the accusations which they have copied when they perceive, as they can if they will, that the charge was groundless and their comments were uncalled for.

And one thing more. Is this not plain to any reasonable mind? No matter who engaged in this work of detection that has made such a furore, the guilty wretches who have been detected in acts of beastly debauchery ought to be prosecuted. On this point the *Mail* and *Express*, while inveighing against the "Mormon" Church, remarks:

"The so-called church that will employ such means to further its ends is of course deserving of execration by all decent people, but the persons who were caught are none the less guilty, and should be prosecuted, as they will be, to the full extent of the law."

The *M.* and *E.* naturally expects that the guilty persons will be prosecuted and punished. It is mistaken. It does not understand affairs here at all. The Federal Attorney has declared in open court that he will not prosecute them. As fast as cases are proven against them in the Justice's court, an appeal is taken to the District Court and they are turned loose without even a hearing. The only persons to be prosecuted are those who were so wicked as to detect the crimes, the criminals are too high-toned, too anti-"Mormon," too much "in sympathy with the prosecution" to be punished for their lechery.

That is the way the law is administered in this Territory. That is how the "turbulent Mormons" are to be taught respect for Federal authority. That is how the cause of morality is to be upheld in Utah. Let the *Mail and Express* and other papers ponder a little on these facts, and not be in such haste to copy from an unworthy source and to jump at anti-"Mormon" conclusions.

"ITS ESTABLISHED CHARACTER."

THE letter of the Utah Delegate to the President of the United States, at the time of the bogus "Mormon uprising," was too full of truth to suit some of the papers that had published the nonsense which was telegraphed from this city. The New York *Mail and Express* attempts to refute the letter by accusing Mr. Caine of "economy of the truth." In a labored editorial it simply repeats and endorses some abuse of the *Tribune* of this city, which does not meet the points in the Delegate's letter at all. And the *M. and E.* says: "The S. L. *Tribune* knows that Delegate Caine's letter to to the President is full of misstatements and the *Tribune* has an established character for truthfulness."

It has. Its established character for truthfulness is the same as that of its prototype, known to readers of the the New Testament by the name of Ananias. As to its established character, we clip the following from the columns of the Chicago *News* headed "Sharps and Flats," and which has more pungent sayings and crisp, witty and striking remarks than any column of its size in the country:

Says the Salt Lake *Tribune*: "What an infamous hound old Miller, of the Omaha *Herald* must be." We beg to inform our gentle contemporary that Dr. George L. Miller is no hound; if he were he would probably be editing a daily paper in Salt Lake, lying about a certain religious sect, and doing everything in its power to promote discord and bloodshed in a Territory that as much belongs to the Mormons as Plymouth Rock belongs to the Pilgrim Fathers. We think that one of the first steps toward the decent suppression of polygamy would be the suppression of the Salt Lake *Tribune*.

The characteristic remarks about Dr. Miller were made by the sheet with an "established character," because the Omaha *Herald* understands the utter depravity of the *Tribune* and has exposed some of its absurd charges. Quite recently it accused the respected journalist of seeking for an office; a crime which, by the by, it often exalts into a virtue when one of its friends is engaged in the business. The *Herald* thus meets the charge and shows its estimate of the charger:

"A journalistic missionary located in Salt Lake City for the better improvement of Mormon morals, was recently seized with another attack of 'Dr. Miller,' who is accused of seeking an appointment on the Utah Commission. Dr. Miller authorizes a correction of the dreadful mistake, and proposes to do what he may to allay the apprehension of its terrified Utah contemporary. Dr. Miller is authority for the statement that he did not seek, has never dreamed of seeking, and would not accept an appointment upon that useless and costly fungus called the Utah Commission, with its five thousand a year and expenses, under any conceivable conditions or possible circumstances.

"The Salt Lake *Tribune* also says that Dr. Miller is "trying to have the editor of the Salt Lake *Democrat* (Mr. Young) made Governor of Utah." This is the most amusing of inventions. It was carved in the head of the confirmed lunatic who does this sort of mild work for the *Tribune*, a paper that is no more capable of telling the truth about the Mormon people than a rabid dog is capable of discriminating whom he shall bite.

"There is not a shadow of truth in either of the statements about the intentions or acts of the editor of the *Herald*. He has consistently and openly, at all times and on all occasions, urged upon the representative men of Utah the necessity and wisdom of submission to the laws, that all controversy and conflict about polygamy might end in Utah. If it were not for the organized rancor, hate, and ingenious deviltry of the Salt Lake Junta of Republican cottonmouths, he has some ground for believing that results would be more favorable than they have been thus far. As it is, he is not certain of anything except that, in spite of the ingenious deviltry aforesaid which has done so much to prevent right results, polygamy must cease in Utah by the ultimate surrender of every man who chooses to disobey those Federal laws which denounce polygamy as a wrong and its practice as a crime against the State."

Dr. Miller has maintained this position for many years. His able paper has recognized much of the good which the "Mormons" have accomplished; but has always been opposed to the polygamous feature of their system and advised its discontinuance. We have held controversy with the *Herald* on that question in times past, and now see the matter in a very different light from the views it has expressed. But we are convinced of the honesty of those expressions, and are free to acknowledge that Dr. Miller, in advancing his ideas and offering his suggestions, never abuses the "Mormons" or their doctrines or gets down to the level of the sheet which he so aptly describes in the foregoing article.

The truth is, the pretended "reformers of 'Mormon' morals" have no desire to see polygamy suppressed. If it was possible to wipe it out of existence at once, it would be a sorrowful change for them. Its continuance is their support. In making a professed war upon it they find subjects for their columns and ducats for their pockets. It is food and whisky to them. Its conquest would be their own Waterloo. The course pursued by that paper and those who are lying about and oppressing the "Mormons," is doing more to perpetuate "Mormonism" than any number of "Mormon" sermons or any amount of churchly influence. Let them lie on. "Mormonism" will be a power in the earth when their bodies are rotting in forgotten graves and they are mingling with their kind in sheol.

PECULIAR JUSTICE IN UTAH.

THE prosecution of B. Y. Hampton for planning to detect lecherous men in breaking the law and violating decency, is one more among the many novelties in jurisprudence which render the administration of justice in Utah both peculiar and uncertain. We do not believe that in all judicial history a case can be found in which a person accused of arranging with another to open and conduct a house of ill-fame was ever prosecuted for "conspiracy." Nor do we think there is one in which a person so arranging was deemed worthy of double the punishment of one actually engaging in the business.

In this case Mr. Hampton is sentenced to imprisonment for one year. If he had been convicted of *keeping* a bad house he could only have been imprisoned for six months. So the penalty imposed by the Court announces that the punishment for talking about doing a wrong thing should be twice as great as for committing the evil. Then, the lewd woman with whom Mr. Hampton was accused of "conspiring" to open a house for vile purposes is not prosecuted, although it has been proven that she kept the house and carried on her filthy trade therein; and if the theory of the prosecution is correct, she was guilty of "conspiring" to open house as well as of actually keeping it. So that the man against whom there is but the flimsiest kind of testimony for conspiring only, is sentenced to the extreme penalty of the law, while the woman as to whose guilt there is not the slightest pretence of a doubt, and who is not only guilty of "conspiracy" to keep but of actually keeping and operating a house of ill-fame, is set at liberty with the sin-soaked lechers who have been convicted of resorting to such places for lewdness.

This kind of justice is what makes men chary of trusting their liberty and property to the vagaries of law in Utah courts. They see no likelihood of a fair adjudication of their cases, and so they determine to avoid the issue, if possible, until there is some likelihood of equity. A "Mormon" does not anticipate a legal trial, in the proper sense of the term, but only to be "cinched" if he is unfortunate enough to be placed in legal jeopardy.

Mr. Hampton is to be punished for exposing the filthy practices of persons "in sympathy with the prosecution" against "Mormons." The persons exposed, and whose guilt is not denied, are to be exempt from all punishment. And the people of Utah, looking upon such a travesty of justice as this, are expected to fall down on their knees and worship the law and its administrators. Our respect for such proceedings and those who conduct them, is equal to the esteem we have for the foul debauchees who gain immunity thereby, and for the deeds which have blackened them as with the smoke of Hades.

Mr. Hampton has become a victim to a legal "conspiracy." A Federal officer against whom the strongest evidence was on hand of a flagrant crime was set at liberty without trial by the same court that with words of rancor gave Mr. Hampton the utmost penalty in his power. Bail was all right for Vandercook, why not for Hampton? Is there no remedy for the victim? Is there no *habeas corpus* for his case? Or is it to be regarded as a settled fact that when justice is required and equal rights are demanded, the answer is, "no Mormon need apply?"

A QUESTIONABLE MOVEMENT.

THE report that Joseph W. McMurrin had been removed from his residence was as great a surprise to us as to any one in the city. The certificate of his surgeon and physician as to his inability to attend court to give evidence, is sufficient testimony as to his physical condition. We question very much the wisdom of the course adopted by his friends in advising his removal. It may be better for him, personally, but it gives opportunity for the enemies of the people here to circulate unjust suspicions, which they will not be slow to make the most of.

It is true that at his home he was subject to be pestered with visits from deputy marshals in an unseemly haste to force him into court before he was able to attend. Also that an evident intent exists to transpose the relations between him and the spotter who shot him down. The prospects for justice we admit are not very flattering. The extraordinary measures that have been adopted to screen the shooter, the animus that has been exhibited against the wounded man by Federal officials, the power that can be brought to bear in his disfavor and the course pursued towards any "Mormon" that comes before the courts, are sufficient to justify grave apprehensions as to the possible consequences.

At the same time we think this matter should be sifted to the bottom. The public want the real facts in the case. It is due to the community that the truth should be made apparent to all who can discern it when both sides of the story are publicly told. And when the wounded man is in a fit condition to appear, it is to be hoped and expected that he will come forward, appear against the defendant and clear up whatever of mystery yet surrounds the encounter in the lane by the Social Hall.

NO USE DENYING IT.

THE advocates of licentiousness as a cure for "Mormonism," drools out another column or two to-day of venom on the DESERET NEWS, abuse of eastern journals that take a common sense view of the "Mormon" question, and vain attempts to justify its proven falsehoods about the Church and the City in the so-called "conspiracy" business. It says: "The NEWS defies us to prove that the church or city had aught to do with the foul business, and asks us to retract."

The NEWS did nothing of the kind. Our remarks were addressed to the press east and west which had repeated the libels manufactured by the *Tribune*. We did not dream of anything like retraction on the part of a paper that always lies doubly when attempting to wiggle out of a palpable falsehood. A decent apology for error or a fair retraction of a proved libel never appears in its slanderous columns. We make no appeal to it. We expect nothing decent from it. We look for nothing fair in its utterances. it never states a "Mormon" question fairly nor quotes a "Mormon" advocate correctly. We have not asked anything from the vile thing or its utterly unscrupulous scribes.

We have only one more remark to make in this connection, and that is, that our statement concerning the importing of prostitutes is correct and cannot be successfully disputed: The only "importing" was done by the Federal officials who brought the two lewd women back from Denver. No others were brought here, and they were engaged in the foul business which the *Tribune* defended as an antidote for "Mormonism," when they were employed by Mr. Hampton to detect the polluted wretches whose disgusting debauchery the *Tribune* has apologized for as "the common vices of humanity." These are facts, and they cannot be refuted.

ANOTHER JUDICIAL OUTRAGE.

THE case of Apostle Lorenzo Snow in the First District Court is one more among the outrages against law and justice which will have to be recorded in the annals of the persecution of the Latter-day Saints. The conviction of the defendant for unlawful cohabitation, as we believe every thinking person will say who has read the testimony, was totally in opposition to the evidence.

It was admitted at the commencement, to save time and answer the feelings of the accused, that he had married the ladies named in the indictment, and that he had never been divorced from them. It was denied, however, that during the time specified in the indictment he had cohabited with more than one of them. When those ladies were placed on the witness stand, they testified to that effect. He had not eaten, slept, or lived in the same house with them since the passage of the Edmunds law. He had been in their houses but from two to four times during the year 1885, and then only for a very few minutes at a time. He supported them and their children but did not live with them. They all understood that he lived with one only. It was shown that while in Ogden when they were summoned to give evidence he had introduced them as his wives. Also that he was in concealment at the house of the wife he lived with when arrested by the deputy marshals. That was all the evidence against him except that he was an Apostle of the Church of Jesus Christ of Latter-day Saints.

The attorney for the prosecution, Mr. Bierbower made the most of these points, especially the position of the defendant in the Church. His conviction, he claimed, would do much towards settling the controversy between the "Mormons" and the Government. His introduction of these women as his wives, the attorney contended, was evidence of his guilt, also his concealment when arrested. This, with inflammatory appeals to the jury, constituted the "argument" (?) for the prosecution.

Judge Harkness and Mr. F. S. Richards spoke for the defense. It was shown that the charge had not been sustained, that there was not a particle of evidence to support it; that Mr. Snow's Apostleship cut no figure in the case; that his introduction of those ladies as his wives in Weber County, where he had been taken by force, was not cohabiting with them in Box Elder County, as charged in the indictment; and that he had done nothing but what he was justified in doing under the rulings of the courts. Both the habit and repute of marriage must be shown, and there was no evidence of the habit.

Mr. Harkness made a very logical and pointed address, and Mr. Richards an eloquent, incisive and conclusive speech, full of points and inspiration.

The charge to the jury will be found in full in another column. It should be preserved. It cannot be defended on any just or legal grounds. The doctrine it enunciates is in conflict with the decisions of the other Utah courts and of the Supreme Court of the United States. Judge Powers charged the jury:

"It is not necessary that the evidence should show that the defendant and these women or either of them occupied the same bed, slept in the same room or *dwelt under the same roof*; neither is it necessary that the evidence should show that within the time mentioned in the indictment the defendant had sexual intercourse with either of them."

Will anybody explain how a man can cohabit with a woman as a husband does with a wife if he does not dwell with her under the same roof? The courts have strained the law so that the interpretation given in criminal jurisprudence to the term unlawful cohabitation shall not apply in cases of violation of the Edmunds law but they have all, including the court of last resort, decided that the living together of a man and more than one woman as well as his holding them out as his wives is necessary to constitute the offense. Judge Powers ignores that ruling and makes the offense complete without its really essential element; in other words he makes the cohabitation or dwelling together perfect when there is no cohabitation or dwelling together. Hear him again:

"The offense of cohabitation is complete when a man to all outward appearances is living or associating with two or more women as his wives."

What does he mean by this? Living with, we can understand. That has been defined. But what is "associating?" Does he mean to say that a man cohabits with women, in the meaning of the law, when he meets them on the street and speaks to them, or in social company, or in a public gathering? Further charging the jury he said:

"If the conduct of the defendant has been such as to lead to the belief that the parties were living as a husband and wife lives, then the defendant is guilty."

On this ruling the guilt of a defendant depends upon the opinion of persons, perhaps his malignant enemies, who might express such an opinion, in malice, that he has been living with more than one woman as wives! What must the conduct be to justify such an opinion? Judge Powers does not say, but leaves the matter in the hands of any one who chooses to form an opinion upon it. He stated that:

"The Edmunds law says there must be an end to the relationship previously existing between polygamists. It says that relationship must cease."

The Edmunds law says nothing of the kind. There is not a line or an expression in it which justifies such a rash assertion. It is not true. Judge Powers manufactured the remark for the occasion. It is a pure invention. More than that, it is in conflict with the ruling of the Supreme Court of the United States in the cases against the Utah Commissioners. The Court decided that the status of a polygamist was not criminal, that a man could be deprived of the elective franchise under the Edmunds law because he was in the status of a polygamist, and yet not be liable to any criminal punishment. A man may be ever so much of a polygamist, and and if he has not married a wife or cohabited with more than one woman since the passage of the Edmunds law, he cannot be lawfully punished.

The Edmunds law cannot dissolve the relationships that have been formed under the law of God, and no court, government, nation or power on earth or in hell, in time or in eternity, can break asunder the ties that have thus been formed, unless the parties take a course to sunder them or the Almighty makes them null. They are as eternal as the throne of Jehovah. And they are not criminal even under the Edmunds law, except as we have described.

Apostle Lorenzo Snow has not broken the Edmunds law. The evidence proves it. The ruling of the court had to go outside of previous rulings to meet this case. The defendant is to be placed on trial on Monday on two other indictments for the same offense. He is about 72 years of age. He is a gentleman of refined tastes and habits. His great offense is that he is an Apostle in the Church, and his conviction it is thought will give eclat to the court over which Judge Powers presides.

And here is the "wheel within the wheel:" There is a strong effort in Washington to prevent Judge Powers' name being sent to the Senate for confirmation. The charges against him are heavy and strongly endorsed. It is believed by the public that the Judge wants to make an impression on the President of his worthiness for his present position. The conviction of an Apostle; the manufacture of three cases out of one so as to inflict three penalties in the place of one, the first instance of the kind pushed to conviction; the zeal thus displayed in the prosecution of "Mormons" may have the desired effect, and thus the exigencies of the situation become one more instance of the sacrifice of the "Mormons" to expediency or personal ambition.

A notice has been filed of a motion for a new trial. It is not expected that a Judge who will give such a ruling will afford an opportunity for a fair trial. An appeal will be taken, if necessary, but there is no doubt that the intention is to hurry the venerable Apostle into jail as quickly as possible, that due effect may be secured. This is one more of the novelties, uncertainties and outrages in Utah jurisprudence.

WAS IT "BUNCOMBE?"

IN the vindictive harangue of Judge Zane, when sentencing B. Y. Hampton for "conspiring" to expose and punish the lechers whom His Honor released from prosecution, something new was enunciated in reference to proceedings against the keepers of vile houses. We are always getting novelties in judicial affairs in Utah. Judge Zane said, "It is not necessary to prove specific acts to convict it of being a house of ill-fame, or the keeper or others for frequenting it, or any of the inmates of it."

We hope the police and others who are interested in the suppression of those haunts of sin, will bear these instructions in mind. If they have any value they can be brought to bear in quarters very close to the Third District Court. And they will cause a shaking in circles which have been unmoved by the exposures of the practices at the two houses now become notorious.

That certain parties who have figured prominently in the persecution of the "Mormons" have been habitual frequenters of other places known to be brothels, can be proven by unimpeachable testimony. Let that testimony be produced. Let us see how much virtue there is in the Judge's instructions. Let the degraded fellows who hold their heads high in this city be known at their true value. Let the revelations of the "Road House" come to light. Let the vituperative denouncers of the "Mormons" who have been watched, night after night, entering the dens of infamy in town be prosecuted on the principle laid down by Judge Zane.

It was only because it was thought that positive proof of "specific acts" was necessary to conviction, that the interior detective business was inaugurated by Mr. Hampton. But that is rendered needless by the theory of the Chief Justice.

One thing connected with this, however, renders it a little dubious. If the mere fact of their frequenting those vile haunts is sufficient evidence against male prostitutes, why is it that positive proofs by eye-witnessses of "specific acts" are not received in evidence? If the lesser is sufficient, the greater must surely be acceptable. But in the face of the most direct demonstrations of guilt, Judge Zane dismissed the cases against persons convicted in the Justice's court. They were not only seen frequenting such places as the Judge says he wants suppressed, but were detected in the very act of committing the most shameless debauchery ever prosecuted in a criminal court.

When some of these creatures are sentenced by Judge Zane for the offense for detecting which Mr. Hampton was sent to jail, the public will have a higher opinion of his honor's sincerity and less occasion to quote the expressive word "buncombe."