

tents of this document which is in your hand-writing?

Answer—I know there are a good many lies in it.

Witness then took the document alluded to and read it in order to refresh her memory.

Witness stated that after her examination of the document she found it was just as it had left her hand. She did not send for Miles on the night following the marriage.

After the examination of this witness, the prosecution rested.

Court took a recess until 1.30 o'clock.

At that time witness was again placed upon the stand and questioned by Judge Hagan. The latter then read a letter which witness wrote to the Salt Lake Herald a few months ago, wherein she vindicated Miles and expressed her contrition for all she had been led to do against him. The progress of the trial was then interrupted by the contempt case of Gen. Wells coming up.

The proceedings in the Miles trial on Saturday afternoon, were temporarily interrupted by the contempt case of General Wells, which being once more postponed until evening, the Miles case continued.

The Carrie Owen letter referred to in our last issue, denied all the allegations which the writer was represented to have made to the prejudice of the "Mormon" Church or her husband Miles. The following sentences also appear: "My husband has never informed me that he has another wife, and outside my own suspicion I have no knowledge that he has one. I have heard him most emphatically deny that he married the girls of whom I was jealous." "I am deeply sorry that my suspicions should have induced me to have taken a course whereby I have brought upon my brethren and sisters, my husband and myself unmerited odium, and my only desire in writing this is to acquaint the public with the facts of the case and leave them to judge for themselves concerning the issue."

This letter was dated Nov. 4, 1878, and was certified to by Chas. W. Stayner, Notary Public, who, after the reading, was put upon the witness stand. He was a notary public on Nov. 4th, on which date Caroline Owen and Miles came to him, the latter introducing the former as his wife and stating that she wished him (Stayner) to do something with a document she had. Miss Owen then showed Mr. Stayner the letter mentioned, which she signed in his presence, said she wished to be sworn to it, and asked him to use his influence to get it published in the Herald.

Q.—Are you a Mormon? Yes, sir. Are you in polygamy? No, sir. Do you believe in polygamy? (Defense objected; question withdrawn.)

Re-direct.—When you told her you could get it printed, what did she do? She clasped her hands and said, "I am so thankful," and thanked me several times.

JOHN CONNELLY

Was sworn. Am brother to Kate Connelly. Know Owen and Miles. Was invited to the reception at Cannon's by Owen, who came to my house and told us she was going to be married. Nothing was said about plural marriages. At the reception was introduced by Miles to "Sister Emily Spencer." Did not hear her introduced as his wife.

Cross-examined.—Think I heard all that took place at my house. Emily Spencer was not spoken of. John Taylor's name was not mentioned. Nothing was said about counsel from the Church. Did not tell Katie Connelly that she need not come back (to my house) if she testified in the case. Did tell her that she need not come if she lied. Think she lied before Commissioner Sprague and in this court. She had expressed herself very bitterly against Miles, saying if she were Carrie she would kill him.

Re-direct.—Miss Owen came to my house, crying, saying, Mr. Van Zile and a Josephite had urged her to do what she had, and she wanted me to see Miles and get him to come back to her. She said, "For God's sake, Brother Connelly, see John and do the best you can."

SARAH M. CANNON

Was sworn. Carrie Owen staid at my house the night of the marriage. (The defense desired to prove that Owen sent for Miles as her hus-

band. Objected to and objection sustained.)

A. M. CANNON.

A supper was given at my house in October last. Do not remember saying there were so many Mrs. Miles present that distinguishing names would have to be chosen. Heard the Spencer girls introduced as Emily and Julia Spencer.

JUDGE TILFORD.

Heard Carrie Owen testify that I had instructed her not to testify before the grand jury. She came to my office and asked how she could avoid it. I told her the law provided that a wife could not testify against her husband, and that unless she took that ground she would be obliged to answer. In regard to the document exhibited here, I suggested that part of it acknowledging the kindness of Marshal Shaughnessy and lady, to which she readily acceded.

Cross-examined.—Don't think I made other suggestions. I was then counsel for defendant. Was aware that the prosecution was pending, and that Owen had been a witness for the prosecution. Miles was present. If I could believe her sworn statement, I would think she was the first wife.

Defense rested.

REBUTTAL.

CARRIE OWEN

Again took the stand. She stated that the letter which she wrote to the Herald was every word dictated by Miles at Cannon's house. That she wrote it because she loved him so, and he would not take her back unless she did. She swore to it because Miles said it would be of no value otherwise. After receiving the approval of Cannon it was taken to Judge Telford, who suggested some alterations, which were made.

KATE CONNELLY

Then took the stand; I was at my brother John's house. He told me Carrie had had Miles arrested, that the latter would probably get two years in the Penitentiary. He also told me not to know anything about the matter. Did not say if I were Carrie I would kill Miles.

MARSHAL SHAUGHNESSY.

Am U. S. Marshal. Heard Miles and Owen say something about publishing a card in the paper. They both called at my office. Miles said, before she could come back to him she would have to retract. He did not say what.

KATE CONNELLY

Was re-called. She did not hear Owen say she would kill Miles. Both sides rested.

Monday morning's proceedings: The case for the prosecution was opened this morning by assistant district attorney

J. H. BEATTY,

Who referred to the great expense to which the government had been to obtain the witnesses in this trial. Then he referred to the prophet of this Church, who, he said, claimed to receive revelation, and revelation following revelation, finally the preachers of this sect got the idea they could take care of more than one wife. To their belief they were entitled, but not to the practice of polygamy, which was made a crime by the law of 1862. We are here to try the case, to decide the issue between the Mormon Church and the United States government.

He referred to the sanctity and hidden mystery of the Endowment House ordinances, and referred, as a comparison, to the shrine of Mecca.

He then took up the testimony of the witnesses, referring to President Taylor as being more powerful than any autocrat in Europe. The speaker referred to the testimony taken, as he says, from the "Mormon leaders" who could remember but very little. He alluded also to the testimony of Angus Cannon, who, in his wit at the supper table, had said there were three Mistresses Miles present, and that distinguishing names must be invented for them, yet he, Cannon, could hardly remember anything when put upon the stand. The attorney took up the evidence as given by Leo Dykes and the other witnesses, and said that without Miss Owen's testimony he claimed a clear case had been made, but he, by no means, was inclined to slight her words, and therefore devoted considerable attention to her testimony. He referred to section 4 of

the ordinance incorporating the Church of Jesus Christ of Latter-day Saints to prove that a register of the marriages was kept. The speaker made an earnest though rather labored appeal to the jury for justice to Carrie Owen, referring at some length to the first acquaintance of Carrie with Miles, his shipwreck, their subsequent meeting, engagement, and final marriage. Her "erratic" actions were referred to and explained in a manner satisfactory, at least, to the attorney himself. Her testimony he pronounced uncontradicted and declared that "under these circumstances I think you can do nothing else than find the defendant guilty."

JUDGE TILFORD.

Gentlemen of the Jury—The Constitution of the United States declares that every man shall have the right to a trial by an impartial jury. This is not only the conservator of the republic but also of the liberty of every individual citizen thereof. As, according to the law, the jury list is composed of 200 names chosen by the Probate Judge and the District Clerk, Congress had the intention to give every man a trial by a jury composed, at least, in part, of his friends. In all my life I never saw a trial in which the defendant had not a single friend, acquaintance or fellow-believer upon the jury, until the present time. My friend, Mr. Beatty made the remark that the issue was between the Government on the one side, and polygamy and the Church, on the other. But I am satisfied that you will not accede to that view. The only issue before you, gentlemen, is whether John H. Miles is guilty as charged. Let me guard you against one too common error, and that is having a terrible prejudice against a man even suspected of having committed a crime. The prosecution must establish all the essential allegations of the indictment. The only question before you, as we will admit for the sake of argument the marriage with Caroline Owen, is was John H. Miles married to Emily Spencer previously. Unless the guilt of the defendant is established beyond a reasonable doubt, he cannot be convicted. He is not required to establish his innocence beyond a reasonable doubt or even by preponderance of the evidence. The marriage in Utah is the common law marriage; and unless it is proven that John H. Miles and Emily Spencer entered into a solemn contract that they were able to become husband and wife and that they did become husband and wife in fact, the marriage is not established. We deny in this case that any ceremony of marriage took place between this defendant and Emily Spencer; but how in the name of heaven we are to bring witnesses to prove what didn't occur, I am unable to determine. I shall first call your attention to the festive scene which took place at Angus Cannon's house. It is a significant fact that the supper there was given for Miles and Miss Owen. Miss Connelly testified that at the reception she was introduced by Miles to his wife, Mrs. Emily Miles; but with all respect to my young friend from New England, I think she is slightly mistaken. This and other things prompt me to believe that our friend, Miss Connelly, was a zealous witness, a very willing witness, but that she confused her ideas with regard to the case.

Judge Telford reviewed in an exhaustive manner the greater part of the testimony. All, then, in the world, that there is against Miles is that he did not deny certain accusations made by Carrie Owen when she was angry. More than that is required by the law. Before the conviction of the defendant can follow, a prior marriage with Emily Spencer for time as well as eternity, must be proven beyond a reasonable doubt.

Recess.

HOMESTEAD ENTRIES.

U. S. LAND OFFICE,
SALT LAKE CITY,
May 2nd, 1879.

Editors Deseret News:

Please publish the following information for the benefit of the people of this Territory:

Full instructions have been received by this office in relation to additional homestead entries within "railroad limits" and entries under the act of March 3d, 1879,

may now be made in this Land District.

Where an entry of 80 acres has been made under the laws heretofore in force, an additional entry of 80 acres may now be made without payment of further fee or commissions.

But for an original entry of 160 acres, under the said act, the fee and commissions are by law fixed at \$22.00.

An additional entry requires new forms, but no blanks have as yet been furnished to this office.

Further information will be given on application.

JNO. B. NEILL,
Register.

BY TELEGRAPH.

FORTY-SIXTH CONGRESS.

EXTRA SESSION.

SENATE.

WASHINGTON, 5.—Shortly after assembling consideration was resumed of the bill to prevent the introduction of contagious or infectious diseases into the United States.

Eaton introduced a bill similar to that in the House to prohibit military interference at elections. Referred to the judiciary committee.

HOUSE.

WASHINGTON, 5.—Under the call of States a bill was introduced by Ladd to prohibit military interference at elections and it was referred to the committee on judiciary. The following is the text of the bill:

Whereas, The presence of troops at the polls is contrary to the spirit of our institutions and traditions of our people and tends to destroy the freedom of elections, therefore

Be it enacted, &c., that it shall not be lawful to bring to or employ at any place where a general or special election is being held in a State any part of the army or navy of the United States unless such force be necessary to repel armed enemies of the United States, or to enforce section 4, article 4, of the Constitution of the United States, and laws made in pursuance thereof, on application of the legislature or executive of the State where such force is to be used, and so much of the laws as is inconsistent herewith is hereby repealed.

AMERICAN.

NEW YORK, 3.—Additional details of the Panama outbreak give the number killed in the streets as 35. The state and national troops fought all day and night, neither side gaining much advantage. The state troops hastily organized, armed with Remington rifles and having possession of two pieces of cannon, took possession of the city as the Corron de Nairn, on the eastern side of the Cathedral Plaza, and steadily opposed any possible advance of the nationals. Hostilities ceased on the morning of the 18th, through the intervention of Bishop Paul and other clergy, the nationals surrendering unconditionally to the state forces, and being held as prisoners of war.

WASHINGTON, 3.—A confidential adviser of the President said it was very doubtful whether the President would approve any political measures presented to him. Had the propositions now pending been sent to him before any of this political legislation, there is no doubt but that the majority would have been approved, but now that it had been made purely a political matter the President would doubtless be controlled by the wishes of his party.

Ex-Secretary Borie, before he left Philadelphia to join Grant, told a friend he did so at the earnest solicitation of many friends of the ex-President in order to persuade him not again to become a candidate, to risk defeat, and go down to history as a defeated candidate. Letters from Grant express great disinclination to accept another nomination.

ATLANTA, Ga., 3.—Cox, on trial for the murder of Alston testified to day that he was concerned with Senator Gordon in the convict labor business, they dividing the profits together with Alston. The defendant finally sold out, Alston acting as his agent. It was about the terms of Alston's remuneration for making the sale that the quarrel originated. Alston asked so great, that to pay it would have

begged the defendant. Alston threatened to stop the trade and defendant threatened to expose the convict labor business. Alston threatened to kill defendant if he did so. Witness told Alston to arm and meet him, which was done at the capitol. Alston shot him twice once in the mouth and once in the hand, and dazed by the noise and effects of the shots the defendant then fired through the smoke at Alston and saw him fall. He only shot in self-defense. Alston was his best friend and he did not want to kill him.

BOSTON, 3.—Freeman, the Adventist of Pocasset, who murdered his five-year-old child on Thursday, was arraigned at Barnstable to-day, with his wife, who is held as an accessory. Both insist God will fully justify their action and relieve them from human penalties. A number of Advent neighbors sustain Freeman in his course. Many of them are well-to-do farmers. Some of those present at the meeting at Freeman's house on the day of the murder will be arrested on the charge of being accessory to the deed.

BOSTON, 5.—The funeral of Edith Freeman, the victim of her father's fanaticism, took place in the Methodist Church at Pocasset yesterday afternoon. The body was brought to the church in a small casket by Alden P. Davis, a sympathizer with Freeman in his deed, and one of the latter's chief abettors, who, after depositing the casket and contents near the altar, announced the intention of addressing the audience, but this he was prevented from doing by threats of arrest. Adventists, who in their blind superstition fully believed that the dead child would be resurrected or else bodily translated to heaven, are deeply mortified that their prophecies should result in this way. After the funeral service in the church, the body was removed to the village cemetery hard by, and deposited in a grave. Davis, an Adventist fanatic, mounted a tombstone and began an address to the crowd assembled, attempting to prove that Freeman was justified by God in killing the child, but was prevented by the crowd, who compelled him to desist. The casket was then covered with earth, Adventists having threatened to remove the body and throw it into the waters near by that the climax to the sacrifice may not be interfered with. The sheriff's officers have guarded the grave and will remain on the watch until morning.

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I take pleasure in announcing that I am making a pure "TOBACCO SHEEP DIP" from the best Kentucky Leaf, which makes an article of uniform strength and purity, without the addition of poisonous substances, and should be diluted 100 parts to one (although safe to use at any degree of strength) for dipping sheep.

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