

Apostle F. M. Lyman Sentenced.

January 14 was the date set for the passing of sentence upon Apostle Francis M. Lyman, for living with his wives. Brother Lyman was on hand some time before the opening of court, and was in excellent spirits. When the court opened, District Attorney Peters called attention to the date of passing judgment.

Mr. Moyle rose and said—May it please your honor, before you pass sentence upon Mr. Lyman, I desire to call the Court's attention to the fact that Mr. Lyman, upon learning he was wanted by the marshal, surrendered himself, and that in obtaining witnesses against him and otherwise the government was put to no more trouble than was indispensable. He thereby incurred no further costs or difficulties than could be avoided. I desire also to say that this is Mr. Lyman's first offense, he never having been charged with crime of any kind whatever before. It appears to me that this is a case in which, if the leniency of the court can be shown, it should be called forth in his behalf.

Mr. Peters—I do not desire that the court should be misled by the statement of counsel. I do not understand it is a fact that Mr. Lyman, when he first knew that an indictment was out against him, at once surrendered himself. The records of this court show that this indictment was found some years ago.

The Court—The 30th of June, 1885.

Mr. Peters—Over three years ago; and the fact is a warrant was issued for the defendant about the time the indictment was returned, and the officers have been diligently seeking to find him since that time. The fact is he has been in hiding until quite recently. I do not understand that he furnished the witnesses before the grand jury on which this indictment was returned as they were regularly subpoenaed. It is true that in December he did surrender himself and plead guilty, and thereby avoided a trial; but I take it that that is the only mitigating circumstance in this case. As to this being his first offense, I think that is equally misleading. It is not his first offense; it is his first conviction. I think your honor will find by inquiry that the fact is some years ago he committed the offense of bigamy or polygamy. That is now barred by the statute of limitation.

The Court—Have you indicted him for it?

Mr. Peters—No, because the case is barred. He is a man of intelligence, and stands high in the organization of which he is a member. I do not think that it is a case which calls for very much leniency.

Mr. Moyle—If the Court please, I do not understand that there was anything misleading about what I have now stated. I stated, as I believe, that upon learning that he was wanted, Mr. Lyman delivered himself up to the marshal. During great part of the time named since the finding of the indictment, I understand, the gentleman has been out of the Territory on proper business.

The Court—What is the expense to the government in searching for him?

Mr. Peters—I do not know what expense the government was put to, but the marshal has been put to considerable expense, because he has been on the search for him for three years.

The Court—Have you any idea what the expense has been?

Mr. Peters—No, it is pretty hard to arrive at that; when searching for Mr. Lyman he was searching for others as well.

Mr. Moyle—There was no special effort made to obtain Mr. Lyman, that I am aware of. They merely had the warrant ready to serve upon him if they ran across him. But as to making any efforts, I do not think such is the case, nor was any expense particularly incurred in obtaining him. The warrant was merely on hand.

Mr. Peters—Speaking for the present marshal, I know there was an effort to arrest the defendant, and it was continued, and has been for two years or more. I think the same effort was made by his predecessor, Mr. Ireland.

Mr. Moyle—I understand the marshal has not been to Mr. Lyman's residence at all, and he had no notice of the fact that he was wanted. I think, therefore, this ought to be looked into.

The Court—That is a matter for you to present if you choose to.

Mr. Moyle—I state that the marshal has never been to Mr. Lyman's house, or where he was likely to be found.

Mr. Peters—Probably he was never at his house, because he could not find him there.

Mr. Moyle—The statement I make is that Mr. Lyman knew nothing about this until or about the time he delivered himself up, and that he has been away on legitimate business.

The Court—Let him be arraigned.

Apostle Lyman at once came forward.

The Court—You have pleaded guilty to an indictment found against you by the grand jury for the offense of unlawful cohabitation. What have you to say why the sentence of the Court should not be imposed upon you?

Apostle Lyman—Nothing, your honor, in addition to what has been said already.

The Court—In your case, as in the cases of other men who stand where you now stand, I take into consideration the fact that you have spared the Court and the government the expense of a trial, that you have surrendered yourself, and thereby admitted the supremacy of the law, which you are to bow to as well as other men.

His Honor was proceeding to pass sentence, when Mr. Moyle interposed and said—If the Court please, the marshal is now in the room. I have made inquiry of him, and he says he did not make any special effort to arrest Mr. Lyman; that he merely had the warrant with him, and while searching for others, if he had run across Mr. Lyman he would certainly have arrested him. That is all.

The Court—Mr. Marshal, are there any records to show that any special expense has been incurred by your predecessor in office with regard to the indictment and sought for arrest of Francis M. Lyman?

Marshal Dyer—We have nothing except the bench warrant. The government has paid nothing, nor have any special efforts been made that I am aware of.

The Court—It was suggested that some little amount has been spent.

Mr. Peters—What efforts have you made, then, to obtain his arrest since you have been in office? (To the Court) I want to show that he was in search of this man and could not find him.

The Marshal—Yes, sir, that is true. We went wherever we were likely to get any admission as to his whereabouts. We looked for him as we do all we have warrants for.

Mr. Peters—And in that way you incurred expense?

The Marshal—Yes, sir. Whenever we were looking for him it would be an expense.

Mr. Moyle—Did you send out men to make special search for him?

The Marshal—My impress