

inference from the facts would be cohabitation. The evidence also showed that after this period the defendant was found very early in the morning in the house and in the bedroom of his plural wife, Emma Rawlings. And the jury, I think, from the evidence, were authorized to infer that they occupied the bed together that night, or a portion of it. The circumstances, of course, before and after the period mentioned in the indictment explain the feelings of the parties, and the dispositions and habits with respect to each other, and would shed very much light upon the circumstances attending any association during the time mentioned in the indictment. No reasonable man, in considering these circumstances and the associations between these dates, would leave out of view the light that shines in from outside of these two dates. No man would be authorized to consider, without the reflective light of these facts, the circumstances before and after the particular period. My recollection is that the defendant, according to the testimony, visited his plural wife named in this indictment between the dates named on two or three occasions. My recollection is that it is three. It is said that one was the occasion of the death of a child that was born during the period.

Another was at the birth, and the other was a few days before the birth. This association, in the light of all the other evidence of these parties, I think the jury were authorized to characterize as the association of a man with his wife, with one claiming to be his plural wife. There is no doubt but that was the fact.

A stranger or a neighboring man don't go in to witness the birth of a child by a woman who is a neighbor. He would not be permitted there. He would be invited out very suddenly by any decent husband. But the visit there was to his wife while struggling amid the pains of childbirth. He was there as her husband, and the association and conversation between them was such as would indicate to every reasonable man who saw or heard of it, that he was there claiming to be her husband. The visitation shortly before the birth of the child could not be said to be for the purpose of visiting his child; it would be rather premature for that purpose. And the visit at the death of the child might be explained upon that hypothesis. He made that visit simply to attend the death of his little child. This evidence, when all considered together, is characteristic and explained by the fact of the plural marriage and of all the circumstances when considered together. Picking out one and considering it separate and apart, it might not be sufficient; but when it is all considered together, I presume that no reasonable man, sitting as the jury did and hearing that evidence could come to any other conclusion than that during the period named in the indictment he associated with this woman as his wife. If that is so, that is sufficient.

It is said that a man may visit his children by a plural wife. That is unquestionably true. He may support them. He may support even his plural wife. He may support any woman who needs support or whom he is willing to support, or any person. But he must be careful in so doing that he don't visit or associate with the woman as his wife. Of course, in laying down a definition of unlawful cohabitation, it is impossible to state precisely all the evidence that would be given in any case of unlawful cohabitation. It might consist in one case as to the lawful wife or the lawful marriage, of a mere acknowledgment. As to the plural wife, it may consist of a polygamous marriage and association of any kind indicating that relation, such as visiting the house or associating with her in public places—at church, or the theatre, or other places. It may be by admissions and declarations. It may be the circumstances of the birth of a child during the period. And it is impossible to mention, in laying down the law of any one case, all the evidence that may be given in any case, just as impossible as it would be to mention all the evidence that may be given in a case of fraud. It can only be defined in general terms.

In overruling this motion for a new trial I have taken a little more time than I otherwise would, because there seems to be a disposition to misunderstand the definitions of the Court in defining unlawful cohabitation. Of course, in this, as in all other cases, where any man or class of men claim the right to commit an act and to indulge in conduct which constitutes crime, they always cavil at the law, and fault with it, and find fault with the action of the Court and everybody who is engaged in enforcing it, simply because they think the law is wrong and it should not be enforced against them.

The motion in this case for a new trial is overruled.

The motion for a new trial in the other case was also overruled for similar reasons.

Mr. Young's attorney then asked Mr. Dickson whether he would permit a stay of judgment for ten days, but the District Attorney refused.

Mr. Young was then called upon to receive sentence, and in answer to the Court as to whether he wished to make a statement, said:

If your honor please, I can say that I placed myself, as I understood, within the meaning of the law; but I did not anticipate a ruling that would make me liable by simply visiting the ladies or upon the evidence that has convicted me; or, as was stated by the

prosecutor, that if the ladies mentioned had met me upon the street, or in my office, or in a place of public worship, that they [the jury] should find me guilty. My understanding of the law was that if I ceased to live in the same habitation and ceased to dwell as I had been accustomed to doing, and ceased to hold them out to the world as my wives or flaunting them before the world as my wives, I was placing myself within the law; and that idea was strengthened by answers that your honor made to me on one occasion when I asked you with regard to these things. I put the question to you in this manner: Could I call upon and visit them in case of sickness, or could I take them to a concert or to a meeting at the Tabernacle, or could I take them out for a drive, and be within the law. And your honor told me that if that was all I would be within the law.

The Court—You are mistaken about that; I never said so.

Mr. Young—Well, I so understood your honor, at any rate.

Court—That is a false statement. You misunderstood me, probably; I don't know.

Mr. Young—Your honor remembers me having a conversation with you?

Court—I remember you asked me one day, casually, as I was passing along. I told you that you could not live with more than one woman or associate with more than one woman as a wife.

Mr. Young—My object in asking your honor was to know if I could do that and be within the law, and if I could not I did not propose to do it. And I understood your honor to say that if that was all I would be within the law. Of course I have nothing to say in regard to the interpretation that is placed upon the law. I can say this: My idea is that the essence of the crime is the intent to commit the crime, and my intent was to place myself within the law and not to hold the law in contempt.

The Court then asked Mr. Young to state what assurance he had to make that he would obey the law in future, "as interpreted by the Courts," and Mr. Young replied:

If your honor will allow me to answer that in my way I would be pleased. I can say that I am the offspring of a polygamist. My mother is a polygamist wife. Going into that principle myself as a matter of conviction and as a matter of religion, believing it to be right, the ceremony that made these wives my wives according to the law, cannot be broken, unless one or the other of us is guilty of adultery. That is so understood by the Church to which I belong. For me to say that I would not allow these ladies to speak to me on the street, or to call at my office, or worship God in the same building; or that I would not support them, or call upon them in case of sickness, agitation, or distress or want—I could not, your honor, make such promises as that. If I should, it would seem to me that I would brand myself before the world, or at least, brand the ladies as kept mistresses, and my mother as a harlot and myself as a bastard; that if I admit that that was wrong, and that if I believe it to be right and don't stand by my convictions, I would be branded as a coward. My own conscience would smite me thus. I cannot promise, your honor, to—

The Court here interrupted Mr. Young and followed with some long, rambling and rather contradictory remarks (for which we have not space to-day), after which sentence was pronounced in both cases. On the first indictment the full penalty was imposed—six months' imprisonment and a fine of \$300 and costs. On the second indictment, with three counts, sentence on each count was placed at four months' imprisonment and \$200 and costs. The total penalty amounts to eighteen months' imprisonment and \$900 fine and costs.

The next one called for sentence was

CHARLES DENNEY.

The motion for a new trial in his case was also overruled by the Court, and upon Mr. Denney's declining to make any promise as to his future conduct, he was sentenced to imprisonment for six months in the penitentiary and to pay a fine of \$300 and costs of prosecution.

LUDWIG H. NERG

came next, and as he had no assurance to give that he would obey the law "as interpreted by the courts," he also was required to undergo the full penalty—six months' imprisonment and a fine of \$300 and costs.

Jens Hansen, of Mill Creek, was called to receive judgment, but was not present. George C. Wood, who was sentenced on Saturday for polygamy, was also called for, but had not been brought in from the penitentiary. Sentence in both of these cases was deferred until to-morrow, June 2d.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

FOREIGN.

VIENNA, 28.—The whole Austrian press is excited over the Moscow utterances. The *Neue Freie Presse* compares them to the distant rumbling of the shoon.

The *Presse*, organ of Count Von Taape, President of the Council, says: "Russia may well count the number of

her enemies, before thinking of war with Turkey.

The *Tagblatt und Morgen Post* refer to the importance of DeGier's expected visit to Prince Bismarck and express the hope that the German Chancellor and Count Kalnoky will oppose a firm rampart to Russian pretensions.

LONDON, 28.—The House of Commons was crowded this evening.

Mr. Gladstone, replying to a question by Sir Michael Hicks-Beach, Conservative, said: that the government considered it its duty, after the second reading of the Home Rule bill, not to ask the house to go into committee on the measure, but to adopt one of the measures which he (Mr. Gladstone) described at the Liberal meeting yesterday. The Government, he said, was inclined to allow the bill to lapse for the present session and to advise the Queen to cause an early reassembling of Parliament, at which the bill would be reintroduced. He was unable at that moment to speak more positively.

VENICE, 28.—Cholera is increasing. Thirty-five new cases have been reported within 24 hours.

VENICE, 29.—During the past twenty-four hours there have been thirty-three new cases of cholera and thirty-one deaths in this city.

LONDON, 29.—It is authoritatively stated this afternoon, that Hartington and his Whig followers have resolved to vote against the Home Rule bill when it comes up for a second reading, but Chamberlain and his Radical supporters have decided to abstain from voting on that occasion, thus insuring the success of the measure on the second reading.

LONDON, 29.—The Salvation Army Congress opened up to-day. It will remain in session a week. Two thousand officers and many thousand soldiers of the army from all parts of the world are present.

General Booth, commander of the army, in his opening address, gave statistics showing work performed by the organization during the past year. He said in Great Britain some \$350,000 had been contributed by the army's treasury; 1,000 girls were rescued from life on the streets and 19 homes for the poor and friendless had been established and put in working order.

Delegate Smith, from the United States, made an address on the army's work in America and greatly moved the audience by his thrilling stories of souls saved.

Advices from Gibraltar say that the Spanish revenue cutter fired upon and seized three trading boats in English waters. An artillery fire from the Rock was opened upon the cutter, which was eventually brought to Gibraltar, with three boats, by a British armed launch.

CEDAR CITY ITEMS.

MAIL DELINQUENCIES — WEATHER — CROPS — TORRENTS — BUSINESS STAGNATION — EXEMPTION FROM RAIDS.

CEDAR CITY, Iron County, May 22, 1886.

Editor Deseret News:

Permit me to call your attention to an evil that has become unbearable to the subscribers to the Semi-weekly DESERET NEWS of this city.

The Friday issue of that paper is due here (on regular time) the following Saturday evening. This is the fourth time in succession that the paper has failed to arrive, and I am informed that during the winter months it seldom arrives on time. The subscribers to the SEMI-WEEKLY NEWS north and south of this city in this county do not have this difficulty to contend with so that we seem to be made the exception in this case. The postmaster informs me that frequently our papers are sent to Cedar Valley, a settlement I believe to be located somewhere in Utah County. Whether the difficulty lies with your mailing clerk or the post-office clerk on the mail route we are unable to define, but feel that a repetition of this evil is altogether unnecessary; therefore we kindly ask you to intercede in our behalf.

The weather here has been exceedingly warm the past few days for this season of the year, thermometer ranging in the nineties, which is something unusual in May. Crops are somewhat backward on account of the cold, late spring that has just closed. The warm rays of the sun the past few days is melting the snow in the mountains rapidly, causing our stream to be higher than has been known for many years.

The cattle and sheep interests of this part of the county are turning out reasonably well, considering the long and severe winter that has just past and now that vegetation begins to grow, we are in hopes that no great loss will be sustained in either industry. Our agricultural pursuits are being extensively increased, and the past winter several hundred acres of excellent farming land has been enclosed with a view to applying some of the surplus waters of Coal Creek thereon.

The people of this settlement, turned out a few days ago and made a successful raid on the rabbits, which, by the by, are eating considerable of the late grain in this region. Several hundred of the pests were slain. Peace and prosperity reigns in our midst, and thus far our peaceable little town has escaped the midnight raids of deputy marshals, nor have our homes been invaded by the usual spotter or pimps who make the living prying into the private affairs of the people.

The health of the people in this locality is good, business dull, money exceedingly scarce, products of all kinds unusually low. In fact but little if any sale outside of local consumption, notwithstanding the people live, and appear as well as they did in "livelier" times, when a ready market could be obtained for the products of the farm.

Hoping these few lines will arrive at their destination sooner than the Friday's issue of the semi-weekly DESERET NEWS reaches Cedar City, I am very respectfully, etc.,

A SUBSCRIBER.

We will state, for the benefit of our Cedar City friend, that immediate steps will be taken to ascertain the cause of the delay complained of and to remedy it so far as practicable.

LIST OF EMIGRANTS

From the Swiss and German Mission, sailing from Liverpool on the S. S. "Nevada," on May 22, 1886.

To Salt Lake City.—Magdalena Rohrer, Margaretha and Karl Friedli; Jacob Zehnder; Emil Kaner; Maria and Mary Schneider; Elise Walti; Nicolaus and Stephan Falkner; Adolph Brox and Anna Steiner; Margretha Riedlbauch; Barbara Ott; Catharina, Albert and Hugo Zuchschwerdt.

To Ogden.—Louise Frantwein; Geo. and Sussana Bragger; Samuel, Christine, Conrad, Margretha and Christine Miller; John Bally and Rudolph Neuenchwander.

To Logan.—Friedrich, Anna, Margretha, Maria, Friedrich and Karl Gilgen; Joun, Rosina, Friedrich, John and Rosina Luthi; Fredereck, Anna, Arthur and Karl Bour.

To Lehi.—August Hauptfleisch; Traugott, Rosina, Louise, Lydia, Elise, August and Albert Holer.

To Provo.—Gottlieb, Elise, Emma, Ernst, August, Fredereck, Elise, Verena and Frida Kohler; Jacob, Maria, Rosetta, Godfried and Emma Streit; Samuel Krebs and Christian Michel; Johanna and Elisa Bergel, Frida Wittosch; Anna Fanth; Mary Hoffmann.

To Montpelier.—Samuel, Magdalena, Fredereck, Samuel, John, Godfried, Rudolph and Christian Schwendmann; Samuel Berger; Elisabeth Grosjean; Ulrich, Maria, Gustav, Edmund, Maria, Martha and Frida Willemann; Karl, Anna, Robert, Emma and August Schmid; Robert Keller; Elise, Alfred and Otto Kurth; Magdalena Berger; Friedrich, Maria, Ernst, Christine, Fredereck, Maria, Carolina and Godfried Klinger.

To Milford.—Henry Gubler.

CORRESPONDENCE.

A WORTHY MAN WHO DIED IN EXILE GONE TO REST.

SPRINGDALE, May 24, 1886.

Editor Deseret News:

I think it no more than justice to the family and friends of the late Brother Alma Millet, to publish a short sketch of his life in your valuable and widely circulated paper.

He was the son of Artemus Millet, Sen.; was born in Kirtland, Ohio, in 1834. He was early left without a maternal protector. His father with his children moved to Nauvoo in 1843, from which place they were driven in common with the Saints, having previously shared in all the persecutions of the Church; crossed the plains in 1850; was selected as one of the minute men at the time of the Walker war to protect the people of Sanpete and their property from the raids of the red men, which duty he performed with unabated energy, and for which he never received a farthing from the government. May 12, 1855, he married Harriet, daughter of William Beal. At a later date he married Eunice, sister to his first wife. The two were never separated until driven into exile by the late persecutions. At the time of the Buchanan raid, (Johnson's army) Alma was with Lot Smith when his brother Artemus' blanket was riddled with grape shot. He knew no fear. He moved from Manti to Moroni in 1859; hurt himself lifting, took cold, and to all appearances was dying. Alma Beal, who now lives in Shonesburg, hastened to meet Joseph Millet (brother of Alma) from Manti, to bury him up before his brother breathed his last. He hastened on and could hear the death rattle in Alma's throat as he entered the house. He hastened to the bedside, and in the name of the Lord rebuked the disease. Alma exclaimed with a plain and distinct voice, thank God, I shall now live, or something to that effect. He soon recovered and he moved back to Manti in 1860. In 1861 he was called to Dixie; settled in Shonesburg, helping to start the new settlement. After spending a good portion of his time against the Indian raids at the time of the Navajo war, in the fall of 1886, he was called to take charge of stock at Deseret Springs. Settled in Spring Valley, where he again helped to start a new settlement. In 1871, while chasing some stock, his horse ran against, and stumbled over a steer, and fell over Alma, who was found with his head doubled under him, and was taken up for dead. Elders came in and administered to him. He was at once restored by the power of God. After being released from Spring Valley, he settled in Scipio, where his father, Artemus Millet, died. He was with, and

took care of his father during his sickness in 1874, after which he was soon called to Shonesburg, (by President Brigham Young) where he remained until 1883, at which time (having visited Arizona in 1880) he moved to Mesa, A. T. At the time of the legal raids made against the Latter-day Saints, when men were belug sent to Detroit for obeying the commandments of God, he took a portion of his family, and in connection with others went to Old Mexico. We consider he has died a martyr to the cause of Christ. He died on the 22nd of April, 1886. He leaves two wives, eleven children and seventeen grandchildren. Brother Alma held the office of a Seventy; he was ordained and set apart in the Forty-eighth Quorum at the time of its organization in Manti in May, 1857.

I remain your brother in the Gospel,
S. K. GIFFORD.

A VETERAN AND PATRIARCH.

PIMA, Graham Co., Arizona, May 18, 1886.

Editor Deseret News:

Will you please publish in your paper the death of Joseph Matthews, for the information of his many relatives and friends in Utah. He has been afflicted for the last two years with general debility, superinduced by old age. He was taken with a sudden attack on the 11th of May, and died on the 14th. He was born on the 29th of January, 1809, in Johnson Co., North Carolina. He embraced the Gospel in the fall of 1843, and moved to Nauvoo in the fall of 1844, where he worked on the Temple and performed other missionary labors; was with the saints through all their persecutions from that time. He was one of the Pioneers in 1847 of Utah; was one of the first with Brothers O. Pratt and Erastus Snow who entered the Valley of Great Salt Lake. He was with the company of Parley P. Pratt in the exploration of Southern Utah. In 1851 he was called to California with Charles C. Rich and Amasa M. Lyman, and came back with the Saints to Utah.

In 1869 and 1870 he was a missionary to the Southern States, and in 1880 he moved to Arizona.

Patriarch Wm. McBride spoke at the funeral service. He had been acquainted with the deceased from 1844 up to the present. He said that both he and his property were always on hand for the kingdom of God. President Christopher Layton and Counselor Wm. Johnson and George Glass made some brief but appropriate remarks.

Deceased was the father of 15 children, 52 grandchildren and 54 great-grandchildren, most of whom are in Utah.
D. H. MATTHEWS.

THE SPOTTING BUSINESS.

A great deal of trouble is caused in this Territory by placing too much confidence in men who claim to be friends when they are not. The "Mormon" people have learned by sad experience that such is the case. A few months ago there was considerable interest awakened in Logan and vicinity over reports regarding certain characters going round to people's houses inquiring for stock when their real business was spotting. In the last issue of the *Journal* in the month of January a communication was published from one of our citizens, calling attention to spotters without mentioning any names. It called forth in the next issue of the *Journal* the following card which we headed "A Correction."

Editor *Journal*.—There appeared a correspondence in your last issue which rather reflected upon my reputation. It refers to a person going around and enquiring for stock which he had lost. I have been to several places in this vicinity hunting for stock which I have lost, and as for spotting wish to state that I have means enough to live on without engaging in spotting those I have been acquainted with for years. I am not engaged in that kind of business. I have lost 13 head of yearlings and calves which I bought in Logan, and they were turned out near Thomas Friday's and I have not since found them.

C. L. LOWE.

We briefly referred to the above as follows:

We willingly give space to the above note from Mr. Lowe. He is in the right for not wanting to be taken for a spotter, a calling which calls for work leading to the breaking up of homes and otherwise causing much trouble among good citizens. A calling which requires labor against the rights of one's fellows is certainly despicable and beneath the ambition of an honorable man. Investigation will show that those who are prowling about Mormon homes seeking to make trouble are not of a class much respected in a community.

A raid was recently made upon Wellsville and Levi Mannerly and a Mr. Smith were arrested on a charge of unlawful cohabitation. They were taken to Ogden for trial. It was then learned that C. L. Lowe was one of the individuals who had appeared before the grand jury to complain, and another was Thos. Grant, of Wellsville. Now, how far these facts go to show that spotting may have been done by these individuals the reader can judge for himself.—*Utah Journal*, May 25.