

sion does not feed the hungry, the situation is anything but agreeable.

MEMPHIS, 22.—Two new cases are reported to the Board of Health this a. m. Ten deaths have occurred since last night.

The daily mail service over the Louisiana and Nashville R. R. resumed this morning.

The quarantine fever struck Arkansas to-day. The Sheriff of Crittenden County, opposite Memphis, issued an order threatening arrest and punishment of Memphians caught in the act of crossing the river. The entire river front of that county is closely policed by mounted armed forces. The orders are promulgated by authority of the Governor of Arkansas.

SAN FRANCISCO, 22.—A Phoenix, Arizona dispatch says: Last night one McClosky fatally stabbed John Labarr, a well known saloon keeper. McClosky was arrested this morning. A vigilance committee requested all the places of business to be closed, marched to the jail, took out McClosky and John Keller, the latter confined for killing Monahan a few days ago, and hanged both to a tree on the plaza. After warning a number of well known bad characters to quit the town the crowd dispersed. Everything was conducted quietly and no opposition was made to the proceedings.

FOREIGN.

LONDON, 21.—Telegrams to Lloyd's reports a steamer aground in the Suez Canal yesterday, and that traffic through the canal has been stopped.

The Standard's Berlin dispatch reports that the statistics of crops in Russia show the yield of wheat in 1879, as compared with 1878 as the same; the yield of rye and oats is larger, and that of barley and potatoes smaller.

The Standard's Paris dispatch says: The Edison Company have obtained permission from the government to establish telephonic communication between the various quarters of Paris. The same dispatch states that M. Phillippot, financier, has bought the Grand Hotel, paying over a million pounds.

The latest dispatches present rather discouraging prospects of the speedy and satisfactory termination of the Zulu war. Sir Garnet is strategizing every nerve and employing all means to lay hands on Cetewayo, and peace is represented as impossible. Archibald Forbes' views, shared by most intelligent observers, are: Obviously, Cetewayo is still King of the Zulus, and has a large following of fighting men with him. Details of the regiments present in the last engagement prove this. If he holds out, the trouble will continue. It is useless to think putting up puppets in his stead. The British bayonet must support these for an indefinite period, and British bayonet means British taxation wasted in futilely Cetewayo alone can sway Zululand and no place is worth having unless he be dead or consenting.

Correspondent Russell writes: There is much sympathy for the King among the Zulus, and it is doubted whether our ultimatum was ever delivered to him, or that he understood our commands.

The savage monarch has at least the art of making others feel for him. It is a sorry business all round. No war of ours has ever wrecked more reputations, and all feel they are under a cloud in spite of their duty so gallantly performed. It is also said the leading Zulus held aloof from Sir Garnet, and that even John Dunn has failed in his efforts to communicate with the king and it is circulated some 24,000 fighting men are still afoot, while the arms given up do not include many serviceable rifles.

Sir Garnet went out with one hand tied, the other he has since tied himself in his over zeal to comply with the exigencies of those who sent him. He was to smooth the path to an autumn dissolution, and it looks at the moment as if the dissolution must after all be postponed.

LONDON, 22.—The Austrian Emperor, to-day, gave a two hours' audience to Count Andrassy. The Count declared his determination to resign was final.

Count Carolyi has declined the nomination to succeed Andrassy. Intelligence from the west coast of Africa states that a dispute exists between King Amachere, at New Calabar, and one of his chiefs. As

a result, the latter left the town with his people, took possession of the oil markets, blockaded the creeks and stopped all traffic. It is feared the break will become general.

A Russian Corvette is expected at Bangkok with the imperial envoy empowered to conclude a treaty with Siam and to procure the appointment of a Muscovite consul in that capital.

War between Russia and China is imminent. The Russians are about to cross the frontier.

The popularity of Gen. Kaufmann at St. Petersburg increases. The government holds him to blame for the Afghan policy and for his advocacy of the retro-session at Kuldja to China.

The Times in a leader this morning announces that the authorities decide the evidence before the court martial in Africa, does not justify the conviction of Lieut. Cary. The findings of the court are accordingly squashed and Cary retains his rank. He is released from arrest to-day.

Sir John George Shaw Lefevue, vice-counsellor to the University of London, is dead.

Advices from Cape Town to the 5th inst. via Madras say: Sir Garnet Wolseley arrived at Rorke's Drift on the 3d. King Cetewayo is at a small north of Black Umfolosi River with a small following. The Umquellas and Pondgas attacked a tribe of British subjects on the 1st of August and the tribe was obliged to retire. The attack was renewed three days afterwards. Reinforcements were then sent the British subjects and the Pondgas are now more peaceful.

Sir Garnet Wolseley telegraphs as follows: Five thousand savages are ready to attack King Cetewayo, and this number will be increased to 10,000 before entering Zululand. The British operations, with these or other composite force coming from the direction of Lunenburg, should either capture Cetewayo or drive him towards Colclake and the column which is moving from the southward has received further submission of Zulus.

Lord Dufferin, it is said, will succeed Sir Edward Bulwer Lytton as Viceroy of India.

The Republique Francaise states the Powers have sent something like an ultimatum to the Porte, giving 48 hours to fix the date of the first meeting of the Ottoman and Greek plenipotentiaries.

The Grand Cross of the Order of the Bath has been conferred upon Lord Chelmsford.

Local and Other Matters.

FROM MONDAY'S DAILY, AUG. 25.

Will Close.—The patrons of Z. C. M. I. will please take notice that that establishment closes on Friday the 29th inst. for stock taking, and govern themselves accordingly.

Joint Conference.—The joint quarterly conference of the Y. M. and Y. L. M. I. A. of Davis Stake, was held in Kayville, yesterday, the meetings convening respectively at 10 a. m. and 2 p. m. Both were well attended and very interesting. The visitors present from this city, were Sisters E. R. Snow and E. B. Wells, and Elder J. F. Wells.

Fraternal.—We had a call this afternoon from Mr. Abinadi Pratt, late proprietor of the *Lake Northern Light*, and the owner of the new weekly about to be started at Oxford, Oaleta County, under the name of the *Lake Banner*, the first number of which will appear about the 1st prox. He came down last evening, is busy taking subscriptions for his new enterprise and will return north on Wednesday.

Church Hands Excursion.—The Grand Lake Point Excursion of the Temple Block, and Tiling Office workhands, left the depot this morning at 8.10 o'clock, and will return this evening at 4.45. There were between 600 and 700 passengers in the company that left the city, two trains of ten cars each being required to carry them. They have doubtless had a fine time at the Lake to-day. We hope so, for they deserve it.

"Dispatch" Notes.—The drought has driven hundreds of fish into the water ditches, where they are caught by the Ogden archers "just for fun."

Mr. Isaiah L. Stewart has asked the City Council for enough water

from the river, to run the reduction works of the big mine at the mouth of Ogden Cañon.

Ogden has decided to solve the tramp problem by arresting and putting all her vagrants to work. The great difficulty will be to find work enough.

"Enquirer" Items.—Fires raging in the timber back of Mount Nebo. Diphtheria among the children of Springfield.

"Two Orphans," on the 29th inst., by the Provo Dramatic company.

A little son of William Strong, of Provo, died from diphtheria last Tuesday. No new cases reported.

Insects are playing havoc with corn and vegetables at Provo.

Utah Stake Quarterly Conference of Y. L. and Y. M. I. A. convenes at Provo on the 30th inst.

Heavy Yield.—The farm of Justice Middleton, situated just above the junction of the Ogden and Weber River near this city, is the most fertile and productive in this region. From a little less than five acres of land he recently obtained 302½ bushels per acre. The wheat was plump and good, and weighed 68½ pounds per bushel. Who can do better.—*Junction*.

We have no desire to underestimate the fertility of the Weber County soil, but we opine that Justice Middleton's farm is not so responsible for this enormous yield as the brain of the *Junction* proof reader.

An Illustration.—The following from the *Dispatch* shows how the unfortunate tramp is imposed upon by the unthinking masses.

Mayor Herrick informed us this morning that a tramp came to his house the other day, and asked for breakfast. The mayor's wife spread a meal before the hungry brother, and while he was eating it Mr. Herrick informed him that as soon as he finished he had an hour's work for him. The tramp filed himself up, then jumped up from the table and left the house as though he was going to a fire, or had been called upon to save a poisoned patient. No amount of calling could attract his attention. He was deaf to all demands for labor.

Fire at Kanab.—By private telegram to President L. J. Nuttall, we learn that on Saturday evening, about 8 o'clock, the residence of Jas. L. Bunting, of Kanab, was burned down, very few household effects being saved from the flames. No one was hurt. The fire was originated by a little girl setting fire with a candle to some clothes drying in the house on a rack. No water was to be had in town during the fire. Bishop W. D. Johnson, Jr., and the Saints will co-operate at once to build a new house and provide for the comfort of the family. Elder Jas. L. Bunting, is now absent on a mission in Great Britain, presiding over the Liverpool Conference.

Serious Accident.—The following has just been received by Deseret Telegraph:

This morning the freight train ran against a wagon about a mile south of Lehi, with a man by the name of Joseph Barnes, his wife and three children in it, the man was driving along just in front of the train and the engineer had no idea that the man was going to cross the track and the man turned on the track so quick, that they could not stop the train, the engine striking the hind wheel of the wagon, upsetting and throwing the inmates out. The woman and baby were the only ones injured and they are not seriously hurt, no bones broken. The man said he did not see the train until he got his wagon on the track.

The Certiorari Hearing.—At the opening of the Supreme Court this morning, Judge Emerson announced that the Court, by majority, decided that it held authority to exercise jurisdiction in the matter of certiorari, and that the motion to quash the writ of review was therefore denied. The case then came up on its merits, Judge Harkness of counsel for the Executors opening the argument. He stated that previous to the order to show cause why they should not be punished for contempt, no specific demand had been made upon the defendants for the assets belonging to the estate of Brigham Young, and this lack of specification in itself bars all contempt. By the terms of the order to turn over assets the court has thrown upon the defend-

what the assets consist of, and they, in good faith, as shown by their sworn statement in court, did turn over the property of the estate as far as they were able. The speaker referred to a great number of authorities, and in a thorough and systematic manner reviewed the proceedings in the court below.

He was followed by J. L. Rawlings, Esq., whose argument was not finished when a recess was taken till 2 o'clock.

Since recess, Judge Sutherland, of the opposing counsel, has occupied the time in an extended return argument, and was still speaking when we went to press. It is not probable that the case will be closed before to-morrow, anyhow. Executors Geo. Q. Cannon and Brigham Young have been in court all day. It is not known whether they will be returned to the Penitentiary this evening, or released on bail.

That Mormon Circular Once More.

[N. Y. Graphic August 14, 1879.]

Some of our esteemed contemporaries seem to be laboring under a grave misapprehension as to the terms of the law of Congress prohibiting bigamy in the territory of the United States as well as of the actual point decided by the Supreme Court of the United States in the Reynolds case.

The Revised Statutes of the United States section 5352, which covers the operative part of the act of the 1st of July, 1862, provide as follows: "Every person having a husband or wife living, who marries another, whether married or single, in a Territory or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than \$500 and by imprisonment for a term of not more than five years." And then follow some exceptions, which are the usual statutory exceptions in all the States.

Now, it will be noticed that while this statute may be aimed at Mormon polygamy, the "peculiar institution" is not mentioned in it. The statute covers the ground of the English and State statutes against bigamy. And every Gentile who has been indicted for bigamy in the Territories of the United States since its passage in 1862 has been indicted under it.

The laws of the United States do not make Mormonism a crime. And any act of Congress for that purpose would be unconstitutional and void. The laws do not make the entering into the plural marriages of the Mormons a crime. They do not mention Mormonism, Mormon polygamy or Mormon plural marriages at all. But what has the Supreme Court of the United States decided in the Reynolds case? Simply this, that in a trial for bigamy under this statute, religious belief, no matter how sincerely held, is no defence, and that in excluding this defence the law is not unconstitutional. The Court of last resort decides that when a Mormon "seals" a second wife, the first being then living and not falling under the exceptions of the statute, he commits the offence of bigamy, notwithstanding the fact that the Mormon religion and sacred books and revelations enjoin polygamy upon certain classes of persons, and notwithstanding the further fact that the offender has acted from conscientious motives in entering into a second marriage.

The law defines bigamy. And the Supreme Court of the United States decides that that law cannot be violated with impunity, even on religious grounds. This is the whole matter in a nutshell. The laws of the United States have not declared Mormonism to be a crime. The Supreme Court of the United States has not held that that was the logical and necessary implication in any statute of the United States. It has simply been decided that a Mormon can commit bigamy like his Gentile neighbor, his religious belief not furnishing him any immunity in this regard. If, then, the State Department circular asserts that "Mormonism has been declared a crime in the United States," it asserts what is not true, and what we shall require the official text of the circular to convince us Mr. Evans uttered.

The doctrine of "attempts" is well known in the criminal law. As far as the "Mormon circular" has any basis it rests upon that. But to sustain the charge of attempting to commit a crime, the crime must be one known to the law, and some

steps must have been actually taken towards committing it. Intention to commit an offence is not enough—there must be some act. Indeed, there seems no way of proving the criminal intention but by the act. Is the mere act of proposing to leave Europe for the United States, and of ultimately settling in Utah Territory, an overt act towards the commission of bigamy under the statute of the United States? It certainly is not. There are many Mormons who are not polygamists, and many persons have left Europe intending to settle in one place and have actually settled in another. As long as crime rests in intention there is always room for repentance. And then who knows that these emigrants intend to commit any crime in the United States or anywhere else? A single man or single woman cannot commit bigamy or attempt to commit that offence by meditating matrimony at a future day with some eligible person of the opposite sex.

The fact seems to be that the circular, if its substance has been correctly given in the press dispatches, is based on a misconception of the law, and that it asks of foreign nations an impossibility. It proposes to work out the doctrine of constructive crime to a length that would shock even the partisans of the doctrine of constructive treason. As well reason that because Irishmen sometimes get into quarrels and have to be punished for assaults and batteries, or because Germans sometimes drink beer on Sundays, that all Irishmen come to this country to break the peace or that all Germans come here to violate the Excise and Sunday laws, as that because some Mormons violate the law against bigamy that all persons intending to emigrate to Utah intend to violate that law. Let us avoid cant in our international relations. We cannot permit our country to become a penal colony. But every one is presumed to be innocent until he is proved guilty. The mere suspicion that a person may commit a crime at some future time does not make him a criminal now. Acts, and not thoughts or intentions, should fall under the penalties of the criminal law. If this distinction is borne in mind, the "Mormon circular" has not a leg to stand on; that is, if its substance has been correctly given in the press dispatches. By all means, punish crime, but let us have thought and expatriation free.

A gentleman in a draper's shop had the misfortune to tread on a lady's skirt. She turned round, her face flushed with anger, but seeing the gentleman was a stranger she smiled complacently, saying, "I beg pardon, sir; I was going to be in a dreadful passion. I thought it was my husband."—French paper.

CITY ASSESSMENT, 1879.

TO THE TAX PAYERS OF SALT LAKE CITY.

In accordance with the provisions of Sections 15 and 16 of "An Ordinance to Provide for Assessing and Collecting City Taxes," passed March 12th, 1878, the City Council of Salt Lake City, will, on Tuesday, August 26th, 1879, at 2 o'clock p. m., in the council chamber of the City Hall of said city, sit as a Board of Equalization "to determine all complaints made in regard to the assessed value of any property" for the year 1879.

During its sessions said board will hear and consider any petitions which may be presented to "remit or abate the taxes of any insane, idiotic, infirm or indigent person to an amount not exceeding five dollars for the current year," agreeable to the provisions of said ordinance.

Let all persons take due notice and govern themselves accordingly.

In testimony whereof I, John T. Caine, Recorder of Salt Lake City, have hereunto set my hand and affixed the corporate seal of said city, this 18th day of August A. D., 1879.

JOHN T. CAINE,
Recorder.