keep the secret, and he would marry her just as soon as he could. That man never visited her again, and shortly afterwards left the city and was gone ten months. Miss Olson changed from a gay, light-hearted girl, to a melancholy and sad-hearted person. Then her health failed her and she was unable to go to her work regularly. Her whole physical and mental nature changed, and she became a victim of melancholia, a type of insanity. On Thursday or Friday preceding the killing she heard that Hall had returned to the city, and the news prostrated her. On the Saturday morning she looked out of the window and saw Frank Hall, and at once fainted. Her mother thought that if she could see the man and talk with him it might relieve her. So the girl, accompanied by her mother, came down town, and sent a messenger for Hall. He met them, and Hall asked the girl to accompany him to the Cafe Louvre, on Commercial street, where there were private rooms, which would enable them to have a private talk. She consented and they went to one of the rooms. He wanted to know what she wished to see him for, and she replied that she wanted to know if he intended to marry her. He simply laughed at her, and told her that after he had done with her what he had he would never marry her. Immediately after this he made an assault upon her, but failed to accomplish his purpose. When she reached her mother she was suffering the greatest mental distress, but not another tear moistened her eye until after the tragedy. On the next day, which was Sunday, she fainted several times, and neither ate nor slept. Then the father compelled her to to tell him the story, and after this she was possessed of a suicidal impulse. The family held a consultation, and it was decided to send the girl to California on a visit to relatives, in the hope of saving her life. The girl and her mother come down town to buy a trunk, and it was then that the girl became possessed of an idea. From that moment she was irresponsible, although she became cool, calm and collected. She then went to Evans' gun store and bought that pistol, which was the first one she had ever had in her hand in her life. She returned home and wrote that letter. Then she sat there snapping the pistol. In doing so she broke the spring, and went back to the store to get another, as she expected to leave the city next day. She had no idea that she would meet Hall on the way home. When she was going up C street she saw Mrs. Hart and Hall coming toward her. She stopped at the corner of First street, why she stood there she did not know. The pistol was in her dress pocket, and undoubtedly, up to this moment she had no idea of shooting him. But when he came up to her, she made her last appeal saying "Oh, Frank, how can you torture me so cruelly." He paid no attention to her and passed on. The next thing Amanda Olson knew, Frank Hall was lying on the ground dead, while she had the smoking pistol in her hand. From the moment she made the appeal until after the shot was fired, her mind was a blank. As she went down the street with this gun in her hand, several people tried to talk with her, but she could only jabber incoherently. Finally, two young men, who could not be found, walked with her to the police station. What transpired there has been graphically detailed. Upon these facts, we will ask for a vercict of acquittal.

Adjourned until this morning at 10 o'clock.

WHIZZED PAST HER HEAD,

The Narrow Escape of Mrs. Arthur Barnes Yesterday Morning.

Friday morning's issue of THE HERALD contained the account of the death of a little girl in the south, caused by the careless handling of firearms.

Yesterday morning there was a narrow escape from death in this city from a similar cause.

A neighbor of Mr. A. F. Barnes by the name of Clark has a boy about twelve years of age. The youngster yesterday morning got hold of a pistol belonging to a friend, and insisted on taking a shot with it. The friend protested, saying he would be liable to hurt somebody. The youngster insisted, however, and carried his point. Crack! went the pistol, a sound of broken glass followed and the ball was found embedded in a large thermometer which was hanging on the wall of one of the rooms in Mr. Barnes' house. Mrs. Barnes was near the window with the baby in her arms at the time. She heard the crack of the pistol; almost instantly the crash of glass followed, and the thermometer fell to the floor. From the hole in the window, and the position of the lady when the bullet came whizzing into the room, it is safe to presume that the leaden messenger must have passed within four inches of her head. It is also safe to say that had the bullet struck her it would have surely caused her death.

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WILLIAM'S AUSTRALIAN HERB PILLS.

If you are yellow, billious, constipated with headache, bad breath, drowsy, no appetite, look out, your liver is out of order. One box of these pills will drive all the troubles away and make a new being of you. Price 25 cents.

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ARNICATED EUREKA CREAM.

The finest of all lotions for the skin and complexion. Chapped hands cured in one night. We guarantee it. Large bottles only 25c at druggists'.

DYSPEPSIA OR INDIGESTION.

H. S. Denison, Manhattan, Rily Co., Kansas, brother of the First president of the Agricultural college, says:

My sister-in-law was suffering with a bad case of dyspepsia, and had expended considerable money in seeking a cure, but was unsuccessful until she tried Dr. David Kennedy's Favorite Remedy, made at Rondout, N. Y. A decided improvement was at once apparent, and after a few bottles the trouble vanished never to return. For sale by Z. C. M. I. drug store. †

Leading physcians say to their patients: "Drink Old Jed's bourbon and rye whisky."

Silk, derby and soft hats, all grades. BAST-TERRY MER. CO., 142 Main St.

EXCURSION.

Beck's Hot Springs wagonettes leave terminus Warm Springs car line at 10 a.m., 1, 2:30 and 4 p.m. S. F. BROWN, Manager.

Microbe Killer will cure coughs and colds, as well as diseases of throat and lungs. D. L. DAVIS, Agent. 68 and 70 West First South St.

DELICIOUS WARM BEVERAGES.

The decoctions served to the thirsty and cold at the Occidental are delicious, pure and superior. First-class wines, liquors beers, ales and cigars. Family supplies a specialty.

AUER & MURPHY, Proprietors.

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Largest second hand store in the city. Buys all kinds of second hand goods at the highest prices, and sells at the lowest. All kinds of goods exchanged.

Opposite City Hall, 127 and 129 East, First South, Telephone 100.

HERE IS THE GEM.

Judge Anderson's Opinion Denying Mormons Citizenship.

THE PUERILE REASONS HE GIVES.

He Rehashes Old and Exploded Yarns and is Chuck Full of Regrets, Etc., Etc., Etc.

BEAVER, Utah, Dec. 4.—[Special correspondence of THE HERALD.]—Herewith I send you full text of Judge Anderson's latest opinion, denying citizenship to members of the Mormon church:

THE OPINION IN FULL.

The application of these persons to become citizens will be disposed of in one opinion as substantially the same facts are shown in each case. I regret I have not been able to reduce the opinion to writing but the reporter can take it down. The testimony of the witnesses in each case is to the effect that each of the applicants has resided within the United States for more than five years last past, and within the territory of Utah for more than one year last past and that each of the applicants is a man of good moral character, attached to the principles of the constitution of the United States and well disposed to the good order and happiness of the same. These facts not having been disputed would entitle each of the applicants to be admitted to citizenship but for the further fact that each of the applicants has stated under oath that he is a member in good standing of the church of Jesus Christ of Latter-day Saints, commonly called and known as the Mormon church.

A little over one year ago, while sitting in the Third district court, at Salt Lake city, John E. Moore and others made application to be admitted to citizenship. Objection was made because they were members of the Mormon church, which, it was claimed by the objectors, was a

TREASONABLE ORGANIZATION,

and a very elaborate and extended hearing was had as to whether the fact of membership in that organization should debar the applicant from citizenship. As a result of that investigation the court held that those applicants were not entitled to become citizens. The evidence in that hearing established that the Mormon church required that its members on receiving their endowments in the endowment house should take an oath that they would avenge the blood of the prophets, Joseph and Hyrum Smith, upon the government and people of the United States, and that they would enjoin this obligation upon their descendants until the third and fourth generation; and that would obey the priesthood of the church in all things temporal as well as spiritual. It was shown also by the evidence, which, however, was also a matter of general knowledge, that the church had systematically and with all the power and resources at its command opposed all the laws passed by Congress against polygamy and other kindred offenses down to that time, and that that opposition consisted of everything that was possible except open warfare against the government. If a member of the church was convicted of any of the offenses named in the anti-polygamy laws and sentenced to prison, it was a common practice for the other members to give him a banquet before starting to prison and a reception on his return. Under instructions from the leaders of the church those convicted of polygamous offenses almost invariably refused to promise to

OBEY THE LAWS OF THE UNITED STATES,

even when the court would offer to suspend sentence or impose a light punishment if they would make such promise; and this, too, when the Mormon leaders were proclaiming as at present, that they teach their followers obedience to the law. It was also shown that a "church fund" had been raised for a number of years for the purpose of aiding those who violated the laws to escape punishment, and this is now practiced, and whenever a member of the church is indicted in this or any other court of the territory for a violation of the anti-polygumy laws, he is defended by attorneys employed and paid by the church. It was further shown at that hearing that there was a system of courts within the church for the determination of controversies between the members which assumed to exercise judicial functions even to the extent of rendering money judgments and annulling or modifying judgments rendered by the civil courts.

It was held in that case that an alien who came to this country and joins this church—an organization whose whole history was one of opposition to the enforcement of the laws of Congress and of defiance of the government, was not a fit person to be made a citizen of the United States, and the applications were denied. This rule was followed by the courts of the territory down to within the last month or six weeks. On the 24th day of September last, Wilford Woodruff, president of the church, issued a manifesto in which he denied there had been any polygamus marriages celebrated in this territory as had been reported by the Utah commission, and denied that he or the teachers or elders of the church were teaching polygamy or encouraging members of the church to contract polygamus marriages, and stated that his advice to the Latter Day Saints was to refrain from contracting any marriages forbidden by the law of the land.

UPON THE STRENGTH OF THIS MANIFESTO

I am advised that the courts in the First and Third districts of this territory have, since it was issued, admitted members of the Mormon church to citizenship. I regret very much that upon a careful study of this manifesto I cannot agree with this holding of those courts. I am unable to see that it removes the grounds of the objection which for the past year have been deemed sufficient to exclude alien members of this church from citizenship. The manifesto only advises the members not to contract in the future any marriages forbidden by the law of the land. It does not even advise those members who are now living in polygamy to stop their polygamous practices and live within the law. It announces no change in the doctrine or belief of the church as to the rightfulness of polygamy, nor does it advise or order the discontinuance of the disloyal oaths administered in the endowment house.

By Barlow Ferguson—Your honor, does not the ratification in the conference say that they will obey the laws of the land?

By Court—No, the ratification could not extend any further than the thing ratified. It was simply a vote in the conference by a large assembly of the members endorsing the manifesto. But even in endorsing the manifesto, Mr. George Q. Cannon, one of the great leaders of the church, and the principal spokesman on that occasion, was reported in the public press as saying in his address, in substance, that "while he endorsed it himself under the circumstances, yet he referred to the fact that some of the members who

HAD NOT LIVED IN POLYGAMY

would rejoice that the manifesto had been issued; while others who had lived up to their belief, would have a feeling of sorrow; and that for his part, he thought the conduct of those who had lived up to their faith was more to be commended than the those who had not;" or in other words, those who had violated the law as he himself had done were more to be commended than those who had obeyed it.

By Mr. Ferguson—Only one or two of these applicants stated that they had gone through the endowment house.

By court—Yes, and some of them testified that they did not believe in polygamy and others—one or two—said they did; but that they had not practiced it and did not intend to.

By Ferguson—Do you think those who have not been through the endowment house should be refused their naturalization?

Court—I think that a man who belongs to a church that requires him to take an oath of hostility to the government of which he seeks to become a citizen, although he has not yet taken the oath stands on the same footing as those who have. He ought to give up his church membership, or his attempt to obtain

THE PRIVILEGES OF CITIZENSHIP,

as the evidence taken in the cases referred to in Salt Lake showed that one is incompatible with the other. I have no doubt there are many members of the Mormon church who, if they could be free from the restraints which the church places around them, would give expression to a feeling of loyalty to the government; but outside of a few places in the territory, where the non-Mormon element is strong, they cannot afford to do anything not sanctioned by the church.

The so-called manifesto is very artfully worded. The members are advised "to refrain from contracting any marriages forbidden by the law of the land." The only "law of the land" forbidding polygamous marriages in this territory is in the acts of Congress. If Utah should become a state, these acts of Congress would no longer be in force here, and polygamous marriage would not be contrary to the law of the land, as far as Utah is concerned, unless the Latter-day Saints should pass such a law, which their past history shows they would not likely do; and then the advice of Wilford Woodruff against polygamous marriages would no longer apply. I think this manifesto bears on its face conclusive evidence that it was only intended to serve a temporary purpose. Wilford Woodruff and other leaders of the church, as well as the more humble members, have in the past shown a persistance in disobeying the laws and in defying the government unparallelled in this country. Brigham Young lived and died a most flagrant violator of the laws of his country. His successor, John Taylor, died while under indictment for a violation of the laws, and while in hiding from the officers who were trying to arrest him. His successor

WILFORD WOODRUFF

was a polygamist; and in 1877, at the dedication of the temple at St. George, prayed in the most ostentatious manner before a large audience for the destruction of the government. George Q. Cannon, one of his associates in the presidency at the present time was a polygamist and has served a term in the penitentiary for a violation of the laws of his country; and Joseph F. Smith, at this time, one of the presidency of the church, is now under indictment and hiding from the officers; while the lives and conduct of the other high officials of the church have been of a similar character.

A slight concession to the supremacy of the laws of the government has at last been made; but it is of such a character, and was wade in such a way that in view of the past history of the church and its leaders not much importance should be attached to it until time has demonstrated the sincerity of those who made it, and the willingness of those to whom it was given to obey it.

I am of the opinion that an alien who comes to this country and joins an organization which has given the government so much trouble in the enforcement of its laws as the Mormon church has done, and which requires him to take an oath and perform acts inconsistent with good citizenship, would not be permitted to become a citizen of the United States as long as he continues a member of such organization.

The application of these parties to be admitted to citizenship is, therefore, denied.

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AMUSEMENTS.

"HAMLET."

How strong a hold Keene has taken on the Salt Lake public was attested last night, when his third audience was as much larger than the second as that was larger than the first. To-night we do not doubt his Richard III. will crown them all. Keene's hoarseness was more than ever evident last evening, and he could not do himself justice in Hamlet—a part in which more than in any other he plays, a soft, musical and melancholy reading is essential. But he labored faithfully in spite of the drawbacks he suffered, and he succeeded in winning some strong bursts of applause. His Hamlet is a Hamlet of innovations; his study seems to have been to see how far different he could play it from Booth, and it is full of new ideas, new business and new readings. He even eschewed the suit of traditional black and adopted purple—which is correct in that it is a royal symbol of mourning, but hardly so well suited to the prevailing melancholy of the part. It was all full of brightness and originality and though we are frank to say that there will be only one "Hamlet" as long as Booth remains, yet Keene's delineation is entitled to our admiration and respect for the amount of study it betrays and the careful conscientiousness with which it is rendered. Aside from Mr. Learock, who played the ghost, the support was not remarkable. Henrietta Vaders, who was Booth's Ophelia on his first appearance here, but has grown much stronger and passed on to the "heavies" in the business; her queen was fair. Miss Shannon is not the idol. Ophelia and the Polonius was not only tiresome, but he made a bad double as the grave digger. "Richard III" to-night.

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PERSONAL MENTION.

WILLIAM JENKINS is up from Provo.

H. C. WILKINS, of Tintic, is at the Clift.

JACOB JONES, is up from Spanish Fork.

C. S. FOOTE, of Manti, is a guest at the Clift.

F. W. CLARK, of Ogden, is at the Continental.

D. C. MCLAUGHLIN, of Park City, is in town.

WILLIAM PRICE, of Goshen is at the White.

THOMAS B. BURRIDGE, of St. John, is in Salt Lake.

K. F. BOOHEY, of Thompsons, is at the Cullen.

MRS. KNIGHT came up from Payson last evening. She is at the White.

HON. E. P. FERRY is down from the Park. He is at his old stamping ground—the Continental.

J. H. GRIFFIN, of street sprinkler fame, leaves this morning over the Union Pacific for Omaha. He expects to return soon with a car of fine draft horses for the Salt Lake market.

C. C. HIGGINS, of the Eureka *Chief*, accompanied by his wife, came up from Tintic yesterday evening, bringing with them the remains of their little daughter who died yesterday.

H. F. SAUNDERS, a prominent stock man of the southern part