

as his wives, and treat them as such, then his acts are unlawful. It does not matter whether during this time he had sexual intercourse with them or not. The term "cohabitation" does not necessarily involve or include sexual intercourse or connection with the parties. If he holds them out as his wives and lives with them in that repute and character, whether he has sexual intercourse with them or more intimate connections with them or not, the offense is made out.

This charge, gentlemen of the jury, is not for adultery; it is, as the Supreme Court of the United States has said, against flaunting in the eyes of the world the license and opportunities of a polygamous household or living unlawfully with more than one woman in the nature and character of a wife. It is the marital or domestic relation that is the object to be protected. I will call your attention to one further rule of law and then submit the case to you; that is, that it is a circumstance to be considered by the jury, that where there are incriminating facts proven which bear against the defendant, and the defendant has the means of explaining or disproving such facts and fails to do so, such neglect or failure is a circumstance for you to consider.

Let an officer be sworn.

The defendant takes exceptions to the court refusing to give instructions asked for, and also the modifications of such instructions as were given by the court, also to the charge generally as given by the court.

The jury returned a verdict of guilty.

JUDICIAL JUGGERLY.

During this week Jeppe Fulkman, of Gentile Valley, Theodore Keller, of Mink Creek, Oneida County, and Bent Errieson, of Preston, Oneida County, have been convicted of unlawful cohabitation, and B. M. Fulmer, of Oxford, charged with adultery, acquitted.

The main feature, however, was the trial yesterday and today of Thomas K. Ricks on the usual unlawful cohabitation charge. Brother Ricks has been the subject of indictment of all the U. S. grand juries for years. When business was dull and they wanted a little recreation they put in their time indicting Ricks. The indictments piled up and got so voluminous and numerous that at several terms of court the United States district Attorney has been compelled to dismiss, *nolle prosequi* and otherwise dispose of a lot of them, solely for the want of government facilities for storage capacity. This thing went on so unguardedly that the United States officials accidentally ascertained they had disposed of all except one, which, though ancient and fly-blown, they thought sufficient to satisfy a properly instructed trial jury. But Jim Kimball, Ricks' attorney, discerned a hole in the indictment about the size of an ordinary U. P. box car and put in a plea of once in jeopardy, former acquittal,

barred by the statute of limitation and a few other defects.

A few minutes after this was done the U. S. grand jury came into court, reported their business finished and asked to be discharged. "Not much, Mary Ann," his honor, on the motion of the District Attorney, dismissed the indictment against Ricks and re-submitted the case to the present jury, refusing to discharge them as they requested. They promptly brought in another indictment the following morning and immediately forced Ricks to a trial against the protest of his attorneys, who, in vain, asked for reasonable time to prepare. In the hurry of getting out this indictment the word "did" in the charging clause "did cohabit," was omitted, thus charging no offense, and objection was made to the introduction of any evidence under it, but his honor held it only to be a clerical omission, and evidently good enough for a President of a Stake; so the funeral ceremony was ordered to proceed, the corpse being provided, and the audience having gathered, the show must go on.

On the trial the evidence of the prosecution was absolutely nothing. Not an iota of testimony was brought out to sustain a single material allegation of the indictment. The defense, having nothing to rebut, refused to introduce any testimony.

Now came the interesting part of the comedy—the judge's charge to the jury. It distinctly antagonizes the doctrine hitherto advanced and enunciated in several decisions of the Supreme Court of the United States. It ought to be framed and hung up as an interesting relic of total judicial depravity and a companion picture for the Idaho test oath.

Of course the jury brought in a verdict of guilty, and had they not done so they undoubtedly would have been fined for contempt of court, or ought to have been.

An appeal will be taken on half a dozen different grounds, any one of which will reverse the decision of this court, especially the one failing to charge the commission of any public offense.

Martineau, of Cassia County, was run in today with two indictments to meet him and on which he was arraigned today. Hart, Wright, Hogansen and Austin, from Bear Lake, are waiting their turn to be judicially murdered. There is no evidence against them, but that isn't a necessary ingredient in those kind of cases in Idaho.

SMART ALLECK.

BLACKFOOT, Idaho, Oct. 25, 1889.

THE HAWAIIAN CONFERENCE.

While the good people of Utah have been striving with the enemies of peace and progress here within the dominion of King Kalakaua there has prevailed comparative peace. Only a ripple of agitation was caused by the Wilcox soldiering about the palace.

The work of the Lord has progressed quietly. The Elders have labored with a zeal and earnestness

becoming the servants of the Most High.

Our semi-annual conference convened here on the 4th, 5th and 6th insts. The attendance was quite numerous. Each island was represented by a large gathering of Saints, eager to learn more of the Lord and His ways, and happy in exchanging "aloha." The Elders reported kind treatment and hospitality in the various branches, and spoke of the joy and satisfaction they had experienced in their labors.

The people flocked to Conference hungering and thirsting after righteousness, and anxious to come to a better understanding of the doctrines, principles, and requirements of the Gospel. In this they were not disappointed.

The general authorities were presented. Wm. King was sustained as President of the Hawaiian mission. The appointment of Presidents for the ensuing term were as follows: W. H. Allen to Honolulu branch and Island of Oahu; Isaac Fox to districts of Kona, Kau and Puna Island of Hawaii; Jos. G. Fueger to districts of Hilo, Kihala and Hamakua Island of Hawaii; Brigham Johnson to the Islands of Maui, Molokai and Lanai; W. F. Eakle to the Island of Kauai.

Twenty Hawaiian Elders were called to labor under the direction of the above named Presidents.

The statistical report for the term showed: New baptisms, 415; deaths, 26; emigrated to Utah, 40; total membership (not including children under eight years of age), 4444.

The conference of the Sabbath schools on the 5th inst., was well attended. The reports were favorable. Exercises, consisting of songs, recitations, short addresses, etc., were presented.

The Mutual Improvement Associations reported an increased interest, and carried out a well-arranged programme.

The Relief Societies' conference was a time of rejoicing with the sisters. President Lucy King deserves much credit for the good work accomplished under her direction.

The work on the plantation has proceeded steadily and although the dry weather has hindered some, yet through the manipulation of the water from the artesian wells, and of occasional flows from rains up in the mountains, there is now a good crop of new plant cane growing.

We expect to start the sugar mill in December, and will have some sixty acres of cane ready to take off. The advance in sugar within the past six months has caused great activity and effort among the planters and enhanced the value of sugar plantations.

We are pleased to learn of the general satisfaction which prevails among the Hawaiians who have gone to make their homes among the Saints in Zion.

The native Saints here never seem to tire of talking of the "Land of Joseph," and are very desirous of joining their brethren there.

M. F. EAKLE,
Clerk of Conference.

LAIE, Oahu, H. I., Oct. 8, 1889.