THE FIRST DISTRICT COURT.

OGDEN CITY, Utah,
December 28, 1885.

Editor Deseret News:

In the First District Court this morning considerable time was taken in arguing the right of the father to the jurisdiction of the children in the

DIVORCE CASE

of Davis vs. Davis. At the close of the arguments the Judge deferred his ruling on the matter until 2 p.m.

The case of the United States vs. Lorenzo Snow was then called and after some remarks between the counsel and the court, the matter was continued until Wednesday morning at 10 o'clock. Defendant and witness then withdrew.

The Morgan County

SHEEP STEALING

case against White and Gallagher was then resumed and occupied all the time till recess at noon.

At 2 p.m. the court met and his honor overruled the demurrer to the writ of *habeas corpus* of James E. Davis, claiming the custody of the child in the divorce case of Davis vs. Davis; and appointed 5 o'clock p.m. for hearing further and deciding on the matter.

THE SHEEP STEALING

case was then resumed. James N. Kimball, Esq., addressed the jury for the prosecution, introducing, or citing items of the evidence in the examination, to impress the minds of the jury with the idea or fact that the defendants were guilty. His address occupied about 30 minutes, and was listened to with profound attention.

Judge McBride followed for the defense. He argued that there was

NO CRIME

whatever in the transactions of the defendant in the case. Counsel said the motion for the prosecution by Faucett was to cinch Gallagher, and through means of the Whites he intended to prove him guilty, and when he found he could not use the Whites for this purpose he entered the complaint against the others as well. Counsel argued that it was not to defend his rights, for he had lost nothing; it was not to vindicate the law that Faucett had brought this prosecution, but for spite. Mr. McBride argued that there was nothing even suspicious or extraordinary about the transactions by the defendants, but that all was straightforward and honest, and there was no

VESTIGE OF GUILT ABOUT IT.

Counsel stated before he concluded his able defense of his clients that he had been engaged in the courts in many cases from the crime of petty larceny up to murder in the first degree, but this was the first time he had ever been engaged in *sheep stealing*, and in this case the evidence was so flimsy that he believed it would be impossible for the jury upon it to convict the defendants.

Mr. Bierbower (Judge Emerson in the judgment seat) made the closing argument for the people, in which he called into requisition, apparently, all his legal abilities to convince the jury that the defendants were guilty as charged. He reviewed again the testimony of the witnesses, and, "as in duty bound," put a different construction upon them to that of the defense, and closing, asked the jury to find the defendants guilty.

Judge Powers then charged the jury, stating that the defendants had been indicted on the charge of

GRAND LARCENY,

in stealing on the 25th of October, 1885, 41 head of sheep, the property of Samuel H. Faucett, of Morgan County. He defined the crime of larceny and otherwise charged the jury in the ordinary manner. His instructions were brief, and at 4.05 p. m. the jury retired to consider their verdict. The case has elicited a great deal of interest, and the court room was crowded with spectators during the trial.

Pending the verdict, another jury was impaneled, and the case of the People vs. William Johnson was called. The defendant was charged with stealing 22 sheep, the property of the Corinne Mill, Stock and Canal Company, and valued at $2.00 each. Bierbower and Kimball prosecuted and George J. Marsh defended the case, which had advanced but little at the time of mailing this letter. Neither had a verdict been reached in the Morgan County sheep case.

One of the witnesses in this last case, John P. Porter, of Porterville, from some cause at present unascertained, became a raving maniac, and had to be manacled hand and foot, and conveyed to his home.

CHRISTMAS

passed of very serenely; the weather was lovely and no strife occurred through the day or night.

WEBER.

FIRST DISTRICT COURT.

OGDEN CITY, Utah,
Dec. 31, 1885.

Editor Deseret News:

This morning the court room was again filled with anxious spectators and hearers to witness the

INTENSELY INTERESTING PROCEEDINGS.

which for the present engage the time and attention of the court, the bar and the general public. Shortly after ten o'clock the judge took his seat and the case of the United States vs. Lorenzo Snow was resumed. Mr. Bierbower for the prosecution presented a diagram of the premises for the purpose of assisting him in the proceedings.

C. J. COREY

was called to the witness stand and shown the diagram, and on it pointed out the location of and the tracks leading to the Snow dwellings, etc., in Brigham City. Witness made the diagram from memory. He formerly lived in Brigham City. Left there in February, 1883.

MRS. SARAH SNOW

called for the defense. She said the theatre was held in the Court House in Brigham; did not go to nor return from the theatre in company with the defendant in the year 1885; neither had she sat with him during this year in the theatre; (At this stage the grand jury entered to investigate the condition of the court room, with a view to suggesting improvements as to ventilation, etc.) Witness resumed and described the location of the stage, etc. Did not ride out in company with defendant and Mrs. Harriet Snow; she sometimes rode out in the carriage,

BUT THE TEAM WAS DRIVEN

at such times by the hired man.

Mr. P. F. Madsen, probate judge of Box Elder County, was next to testify. Had lived at Brigham City for 25 years past. His residence was one block directly north of the brick house. In going to and fro to his business he passed east of the homestead. Has known the defendant 25 years, and when he was at home saw him every few days, at the residence—the brick house where the defendant had resided for three or four years, and during that time had not seen him at any other house. His calls were on business. Witness was well acquainted with the premises of Mr. Snow; presented a sketch of them on a small plat, which he exhibited and

EXPLAINED TO THE JURY.

Mr. Madsen was an intellegent witness, and all his statements and explanations were given in a concise and intelligent manner. He presented documents showing that the defendant had deeded houses to Sarah Ann Show, and all the other alleged wives of L. Snow. Witness did not always call on defendant on business, but often visited him socially as a neighbor. Before Mr Snow moved into his present residence he lived in the old homestead. Had seen him at several places since January, 1885, but not at any of the residences but the brick house. The witness described a seven-feet-high stone wall in front of the premises, but said there was no high board fence in front of the brick house. He pointed out the different ways of exit from the premises, leading to various parts of the town.

HARRY BOWRING

next took the chair as witness, and although friend Harry looked solemn and serious, a broad smile was displayed on the faces of the audience when he ascended the platform.

But his serenity was unruffled. He sat alone for about ten minutes before he was interrogated. He knew defendant; lived in the same town; knew the premises and residences of Mr. Snow; saw him when in town nearly every day in various places. The queries and answers were similar to those of the previous witnesses. No new developments were made by this witness, except that defendant was not reputed to be living with more than one wife during the year 1885.

By the Court—Had heard him preach on polygamy, but not during the present year.

M. L. Ensign was the last witness called by the defense; the examination was very brief and not material. No further testimony was offered on either side.

Counsel then arranged the order and time of their speeches for the prosecution and defense. The usual caution was administered to the jury and the court adjourned till half past one p.m.

At the hour appointed the hall was again filled with people from town and country.

V. BIERBOWER, ESQ.,

in opening for the prosecution congratulated the jury on the fact that this, one of the most important cases of the kind, was at an end. The case was of more than ordinary importance because it was a more than ordinary person who was on trial—one of the most eminent persons of the Church, who believed it right to have more than one living wife at a time. The section of the law under which the indictment was drawn made it a misdemeanor for a man to have more than one living and undivorced wife at the same time. Utah, with the exception of a few of the surrounding Territories was the only place where cases of this kind came before juries for trial. The reason of this was that some years since—in 1847—a people came here from other places and had organized a church, the members of which, as

A MATTER OF RIGHT,

believed it legitimate for them to marry more than one wife. Referred to the facts of this country then being Mexican Territory, being subsequently ceded to the United States, and of the people coming under the jurisdiction and protection of the American laws. The common law prevailed here until 1862, and the enactment of the law at that time was only a repetition of the common law prohibiting polygamy in the Territories.

Counsel passed on thence to the Reynolds case, which was finally submitted to the Supreme Court of the United States, and said that the court, after an elaborate investigation, decided that no man in this Union could have

MORE THAN ONE WIFE,

living and undivorced, at the same time, notwithstanding it might be a tenet of his religion, or an ordinance of the Church to which he belonged. The Miles case was next referred to, and it was stated that the United States Supreme Court had sustained the rulings of the lower courts on the subject. The Edmunds law was next noticed, and the speaker said that law was only a reiteration of the law of 1862, and was pronounced constitutional by the highest tribunal of this nation.

This law, said the counsel, prohibited

UNLAWFUL COHABITATION

in the marriage relation. The object of the law was not vindictiveness, but to break up this practice. He then named the penalties of violating the law in question. The feeling of the Government towards the people here, had been one of compassion and kindness inasmuch as they would comply with the law. But he would show that the defendant had not complied with, but has violated the law, by living and cohabiting with the women (during the year 1885) named in the indictment. He claimed that he had proved that from the "dark days of Nauvoo," the defendant had lived and cohabited with these women as his wives—to the present year, and that they always claimed each other as husband and wives. Defendant had furnished them a home and provided them provisions, clothing and all other necessities; although counsel was willing to admit that he did these things under the

SANCTION OF HIS RELIGION.

He stated that he had proved that defendant had claimed and did still claim and "hold out" these women as his wives. Hence they were as much his wives to-day as they were forty years ago.

JUDGE HARKNESS

said he did not dispute the validity of the Edmunds law, but he argued that, according to the testimony, he had not been convicted of violating the law by cohabiting with more than one woman during the present year. The indictment charged the defendant with living and and cohabiting with all the women named in the complaint from the 1st of January to the 1st of December, 1885, inclusive. He admitted that the defendant still claimed them all as his wives, and that, according to the doctrines of his Church,

SUCH UNIONS WERE INDISSOLUBLE;

but it had not been proved that he had cohabited with more than one of them during 1885. Counsel admitted that defendant had several times during the present year, called upon one, two, or more of the ladies, but merely on business, or to enquire after the condition or welfare of the family but that he never stayed long enough to either eat or sleep in the house of either of them. These calls, too, were made in the day time, and not in the evening or at night time—they were merely *casual visits!*

Judge Harkness argued that Mr. Snow had not, during the time charged, violated the law; he had kept the law; no matter whether he had done so out of respect for the statute, or through fear of violating it. Defendant had provided these women and their children with homes, and all that was necessary for their education, etc. Counsel then appealed to the jury—what less could they ask at the hands of the defendant? They surely would not require him to entirely absent himself from them—never visit, speak to, or have any business with them whatever; nor could they require him to do less than he had done or what his duties and

MORAL OBLIGATIONS IMPOSED

on him to do. After reviewing the testimonies of several of the witnesses, he said, even if he had introduced all the ladies in question as his wives, still not one scintilla of evidence had been advanced to prove that he had lived or cohabited with them as such. Counsel closed his logical, eloquent speech by saying that it would be as unjust to convict the defendant of violating the law during 1885, as it would to convict a man charged with stealing a horse who had never seen the animal.

HON. F. S. RICHARDS

followed Judge Harkness. He was in full sympathy and accord with his associate in all that he had said on the subject. If the prosecution could prove that the defendant had lived with these women during the time charged he would admit such to be the fact, but the prosecution had not done so. He concurred with the prosecuting counsel in his declaration that it was the object of Congress to be humane in the administration of this law, and in consonance with that view they must find that the defendant had not lived with these women in the custom and habit of marriage. He could not and would not believe that the jury would so construe the actions of the defendant.

The idea of a man calling on his family or on any of these ladies for ten or fifteen minutes, being construed into living with them in the habit and custom of marriage was too

PREPOSTEROUS AND RIDICULOUS

to be believed by this or any other intelligent jury. The jury should place themselves, as nearly as possible, in the place of the defendant, and then ask themselves what verdict should be rendered in this case. It was not necessary, and his client was not required to go out into the public place and declare that he had ceased to live with and had put away all these women but one, and lived with her alone as his wife. It had been proved in evidence that there has not been any such relation or habit existing between them as husband and wife during the time charged in the indictment. The women had all lived in their own houses, where the defendant visited them only occasionally, and only for a few minutes at a time when he did so. The utmost that the prosecution could do would be to presume that because defendant had acknowledged the women as his wives, he was guilty as charged; but the

PRESUMPTION WAS WORTHLESS,

because there had been no proof advanced in the premises. There was no evidence to show that the public impression was that defendant *lived* with all these women as his wives, but, on the contrary, that he lived with only one of them in such relation.

Counsel, in an eloquent and impressive manner, drew the attention of the jury to the fact that the defendant did not stand before them as an Apostle of the "Mormon" Church, or of any church, but as an American citizen, simply Lorenzo Snow; and that there is not one form of trial for individuals of one class, and another for another class. He was charged with crime, but the law presumed him innocent until he was proved guilty. Although he represented an unpopular cause, it was no proof of his guilt, and he was entitled to as fair and unprejudiced a trial as John Jones or Peter Smith. He closed his speech by cautioning the jury against opening the flood-gates of public opinion and allowing it to come in and sweep away the justice that should guide them in forming their verdict in this important case.

Mr. Bierbower made the closing remarks, in course of which he said there were hundreds of men in this town who were living with plural wives, and asked why they were not arrested for thus living? He answered that it was because they did not

FLAUNT IT INTO THE FACE OF THE PUBLIC

that they violated the law: but Mr. Snow had done so because he introduced several of these ladies to a citizen of this town as his wives. This, said the counsel, was flaunting his plural marriage in the face of the public, whereas the other parties referred to were trying to conform to the law. Counsel, however, did not tell the jury in what manner the other pluralists were living within the provisions of the Edmunds law.

He traveled over pretty much the same ground he had previously trod, but said nothing to controvert or overthrow the logic of the counsel for the defense. He adopted the Zane-Powers-Boreman-definition of cohabitation, and upon these hypotheses claimed that the defendant was guilty, and asked the jury to find a verdict accordingly.

Bierbower is a new hand at this business, and he finds it is up-hill and a hard road to travel. He closed his remarks at 4:55 o'clock p. m., when the judge charged the jury in the matter and the gentlemen retired to their room to consider and arrive at a verdict.

WEBER.

OUR CHICAGO LETTER.

AN ALLITERATE AND INFAMOUS TRIO—THE PRESS-DISPATCHER THE CLIMAX—UTAH A GOOD PLACE FOR THE ARMY—WHERE ARE THE G. A. R. MEN?—THE PRESIDENT'S MESSAGE—500 SEDUCERS—"POLYGAMY" EDMUNDS—A TRIBUTE TO "LITTLE PHIL."

CHICAGO, Dec. 11th, 1885.

Editor Deseret News:

The preacher, the prostitute, and the press-dispatcher are the three great institutions of modern civilization. Nowhere have this alliterative trio attained greater influence than in our Republic. Here they stand out, or rather push out, their hideous obtrusiveness, into every avenue of progress and enlightenment, bringing religion, morality, and free-speech, into contempt and disrepute. Day after day, the evil grows, and the acts and utterances of those terrible social pests are becoming more and more demoniac, until, at last, they stand out as crystallizations of unalloyed perfidy. A civilization that can survive with these vipers gnawing at its bosom, must have more tenacity of life than the village community that could maintain its organization in the face of smallpox, yellow fever and cholera, all simultaneous visitants.

Some wit has said that nature exhausted herself in producing Homer and Virgil, and that she had to join these two to produce Milton. There is no doubt but that the genius of deviltry combined the preacher, and the prostitute to produce

THE PRESS-DISPATCHER.

This last is the very climax, or apex of all that is villainous, repulsive, and nauseating in society. The luxuriance of his atrociousness is such that it must of necessity have taken root in congenial soil. It reminds one of those grave-yards visited by "old mortality," where the rankness of the vegetation denoted the foul and festering remnants of humanity which fermented beneath. Thus is it with the press-dispatcher; his roots can be traced to the decomposing remains of religion and morality, of truth and decency, of honor and virtue now festering in the grave-yard of society, buried out of sight.

It is not in the anti-"Mormon" crusade that this terrible viper can do most harm. We remember during our last Presidential election how he trifled with the destines of a nation. We see every day how he dabbles with private character as well as public life, with woman's virtue as well as with man's honesty. Even the interior of the tomb is not safe from his loathsome presence. He will ravish the privacy of the household, he will rake the coffined clay of departed worth, he will shatter the most carefully guarded reputation, he will asperse the most irreproachable life—and all for what, to dramatize villainy and consecrate criminality. This is the press-dispatcher of to-day, an educated vampire,

A DISINFECTED SKUNK.

This morning's dispatches from Washington contain another evidence of the total depravity of the "dispatcher." This time the President himself is alluded to, and religion as well as death drawn into the cesspool. It appears that memorial religious services were held in Washington in honor of the late King of Spain, and that these services were attended by the President and Cabinet, by foreign representatives and other dignitaries. The service was according to the ritual of the Roman church. This ritual is elaborate and complicated, and none but the initiated can follow its intricate movements and forms. Well-bred people, when attending this service, usually conduct themselves as Joseph Hume did in the British House of Commons during the slavery debate—sit and say nothing. Joseph owned slaves himself. Joaquin Miller did the same at a reception in London where royalty was present, and the result was that the "poet of the plains" was recognized as a veritable child of fashion and culture, of blue blood and broad acres. The President attended the service mentioned and "sat still, wrapped in his overcoat, thus offering a great insult to the Roman religion." If the petty malignity of *this dispatch was not so* apparent, its puerility and its idiocy would be inexcusable. It is sent broadcast, hoping that some perfervid Romanist may construe it into something that would make political capital out of it. This seems a trifling affair, but it is really an appeal to the worst of all prejudices, that of religion. And especially so in this country, where only a few years ago Roman churches and chapels were demolished by mobs, priests openly insulted, and rode on rails, nuns jeered at and ridiculed on the streets. And what is strangest of all, these outrages were perpetrated by the very school which now misrepresents the head of the nation.

If the President should attend any such services in future, he ought to stand on his head, place his feet on the altar railing, make a cuspidor of the ciborium, and offer a cigar to the officiating clergyman. By doing these things, he will be conducting himself like a Yankee gentleman of the good old times, and the dispatcher cannot find fault then. What the next excitement may be, either from Salt Lake or Washington, time alone can determine. A fair guess may be ventured on as the news from Salt Lake. This will be something concerning Mormonism. Perhaps it will be the discovery of some human remains outside Salt Lake, which can be interpreted as

A "MORMON MASSACRE."

Those conspirators out there, might order a half-dozen cadavers from eastern firms, lay them in a convenient place, dress them in deputy marshal's clothes, then set the dispatcher to work, make heroes of Vandercook and Collin, and raise another furore. There is no knowing what the nature of the plan may be, but it is certain it will be for maligning and misrepresenting the citizens of Utah. Let them go on, if the American people can stand the villainy, Utah can also.

As to the concentration of military in the west, Utah is at present the most convenient place for the purpose. The trouble apprehended from Chinese riots on the coast, and land speculators in the Territories can best be met from Utah. The army will find itself in a peaceful, producing country, where supplies can be easily obtained, where discipline can be enforced, and rest had for tired campaigners. The facilities for moving troops north or south, east or west, or in fact, anywhere from Salt Lake, are very great. These Dacotans who say they will cede themselves to Canada, unless admitted as a State, would find that an army could be moved in on them from Utah quite lively. These cattle companies and railroad companies who have stolen 15,000,000 acres of land, will have more respect for law, by the presence of some ten thousand U. S. troops in Utah. In fact, the dispatcher came in very nicely this time. He af-