Correspondence.

Great Britain—St. Helena—Cape of Good Hope—Adelaide—Melbourne and Sydney.

SYDNEY, Australia,
April 4, 1874.

President Geo. A. Smith:

Dear Brother—While passing the coast of Spain I thought I would address a few lines to you. After receiving my appointment to Australia, I hurried up my little mission in Scotland and sailed on board the *Cyphrenes*, January 10th, from London. The second day out, while going down the Channel, the Captain got drowned. We put in to Plymouth, where we stayed two days, waiting for a Captain to come from Scotland.

We started from the above place on the 13th, and went along all right till February 12th, at half past 10, p. m., where we ran ashore in St. Helena bay. It was a very dark night, and things looked rather bilious. Some were crying, others were praying. I had preached the gospel to them previous to this. Some of them asked me to pray with them. I told them that I had no time just then, for I had done my praying in fair weather. I was going to help the Captain to get our vessel off the sand bank. They said that was no use, for she never would come off, as we were running at the rate of 11 knots per hour when we went on. I felt that it would be all right and that the Lord would deliver me. So I told the Captain if he would do what I told him he would get his vessel off the next tide. He asked me what that was. I told him to put all his hands to work throwing coal out of his vessel, and the freight into his small boats. He laughed at the idea, but he came to me in about an hour and said he would try it. So I pulled off my coat and we went at it, but were rather late to get her off the first tide. When we got out about 200 tons, the next tide that came she came right off. We then reshipped our freight and started out for the Cape of Good Hope, where we arrived all right, got a fresh supply of coal, and had the Government divers go down and examine our vessel. They reported her all right.

Cape Town has a population of 30,000. I distributed quite a few pamphlets of L. Snow, on "The Only Way to be Saved." We stayed there four days, then started out for Adelaide, arrived there on the 16th of March and stayed there two days. I enquired for the Latter-day Saints, but could not find any. I distributed a number of tracts and visited a large farm seven miles in length. This farm is all in one field and is worked with oxen. They go round and plough the whole piece with a plough that turns over a double furrow. The round is a little over 20 miles in length. The ploughman makes his one trip round in a day. That is somewhat different to running round a five acre lot. You can make a calculation how much more ploughing a man can do on this system.

The season here has been very dry. The average yield per acre this season is from six to ten bushels, and some of them can make it pay very well at that. A man and boy here will attend to 300 or 400 acres, excepting in harvest time, and that is done altogether on a cheaper scale than we do it. They have a machine that cuts and threshes at the same time.

I had no time to stay here very long, as our vessel only stayed here two days. I could do a little visiting and preach the Gospel at the same time.

We arrived at Melbourne on Saturday, the 21st, at 7 p. m. and cast anchor a mile out. I took a small boat and went ashore and took train to Footscray, a distance of four miles from Melbourne. Melbourne is 580 miles from Adelaide, and a very finely laid out city, with wide streets that come as near like our streets in Salt Lake City as those of any city I have seen. I found brother Cant. There are ten members of the Church in and around Melbourne. I enquired for Elder Beauchamp. The Saints told me he had not been there for a year and a half. I held meeting in Melbourne on Sunday at one of the Saints' houses. They felt rather afraid for us to sing a hymn, but finally we got a hymn sung and they began to feel a little better. We held another meeting on Monday evening. I got the few Saints to feel tolerably well. I feel to thank God that this is the only place I have found where the Elders are looked upon with a feeling of animosity, for I have travelled a great deal since I left home, and have found a great many friends, I have preached the Gospel to the rich and to the poor, and in all my travels I have been treated with kindness and respect. When I have told them that I have been personally acquainted with the Leaders of the Church for 20 years, they have sought my society, and on many occasions have invited me to their houses. Three individuals have come and told me that they saw me in a vision since I left home. I have not felt ashamed to represent our people upon all occasions.

I left Melbourne on Thursday at 4 p. m., arrived at Sydney on Friday, March 27th, at 5 p. m. I had the address of Brother Regg, and I found him three miles from the dock. He is a good and faithful old Latter-day Saint of 78 years of age. I put my things in his house, and then went to hunt for Elder Beauchamp. Here is a branch of about twelve members, among are Elder Beauchamp and his two counselors, the President of the conference and the President of the branch.

Just previous to my arrival Mr. C. W. Wandell and Mr. Glaud Rogers had just arrived from California, and had tried to pass themselves off as Elders belonging to the Church. Since my arrival they have paid me a visit and requested me to hold discussion with them. I told them we never made a practice of discussing with men who had been cut off from the Church. That was not my mission to these lands. I told them it would not be economy to do so with them when I could have done so close to home. My policy will be to severely let them alone.

The Saints here are generally poor. I feel very sorry for Brother Beauchamp, as he is an old man, and can't get around much. I visited Mr. Hall, the American Consul, who made me very welcome. He talked very highly of our country and the good treatment he received there last winter. He is the agent for the Australian and American M. S. S. Co.

Sydney is about six hundred miles from Melbourne, and the colony had a population of 539,190 at the end of 1872. I have held some meetings on Sundays here, and a good few strangers have been present. I have also distributed some pamphlets, but there is a strong spirit of persecution here, and it costs a great deal to travel. The fare is £6 from Melbourne to Sydney. There are six colonies in this land, and the principal towns are a long way apart. The railways only extend in two directions. The distance is 134 South and 140 miles West, and the fare is £1 10s.

Bro. Beauchamp has gone to Melbourne to lecture, preparatory to returning home. Wm. Geddes.

Address, Mr. Wm. Geudes, No. 9 Denham Street, Glebe, Sydney, New South Wales, Australia.

Poland More Ornamental than Useful.

It is not at all improbable that the people of Vermont will pass the verdict upon Judge Poland that he has been more ornamental than useful in his Congressional services, and elect him to stay at home when the next deal is effected. A shapely white head and a grandiloquence that awes the timorous are not to be sneered at in the composition of a participator in the National Councils, but they cannot win continued respect for their possessor unless accompanied by dignity and consistency of official conduct. Judge Poland has exhibited none of the qualities that go to make a statesman. Having the good or ill fortune to lead in several important investigations, he has seemed to forget that he was a judge and only remember that he was a Republican appointed to pass upon the character and conduct of other Republicans. The Woodstock *Standard*, which is a loyal Republican journal, says his backpay and kindred performances have disgusted the voters in his District. What those kindred performances are it is hardly necessary to enumerate. Judge Poland, as Chairman of the Committee appointed to investigate the Credit Mobilier scandal, presented a record of conspicuous inability to expose the offences of his personal and political friends, though severe enough with his enemies. A greater stultification, if possible, was the fulsome and ridiculous defence of Judge Durell, which touched even Gen. Butler's usual serenity and moved him to a profane expression of disgust *sotto voce*. As a popular representative Judge Poland cannot be said to have succeeded. It may be that he is simply out of place; if so, the people can easily remedy their mistake by taking the advice of the Woodstock *Standard*.—*Boston Statesman, July 3.*

POMPOUS POLAND.

It is gratifying to learn that the people of Vermont are likely to show a just appreciation of the public services of Congressman Poland by giving him an opportunity to rest from his labors when the present Congress goes out. His return to Washington for another term will be bitterly opposed. The Woodstock *Standard*, a staunch Republican Journal, says that the voters in his district are utterly disgusted with his back-pay and kindred performance. It would speak poorly for their intelligence if they were not.

Judge Poland, to sum up his character briefly, is a pompous fraud. As chairman of the Credit Mobilier committee he was chiefly responsible for the lame and impotent ending of an investigation which, in spite of a manifest disposition to shield the friends of the Administration, developed an amount of immorality and dishonesty among lights of the dominant party which shocked the whole country, and he has generally been found the eager supporter of all the particularly objectionable meaures of this and the preceding Congress.

One of his last performances gained for him the undisguised contempt even of the most unscrupulous of his own associates. This was his defence of the notorious Judge Durell of Louisiana. The majority of the Judiciary Committee had reported resolutions of impeachment against the drunken and knavish functionary who has so long disgraced the United States Judiciary In New Orleans, while a minority of four had offered a report saying that while there had been gross irregularities they did not believe the evidence sufficient to convict him.

When both these reports had been received and disposed of, Poland obtained the floor and sent up still another report, which was read amid general derision, and in which Durell was eulogized as a high-toned Christian statesman who had done nothing but what was perfectly right. Even Ben Butler was astounded at the effrontery of this, and expressed his surprise and disgust by ejaculating the words, "Lord Almighty!" in tones loud enough to be distinctly heard all over the chamber.—*New York Sun.*

Newspapers and Mails.

Mr. George S. Bangs, the General Superintendent of the Railway Mail service has prepared an article containing a statement from seven of the largest post offices in the United States, giving the number of pieces and weight of each class of matter mailed at those offices for a period of thirty days, showing what it is that constitutes the bulk of mails. This article is in answer to the charges made by the railroad companies, through the President of the Philadelphia, Wilmington and Baltimore railroad company that the mails were overloaded with merchandise, which the Post Office Department forced them to carry for little or nothing, thus depriving them of the revenue they would derive if carried by express companies. It is also intended as an answer to the assertion made by the railway companies that all newspapers should be excluded from the mails, being in reality freight.

By a tabular statement giving the number of pieces and weight of matter of each class at the offices alluded to during the time mentioned, Mr. Bangs shows that, in every 100 pounds of mail forwarded, there is about 1 pound of bound books, 1 pound of merchandise, seeds, bulbs, etc., 12 pounds of transient newspapers, circulars, and other articles besides those mentioned above, which constitute the third class of mail matter, or about 14 pounds in all of this class, 77 pounds of second class matter, or of periodicals sent to regular subscribers, and 9 pounds of letters or matter under letter postage. This plainly shows that it is not merchandise that is overloading the mails.

In answer to the assertion of the president of the Philadelphia, Wilmington and Baltimore railroad company, that "periodicals and other printed matter should be excluded from the mails," Mr. Bangs says:—"The principal object of the Post Office department is presumed to be dissemination and interchange of intelligence. If this is so, why papers, magazines, books and matter of this class do not come within its scope is difficult to understand. Nor is it to be presumed for one moment that any effort to exclude these from the mails would be successful."

Mr. Bangs concludes with a request that the press who, with their various editions, take up ninety per cent. of the mail facilities, will give as wide a circulation of the fact as of the fiction.—*Washington Star, June 4.*

SUPREME COURT DECISION.

Wives as Witnesses.

IN THE SUPREME COURT OF UTAH TERRITORY.

Edward Friel, Appellant, vs. Lyman Wood, Administrator, Respondent.	Oct. Term, 1873. June session 1874.

Boreman, Justice, delivered the opinion of the Court.

The plaintiff, in the trial below, in the First District Court, in order to maintain the issue upon his part, offered, as a witness, one Margaret Ann Harbel, and stated at the time, "she is the plural or second wife of the plaintiff, the first wife being now living, and residing with the plaintiff as his wife." Defendant thereupon objected to said party being sworn as witness, and the objection being by the Court sustained, and the person excluded as a witness, the case has been brought to this Court upon that simple point.

The Territorial statute excludes the wife from testifying for or against her husband except when the action is between themselves. The exclusion applies to the lawful wife, and not to an illegal one. But is this Court to decide upon the legality or illegality of the marriage between the plaintiff and her who is offered as a witness? By no means. The party offering her as witness, asserts that she is his wife, and the defendant assents thereto—so far as the case goes—and asks her exclusion under the statute excluding a wife. But it is said that she is the "plural wife" or "second wife" of the plaintiff, and that the first wife is still living with the plaintiff as wife. The whole admission should be taken together, yet this does not change the case. Suppose she is the "plural wife" or "second wife," and that the first wife is still living with the plaintiff as his wife, it does not follow that the Court is going to decide that the first marriage is valid and the second one void, especially when no such case is presented. Such a case would have presented itself to the Court below, had the plaintiff's counsel then and there disclaimed that said woman was the plaintiff's wife, but only a mistress; yet this he did not do, but stood by his statement that she was a wife. Shall the Court go into the question whether this woman was a wife or not, when no one raised such a question? Both parties agree upon the point that she is a wife, but it is a "second wife" or "plural wife" and the other still living with plaintiff as his wife. The presumption is that the first wife is the legal wife, and the second is an illegal wife—a mere concubine. Yet the first may be void as not being between parties competent to contract, or it may have been dissolved by decree of Court and the parties gone to live together again. The Court must recognize the fact that very little respect is paid to the marriage tie in this Territory. And where in a civil case the parties agree in the Court below that the witness offered is a wife—no matter whether the first wife be living or not or whether the person be the plural or second wife or not, the Court will conclude that she is, so far as the question of her admission as a witness goes, the legal wife of the party offering her as a witness. In the case before us—in the Courts below—the woman is claimed as wife and now in this Court, after the opposite party has acted upon the former admission, and after the Court below acted upon the former admission, the plaintiff comes in and asks to take a new ground different from that occupied below—and disclaim the woman as wife and declare her to be his mistress only. Such a "fast and loose" practice, such jugglery, should not be allowed. It would be unjust to the Court below for the party to take one position in that Court and then another in this Court and thus succeed in changing the judgment. He must stand or fall by his own words at the time of offering the witness. If the party claims the woman as wife below, he must reap the consequences. It was sufficient for the Court to know that he claimed her as his wife, and as to whether she really was his wife or not, is not the issue, the defendant raising no question thereon.

The judgment of the Court below is affirmed.

I concur in the above.

P. H. EMERSON,
Associate Justice.

TERRITORY OF UTAH, SUPREME COURT.

Edward Friel, Appellant, *vs.* Lyman S. Wood, Administrator, etc., of Lambson, deceased, respondent.

McKean, Ch. J., delivered the following dissenting opinion:

The plaintiff sued the defendant, in the First District Court, on a promissory note made by Lambson during his life time. The defendant pleaded payment by Lambson before his decease. On the trial, before the court without a jury, there was evidence tending to show such payment. The plaintiff then called as a witness one Margaret Ann Harbel, for the purpose of proving that there had been no such payment, and further to establish admissions and statements to the same end. The counsel for the plaintiff, when producing the witness, stated, as the bill of exceptions shows, that "she is the plural wife or second wife of the plaintiff—the first wife being now living and residing with the plaintiff as his wife." The defendant's counsel objected to the witness being sworn. The court sustained the objection, and excluded the witness from the stand and from being sworn. The plaintiff's counsel duly excepted to the ruling. Judgment was rendered for the defendant for the costs. The plaintiff appeals.

"A husband shall not be a witness for, or against, his wife, nor a wife for, or against, her husband; nor can either, during the marriage or afterwards, be, without consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to an action or proceeding by one against the other." (Utah Practice Act, sec. 379.) Did the woman, Harbel, come within the prohibition of this statute, and was she therefore properly rejected as a witness?

The respondent's counsel cited *Divoll vs. Leadbetter*, (4, *Pick.* 220,) which was a case of trespass on the freehold. The plaintiff in that case showed that about sixteen years before the trial, the bans of matrimony between the defendant and the woman, Abigail, were published; that they had cohabited with each other for many years; that the said Abigail had had two children, of whom the defendant was the reputed father; and that the defendant had alleged that he had been lawfully married to her, and had exhibited a certificate of the fact in due form.

It was held that the defendant could not avoid responsibility in that case, by claiming that the woman, Abigail, was his niece, and that his marriage with her was therefore void. The case did not turn on the admission or rejection of a witness; and even if the defendant's marriage were voidable, it could not be tolerated that he should escape responsibility by himself declaring it to be void, and that too in a collateral proceeding. It is unnecessary to inquire how the court would have decided, had the marriage been absolutely void.

Let us suppose that John Doe sues richard Doe, and on the trial calls Mary Roe as a witness, at the same time saying—"She is my wife;" and let us suppose that the defendant thereupon objects to her being sworn or giving testimony in the case. Now, it is clear that the Court