

FROM FRIDAY'S DAILY APRIL 22.

Fatal Result.—We learn that Miss Victoria Rogers, who fell from a horse and received severe injuries, as stated in last evening's News, died at Pleasant Grove yesterday. She never recovered consciousness after the accident.

Arrested.—To-day Deputies Steele and Whetstone arrested J. P. Lamers, of this city, on the charge of unlawful cohabitation. He pleaded guilty before Commissioner Black and was placed under \$1,500 bonds. Messrs. F. Foulger and A. C. F. Bluth furnished security.—Ogden Herald, April 20.

A Grateful Shower.—A letter from Brother Charles I. Robson, of Zenos, Maricopa County, Arizona, states that, at date of writing, the 11th inst, a copious shower of rain was descending, the first downfall of that kind, to amount to anything, for one year. The grateful moisture would be gladly welcomed, as that section of country stood greatly in need of it.

One Year.—John Watrin, who was convicted the other day of stealing government property, was called to-day for sentence before Judge Zane. In answer to the court, Watrin stated that he had served one term for attempting to wreck a train, his time having expired about a year ago. Since that time, he said, he had been kept in custody because of three or four attempts he had made to run away. He was sentenced to one year's imprisonment.

Broke Both Legs.—On the night of the 18th E. C. Sims met with an accident at Silver Bow, on the U. & N., whereby both legs were broken. Sims was making a coupling between a narrow gauge engine and a broad gauge coal car. The Johnson bar would not reach and Sims jumped on one side but caught his foot between the guard rail and the track. The pilot ran against Sims' legs, breaking both. He was brought to the U. P. Hospital in this city and was accompanied by his brother Sam. Sims' mother lives at Ashley Fork, Uintah County, Utah.—Ogden Herald, April 21.

From the "Pen."—To-day Brother Timothy Parkison, of Wellsville, Cache County, emerged from the penitentiary, where he has been suffering imprisonment for conscience' sake. He has been there five months, having received the benefit of the "copper act" for good behavior. His fine of \$100 was paid. He is in good health.

To-morrow Brother Geo. Dunford's term expires, and he will again be set at liberty, his fine having been paid. Next Friday two other "Mormons" imprisoned for the same reason, Brothers Butler and Bullock, will be released.

Roof Blown Off.—On Wednesday, during the noon recess of the day school, the roof of the Spanish Fork schoolhouse was blown off by the heavy wind. When the roof was torn loose and carried away, one of the gable-ends of the building fell inward, crashing through into the schoolroom. Fortunately no one was under the mass at the time, though the teacher and about a dozen pupils were in another part of the room. There were several very narrow escapes and two or three children outside were slightly injured. The excitement was intense for some time, as it was feared that one or more of the children had been covered by the debris, and there was a general feeling of relief when it was learned that all had got out safely. The loss will amount to about \$1,000, besides the delay in repairing the damage.

Incorporated.—To-day the articles of incorporation of the "Salt Lake Chamber of Commerce" were filed with the clerk of the Third District Court. The names of the incorporators are Wm. S. McCormick, George A. Lowe, Frank W. Jennings, W. H. Remington, Fred H. Myers, James Giendinning, J. C. Conklin, Fred Auerbach, H. L. A. Culmer, M. H. Walker and Emanuel Kahn, who are also the officers. H. C. Wallace is secretary and T. R. Jones treasurer. The capital stock is placed at \$5,000, and the principal place of business is Salt Lake City. The objects of the incorporation are stated to be:

"To stimulate in all lawful ways the commerce of Utah Territory, and to promote the growth of the Territory in every way; to develop its agricultural, fruit growing and mining interests; its banking and brokerage; its manufacturing and arts; its stock and wool growing, slaughtering and packing interests; its architecture and public improvements; its commercial education; and to disseminate information as to its wonderful natural resources; to organize and provide for a bureau of statistics in relation to manufacturing, mining, commercial, financial and industrial affairs of public interest and value; to correct trade abuses and secure uniformity in commercial laws and customs; to harmonize and facilitate business intercourse; to arbitrate differences and disputes; to promote equity and fair dealing; to treat with railroads in the interests of the commerce of Utah, and to be represented in all other general trade interests and issues; to in any way lawful, acquire, hold and dispose of all real and personal property necessary to conduct the corporate business, and to make, alter or repeal by laws and regulations for the government of the affairs of the corporation."

THAT BAD CHARACTER.

HE IS NOW OPERATING IN UTAH COUNTY.

We have received the following letter in regard to an individual who has been operating in Utah County. From his manner of doing business he is doubtless the person referred to in the News a few days ago as "a bad character." As to his statement that he has been in the penitentiary, that is probably true; the individual we referred to has also been in the penitentiary, but it was for a crime committed by him, and not for non-compliance with the Edmunds law. He is a Socialist of the most pronounced type. We again warn the people to look out for him:

SPANISH FORK, Utah, April 20th, 1887.

Editor Deseret News:

There is a man exactly corresponding to your description given under the above heading in your last issue in our locality, putting up for the time being at the residence of Mr. Kremer, near Benjamin, Utah County, Utah. He says he has lately suffered six months imprisonment in the Utah penitentiary for a non-compliance with the Edmunds law, and furthermore that he is a pharmaceutical chemist, and has in his possession a bona fide diploma to that effect, obtained in Germany, but he was very particular in keeping said diploma from being exposed to view; he also gives us to understand that he is a particular friend of A. O. Smoot, Esq., of Provo City and has been written to by that gentleman for the purpose of condescending (on his part of course) to accept the entire management of his drug department at Provo, but as the gentleman now holding that position does not intend to resign for about three weeks, he is staying with his friends until that time expires. He left here last Tuesday, I believe, for the sole purpose of honoring Provo with one of his visits for a short time, after which he intends to return, I have been informed, to our locality. Probably some other of your numerous readers will keep a look out for him in Provo, and report progress through the medium of your valuable journal, and by this means we may be able to unearth this wily fox and bring him before the public in his true colors.

TONNAR ACQUITED.

HE ADMITS KILLING THE THREE MEN, BUT SAYS IT WAS IN SELF-DEFENSE.

Last week John Tonnar was tried at Evanston, Wyoming, for a triple murder committed on July 16, 1886, and there is considerable feeling over the verdict. The particulars of the awful deed were published in the News at the time. The three murdered men were Henry Wetter, August Kellenberger and T. H. Tiggerman. The bodies were found some days after, and John Tonnar was arrested, on suspicion of being the murderer. At the coroner's inquest the jury found that he did the killing with felonious intent, and he was accordingly indicted for murder. The Laramie Boomerang gives the following account of the trial:

"The prosecution proved that the skulls of two of the men had been crushed in, and set up the theory that they had been murdered in the night with some heavy instrument, while the other coming to the rescue had been shot, and then the murderer had fired a bullet into their bodies so as to clear himself in case their remains were found. To make the murder theory stronger they proved that Tonnar said nothing about the awful deed until the time of his arrest, although he had had ample opportunity to tell the story to the people to whom he had gone, but instead had said his partners had gone out hunting and he was waiting for their return, and did not change this story until arrested.

When put upon the stand Tonnar acknowledged having killed the men, but insisted he had done so only to save his own life. He had put up most of the money for their outfit, but when they got to work they wanted to freeze him out and on two occasions had fights with him. Finding it would be impossible to work with them longer he prepared to leave, but wanted to take with him his personal property. Over a pair of boots he got into a quarrel with one of the men and the others came at him, one with an axe and the other with a shovel. He then started for the cabin on the run, closely followed by all three. Getting inside he picked up a rifle and shot the first one and as the others kept coming at him, killed the entire party. The broken skulls he accounts for by the fact that he slid their bodies down a high bank in order to bury them in the sands of the creek and as they were sent down head first, their heads were naturally crushed. He gave for a reason for not telling this story at once that he feared personal violence and had intended to give full particulars as soon as he got out of the country.

This was substantially the case as it was sent to the jury and it was certainly a dark one, but for all that the defense worked so upon the minds of the twelve men that in less than two hours they had agreed upon a verdict of not guilty. It is only justice to say, however, that by affidavits produced it was shown that the accused had borne a most excellent character, not only for a good temper but for honesty

and sobriety. This fact naturally caused a doubt to exist in the minds of the jury and so they did not find him guilty as charged in the indictment.

FROM SATURDAY'S DAILY APRIL 23.

Free Again.—To-day Brother Geo. Dunford, of the Seventeenth Ward, was released from the penitentiary, where he has suffered imprisonment for a violation of the Edmunds law.

Raid on Pleasant Grove.—A special dispatch to the News (to-day's date) says:

"A raid was made on Pleasant Grove this morning. Charles Richeps and John Harris were arrested. Other searches were of no avail."

Held for Examination.—It will be seen by a court item elsewhere, that Brother Amos Howe, of the firm of Davis, Howe & Co., has been arrested on the charge of unlawful cohabitation and held for examination in the sum of \$1,500, which was furnished at once. It is understood that his case will come up on Monday.

Before Commissioner McKay.—Charles Wilson, supposed to be a tramp, charged with stealing a horse from Chas. P. Nelson, near Taylorsville, in this county, was brought before Commissioner McKay to-day and held in \$500 bonds to await the action of the grand jury, in default of which he was sent to the penitentiary.

Amos Howe was brought in on the prevailing charge, and pending examination, was held in the sum of \$1,500. The bonds were quickly furnished and the defendant was released.

Third District Court.—Herald Publishing Co. vs. J. C. Parker, by consent, ten days' additional time to answer.

The People vs. Herbert A. Slade and Duncan McDonald, prize fighting, each sentenced to 30 days imprisonment in the penitentiary, and to pay costs of prosecution.

B. E. Raybould et al. vs. Price Mercantile Company. Time for all the defendants except Culmer extended to plead till the 28th.

Salt Lake City vs. Julia Eastman and the same vs. Emma De Mar, motion to reinstate argued and submitted.

The grand jury came into court and presented 17 indictments under United States laws, three under the laws of the Territory, and three were ignored, as follows:

The People vs. Lenzi Bricca; murder.

The People vs. Ching Tah; assault.

The People vs. P. D. Sprague, robbery.

Henry Gregory and Charles A. Johnson were admitted to citizenship.

On to Salt Lake.—While Ogden is laying claim to being the place for an important railroad centre, and Provo is making efforts to secure the terminus of the Utah Midland, the shrewd managers of the Burlington route perceive the superior advantages of Salt Lake over all other points, and are heading this way in good earnest. Of this route the Denver News of the 21st says:

"The extension of the Burlington through the mountain regions is now an assured fact. General Superintendent of Construction Decker arrived in the city yesterday and there will be some important moves in respect to extending the road, which will ultimately end at Salt Lake City. The Burlington will shortly begin the extension of their line from Denver to Leadville and Aspen, and will extend their road through the mountains to Salt Lake City. Work will shortly be commenced by the Burlington to extend the line to Leadville (and it will become a formidable rival of the Midland & Rio Grande in reaching Aspen). The company will first complete its road to Leadville and Aspen, and will then seek a shorter route to Salt Lake City. The work on the extension will be begun shortly. The route from Denver to Leadville has not yet been selected, but surveyors will be put to work within a few weeks.

A QUICK TRAVELER.

JOHN T. GERBER MAKES A RECORD AS A RUNNER.

Last evening three U. S. deputy marshals (Pratt, Cannon and Sprague) went to Taylorsville and called at the house of John T. Gerber—sometimes known among his friends by the title of Garibaldi, owing, we presume, to his supposed resemblance to that defunct Italian patriot. The officers placed him under arrest, but he protested that he could not very well accompany them, as his wife had just been confined, and was in no condition to be left. They insisted, however, upon his going, but allowed him to make a few preparations for the trip. He attended to these details with much good humor, the while saying—"really I don't believe I can go with you." He turned over the stove lid and improvised the soot thereof as backing for his boots, saying, "this is how we used to have to do this kind of thing and I've even got to do it yet." Next he hunted about for a clean shirt, and then found a convenient exit, which, being familiar with the premises, he readily found. He darted out of a rear door, which he deftly closed behind him, and sped from the scene at a pace that threw "Fleethoot's" record into the shade. He acted after the manner of a man who had urgent business elsewhere. His departure was an as-

sounding feat, in view of the fact that one deputy was inside the house while two kept watch on the outside for the purpose of guarding against an attempt to escape.

It is reported that Mr. Gerber was around town this morning hunting for a deputy marshal, but he was not moving with that rapidity of action that characterized his precipitate flight from his own premises.

THE LOYAL LEAGUE ANSWERED.

Judge Carlton, of the Utah Commission, Proposes to Conduct His Own Business.

THE COMMISSION WILL FOLLOW THE LAW.

It has been known for some time, from both public and private expressions of the anti-American "Loyal Leaguers," that efforts would be made to control the registration of voters in the interest of the minority, and in order to accomplish this end, to induce the Utah Commission to change the instructions already issued to election officers. That the Commission are not so easily "bull-dozed" as the "Leaguers" imagined is evident from the following communication written yesterday by Judge Carlton. It is in reply to the "suggestions" of R. N. Baskin (one of the "League" lobbyists) and J. E. Dooley (cashier of Wells, Fargo and Co's Bank), both of whom are members of the Salt Lake Chamber of Commerce:

OFFICE OF THE UTAH COMMISSION, Salt Lake City, Utah, April 22, 1887.

Messrs. R. N. Baskin and J. E. Dooley:

Gentlemen—Yesterday I received from each of you a manuscript form of a registration oath, both forms being substantially the same. That which was furnished by Mr. Dooley is given below (the other has been mislaid):

"That I will support the Constitution of the United States and will faithfully obey the laws thereof; that I will obey the acts of congress prohibiting polygamy, bigamy, unlawful cohabitation, incest, adultery and fornication; that I will not hereafter, in any Territory of the United States, at any time, in obedience to any alleged revelation, or to any counsel, advice, or command, from any source whatever, or under any circumstances, enter into plural or polygamous marriage, or to take more wives than one, or cohabit with more than one woman; that I will not at any time hereafter, directly or indirectly, aid or abet, counsel or advise any person to have or take more wives than one, or to cohabit with more than one woman, or to commit incest, adultery or fornication; that I am not a bigamist or polygamist; that I do not cohabit polygamously with persons of the other sex; and that I have not been convicted of any of the offenses above mentioned."

I understand that the purpose for which these forms have been furnished, is to suggest to the Utah Commission the propriety of our changing the form of the registration oath—heretofore prepared by the Commission, by interpolating the words which I have put in italics. Besides other changes have been suggested. In regard to this proposition I desire to say, in the most respectful manner, that I cannot see the necessity or propriety of making such change.

About a month ago, the form of the oath was promulgated by the Commission in a "Circular for the information of registration officers." These have long ago been transmitted to all the deputy registrars of the Territory, and later, printed oaths to the number of 35,000 have been distributed all over the Territory, still, this would not be an insuperable obstacle to a change of the form, if we should be satisfied that by mistake or inadvertence, we had violated the law. After careful consideration we are thoroughly satisfied that in suggesting this form of oath

WE HAVE MADE NO MISTAKE—

in other words, that the oath which we have formulated is in accordance with the law. I believe that this is conceded on all hands; but the contention is that we might go further and keep within the law—that there might be interpolated into the oath certain epithets, adjectives, circumlocutions and amplifications within the limits of the law, which might have the effect of preventing certain classes of persons from registering and voting.

The answer to this is that if we follow the form and pursue the language of the law, we know we are right, if we depart from this rule, we are then in a labyrinth of conflicting opinions. For, if the registrars are to depart from the language of the law, and each man of the 270 deputies may prepare an oath to suit himself, the result will be that every man's right to vote (a right hitherto held sacred in all American communities) will depend on the arbitrary will, caprice or prejudice of the registration officers; who in this, as well as other communities, are mostly men of little or no learning in the law. I believe that to allow this would be

CONTRARY TO LAW,

and a bad precedent that would meet with the condemnation of the executive government and of all enlightened jurists who took part in the passage of this law. Similar suggestions have frequently been made to our Commission, both orally and in writing by registrars and

election judges. This was the occasion of our inserting in our circular to registration officers a brief statement enumerating all the disabilities of voters under the law of Congress, adding the following paragraph:

"The Commission is of the opinion that the above specifications include all the disabilities to which electors are subject, under the laws of Congress, and that no opinions which they may entertain upon questions of religion or church policy should be the subject of inquiry or exclusion of any elector."

The following specifications include

ALL THE DISABILITIES

to which voters in Utah are subject under the laws of Congress:

"No polygamist, bigamist, or any person cohabiting with more than one woman, shall be entitled to register or vote at any election in this Territory, nor any person who has been convicted of the crime of incest, unlawful cohabitation, adultery, fornication, bigamy or polygamy; nor any person who associates or cohabits polygamously with persons of the other sex; nor can any person register or vote who has not taken and subscribed the oath prescribed by the Twenty-fourth Section of the Act of Congress of March 3, 1887; nor can any woman register or vote."

The converse of the proposition is, that (conceding all the local statutory qualifications as to age, residence, citizenship, etc.) every male person is entitled to register and vote if he is not a bigamist or polygamist, nor cohabiting with more than one woman; does not associate or cohabit polygamously with persons of the other sex; has not been convicted of incest, fornication or adultery, and is willing to take and subscribe to the oath as prescribed by the Twenty-fourth Section of the Act of Congress.

[As to those in polygamy or unlawful cohabitation, they are disqualified whether they have been convicted or not.]

The oath is to be "subscribed," and therefore it is to be a written or printed affidavit, and it should contain no more nor less than that which is

PROVIDED IN THE ACT.

The oath prescribed by Congress (as to its material parts) is entirely promissory in its character, having reference to the future, the affiant swearing not as to what he does or has done, but what he will, or will not do. Whether he is willing or not to take the oath, is a matter addressed to his own conscience—and is binding only in foro conscientia. The duties of the officer in making the registration and administering the oath are purely ministerial in their character, and he has no right to inquire into any man's motives, nor to catechise him as to his opinions on matters of religion, tithes or other church contributions, or his church membership.

It was evidently the intention of Congress to allow all male persons of proper age, etc., to vote if they are not disqualified by polygamy, etc., provided they are willing to take the prescribed oath.

AN INQUISITORIAL CATECHISM

of a metaphysical character by the registrars, as to whether the party might some time in the future change his mind and go into polygamy, or under certain seductive temptations might commit fornication or adultery, is in my opinion not authorized by law. The same remarks will apply to the registration officer on a proceeding to strike off names on the registry list. In such a proceeding he may investigate the questions whether a party is under any of the disabilities provided by Territorial law or the Acts of Congress. These last are: Is he in fact a polygamist? Is he living in unlawful cohabitation? Is he associating or cohabiting polygamously with persons of the other sex? Has he been convicted of bigamy, polygamy, unlawful cohabitation, incest, adultery or fornication? Has he taken the oath prescribed by the act of Congress? This enumeration exhausts ALL the qualifications provided by Congress. Further than this (except as to local statutory qualifications)

THE REGISTRAR CANNOT

go. The same principle will apply to judges of election upon a challenge of the polls.

The law of Congress provides that no person "otherwise eligible to vote" shall be excluded from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy." The debates in Congress, especially in the Senate, plainly show that the advocates and champions of the bill, regarded it as not interfering with any man's religious opinion or church membership.

The duty of this Commission and the registration and election officers, is not to make, but to execute the law, such law as Congress has given us. We must execute it as it is, not as we might wish it to be.

In conclusion, it may not be deemed superfluous to say, that our commission does not claim authority to instruct anybody—as has been asserted. But from the time of our first appearance in Utah we have annually

ISSUED A CIRCULAR

for the information of registrars, and another to the election judges. The necessity of this arose from the fact that we have been, and still are, constantly receiving inquiries from such officers and others in regard to the interpretation of the law and the