

without those relations, can it be truthfully said that they live together as a man lives with his wife?

The Court evidently perceived the difficulties of the position they assumed on this question and the extent to which the law was strained in order to reach it. For they say: "The context in which it is found and the manifest evils which gave rise to the special enactments in regard to 'cohabitation,' require that the word should have the meaning which we have assigned to it." A meaning, then, had to be assigned to it for a special purpose. The usually accepted meaning did not suffice, and therefore an extraordinary definition had to be given to make it sufficient. The limit of its meaning in other criminal statutes and even in some cases of divorce is tacitly admitted, but that limit did not reach far enough to give it special application to "Mormon" cases. The Court do not pretend to cite a single authority to sustain their strained application of the term, and it is clear from the dissenting opinion of two members of the Court that no such citation could be made from decisions in criminal law.

If the court stretched the term beyond its legitimate limits so as to reach "Mormon" cases, they also contracted it quite as much in another direction to exclude Gentile cases. Cohabitation with more than one woman, not only takes in the "Mormon" who lives with more than one wife without sexual cohabitation, but it shuts out from the law's penalties the "Gentile" who cohabits with any number of women with sexual cohabitation outside the marriage relation. A very moral, "Christian," and virtuous definition, calculated in the highest degree to protect the family and conduce to the sanctity of home!

The argument that "legislation on meretricious *unmarital* intercourse with more than one woman is left to the Territorial government, does not affect the question at all, for it may be answered that legislation on meretricious *marital* intercourse belongs just as much to the Territorial government as the other. If Congress can directly legislate on the latter, it can do so on the former, one just as much as the other. And if "cohabitation with more than one woman" meant only "in the marriage relation," it could have been so specified, and doubtless would have been, if that was the intention of Congress.

The reasoning that the term is meant in that sense only, because it is coupled with bigamy and polygamy in the sections of the law relating to disfranchisement, is of the thinnest kind. Cannot three separate and dissimilar offenses be named in the same provision of a law which disqualifies certain classes from voting? If a law, defining and punishing murder, arson and forgery provided that persons guilty of murder, arson or forgery should be disfranchised, would that connect those crimes in nature and character, because they were connected in the context? "Cohabitation with more than one woman" is a separate and distinct offense from bigamy and polygamy, and it does not follow by any sound principle of law or logic that it means within the marriage relation because the same law which makes it criminal contains provisions against the other offenses. The necessity of screening persons who cohabit with more than one woman outside of the marriage relation, appears to have much more to do with the shallow quibble of the courts than either sound argument or legal precedent.

There is one benefit to be derived from the decision. We are not left quite in the dark as to the present settled legal meaning of the term over which there has been so much controversy. The Court say: "A man cohabits with more than one woman when, holding out to the world two women as his wives, by his language or conduct, or both, he lives in the house with them and eats at the table of each a portion of his time." Thus, as we have frequently contended, it requires two elements to constitute the offense. He must not only hold out the women as his wives, but he must live with them as such, or the offense is not complete. "Holding out" alone is not sufficient. Living with them is not sufficient. He must live with them and hold them out as wives, or he does not break the third section of the Edmunds law.

We can understand without explanation what "holding out to the world by language" means. The definition of holding out by conduct is thus defined: "When being the recognized and reputed husband of each, he maintains the two wives and the children of each, all in the same house with himself, and regularly eats at the table of each, and acts as the head of the two families." The offense is further defined as: "The exhibition of all the indicia of a household, and a family twice repeated." The difference between the status of a polygamist and a person guilty of unlawful cohabitation is also drawn by a lengthy quotation from the opinion of the Court in the cases against the U. S. Commissioners. From this it is clear that there is no criminal and punishable offense in the status of polygamy, and that a man may have several wives whom he recognizes, supports and visits, but with whom he does not cohabit and he is not thereby liable to the law. The means by which a polygamist can become a monogamist, during the life time of his wives the court declines to point out.

The decision provides several nuts for Judge Powers to nibble at, and

those who support his recent rulings will find it very hard to justify them in the smallest degree if they have any respect for the opinion of the Supreme Court of the United States.

The latter part of the Opinion is an elaborate disquisition on minor points which the public care little about, but which were sprung by counsel for the appellant and had to be disposed of. To meet them the Court could find precedents and authorities, while not one could be cited on the all-important question—the meaning of "unlawful cohabitation." The lawful significance of the term being decided for the present; it remains to be seen how much the Utah Supreme Court will pay respect to it when the latest judicial variations are brought to a test. The public will await its action with no small degree of interest.

#### ELDER FRANCIS PLATT.

A BRIEF BIOGRAPHICAL SKETCH,  
PENNYED BY THE HAND OF A FRIEND.

Read at the Funeral Services by Bishop  
O. F. Whitney.

To the relatives, friends and all others assembled to pay the last offices of respect to the memory of my departed brother, I present this simple sketch of the life of one who, because of his many estimable traits and qualities, gained not only the esteem but the love of the writer. The facts of the narrative were obtained from the deceased himself. When they were jotted down by this hand it was little imagined that they were destined for their present use.

Francis Platt, son of Francis Platt and Elizabeth Watson, was born in Darlston, Staffordshire, England, March 14, 1825.

He was below the average height, and of fair complexion. The original color of his hair was dark. He was modest, quiet and unassuming, naturally of kind disposition, exceedingly genial, and the possessor of a keen sense of humor.

At an early age he learned the trade of saddle and harness maker, at Walsall, to which town, his parents removed soon after his birth. After he grew to manhood he obtained employment in Birmingham, his father, whom he supported, remaining in Walsall. He made weekly trips during this time between these two cities, and on returning to Birmingham one Sunday, on the stage coach, he entered into conversation with a young lady. One of the topics discussed was religion. His companion inquired whether he had ever heard of the Latter-day Saints, the answer being that he knew nothing about them and was very unfavorably predisposed toward them. She advised him to attend their meetings and hear their doctrines explained. He resolved to do so.

There was, in the factory where Francis was employed, an Elder of the Church named Thomas Tame, with whom he held frequent discussions on religion, the result being that he became convinced of the restoration of the Gospel through Joseph Smith, and he was baptized by the same Elder in February, 1850. He was ordained to the office of a Priest and appointed to act as a Teacher in the Livery Street (Birmingham) branch of the Church, and occasionally engaged in preaching in the open air, a duty from which he would have shrunk, on account of his characteristic natural timidity in appearing before the public. But he never shrank it, notwithstanding that he approached that kind of labor with almost insurmountable diffidence.

Previous to entering the Church Francis had married Mary Ann White. His wife was strongly opposed to the step he took. An event occurred, however, which changed the current of her feelings and views. Mrs. Platt was taken very ill; so much so that her life was despaired of. She was advised to have the Elders administer to her the ordinance for the benefit of the sick, and consented. On the night when the administration took place, it seemed, from natural appearances, as if she could not survive till morning. But the power of God was manifested in answer to the prayer of faith—she was almost instantly healed. The next day she was in her usual health, and gave glory to God.

She attended one meeting after this incident and heard Elder Flannigan preach, was converted and shortly afterwards baptized.

In the spring of 1852 Brother Platt, with his wife and child, left Liverpool on board the *Ellen Maria*, bound for New Orleans, at which port the company arrived in due time.

During the entire voyage Sister Platt had been sick right unto death. On account of her illness she was placed in the Captain's cabin, where she could be made more comfortable.

On one occasion when Francis went into the cabin to see her, she told him that she had passed through a remarkable experience during the preceding night, in the course of which she never expected to see him again. She said her spirit actually left her body, the latter being to all intents and purposes dead. She gazed at it with the eyes of her spirit, which was in the exact form of her body, and, seeing its corrupt and diseased condition, she felt an intense repugnance at the very idea of re-entering it, preferring the ecstatic feeling of freedom caused by the liberation of the spirit

from its clogging influence. But her time had not quite come, and she again took possession of her tabernacle of clay.

The company arrived in course of time at Kansas City, Missouri, the outfitting point, where the cholera broke out. Sister Platt was very ill at that point, and was in a large room with many other emigrants, numbers of whom were dying all around. She was watched over by her anxious husband, whose heart frequently almost failed him. She encouraged him, and although near the point of death, her countenance shone as the face of an angel, and she told Brother Platt, under all circumstances to "trust in God."

The civil authorities of Kansas City supplied the use of cattle with which to move the company out upon the plains to avoid the spread of the cholera among the residents, and a new camp was formed. At the latter place Sister Platt expired, leaving her husband with the care of their little daughter Lizzie, now Mrs. Brown. No coffin was used in the interment of Sister Platt's remains, it being enclosed in bark, wrapped in blankets, and laid in the earth, Brother S. L. Adams conducting the services.

The company arrived in Salt Lake City Sept. 2d, 1852. Brother Platt located in the 14th Ward. He was soon ordained a Seventy, and set apart as a member of the 28th quorum. Subsequently he was set apart as one of the seven presidents of the 62d quorum. He purchased a piece of ground in the 13th Ward, to which he removed, and carried on the saddle and harness business, B. H. Young being his partner.

In 1862 he was mustered into the U. S. service for the protection of the mail route between Salt Lake City and Fort Laramie, the Indians on the plains being exceedingly hostile at that time. Before the company started out on this duty they were promised by President Brigham Young that if they would not gamble, nor blaspheme, and would obey their leaders they would not be under the necessity of shedding blood and should all return in safety. Numbers of times it appeared as if they would be compelled to fight the dusky sons of the prairie, but a conflict was always in some way avoided. There was one young man of the party who used blasphemous language, taking the name of Deity in vain. Brother Platt rebuked him and reminded him of the words of Brother Young, which he treated with disdain. During this campaign this young man was accidentally drowned in Snake River, he being the only one who did not return in safety.

On April 7th, 1864, at a general Conference, he was called to go on a mission to Great Britain, for which country he departed on May 4th, arriving at Liverpool on the 16th of July. He was appointed to labor as Traveling Elder in the Birmingham Conference under the direction of W. H. Shearman, and occupied that position seven months and eighteen days.

January 3, 1865, he was appointed to preside over the Warwickshire Conference, laboring in that position with much success for 11 months and 19 days.

On January 5, 1866, he was appointed to succeed John Nicholson in the Presidency of the Birmingham Conference, which at that time comprised nearly one thousand members of the Church. He occupied that position 15 months and 20 days, his labors being attended with excellent results. He was succeeded in that field by Elder Moses Thatcher.

Having been released to return home Brother Platt left Liverpool with a company of Saints, on the *Manhattan*, June 21st, 1867. Elder A. N. Hill was President of the company and Brother Platt was appointed his Counselor. He arrived home August 28, having traveled from Julesburg in A. Hatch's mule train.

Brother Platt officiated as a Teacher in the Thirteenth Ward, and also as Assistant to Elder W. Naylor in the superintendency of the Sunday School. Jan. 1st, 1882, he was ordained a High Priest by the Presidency of the Salt Lake Stake, and set apart as Second Counselor to Bishop Millen Atwood, a position he filled with exemplary fidelity till the day of his death.

My friend and brother leaves behind him a loving, faithful wife, who shares the sentiment I entertained toward him. She has been to him, during long years, a helpmeet in the true sense of the term. He also leaves a number of children more or less gifted. One of them was, at the time of his father's demise, abroad preaching the Gospel for which the deceased entertained a never-dying attachment, carried by him into the bosom of eternity.

May God bless the bereaved wife and children. May the latter be inspired to emulate the simplicity of character, honesty of purpose and geniality of disposition of him whose casket of clay is now present with those who are listening to this simple tribute, but which is soon to be interred in the earth from which it came. The spirit of a good man has been liberated from its earthly house to mingle with the just, pending the sounding of the trumpet of the first resurrection, by which the redemption of the souls of the righteous will be consummated.

Yours for truth and integrity, in imprisonment, in life or in death,  
JOHN NICHOLSON.  
Utah Penitentiary, Dec. 20, 1885.

Chief Clerk Carman, of the Agricultural Department, endorses Red Star Cough Cure.

#### JURORS FOR 1886.

The 200 names which constitute the jury list for regular grand and petit jurors for the Third District Court, 1886, were chosen yesterday afternoon, by the clerk of the court and the Probate Judge of Salt Lake County. Clerk Zane selected the odd, and Judge Smith the even numbers, as follows:

- 1—W. H. Remington, Salt Lake City.
- 2—Theo. J. Angell, "
- 3—B. B. Van Deusen, "
- 4—William A. Crabtree, "
- 5—A. R. Carter, "
- 6—James E. Malin, jr., "
- 7—S. H. Conley, "
- 8—John McDonald, "
- 9—C. L. Haines, "
- 10—George H. Pope, "
- 11—W. E. Smedley, "
- 12—Samuel A. Sheets, "
- 13—E. B. Wilder, "
- 14—Peter Sinclair, "
- 15—J. C. Conklin, "
- 16—John Wickel, "
- 17—D. R. Firman, "
- 18—John Wayman, "
- 19—Joseph Simon, "
- 20—John H. Woodbury, "
- 21—M. H. Walker, "
- 22—Peter Fairclough, "
- 23—C. D. Porter, "
- 24—Arthur F. Cummings, "
- 25—Milt Barrett, "
- 26—William T. Evans, "
- 27—A. H. Kelly, "
- 28—Robert A. Ure, "
- 29—George M. Scott, "
- 30—John Hoagland, "
- 31—F. M. Bishop, "
- 32—William Irvine, "
- 33—C. H. Parsons, "
- 34—Groaway Parry, "
- 35—John S. Barnes, "
- 36—Edwin Pettit, "
- 37—A. J. Gunnell, "
- 38—Darwin C. Richardson, "
- 39—Robert Binnie, "
- 40—John Strook, "
- 41—H. N. Greene, "
- 42—Lewis C. Shaw, "
- 43—William Showell, "
- 44—W. R. Jones, Jr., "
- 45—George Y. Wallace, "
- 46—Joseph R. Morgan, "
- 47—Joseph Foreman, "
- 48—David M. Evans, "
- 49—Joseph Johnson, "
- 50—Isaac A. Emery, "
- 51—Jacob Levisberg, "
- 52—Moroni Gillespie, "
- 53—R. D. McDonald, "
- 54—John Kingdon, "
- 55—Wm. Bateman, "
- 56—Walter J. Lewis, "
- 57—Abraham Hanauer, "
- 58—Zadock Mitchell, "
- 59—George Mullett, "
- 60—Wm. C. Neal, "
- 61—C. P. Mason, "
- 62—Joseph A. Peck, "
- 63—John M. Young, "
- 64—F. J. Pascoe, "
- 65—W. S. Pierce, "
- 66—John Wardrobe, "
- 67—A. E. Clarke, "
- 68—Wm. N. Williams, "
- 69—W. N. Cole, "
- 70—Robert R. Anderson, "
- 71—E. W. Ruff, "
- 72—Joseph Barker, "
- 73—Simon Woolf, "
- 74—John A. Eckman, "
- 75—Ellsworth Daggett, "
- 76—W. R. Everill, "
- 77—Thos. R. Jones, "
- 78—Charles Joseph Foulger, "
- 79—J. J. Greenwald, "
- 80—Thos. Goodman, "
- 81—Bollivar Roberts, "
- 82—Thos. W. Jennings, "
- 83—W. P. Rowe, "
- 84—David L. Murdock, "
- 85—Rudolph Alf, "
- 86—Daniel Snarr, "
- 87—Gideon Turnbull, Bingham.
- 88—Henry Coulam, Salt Lake City.
- 89—Thos. Pells, Bingham.
- 90—Peter LeCheminant, Pleasant Green.
- 91—James Owens, Bingham.
- 92—Robt. Harmon, Mill Creek.
- 93—Elmer Hill, Bingham.
- 94—Melvin M. Miller, Mill Creek.
- 95—James J. Fitzgerald, Bingham.
- 96—O. D. Henrickson, Mill Creek.
- 97—Jos. Jones, Bingham.
- 98—Cyrus H. Gold, Brighton.
- 99—Chas. Erickson, Bingham.
- 100—Stephen McKean, Brighton.
- 101—John Daly, Bingham.
- 102—Saml. Bringham, North Jordan.
- 103—John Zimmerman, Bingham.
- 104—William J. Spencer, North Jordan.
- 105—Julius Schulte, Bingham.
- 106—Jos. Lindsay, North Jordan.
- 107—F. H. Bemis, Bingham.
- 108—John McKay, North Jordan.
- 109—Michael Klopstein, Bingham.
- 110—Jedediah Goff, West Jordan.
- 111—M. M. Beaver, Bingham.
- 112—Robert Walters, West Jordan.
- 113—Stephen Hays, Bingham.
- 114—Joseph Terry, Draper.
- 115—Richard Gundry, Rush Lake, Tooele County.
- 116—Samuel L. Howard, Riverton.
- 117—J. D. Gilliland, Tooele City.
- 118—Gordon S. Beckstead, South Jordan.
- 119—S. P. Laseeter, Tooele City.
- 120—L. Hemenway, Granger.
- 121—Isaac Elkington, Tooele City.
- 122—Orson H. Worthington, Big Cottonwood.
- 123—J. H. Woolcott, Ophir.
- 124—Charles Bazley, Big Cottonwood.
- 125—Jas. G. Thompson, Ophir.
- 126—Geo. A. Bergen, Sandy.
- 127—Geo. Denton, Stockton.
- 128—James C. Brown, Sandy.
- 129—E. P. Mitchener, Stockton.
- 130—Henry Thayne, Union Fort.
- 131—Wm. Brackett, Stockton.
- 132—Newton Dunyon, Tooele.
- 133—N. A. Scribner, Stockton.
- 134—Geo. A. Remington, Tooele.
- 135—Geo. W. Carter, Stockton.
- 136—Robt. Skelton, Tooele.

- 137—John B. Robertson, Stockton.
- 138—Abraham Fawson, Grantsville.
- 139—J. W. Spaulding, Stockton.
- 140—Wm. McIntosh, St. Johns.
- 141—Jas. McKnight, Stockton.
- 142—John Eckert, Vernon.
- 143—James Hughes, Stockton.
- 144—Joseph Tanner, Clover, Tooele County.
- 145—E. M. Yocum, Rush Lake.
- 146—Andrew Forsyth, Mill, Tooele County.
- 147—Wm. M. Ferry, Park City.
- 148—Geo. W. Kendall, South Weber.
- 149—Geo. Tait, Park City.
- 150—Wm. Nalder, Kaysville.
- 151—H. A. Frazer, Park City.
- 152—Alex. Dawson, Kaysville.
- 153—N. B. White, Park City.
- 154—William L. Galbraith, Kaysville.
- 155—Murray Shepherd, Park City.
- 156—Erastus F. Rose, Farmington.
- 157—Reeve C. Gunn, Park City.
- 158—Oliver R. Robinson, Farmington.
- 159—Otis L. Brown, Park City.
- 160—Joseph Smith, Centerville.
- 161—F. W. Huyt, Park City.
- 162—Ether Coltrin, West Bountiful.
- 163—Thos. M. Stringer, Park City.
- 164—Wm. N. Atkinson, South Bountiful.
- 165—Geo. T. Hicks, Park City.
- 166—Ephraim Hatch, South Bountiful.
- 167—David Keith, Park City.
- 168—James Fowler, Henneville.
- 169—Wm. Maribugh, Park City.
- 170—A. G. Grim, Echo.
- 171—E. P. Clark, Park City.
- 172—E. H. Read, Coalville.
- 173—Ezra Thompson, Park City.
- 174—E. H. Allison, Coalville, Summit County.
- 175—James Berry, Park City.
- 176—Edmund Eldredge, Coalville.
- 177—A. C. Hammond, Park City.
- 178—Robert McMichael, Hoytsville.
- 179—Frederick Grose, Park City.
- 180—Nephi Sargent, Hoytsville.
- 181—James T. Kessel, Park City.
- 182—Wm. Boyer, Upton, Summit County.
- 183—Oliver C. Lockhart, Park City.
- 184—William Crook, Wanship.
- 185—Frank J. McLaughlin, Park City.
- 186—Geo. G. Redden, Wanship.
- 187—Geo. Turnbull, Park City.
- 188—Ralph Maxwell, Peoa.
- 189—Isaac Post, Park City.
- 190—Henry Bisel, Kamas.
- 191—Jerome Bougard, Bingham.
- 192—A. E. Keeler, Kamas.
- 193—E. J. Travis, Salt Lake City.
- 194—John Kirkman, "
- 195—Wm. Terhune, "
- 196—Stanley H. Clawson, "
- 197—Geo. Cullins, Alta.
- 198—Alex. Carr, Salt Lake City.
- 199—John J. Daly, "
- 200—George G. Hardy, "

—A man named Conroy was arrested in Butte, Montana, the other day, in the act of prying off the top of a money drawer in a saloon which he had entered. When caught he declared to the officers that he had been driven by poverty to commit the crime.

—A fatal accident occurred in the Germania mine, near Butte, Montana, on Monday last, resulting in the death of a young Englishman named James Oxman, formerly of Redrut, Cornwall, England. On the morning of the day named, Oxman and Gus. Anderson went to work in the 200-foot level of the Germania, and the foreman, P. F. Sherr, W. G. Barker and another workman, were engaged on the 150-foot level. The tunnel running from the 150-foot level ran towards the Mountain Boy mine, which had filled with water, but the workmen who were driving ahead had no idea they were near the shaft of the abandoned mine. While the men in the upper level were working, water commenced to seep through at the end of the tunnel, and in a few minutes the rock gave way, and a large stream began pouring in. The men rushed for the ladderway, shouted to the men below, warning them of the danger, and climbed up the ladder. Anderson and Oxman heard the call, and started for the ladderway. The great pressure of water had burst the entire shell of rock at the back of the tunnel, and came rushing and roaring through the passageways with fearful force. Oxman and Anderson were coming up in the bucket with all haste and when about fifteen feet from the bottom a great mass of water struck them, knocking both of them backward down the shaft. The immense current of water rapidly filled the shaft, carrying Anderson up with it, but nothing more has been seen of Oxman, who was either carried back into the drift or became fastened in the timbers of the shaft. In less than five minutes the water had filled both of the drifts mentioned and raised seventy-five feet in the shaft. Barker and his partner went to the shafts quickly as possible and gave the alarm, the former at once returning and assisting Anderson out of the water. The latter was very badly bruised about the head and breast, but not seriously. The bucket was drawn up, but there was no trace of the unfortunate Oxman. Another pump was put in and the work of clearing the water from the mine was at once commenced. Workmen were engaged day and night, but after 24 hours' pumping, 70 feet of water still remained in the shaft. It is the general opinion of those best able to judge, that even after the mine has been cleared of water it will probably be found necessary to remove tons of debris before the body can be recovered. The deceased leaves one brother in Michigan and a brother and two sisters in England.