

say: "Hurry and we will head them on the next street!" The Elders took the hint, but not the street indicated. Instead of the latter, they chose a well tramped hog trail, and were soon buried in the depths of a cane brake, where the mud and briars were so abundant that a blood-hound could hardly have followed.

The Elder writes that the mob had an opportunity to use their saplings on a fellow who had kicked his little child, aged two and a half years, into the fire because it cried for bread, the little one being fatally burned. The Elder concludes with the remark that, in his opinion, it would have been better, even in such a case, for the law to have taken its course.

#### Judge Judd's Charge.

Judge Judd (says the *Provo American* of February 21) in charging the First District grand jury empaneled at Provo, after enumerating the general duties and obligations of grand jurors, spoke as follows:

He gave to the grand jury in the charge the whole penal code of the Territory, without undertaking to define the different crimes, it being perhaps sufficient to say that it is a rule, admitting of few exceptions, that whenever the jury may find that a person has been guilty of conduct which strikes them as being morally wrong, it is a violation of the law, and ought to be inquired into. "There is a species of offenses that were created by certain acts of Congress, the first of which was passed in 1862, and the next in 1887, concerning what is designated in these acts as the crimes of bigamy, polygamy, unlawful cohabitation, incest, fornication, and adultery, and it is more than probable that cases arising under those laws will come before you for investigation. Of course you all understand what bigamy and polygamy mean. It means that a man has more than one wife living and undivorced. Unlawful cohabitation, as I understand the law, is this: Where a man is married to a lawful wife, and that wife is living within the jurisdiction of the court here, and he has a plural wife and goes and lives with her. A different construction, as I am informed, had probably been put upon that statute at a former time, but I charge you the law to be this: That when the law says, 'that whoever cohabits with more than one woman shall be deemed guilty of a misdemeanor,' it means this: That where a man has a lawful wife, whether he cohabit with her or not, if he go and live and cohabit with a plural wife, he is guilty of the offense of unlawful cohabitation; in other words, if a man has a lawful wife to whom he is lawfully married, it is his duty to live with her and nobody else, and the law will not allow him to come into court and say: 'I have abandoned my lawful wife, and therefore I am not living with more than one wife.' What the law means to strangle is this polygamous relation. So I charge you the law to be that a man must not live and cohabit with

his polygamous wife at all, as such; if he do, he is guilty, whether he live or cohabit with his lawful wife or not. The law further says: That whoever commits adultery shall be punished with imprisonment in the penitentiary not exceeding three years, and when the act is committed between a married woman and a man who is unmarried, both parties to the act shall be deemed guilty of adultery, and when the act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery. Gentlemen, the law does not recognize these plural marriages as lawful for any purpose, and if a man have sexual intercourse with his plural wife, it is, so far as the law is concerned, as if she had never been married to him by any form or ceremony. He is guilty of adultery, as I remarked a while ago. That is another strike at this polygamous relation. The Congress of the United States and the President have put their heads together and passed and approved these bills, and the Supreme Court of the United States has said that they are Constitutional, and it is the duty of the people to obey them. If they do not do it they will have to take the consequences, that is all there is to it.

The time has come for Utah to place itself in line with the public sentiment of the people of the United States. We are all citizens of the United States. This is our government; this is our Territory; this is our country. There is not a man, woman or child, old or young, white or black, rich or poor, high or low, living in the Territory of Utah, that has not got as much interest in the government of the United States as you or I have. If they don't feel that way they ought to leave the country and not stay here and put themselves in dogged opposition to the laws of this government."

#### The Jordan River.

There has been some discussion of late about the planks in the dam at the head of the city canal out of Jordan River, owing to a desire on the part of some of the Utah County people to have the planks removed. Those on the Salt Lake County side of the line could not see the propriety of such a step; in fact they realized that a move of that kind would be very injurious. Accordingly Mayor Francis Armstrong, who is one of the commission to regulate the matter, went to Spanish Fork on Feb. 21, to attend a meeting there of the parties interested. The result is that all parties agreed that the planks should remain.

The amount of water in the lake at the present time causes serious apprehensions for the coming season. A brief statement of the level of the water at different periods will make it clear that the matter is a serious one. "Compromise point" is a term that may not be understood by some of our readers who have not followed the discussion of the water question. It is located at a bar where the waters of the lake enter their natural outlet, the Jordan River. In the fall of 1879 the water

was at its lowest point in the known history of this region, since away back in the fifties. On the bar the stream was 16 inches deep. The high water mark of other seasons was a little more than seven feet above this, so in the settlement of the dispute between those who were taking water out on this side, for Salt Lake County, and those who claimed they were injured by the backing up of the waters of the lake, a point 3 feet 3 1-2 inches above the low water mark was agreed upon, and called "compromise point;" it is 4 feet below high water mark. A monument was erected there, so as to have a permanent guide for reference.

Last year will be remembered as one when the scarcity of water was quite a hardship to many. On December 23, 1887, the level of Utah Lake was 1 foot 1 inch below "compromise point." On February 16th, March 16, March 20, and May 1, 1888, it was 8 inches below. By May 28 it had receded to 1 foot 2 inches below; by July 5, 1 foot 8 1/2 inches, and by October 11, 2 feet 9 inches below.

The rise during this winter has amounted to but little, and on the 14th of the present month the lake was 2 feet 5 inches below "compromise point"—21 inches lower than at the same time last year, and as low as it was on the 15th of last September. Experience has shown that the lake does not rise after the middle of February, to any appreciable extent, so we find that the supply of water from the lake will be cut off just to the extent, as compared with last year, that a 21 inches difference will naturally cause. There will be a slight advantage owing to a part of the bar being cut away, but this is not at all commensurate with the loss that has been sustained. Thus it will be seen that the people of Salt Lake County have before them a very serious difficulty in the way of obtaining a fair supply of the aqueous fluid.

#### The Stokes Murder Case.

On Feb. 26th, the trial of Ross McManamy for the murder of Chas. Gilman, or Stokes, as he was better known, was commenced before Judge Sandford. Two of the ablest lawyers at the bar, W. H. Dickson and Judge Powers, defended the accused. McManamy sat near his counsel, and alongside of him was his father, an aged gentleman, who had come on from the east. There was a large attendance in the court room, owing to the general interest in the case.

The homicide occurred on September 1, 1888. McManamy was employed as a bailiff in the Third District Court. Stokes was a young man about 25 years of age. His real name is Gilman, but his mother being left a widow married again, and he was generally known by the family name, Stokes.

On the date named, there was quarrel in the Wasatch saloon and in the hall leading to the Federal court room, in which several parties were engaged. D. W. Rugh, deputy marshal interfered, and Stokes took part in the melee.