

ferred because witnesses had gone beyond the possibility of being secured by the government. The case was set for hearing on the 31st inst., at which time both parties are to be ready to proceed.

The application of Peter Barton, for release from the penitentiary, was set for argument before Judge Sandford May 28. When it was called up, however, the Judge declined to hear it as he was to retire from the bench in a few days.

Judge Powers then informed the court that on Monday he would apply to the Supreme Court for the issuance of a writ of habeas corpus. Mr. Barton would present a new application then and would ask to be discharged from illegal custody. Mr. Peters said he would oppose the granting of the writ, as he considered that, by pleading guilty, Mr. Barton waived his right to claim a discharge from prison on the ground that the indictment against him was illegally found.

In the Ogden branch of the First District Court, before Judge Henderson, May 27, the following business was transacted:

Rasmus Jepperson, convicted of polygamy was adjudged to pay a fine of \$50 and costs, which will make the amount \$85. Jepperson is the man whom Dr. Carrington married to a plural wife under misapprehension as to the facts of Jepperson's wedded life. The court stated that he believed the defendant had acted ignorantly in marrying and living with a plural wife when he had a legal wife living and undivorced, and for that reason and because of the defendant's promise to live within the law the sentence of imprisonment was suspended. "But," said the court in conclusion, "if you come here again you will not get off so easy."

Richard Jessop, convicted of unlawful cohabitation, upon his plea of guilty, was sentenced to two months in prison. He married his plural wife sixteen years ago, and since the birth of her youngest child, who is now between three and four years old, he has not lived with her.

In the trial of Samuel Holt for unlawful cohabitation, a verdict of not guilty was rendered by the jury.

#### Temple Notice.

St. George Temple will close for renovation on Friday, June 28th, and will re-open for ordinances Tuesday, September 3d, 1889.

JOHN D. T. MCALLISTER.

St. George, Utah, May 18th, 1889.

#### Released From Prison.

On May 23 Jens P. Hansen, of Ephraim, was allowed to depart from the penitentiary, where he has served a 50 days' sentence on a charge of unlawful cohabitation. He also served 30 days for the costs imposed.

Elder Wm. M. Palmer was arrested at Nephi on May 23, but was released without bonds to lecture at Payson that evening. He appeared before the commissioner

next day, to answer to a charge of unlawful cohabitation.

On May 28 Jens Mortensen was released from the Penitentiary. He has served a term of four months for unlawful cohabitation, having been sentenced in the First District Court.

#### Returned Elders.

Elder Homer Woolf, of Riverdale, Oneida County, Idaho, called at this office May 28. He had just returned from a mission to the Southern States. He left this city on May 15, 1887, and on arriving at Chattanooga was assigned to the Virginia Conference, in which he labored during the whole of his mission, principally in the counties of Greene and Bedford. His labors were mostly in old fields. He met with fair success, and greatly enjoyed himself, having had during his stay seven different Elders as companions. He was threatened upon one or two occasions, but was not subjected to any violence. Elder Woolf stated that the prospects in that conference were only fair at present, but it was the intention of some of the brethren laboring there to branch out into new fields.

The company of Saints that have lately arrived from the South numbered between thirty and forty, among whom were also six returned Elders. The most of them went to Colorado and Arizona. President Wm. Spry, who had charge of them, was expected home in a day or two. Elder Woolf enjoyed the best of health while away, and feels thankful for his experience. He left for his home May 29.

Elder Alonzo J. Stookey, another missionary, arrived at the same time. He left immediately for his home in St. Johns, Tooele County, owing to the recent sudden demise of his father, with which our readers are familiar. Elder Stookey labored first in the South Carolina Conference, and later in the office of the mission, at Chattanooga, Tenn.

Elder James G. Duffin, of Toquer-ville, Washington County, returned on May 29 from a mission of nearly two years' duration in the Southern States. He left Utah on June 27th, 1887, and first went to Carroll County, Virginia, where he labored for some five months in conjunction with Elders Stephen Chipman and Oliver Belnap. His next sphere of work was Davis County, N. C., in company with Elder G. M. Tonks and Joseph Cameron, and they there opened a new field, their efforts being attended with encouraging success. The meetings generally were well attended, and the people evinced a disposition to investigate the Gospel. In September last, until which time Elder Duffin continued to remain in Davis County, he was appointed president of the North Carolina Conference, and acted in that capacity until his release, on the 4th of the present month. During his mission Elder Duffin was several times threatened with violence, but nothing came of the threats, and for the most part he was well treated by the people in

each of the places which he visited. A few persons were baptized and a number of children blessed. Elder Duffin informs us that he believes the future prospects for mission work in the section of country in which he has been engaged are quite satisfactory.

#### Ward Organizations.

A re-organization of the Providence Ward, Cache County, took place on Sunday, May 19th, 1889. Of the Stake Presidency there were present—President George O. Pitkin and Counselor Orson Smith; also Bishop Thomas H. Smith and Counselor Morgan of the Logan Fifth Ward. Brother Frederick Theurer was presented before the people for Bishop, and Charles S. Crabtree for first and Godfrey Fuhrmann for Second Counselor. These brethren were unanimously sustained and set apart as the bishopric of the Ward. All other organizations of the Ward except the Sabbath School, were perfected.

H. A. CAMPBELL, Clerk.

On Sunday, the 19th day of May, President Angus M. Cannon visited Draper, this county, the occasion being a ward conference and the placing of the local authorities before the people to be sustained by their votes. Among the business transacted was a change in the Bishopric by the selection of W. C. Allen as counselor to Bishop Stewart, in place of A. W. Smith, the latter being away on a protracted absence.

The members of the Twenty-second Ward—the new ward organized out of the Nineteenth—asssembled in the meeting house on May 22d, for the purpose of choosing a counselor to Bishop Alfred Solomon. Elder Andrew S. Kimball, who was first selected but not ordained to that position, was released from acting, as he is one of the Presidents of the Thirtieth Quorum of Seventies and is still in charge of the Indian Territory Mission. Elder Alexander Garlick was unanimously sustained as First Counselor to Bishop Solomon, and was ordained a High Priest and set apart for this position by President Angus M. Cannon, assisted by several Elders. Instructions were given by the Stake Presidency and a good spirit prevailed. A site has been selected for a meeting house for the new ward and it is expected that steps will be taken shortly for the erection of a suitable building.

#### THE NEILSEN DECISION.

SUPREME COURT OF THE UNITED STATES.

No. 1527.—October Term, 1888.

Ex parte: In the matter of Hans Nielsen, Appellant.

Appeal from the First Judicial District Court of the Territory of Utah.

[Argued April 18, 1889. Decided May 13, 1889.]

Mr. Justice Bradley delivered the opinion of the Court.