

LOCAL NEWS.

FROM MONDAY'S DAILY, JAN. 18

Conference at Oxford.—The Oneida Stake Conference will be held at Oxford on Saturday and Sunday, the 30th and 31st of this month.

Death of James Standing.—Bro. James Standing, of Bear River Bridge, Box Elder County, a former resident of the 12th Ward of this city, died suddenly of heart disease on the 16th inst., and his body will be brought to this city this evening. The funeral service will be held in the 12th Ward meeting house to-morrow, commencing at 11 a.m. Friends invited.

Will Return.—W. H. Dickson the District Attorney who went back to San Francisco, is expected to start for Salt Lake again to-day. His journeys to Frisco have occasioned many queries as to the reason. It could be easily explained, if necessary. It is to be hoped that the gentleman will return this time quite well. It is a long distance to travel.

THE CASES AT OGDEN.

APOSTLE SNOW'S ADDRESS TO THE COURT.

THE SENTENCES.

The readers of the News have already been informed, by our Saturday's issue, of the result of the proceedings in the unlawful cohabitation cases before the First District Court, at Ogden, on Saturday, the 16th inst.

Mr. Jas. H. Nelson was first called, and upon being asked whether he had anything to say, in a speech of some length, during the delivery of which he was several times interrupted by the Court, he declared his firm conviction that the revelation enjoining plural marriage was a divine command, and before he would abandon any principle of his religion he would prefer to be taken out and shot. He felt that he had but few years to live, and was desirous of spending that time in the service of God.

Judge Powers then proceeded to pass sentence, as follows:

Mr. Nelson—there is one matter that commands you to the Court, and that is the fact that you came into the Court here and plead guilty. You did not see it to put your family upon the witness stand to have them evade any questions or to do anything to screen you. You state here that you believe that what you have been doing was right. It is a mistaken belief. However, it seems to me to be more to your credit than the course that has been pursued by some who are higher in authority than yourself, of evading the law and evading the consequences of that which you say you believe is right, and which they have preached is right. I have sometimes thought, when I have reflected upon this matter, that it would have been a peculiar state of affairs for the prophets of old to have been hiding from the consequences of their religion. Therefore, I say, your manly stand in that regard commends you somewhat to the Court.

You have informed the Court upon one matter this morning, by the statement you have made here, and that is, that Mormonism means polygamy. I have listened to witnesses from the witness stand, and I have heard from those testifying in behalf of people high in the Mormon Church, that they had not been violating the laws of their country—they had not been living in unlawful cohabitation. If what you state is right, they have not been living their religion and consequently cannot be good members of the Mormon Church. You inform me that you have been doing so.

Now, then, if this is the Mormon religion, then Mormonism is disloyal. A man cannot be a good citizen and violate the laws of his country. The law I believe to be a just law. It certainly is a constitutional law, because it has been so determined. I take it that there is no reason for me to ask you whether you propose to obey that law, because you tell me in advance that you do not. You tell me that you have not obeyed it; you give no indication that you would promise to obey it in the future, or advise others to obey it. That being so, the duty of the Court is very plain. I am here, without regard for persons, without regard to religion, without regard to politics, to, so far as I can, and so far as I know the law, execute the law, fairly, impartially and justly, in a way and manner that when it [the Court] gives a punishment that it shall be a punishment to the offender that will give him an opportunity to reflect; that it shall be an example to the people. This people do need an example. They do need to be educated into the idea that there is a government in this land; that that government is the United States; that this Territory is a part of it; that the laws of the United States must be respected; that loyalty to the government should be the aim of all citizens.

The sentence of the Court in your case is, that you be confined in the penitentiary for the period of six months that you pay a fine of \$300 (and the costs of this prosecution, and that you stand committed until the fine and costs are paid.

Apostle Lorenzo Snow's case came up next. His attorney, F. S. Richards, made a few remarks, setting forth the general good character and reputation of the defendant, and requested that

Apostle Snow's age and the fact that he had been convicted on three separate indictments be taken into consideration.

Judge Powers then said—Mr. Snow, you may stand up. In indictment No. 743, Mr. Snow, you were indicted by the grand jury of this district and charged with the crime of unlawful cohabitation during the year 1884. In indictment No. 742 you were charged with the crime of cohabitation during the year 1885, and in indictment No. 741 you were charged with cohabitation during the year 1883. You have been tried by a jury in each of these cases, and in each case a verdict of guilty has been found. Have you anything to say now why the sentence of the law should not now be passed in each case.

Mr. Snow—I will say, your honor, that I will not detain the Court more than five or ten minutes, and will be as brief as possible.

Brother Snow then read the following:

Your Honor, I wish to address this Court kindly, respectfully, and especially without giving offense. During my trials under three indictments, the Court has manifested courtesy and patience, and I trust your honor has still a liberal supply, from which your prisoner at the bar indulges the hope that further exercise of those happy qualities may be anticipated. In the first place, the Court will please allow me to express my thanks and gratitude to my learned attorneys for their able and zealous efforts in conducting my defense.

In reference to the prosecuting attorney, Mr. Bierbower, I pardon him for his ungenerous expressions, his apparent false coloring and seeming abuse. The entire lack of evidence in the case against me on which to argue, made that line of speech the only alternative in which to display his eloquence; yet, in all his endeavors, he failed to cast more obliquity on me than was heaped upon our Savior.

I stand in the presence of this Court a loyal, free-born American citizen; now, as ever, a true advocate of justice and liberty. "The land of the free, the home of the brave," has been the pride of my youth and the boast of my riper years. When abroad in foreign lands, laboring in the interest of humanity, I have pointed proudly to the land of my birth as an asylum for the oppressed.

I have ever felt to honor the laws and institutions of my country, and, during the progress of my trials, whatever evidence has been introduced, has shown my innocence. But, like ancient Apostles when arraigned in Pagan courts, and in the presence of apostate Hebrew judges, though innocent, they were pronounced guilty. So myself, an Apostle who bears witness by virtue of his calling and the revelations of God, that Jesus lives—that he is the Son of God; though guilty of crime, here in a Christian court I have been convicted through the prejudice and popular sentiment of a so-called Christian nation.

In ancient times the Jewish nation and Roman empire stood *versus* the Apostles. Now, under an apostate Christianity, the United States of America stands *versus* Apostle Lorenzo Snow.

Inasmuch as frequent reference has been made to my Apostleship, by the prosecution, it becomes proper for me to explain some essential qualifications of an Apostle.

First, an Apostle must possess a Divine knowledge, by revelation from God, that Jesus lives—that He is the Son of the living God.

Secondly, he must be divinely authorized to promise the Holy Ghost; a Divine principle that reveals the things of God, making known His will and purposes, leading into all truth, and showing things to come, as declared by the Savior.

Thirdly, he is commissioned by the power of God to administer the sacred ordinances of the Gospel, which are confirmed to each individual by a Divine testimony. Thousands of people now dwelling in these mountain valleys, who received these ordinances through my administrations, are living witnesses of the truth of this statement.

As an Apostle, I have visited many nations and kingdoms, bearing this testimony to all classes of people—to men in the highest official stations, among whom may be mentioned a President of the French Republic. I have also presented works embracing our faith and doctrine to Queen Victoria and the late Prince Albert, of England.

Respecting the doctrine of plural or celestial marriage to which the prosecution, so often referred, it was revealed to me, and afterwards, in 1843, fully explained to me by Joseph Smith, the Prophet.

I married my wives because God commanded it. The ceremony, which united us for time and eternity, was performed by a servant of God, having authority. God, being my helper, I would prefer to die a thousand deaths than renounce my wives and violate these sacred obligations.

The Prosecuting Attorney was quite mistaken in saying "the defendant Mr. Snow was the most scholarly and brightest light of the Apostles;" and equally wrong when pleading with the jury to assist him and the "United States of America," in convicting Apostle Snow, and he "would predict that a new revelation would soon follow changing the Divine law of celestial marriage." Whatever fame Mr. Bierbower may have secured as a lawyer, he certainly will fall as a prophet. The severest prosecutions

have never been followed by revelations changing a divine law, obedience to which brought imprisonment or martyrdom.

Though I go to prison, God will not change His law of celestial marriage. But the man, the people, the nation, that oppose and fight against this doctrine and the Church of God will be overthrown.

Though the Presidency of the Church and the Twelve Apostles should suffer martyrdom, there will remain over 4,000 Seventies, all Apostles of the Son of God, and were these to be slain, there still would remain many thousands of High Priests, and as many or more Elders, all possessing the same authority to administer Gospel ordinances.

In conclusion, I solemnly testify, in the name of Jesus, the so-called "Mormon Church" is the Church of the living God; established on the rock of revelation, against which "the gates of hell cannot prevail."

Thanking your Honor for your indulgence, I am now ready to receive my sentence.

At the close of the reading the Court said:

Mr. Snow, the Court desires to ask you, for its own information, what course you propose to pursue in the future concerning the laws of your country?

Mr. Snow—Your honor, in regard to that question, I came into this court—the prosecuting attorney had, perhaps, 16 witnesses. By the evidence of those witnesses I was proved guilty of the charge contained in the indictments. I had three witnesses. Only two of them were able to testify anything in relation to my case. There was not, your Honor, one scintilla of evidence showing that I had cohabited during the last three years, or since the passage of the Edmunds law, with more than one woman. This, your Honor, I believe, would readily concede. Well, I have obeyed that law. I have obeyed the Edmunds law. Your honor, I am guiltless, I am innocent. Well, now, your honor asked me what I am going to do in reference to the future. Having been condemned here and found guilty after having obeyed that law, I am sorry—I regret that your honor should ask me that question, and, if your honor please, I should prefer not to answer it.

Court—The Court, Mr. Snow, from its own knowledge of you and from your reputation, which came to the court before you ever were arraigned here, became and is aware that you are a man of more than ordinary ability. The Court is aware that you are a scholar. The Court is aware that you are a naturally a leader of men; that you have a mind well adapted to controlling others, and for influencing and swaying others, and for guiding others. No matter in what land you might have lived, or in what position you might have been placed, you have those attributes which would naturally have caused people to turn towards you for advice and for counsel. You are a man well advanced in years, and you have been favored by time, because it seems to have touched you, but lightly with its finger.

The Court feels that, in view of your past life, of the teachings that you have given to this people, of the advice and counsel that you must have given, believing as you state to me you do believe, concerning the laws of your country; and recognizing, further, that you are among the very leaders—a leader of leaders among those who advocate that it is right that the law of the land should be violated, it cannot exercise the leniency and the mercy that it would be glad to extend to a man of your age, if it were not for your great influence and your great power for good or for evil. I sincerely believe that Lorenzo Snow could cause this people to obey the laws of the Union, and put an end to the trouble and discord in this Territory, if he chose so to do. Believing that, and being fully aware that you will not do that—aware that you desire to stand as an example of one who advocates, and the jury has found, also, practices in violation of the law, the Court must pass sentence in these cases in a way and manner that will indicate to this people that the laws of the land cannot be violated with impunity, even by one as aged, as learned and as influential as yourself.

The sentence of the Court, therefore, is: That in indictment No. 741 you will be confined in the penitentiary for the period of six months, that you pay a fine of \$300 and the costs of prosecution, and that you stand committed until the fine and costs are paid; and that at the expiration of your sentence in that case, that in indictment No. 742 you will be confined in the penitentiary of Utah for the period of six months and pay a fine of \$300 and the costs of prosecution, and that you stand committed until the fine and costs are paid; and that at the expiration of your sentence in that case, that in indictment No. 743 you will be confined in the penitentiary for the period of six months, and that you pay a fine of \$300 and the costs of prosecution, and that you stand committed until the fine and costs are paid.

You will be remanded into the custody of the United States Marshal. On application of his attorney, Apostle Snow was admitted to bail in the sum of \$15,000, pending an appeal to the Supreme Court.

Thanks for a bottle of St. Jacobs Oil. It cured our backache. Only 50 cents.

WRIT OF PROHIBITION

IN THE CASE OF THE PEOPLE VS. W. H. YEARLIAN.

A DESPERATE ATTEMPT TO EVADE THE LAW.

THAT "THE VILEST SINNER" MAY ESCAPE.

The case of The People vs. Wm. H. Yearlian was set for trial before Justice Speirs at 11 o'clock this morning. It will be remembered that at the commencement of the prosecution of this class of offenders, this same Yearlian was arrested under a city ordinance, the complaint charging him with lewd and lascivious conduct in having illicit sexual intercourse with Mrs. Newcomb, the offense being alleged to have been committed at the house of ill-fame of Fanny Davenport, whither Yearlian and Mrs. Newcomb had resorted for the purpose. The crime as it is said to have been consummated, was of a disgustingly filthy nature, and a conversation between the parties implicated a well-known reverend divine. So that there are probably the strongest reasons why no stone should be left unturned to prevent the facts being brought out, that the moral lepers might be known and avoided by the public.

This morning a writ of prohibition, sued out before Associate Justice Boreman, was served on Justice Speirs, as follows:

In the Supreme Court of the Territory of Utah.

The People of the Territory of Utah on the application of W. H. Yearlian

vs.

Adam Speirs, Justice of the Peace, etc.

The People of the Territory of Utah to Adam Speirs, Justice of the Peace of the First Precinct in and for Salt Lake County Territory of Utah.

Whereas, William H. Yearlian, of Salt Lake City, Salt Lake County, in said Territory, lately in our Supreme Court of said Territory, to wit on the 16th day of January, 1886, did represent by his sworn and verified petition and affidavit, a copy of which is hereunto attached, and made part hereof, and that you, the said Adam Speirs, Justice as aforesaid, nevertheless, well knowing the premises, yet contriving, as it is said, the said William H. Yearlian unjustly to aggrive and oppress, have done the acts and things alleged in said petition, in contempt of us and against the laws and customs of our said Territory, and of the United States, and to the manifest damage, prejudice and grievance of him the said William H. Yearlian; wherefore, the said William H. Yearlian has prayed relief and our writ of prohibition in that behalf.

We therefore being willing that the laws and customs of our said Territory and of the United States should be observed, and that our citizens should in no wise be oppressed, do command that you do desist and refrain from further proceedings in that certain action or proceeding entitled "The People of the Territory of Utah vs. W. H. Yearlian," under complaint dated Dec. 4th, 1885, and filed in your said Justice's Court, until further order of this court; and that you show cause, if any you have, before our said court, on Friday, the 22d day of January, 1886, at the Federal Court House, in Salt Lake City, Utah Territory, in the court room thereof, why you should not be absolutely restrained and prohibited from any other proceedings in such action or matter, and have upon you then and there this writ.

Witness the signature of the Hon. Jacob S. Boreman, Justice of our said Supreme Court, this 16th day of January, A.D., 1886.

JACOB S. BOREMAN, Associate Justice of Supreme Court of Utah Territory.

Attest my hand and the seal of said Court.

E. T. SPRAGUE, Clerk.

In the petition for the writ of prohibition, Wm. H. Yearlian, the applicant, in substance, makes the following representations:

That on or about Dec. 4, 1885, B. Y. Hampton filed an affidavit before Justice of the Peace, Adam Speirs; that pursuant to action based on that affidavit, the defendant was arrested, and taken before said Justice for trial on the said charge.

That petitioner, by his counsel, P. L. Williams, prayed said Justice to submit said charge against said petitioner to the grand jury of the Third District, then in session, and that the Justice refused to grant the request, claiming to have jurisdiction to try and determine the case. The petitioner then applied for and obtained a postponement of the trial until Monday, January 18th, 1886, and gave bail in the sum of \$1,000.

That, the justice maintains his jurisdiction, and "unless restrained and prevented from so doing, will proceed to try and determine the same."

"This petitioner further states that said alleged charge in said affidavit before said Justice is malicious; that the same was made, as petitioner states, on information and belief, maliciously and with the purpose of disgracing and scandalizing this petitioner, and not to subvert the ends of justice."

"Your petitioner further alleges, that the complainant in this proceeding

against him is a Mormon, and the said Adam Speirs, Justice of the Peace, is a Mormon, while this petitioner is not. That during the last year or two, prosecutions of persons of the Mormon sect, for a violation of the laws of the United States against polygamy and unlawful cohabitation, have been quite numerous in this Territory and in this district, and very offensive to persons of that sect. That this petitioner has served as a grand juror of the Third District Court, and his opinions in favor of the enforcement of the laws of the United States in the matter aforesaid, have been well known to the parties above-named and their sectarian friends, and are very obnoxious to them. That within the past year numerous convictions have been had in said Court, of Mormons charged with violations of said acts of Congress, which have greatly exasperated and enraged the Mormons as a sect, and said above-named parties, as petitioner is informed and believes."

"That with a view to terrorize persons who are not Mormons, and who are competent to sit on juries and otherwise be instrumental in enforcing said laws, B. Y. Hampton, 'aided and assisted by the monies and services of divers public officers of the County of Salt Lake, and of the municipality of Salt Lake City, and others in authority in the Mormon Church,' concerted a scheme to bring prostitutes to the city and establish houses of prostitution in which to entice non-Mormons, to secure victims for punishment, and so to terrorize innocent persons as to secure immunity from prosecution of those of their own sect."

"That pursuant to this arrangement two such houses were established, one being that of Fanny Davenport; that Hampton and his associates had pretended to have secured evidence for the conviction of persons resorting to said houses for lewdness. 'That complaints were filed in large numbers, charging many persons with the same offense as is charged against petitioner.'"

"That some of said complaints were shown to be false, and abandoned by the prosecution, after arrests had been made, thus showing that innocence is no protection against a charge of this kind; that in other cases, where the trial was had before the said Justice, and conviction followed by a judgment of fine and imprisonment, on appeal to the District Court, the judge of that court, on motion of the prosecution and on a statement that the means used to obtain evidence was so foul and untrustworthy that no just conviction could be asked, dismissed all such cases."

"That B. Y. Hampton was indicted, tried and convicted for the acts stated, in procuring evidence, and is in the county jail under sentence of imprisonment."

"That notwithstanding every conviction in the Justice's court has been disposed of on appeal, and the District Court has announced that all such cases will be dismissed on appeal thereto, 'the said Adam Speirs, well knowing that said prosecutions in his court in the case of the petitioner and others is not in the interest of the enforcement of the law, but is a scheme for the obstruction of the laws and the gratification and indulgence of Mormon sectarian malice against those not of their creed, continues to sit for the trial of such cases and entertains the same, of which this is one, to the disgrace of the tribunals of justice, the scandal of the community, and the annoyance of the individuals charged.'"

"That the said Justice knows that if a conviction is had, his judgment would be set aside on appeal, and be fruitless for any purpose except to harass and scandalize the petitioner."

"That the petitioner states that such trials are to procure the publication of the evidence of the charge in the complaint, to the scandal and annoyance of the petitioner and his family, and to the scandal and disgrace of an innocent and reputable lady, whose name has been given out as connected with the offense."

"The petitioner further alleges that the justice has no jurisdiction in the proceedings; that the wrong sought to be done him cannot be redressed by any appeal, or any other adequate remedy in the due course of law, because it consists in spreading before the public the charges, without any redress, such being the object of the prosecution; that the law does not include as offender persons of the male sex; that the complaint does not state facts sufficient to constitute an offense; that the offense, if any is charged, is an indictable one; that the offense is one which entitles the defendant to a trial by jury, which is not provided for in the justice's court; that the jurisdiction in such cases as provided by the statutes is in violation of the Organic Act and the Constitution and laws of the United States."

"The petitioner asserts that 'The Justice should be restrained and prevented by this Court from the exercise of any jurisdiction under the facts of this case, and all others of the same class, for the reasons that they are not prosecuted to prevent crime and protect the community, but for the purpose of ministering to the malice and revenge of individuals and of a sect, and to embarrass the courts in administering the laws of the United States, by subjecting to terrorization and scandal as many not of the Mormon faith and opinion as possible.'"