

at my house; he does not recognize me as one of his wives; he speaks to me occasionally as to other neighbors.

Re-direct: It is long ago since he took me to meeting; he has not taken me to parties for fifteen or sixteen years; he has not done any work around my house since 1884.

Rebecca Southwick said—I am 21 years of age; live at Lehi; my mother's name is Martha Southwick; live at her house; my father lives at her house; Savina Southwick lives across the street about half a block; I go to her house once in a while; she comes to our house when she is invited; I remember eating Thanksgiving dinner at Savina's house four years ago.

To Mr. Thurman—Some of the neighbors werethere at the Thanksgiving dinner; my mother attends to my father's wants; he stays there all the time; he eats and sleeps at my mother's house all the time when he is at home.

Sarah Ann Gurney—I live at Lehi; know the two Mrs. Southwicks and Mr. Southwick when I see them; I have met Mr. Southwick on the street; have seen him at his first wife's house, but not at his second wife's house; I don't know whether he goes there or not.

Samuel Southwick, the son of Mr. Southwick—My mother's name is Martha Southwick; I know Savina Southwick; she claims to be my father's second wife; my father came to my mother's house to stop all the time in 1882. I know it was in 1882 because he spoke of obeying the law, I occasionally go to Savina Southwick's house; I live in the lot adjoining Savina's house; I have never seen my father go in the house.

To Mr. Thurman—I have been away from home a great deal; I know that my father made a change in his living in 1892; he spoke of it in the family.

Wm. E. Southwick—I live at Lehi; my mother is Martha Southwick; I was home some of the time during 1882 and 1883; in 1882, he agreed to come and stay with mother; have not seen my father in Savina's house since 1885.

Mr. Zane stated that he did not consider the evidence sufficient to convict, and the jury were instructed by the court to return a verdict of not guilty.

The case of the United States vs. Wm. K. Lemon, unlawful cohabitation, was called and a jury empaneled.

Mr. Evans prosecuted and Thurman & King appeared for the defense.

Sarah Lemon testified—I live at Glenwood, Sevier County; I am acquainted with Wm. K. Lemon; he lives there; I am the legal wife in this case; I refuse to testify in this case.

Mr. King moved that the testimony of this witness be stricken out, but the motion was overruled and exception taken.

Wm. Zoofeldt—I live at Glenwood; know Phoebe Lemon; she has been living at Glenwood with her father; I do not know that she is the defendant's legal wife; it was

the general report that she was not his plural wife.

Mr. Evans asked for the privilege of cross-examining the witness as he had been taken by surprise.

The court stated that he might ask leading questions. Objected to by the defense. Objection overruled.

I have seen the defendant and Phoebe going to meeting together; the first wife was with them; I have seen Phoebe at Sarah's house; she was working there; it was understood that she was Lemon's second wife.

To Mr. King—At the time Phoebe was working at Sarah's house, Mr. Lemon was away at work and Sarah was sick; don't know what repute means; don't know what the opinion of the people of the town is in this matter.

Court took a recess until 2 o'clock.

INFORMAL DISCUSSION.

During the session of Commissioner Stone's court Thursday, Sept. 18th, in the office of the Salt Lake City Gas Company, the strict decorum of the court room was relaxed somewhat, at intervals between the examination of witnesses, and an interesting discussion of legal questions and principles connected with the Church case, took place.

Judge Stone inquired of Mr. P. L. Williams if he was not aware that a decree like that which had been entered in the case of F. H. Dyer, receiver, vs. H. S. Eldredge, involving the Constitution lot, including the five by five rods known as the Council House corner, would be a bar to the further pursuit of any portion of the property referred to in the decree, according to the rules of chancery practice in United States courts?

Mr. Williams replied that he was not familiar with that practice, but were he to answer on general principles he would say that the decree would not necessarily be a bar, under circumstances like those connected with the Council House property.

Judge Stone remarked that, under United States chancery practice, the decree unquestionably would estop pursuit, and cited a decision of the United States Supreme Court which he held to be exactly in point. Judge Stone further explained that the suit in which the decree was rendered involved the whole of the Constitution lot, ten by twenty rods; that the decree terminated that suit, and if it had been the intention to reserve the right to pursue any portion of the property involved in the action, an explicit reservation to that effect should have been embraced in the decree; the omission of such a reservation necessitates the conclusion that the whole of the Constitution lot, in respect to the right of the government to recover any portion of it, has been adjudicated, and such right, or pretended right, cannot be revived.

Mr. Williams admitted it as his belief that the decree in question might well be pleaded by the present claimants to the Council House

property, in bar of any suit by the government to recover it, but he thought the result of such a contest would be doubtful.

At a later lull in the formal proceedings, Judge Judd took occasion to express his opinion in regard to the forfeiture of the Temples outside of this city, and of the tithing properties in various parts of the Territory. He thought they could not be reached under the Edmunds-Tucker law, because that applied to the Church as a whole, whereas these Temples and tithing properties were owned locally by corporations or natural persons, in a legal sense, wholly distinct from the Church. If these properties, owned locally in this manner, are to be pursued and escheated, the proceedings must be brought under the act of 1862, which make it unlawful for any ecclesiastical organizations to acquire more than \$50,000 worth of real property. If the Temples and tithing properties are owned by local ecclesiastical organizations they can be escheated under the act of 1862.

"But," said the judge, "if I were the United States attorney, I'd plant actions against somebody besides the Mormons. There's the Catholic church; it's got a good deal more real property than the law allows. The Methodist church here owns \$150,000 worth of real property, and don't use it for religious purposes either."

"There's the Rev. Mr. ———," continued Judge Judd; "he gets up every Sunday and vents his venom on the Mormons; but his church is violating the law all the time. It has a great deal more real estate than the law allows."

"In respect to the personal property of the Mormon Church," continued the judge, "I never thought it right to take that; there was no law against acquiring it; it was comprised of the little offerings which the Mormons laid on the altar of their Church, and every dollar of it ought to be returned to the people who contributed it. I consider the doctrine of *ciprius*, under which Judge Bradley held it could be confiscated, an absurdity as so applied."

"It is certainly a new application of that doctrine," remarked Judge Stone.

CURRENT EVENTS.

Census Returns for Utah.

The populations of the following cities and towns of Utah were announced today: Logan, 4,624, an increase of 1,228; Ogden, 14,919, no increase of 8,850; Provo, 5,153, an increase of 1,721; total population of Utah Territory, 206,408, a net increase during the decade of 62,355, or 43.44 per cent.

Sunday School Meeting.

There will be a meeting of the Stake Superintendents of Sunday Schools some time during conference. It is desirable that every Stake should be represented, either by the superintendent, his assist-