

fendant have not lived together as husband and wife for nearly two years, but on the contrary she avers the truth to be and as such states the same under solemn oath, that she and plaintiff have lived and cohabited together as husband and wife up to the 18th day of May, 1890, occupying the same house, eating at the same table, and sleeping in the same bed; and defendant avers, and she verily believes that at the present time she is pregnant, and one month advanced with child by said plaintiff; and defendant further adds that she feels justified in stigmatizing the allegation last referred to by plaintiff as being a most unfair and cruel charge, being a stigma thrown upon his own unborn child. She denies that by reason of the abuse and conduct of said defendant that the plaintiff cannot live at home and cannot transact business because of the distress and anguish of mind caused thereby, but she adds that he is and always has been welcome at home, that she has always endeavored to make it pleasant and attractive for plaintiff, and that until he listened to the siren's voice he seemed to be satisfied and contented to be with his lawful wife. She adds that the plaintiff has been constantly engaged in the transaction of business, and that until his conduct became a matter of public notoriety, he occupied the honorable position of deputy United States marshal.

Fifth—As to the matters stated in the complaint, to the effect that defendant may have the charge and custody of the infant children, Edna A. and Emma, defendant desires to state to the court that it is her wish to retain the children, and she avers that the plaintiff is not a fit and proper person to have charge, custody and control of said children, and is not a fit and proper person to have charge of their education.

Sixth—Defendant denies that plaintiff is entitled to the judgment of the court dissolving the marriage relation heretofore existing between the parties, and she avers that his complaint should be dismissed with costs.

And for a further defense and by way of cross-complaint the defendant avers that she has been to the plaintiff a kind, true and faithful wife; that she has been to his children a loving and attentive mother; that she has patiently endured the cruelty of the plaintiff and would have continued to have patiently borne the same in secret had not the said plaintiff seen fit to make his cruel, false and unjust charges concerning this defendant in court.

Second—She avers that something like four years ago the plaintiff began to associate in a scandalous manner with a woman named Carrie Lindsay; that he has been frequently with the said Carrie in public and has been seen with her at all hours of the day and night, and whenever the defendant has called his attention to his unjust conduct, that he has brutally insisted that it was none of defendant's business.

Third—She says that on one occasion he permitted her to visit Gar-

field Beach for a little time one afternoon and defendant was to return to Salt Lake on the 4 o'clock train; that she was at that time seven months gone with their last child. She missed the 4 o'clock train and was obliged to remain until late in the evening. She took her seat in a dimly lighted car and while sitting there the plaintiff and the woman Carrie passed through the car so close as to brush defendant's elbow, although they did not see her, and they took a seat in the front part of the car where they remained upon their ride to Salt Lake City, the woman Carrie leaning her head in an abandoned and lascivious manner upon the shoulders of said plaintiff. She shows also that about one year ago he took defendant and her baby one afternoon to Lake Park. Defendant returned to the city before nightfall and afterward learned that immediately the plaintiff took a train to Garfield, where he was found enjoying the saline qualities of the water with the woman Carrie dressed in the scanty garb worn by some of the bathers at that fashionable retreat.

Fourth—She shows that while he was engaged as United States deputy marshal vigorously enforcing the law against those who violated the marriage relations he frequently took with him on his excursions into the country in search of persons indicted for unlawful cohabitation, the woman Carrie, thus bringing disgrace not only upon his family and wife, but upon the government for which he was at that time working.

Fifth—She shows that during the past winter the woman Carrie being in the city of San Francisco, the plaintiff made two excursions to that city, ostensibly on business, but while there he resided in the same house with her, and as defendant is informed purchased for her furniture and household goods and treated her as if she were his lawful wife. She shows that he has corresponded with this woman and she is informed and verily believes the information to be true, that the sole purpose in endeavoring to obtain a divorce from the defendant is to screen himself from prosecution threatened by the friends and relatives of the woman Carrie, and to enable him to enter into the marriage relation with her. She shows that she is informed that when he first began to associate with this woman, he announced to the said Carrie and her relatives that he was not married to the defendant, but simply living with her, and that while the children were his own, she, the defendant, was only his mistress. She shows that he has been with the said woman, Carrie, to the theatres of this city, and that he has ridden about the town with her and that he has, in disregard of his marriage vows, so conducted himself and so associated with the said Carrie that it has brought great disgrace upon the defendant and caused her intense mental suffering.

Sixth—She alleges that the said plaintiff has treated her with great and extreme cruelty and that he has made her life a burden, and that

he has caused her great mental pain and suffering, so that her health has become greatly impaired.

Seventh—She avers that she is entirely without means and has no property with which to defend herself and said children.

For these reasons she asks that the complaint of plaintiff be dismissed; that the plaintiff be directed to pay the defendant a reasonable sum pending this action, for her support, and that he be required to pay a reasonable attorney's fee and the costs, and that the defendant should be allowed a reasonable alimony; that the marriage between plaintiff and defendant be dissolved, and that the defendant be given the care and custody of the children until further order of the court.

THE CHURCH CASE.

The Territorial Supreme Court—Judge Henderson absent—has again taken up the subject of handling the "Mormon" church property, and made the following order:

In the Supreme Court of the Territory of Utah.

United States vs. Church of Jesus Christ of Latter-day Saints, et al.

It is ordered by the Court that the receiver herein make a full and complete report to this Court, showing by particular description whatsoever real estate has come into his hands as receiver, and when; what has been done with it while in his possession; to whom it has been rented and upon what terms; and a full statement of the moneys received from said real estate, and all deeds, receipts, contracts and other papers relating to the same; also that the receiver make a full and detailed statement of all moneys that have come into his hands as receiver, and the date of receiving the same; from what source the said moneys have been derived, and if received in compromise, from what persons and for what property the same was received, stating the full terms of the compromise, and all contracts, receipts and other papers relating to the same; also where and with whom the said moneys have been and are now deposited, and what, if any, interest has been derived from it; also what credits on account of it, from said moneys, and if said money or any part of it has been used by him or other person or persons; also that the said receiver report all personal property of whatever description he has ever had or now has in his possession as receiver and what compromises, if any, have been made with respect to it and the terms thereof, whatsoever moneys have been derived from the same, when received, and where now deposited; where said personal property now is and in whose immediate possession, and the amount of it; also that the said receiver report whether or not he has knowledge of or reason to suppose that there is any other property belonging to the late corporation that he has not taken possession of or attempted to take possession of, and if not, why? Also the present