

The United States, plaintiff vs. Jonah Evans, defendant; unlawful cohabitation from March 1st, 1888, to October 23, 1889.

D. W. Standrod U. S. Asst. District Attorney for plaintiff, J. C. Rich for defendant.

MRS. MARIAH MORSE

was called for plaintiff and testified as follows:

Q. Where do you reside?
A. At Samaria, Oneida County, Idaho.

Q. How long have you lived there?

A. About twenty-one years.

Q. Have you a family?

A. Yes, sir.

Q. What is your daughter's name?

A. Her name is Jane.

Q. What is her age?

A. She is twenty-three or twenty-four.

Q. When will she be twenty-four?

A. Next October.

Q. Is she married?

A. Yes, sir.

Q. How many children has she?

A. She has three?

Q. What are their ages?

A. One is six years old, one three years, and the other two years old.

Q. Do you know who the father of these children is?

A. No, sir; I never ask her.

Q. What is the general repute as to who the father of the children is?

A. She is supposed to be married to Jonah Evans.

Q. When did you see your daughter last?

A. Last October.

Q. Where did you see her?

A. At my place.

Q. Where does the defendant live from you?

A. He lives only a little way from us.

Q. What is the first wife's name?

A. Her name is Catherine.

Q. Has she a family?

A. Yes, sir, and has grown children.

Q. What is the age of the youngest?

A. I cannot say.

Q. Are you sure?

A. I don't know about any of the children.

Q. When did your daughter marry Evans?

Objected to and sustained.

Q. When did she leave home?

A. I don't know; I think about six years ago.

Q. What is the age of the eldest child?

A. About six years.

Q. How long ago was it she left home?

A. I think it was six or seven years ago.

Q. That would make her 16 or 17 years old when she left home?

A. Yes, sir.

Cross examination.

Q. You say you saw her last October?

A. Yes, sir.

Q. And that she was at your house?

A. Yes, sir.

Q. Do you remember when she came to your house?

A. She came there Saturday afternoon.

Q. What date was this?

A. This was the 7th or 8th of October.

Q. Was it during the General Conference?

A. Yes, sir.

Q. Where was your daughter at that time?

A. She came to my house.

Q. Were you at home?

A. No, sir, I was in Malad City.

Q. When did you see her?

A. I came home that night and she was there.

Q. Did I understand you to say she came on Saturday?

A. Yes, sir.

Q. Did she stay there on Sunday?

A. Yes, sir.

Q. Where did she stay that night?

A. At our house.

Q. When did she leave your house?

A. She left on Monday at about eleven o'clock.

Q. Where did she say she was going?

A. Said she was going to Portage in Utah.

Q. During the time she, your daughter, was at home, did you see Mr. Evans, the defendant?

A. No, sir.

Redirect Examination.

Q. Where is Portage?

A. It is about fourteen miles from where we live.

Q. How far from the line?

A. I do not know.

Q. Was this before the last term of court?

A. I do not remember.

Q. Were you here the last term of court?

A. No, sir; I was sick.

WILLIAM THOMAS,

for the plaintiff, testified as follows:

Q. Where do you reside?

A. At Samaria, Oneida County.

Q. How long have you lived there?

A. Twenty-one years.

Q. How long has the defendant lived there?

A. About nine years.

Q. Has he a residence there?

A. Yes, sir.

Q. Has he a business there?

A. Yes; he is in the hardware business.

Q. Has he a family there?

A. Yes, sir.

Q. Do you know his first wife?

A. Yes, sir.

Q. Are you acquainted with Jane Morse?

A. Yes, sir.

Q. How long have you known her?

A. Since she was a child.

Q. Do you know what her age is?

A. She is about twenty four.

Q. Do you know that she is married?

Objected to. Sustained.

Q. In that community what is the general repute as to whether she is married or not, and who is her husband?

A. The general repute is that she is married and that the defendant is her husband.

Q. Have you seen her with any children?

A. Yes, sir; two.

Q. Do you know about the time she left home?

A. No sir, I think it was about seven years ago.

Q. Have you seen her there since?

A. Yes sir, I saw her at the Warm Springs.

Q. When was that?

A. It was last year, in June.

Q. What was she doing there?

A. She was there about the house.

Q. What was your business there?

A. I was water master there and was distributing the water.

Q. Did you see Mr. Evans there?

A. Yes sir, several times.

Q. What was his business when you saw him?

A. He was irrigating.

Q. Does he claim that place?

A. Yes sir.

Q. Did you let him have water?

A. Yes sir, I gave water to him.

Q. Had he owned it before this time?

A. I think he claimed it all the time.

Cross-examination.

Q. You stated that you saw Jane Morse in 1889?

A. Yes sir.

Q. Are you sure it was last year?

A. Yes sir.

Q. Did you see the defendant with her?

A. No sir, I did not.

JOHN WILLIAMS,

being sworn for the plaintiff, testified as follows:

Q. Where do you reside?

A. At Samaria.

Q. How long have you lived there?

A. About twelve years.

Q. Do you know the defendant?

A. Yes sir.

Q. How long have you known him?

A. About five years.

Q. Are you acquainted with Jane Morse?

A. Yes, sir.

Q. How long have you known her?

A. About twenty years.

Q. Do you know if she has any children?

A. Yes, sir; I think she has two.

Q. When did you see her last?

A. I saw her in the spring of 1888, at the Warm Springs.

Q. Where are the Warm Springs?

A. About three miles northwest of Samaria.

Q. Do you know who owns the place?

A. I think B. Evans, the defendant's son.

Q. Who owned it before him?

A. I think S. D. Davis.

Q. Who before that?

A. Thomas Davis.

Q. Did you have any trouble over that land?

A. Yes, sir; I had a contest over it.

Q. Did the defendant interest himself in this matter?

Objected to; objection overruled.

A. Yes, sir; he did.

Q. At the time you saw her at this ranch what was she doing?

A. She was standing at the corner of the house.

Q. Any children there?

A. There were two children.