

"On the theory prevalent in the United States, a jury must be unanimous in order to convict. If, therefore, a single Mormon be a member of a jury in a given case, it is impossible to obtain a verdict, for he believes, or professes to believe, that polygamy is a divine institution, and that they who practice it are rendering obedience to God, and so he believes, or professes to believe, that prosecution for that offense are the most wicked tyranny, and he will not find a verdict of guilty under any circumstances."

Now, what are the facts? Why, that there have been but two trials for polygamy, and that in the only case in which a "Mormon" has been sent to prison for polygamy, the Reynolds case—several "Mormons" were on the jury. The attitude of "Mormon" jurors on this point is grossly misrepresented. In the celebrated Miles case, a number of them were challenged for bias, and when examined on their oath, they affirmed emphatically that while they believed the revelation on celestial marriage to be from God, yet that if proof were adduced that defendant had violated the law of 1862, they would convict. When pressed for explanation, they said that their religious belief would have no effect upon their oath to decide according to evidence. They were not responsible for either the divine or the human law. The conflict was not theirs. It was between the two powers that framed the diverse enactments. They believed God gave the revelation, but they would act according to their oaths as jurors, and convict on evidence that the law had been broken.

The secrecy attending the celebration of plural marriages is treated of in the article and an attempt is made to form an estimate of the number of polygamous marriages that have been entered into, but this is a failure. The writer has to say, "there is strong reason to believe," "unofficial information furnishes good reason," "the proposition of polygamous marriages is probably now considerably greater than it was fifteen years since," etc. So astute a reasoner and able a statesman as Senator Edmunds, ought to perceive the weakness of such a foundation on which to build an argument, and also that if these marriages are performed in such secrecy, it is unjust to make insinuations, as he does, about "the falsehood of witnesses," who are not called upon to testify to their belief about the marriage of a defendant, but to "what they know of their own knowledge."

The writer considers that the extirpation of polygamy may be accomplished "by lawful and by just means," showing that he does not endorse the murderous sentiment of the disciples of force. These he suggests as follows:

"The encouragement of non-Mormon immigration, and the discouragement of the appropriation— which has been extensively practiced—of large tracts of the most valuable lands in the Territory of the Mormon Church, would have a valuable effect in the right direction. Another effectual disposition of the subject might be made in the annexation of different parts of the Territory to the contiguous States and Territories, by which the concentrated strength of the voting power of the hierarchy would be broken, and political Mormonism would find itself in a minority in the making and administration of local laws. If no measures of legislation can be resorted to, and the administration of existing laws continues to be feeble, lax, and intermittent, Mormonism in Utah, with its cardinal doctrine polygamy, may not doubt count on a pretty long career."

Here again the Senator falls into error as to the facts. Tracts of land, either valuable or otherwise, are not and have not been appropriated to the "Mormon" Church, therefore legislation on that matter would be fighting against a shadow and that but imaginary. We have nothing to say about the other suggestions of the Senator, except that they would have no more to do with the breaking up of "Mormonism" than the scattering of wheat seed in different fields would have to prevent the growth of that prolific and necessary grain. With the final conclusion of the gentleman we do not disagree. And we are strongly of the opinion that, legislation or no legislation, "Mormonism" is likely to have as well as "count on a pretty long career," so long, indeed, that the earth itself shall pass away before it perishes.

**THE DRIFT OF THE CASE.**

The Philadelphia Times, a paper with strong anti-"Mormon" proclivities, has the following outspoken article on the Cannon-Campbell case. It is one more among the many evidences that the true nature of the fraud by which the certificate was granted to the man whom the people did not want, is undetected by the press and will come to the full comprehension of Congress:

"If the Republicans of the House don't pause in their present drift in the Cannon-Campbell case from Utah, they will make the irreparable record of the Democrats in the Patterson-Belford Colorado case comparatively respectable. The attitude of the Democratic House admitting Patterson from Colorado when the People had voted for Belford by a large majority, and without the imputation of fraud either on the vote or the returns, was justly denounced by the republicans as a monument of Democratic infamy. It was admitted that Patterson wasn't elected, but the Democrats seized on a flimsy technicality to give the seat to the Democratic claimant."

"In the Cannon-Campbell case it is undisputed that Cannon received quadruple the legal vote cast for Campbell, but a legal technicality was seized upon by the Utah Governor to return the defeated candidate. It is possible that Mr. Cannon is not eligible, but that is a question to be tried by competent authority, and not to be assumed by a ministerial officer."

"But whether Cannon is or is not eligible, there can be no doubt of the fact that Campbell was not elected, and that he has no legal or equitable claim whatever to the place. Anywhere outside of Congress the issue would be considered with some degree of fairness, especially as a Delegate has no vote, and little to do with legislation; but in Congress, the petty party leaders of to-day decide up for partisan trade every question that arises, and when one side starts out right, the other side must start out wrong."

The one safe rule to follow in election cases, is to resolve all doubts in favor of the man elected by the people. That would save Mr. Cannon, and then any inquiry into his eligibility could be made decently and in order; but under no circumstances should a man be admitted who was rejected at home by three-fourths of the legal voters."

**THE DELEGATE CASE POSTPONED.**

As will be seen from our dispatches, consideration of the case of the Delegate from Utah has been postponed in the House of Representatives until January 10th, 1882. This is a good sign. It gives time for truth to grapple with falsehood, and for the merits of the case to be grasped by the dulled Members. The outlook is bright.

**BY TELEGRAPH.**

**PER WIRELESS UNION TELEGRAPH LINE.**

**FORTY-SEVENTH CONGRESS.**

**SENATE.**

WASHINGTON, 19.—After fifteen minutes spent in receiving petitions, the Senate went into executive session and unanimously confirmed the nomination of Brewster as Attorney-General, and Lewis as Assistant Secretary of State.

**HOUSE.**

WASHINGTON, 19.—On motion of McKinley, the Senate bill, granting the framing privilege to Loretta R. Garfield, passed.

By Tillman, to authorize national banks to make loans on mortgages of real estate, also for the relief of parties whose land is sold for direct taxes in the insurrectionary States.

**AMERICAN.**

**LATEST DISPATCHES.**

**Gutierrez Trial Postponed.**

WASHINGTON, 19.—The Criminal Court opened at 11 o'clock, and Gutierrez was escorted to his seat by the officers, when the announcement was immediately made of the death of the wife of Jurymen Hobbs, and the court adjourned until Wednesday.

**Senate Committee, Etc.**

The Senate judiciary committee unanimously agreed to report back the nomination of Benj. H. Brewster, Attorney General, with a recommendation that he be confirmed.

The Senate committee on naval affairs decided to postpone action in nominating Pay Director Walworth to be Paymaster General, and other contested naval nominations until after the holidays.

**Investigating.**

The contingent fund investigation committee, at this morning's session examined the papers of the committee, and the manner of disbursing the contingent fund heretofore in the Treasury. The laws of its disbursement, and wherever these laws have been violated, and who are responsible for these violations.

**Turning the Crank.**

James Utley, who was represented to be a crank by a letter received on Friday, is a wealthy lawyer of Nell City, Neb. He, in company with Henry C. Gray, came to Washington to secure the reappointment of the latter as postmaster at that place. While Congressman Valentine had urged the election of Mat thews for postmaster and his commission had been made out it was withdrawn at the instance of Senators Saunders and Van Wyck. It is asserted that the letter charging Utley with being a crank and coming here to kill Gutierrez and Scoville, was written for the purpose of damaging him politically, and thereby to destroy his influence in behalf of Haggerty.

**That Delegate.**

Consideration of that delegate case in the House has been postponed until January 10th.

**Nominations and Resolutions.**

The President nominated Thos. C. Acton assistant treasurer of the United States for New York. Horace Gray, of Mass., Associate Justice of the Supreme Court of the United States. Wm. Henry Trevelyan, S. C., special envoy extraordinary and minister plenipotentiary of the United States to the Republic of Chile, Peru and Bolivia. Geo. M. Dunkin, attorney of the United States in the Southern District of Alabama.

**Resolutions were introduced into the House to-day asking information concerning American citizens confined in British prisons, and in regard to the discontinuance of the star route service.**

**Triple Funeral.**

CHICAGO, 19.—Last Friday Mrs. Malvina Major and her infant child died within a few hours of each other. Her husband, Mr. Major, remarked, "I will be buried with her," and although closely watched by his brother, escaped long enough to buy some poison, which he took on Saturday night and died in great agony yesterday. Mr. Major was a Frenchman who has resided 17 years in Chicago, was a carpenter by trade, and foreman in Hyatt Park establishment.

**Church Burned.**

LACROSSE, Wis., 19.—The Baptist church here was burned yesterday; loss, \$15,000; insurance, \$15,000. A fireman was seriously, perhaps fatally hurt.

**Shot and Wounded to Death.**

CINCINNATI, 19.—At Greencastle, Indiana, Benjamin Lynch, whose wife obtained a divorce from him here last week, drove to his home yesterday morning, 12 miles south of here, when he was shot and killed by a man named Arthur, named Young.

**\$50,000 Fire.**

ST. PAUL, Ohio, 19.—A fire yesterday destroyed Kier & Lewis' flouring mill, Brubaker & McMoran's grain warehouse and stable and the Pan-Handle Depot. Loss \$50,000.

**\$50,000 Fire.**

LOREINE, Ohio, 19.—A fire yesterday destroyed the Cleveland, Tuscarora Valley & Wheeling R. R. shops, with their contents including the machinery, tools, stock, one coach and three tenders; loss estimated at \$50,000 to \$75,000.

**Private Conference.**

NEW YORK, 19.—The Tribune's Washington special says: It is reported that a conference took place yesterday afternoon at the house of Cameron, (Pa.), at which Platt, Keffeler, and Senator Cameron were present, and that this conference succeeded in settling the matter of the appointments. No details of either conference could be obtained. Platt left for New York this evening, and was expected to make a second visit to the White House.

**The "World" on Polygamy.**

On the subject, "What are we to do with the 'Mormons,' the World says: If it were clear that by making a national matter of the attempt to crush out polygamy we should succeed in crushing it out, it would still be the part of wisdom to weigh the cost against the profit of such an undertaking before entering upon it, and when this has been done, it will still remain to be determined whether by driving the 'Mormons' out of Utah, we shall put an end to the polygamy of the 'Mormons,' which, as all recent travelers testify, has for some years past been dying out of itself, or give the institution a new lease of life in some other region, and under another flag."

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**More of the Shooting.**

CALDWELL, Kan., 19.—Reports come in late tonight that Talbot and his party had been cornered in the breaks of Deer Creek, 12 miles south of here. It was ascertained that the cowboys had been closely pursued, and when they got to Deer Creek, they concealed themselves. The pursuing party only numbered eight men, but they surrounded the ruffians as they could and kept firing at them. About dark, W. E. Campbell, one of the prisoners, received a shot which struck him above the groin, glanced and went through his wrist. This distracted the attention of the citizens, and it seems that during that time the cowboys crawled out and escaped. At daylight this morning it was found that they were gone. By that time there were 50 men on the ground, all well armed. Detachments were sent out and the country secured, but up to this evening no report has come in.

Steele was out early this morning and is still after the ruffians with about 15 men. Steele means business and will give up the chase until the villains are captured or there is no possibility of taking them. The cowboys are on foot and without hats, having lost them in the house. One of them is known to be wounded. The streets have been full of people all day, and there seems to be a determination to clean out not only the parties who instigated the row but those who took part with them. Caldwell will most likely lose three of its citizens by sudden emigration of them before to-morrow night. The corner is now holding an inquest over Mike Melgher, which will probably last until to-morrow. Melgher's body will be taken to Wichita for burial. Melgher was marshal of that town during the worst part of the cattle trade, there he was brave to a fault and a man who never shirked duty. The inquest on Geo. Speers will probably commence to-morrow. Speers was one of the friends of G. Flat who was killed here last year, while Melgher was mayor of the city.

**Kippen Killed.**

DENVER, 19.—The Republican's Marysville special says: R. E. Kippen, foreman of the Columbus Stamp Mill at Junction City, was, this afternoon, fatally shot by the Buck Brothers. The deed was without provocation.

**Circulating Lead Near Leadville.**

DENVER, 19.—The Tribune's Leadville special says: The Independence Mining Camp, twenty miles west of here, has for a long time been overrun with desperate characters, who kept it in a perpetual state of turmoil; often several of these would band together and virtually take possession of the camp, shooting men down in the street and closing stores and blocking business for several hours. Shortly after dark last night, Patton and Malloy, two desperadoes, having the reputation of killing a number of men becoming intoxicated, started up street firing revolvers promiscuously. General indignation ensued, and the people turned out in masses and pursued the desperadoes, who were finally brought to bay and literally riddled with bullets. They returned the fire, but without effect. A little later a vigilance committee was formed for the purpose of hanging three or four of the worst blacklegs, but that class nearly all took flight and left town immediately after the shooting of Patton and Malloy.

**The Pope Opposed to the League.**

CHICAGO, 19.—The Tribune's Rochester, N.Y., special says: Bishop McQuaid made a savage attack on the cause of Irish nationalism yesterday in his sermon. He warned his congregation against supporting the "no rent" movement, saying it was not sanctified by the following of a few priests with loose consciences, and added: The Pope's hostility to rent organizations was well known and that lines were sharply and determinedly drawn between revolutionaries of the land league and all good Catholics.

**FOREIGN.**

**520.**

VIENNA, 19.—A later official list of the victims at the theatre fire estimates the number missing at 620.

**No Reward for the Body.**

LONDON, 19.—The Countess of Crawford and Peacocks announced that she had determined not to offer a reward in regard to the restoration of the body of her husband, the Earl, in order not to create a precedent and encourage the repetition of such outrages. She has requested her son to do the same.

**Officer Charles Conner, of Denver, made a lucky find in that city the other day, it being a trunk belonging to a Gook, which has been missing for four years, containing press-letter books and other documents which constitute a complete history of the State of Colorado. While the Governor was absent in Europe the trunk was stolen. High rewards were offered for its recovery as on account of the political significance of the papers they were very valuable. The keenest detectives were employed, but without success. Officer Conner obtained a clue which he closely followed up, and yesterday delivered the long-lost treasure to its owner in the Windsor hotel.**

**In FARMER'S ONE PRICE STORE you can find the new style of Stating Mills, and a new installation of "Meadell" and "Meadell" Gloves, among which is a Three-button Kid, in street and opera shades, at 50c per pair.**

**DIED.**

At Castle Dale, December 8, 1881, MERTH KIRSTINE JOHANSEN, wife of Leide Johansen; born Nov. 5th, 1853.

At Farmington, Scotland, September 15th, 1881, of neuritis, after a severe illness of four months, ANN NISBET CRAIG, wife of John Lamont, late of the Falkirk Branch—Mill. Star.

At her residence in Toledo City, Monday, December 12th, at 2 p. m., of dropsy and heart disease, Mrs. ELIZABETH WHITE, the wife of Henshin White, born at Whiting, Lincolnshire, England, August 18, 1813, and emigrated to the West in November, 1840; emigrated in Elder Orono Spencer's company in January, 1840. On reaching Toledo, she married Mr. Henshin White, and lived with him until his death, leaving her with a small family. Through many privations and trials, she arrived in Salt Lake City the same fall, where her cheerful, untroubled disposition made her many friends. In the spring of 1880 she was stricken with rheumatism, which was followed by a kind, sympathetic husband; and in the fall of the same year removed to Toledo, being among the first settlers of Toledo Valley, encountering the vicissitudes of pioneer life, hardships, hostilities, great losses, and many other circumstances incident to the settling of a new country, through all of which she maintained a cheerful and untroubled faith in the great Latter-day work, and was up to the requirements and privileges of the Gospel, making

in every enterprise for the promotion [and building up] of the same.

On the organization of the Relief Society in 1879, she was chosen counselor to the president, which position she filled nobly until her death.

She was the mother of seven children, and leaves four-two grandchildren and also great-grandchildren. On Wednesday, at 10 a. m., her mortal remains were carried to the meeting-house by some of her grandsons, followed by a long procession of relatives and friends, as well as officers and members of the Relief Society from all parts of the State. Very comforting and instructive addresses were delivered by Patriarch John Bowberry and Apostle P. M. Lyman, after which the large cortege moved to the cemetery, where the body was laid away, in a vault and certain hope of a glorious resurrection.

**Memorial Star, please copy.**

**SALT LAKE THEATRE.**

**Five Nights**

**SATURDAY MATINEE!**

COMMENCING,

**TUESDAY, DEC. 20th,**

**ANTHONY & ELLIS'**

Famous Ideal

**UNCLE TOM'S CABIN**

COMPANY.

MISS KATE

**PARTINGTON,**

THE GREATEST LIVING

**TOLSON.**

THE

**MEMPHIS UNIVERSITY STUDENTS,**

THE FINEST COLORED QUARTETTE

IN THE COUNTRY.

**35¢ Our Pack of Mammoth**

**TRAINED BLOOD HOUNDS**

And the Trick

**Deakley Toney.**

New and Beautiful Scenery and Stage Effects.

Prices as usual. No Extra for Reserved Seats. Box Office open Monday, December 19.

**UTAH BREWERY**

Has now on hand the Finest Stock of

**ALE and PORTER!**

Those who desire a

**PURE ARTICLE FOR THE HOLIDAYS,**

Can have Orders at HARDY BROS. Store or by Telephone at the Brewery.

Estate of R. B. MARGETTS.

**Opening Exhibition**

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OF SALT LAKE,

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**THURSDAY EVENING,**

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AT THE

**REFORM CLUB HALL.**

ADMISSION: 25 CENTS

Children Half Price.

For List of Paintings and Statues, see Catalogue.

**WANTED.**

A GOOD MILCH COW. Apply to

JAMES DWYER.

**FRIENDS**

**FELLOW CITIZENS:**

The Art Bazar offers to its many patrons a large variety of Holiday Goods, all of which will be sold at the low rates heretofore maintained. It is not necessary to enumerate the thousand and one attractions. A visit will satisfy you that your best opportunity for lending a charm to the HAPPY CHRISTMAS TIME will be found there. Every effort will be used to treat visitors with courtesy and attention to their wants.

Yours Respectfully,

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**STEEL ENGRAVINGS!**

We have on Exhibition, for TEN

**DAYS ONLY, Five Hundred**

Steel Engravings. Call at once

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**P. MARGETTS' CALIFORNIA WINE DEPOT!**

On Saturday, Dec. 10th,

I shall OPEN (for the time being) in the large building lately occupied by DAVID JAMES, Tanner, on

**West Street,**

opposite the City Market and on the line of the U. C. & L. Depot Street, with the Largest and Best Selection of

**CALIFORNIA WINES,**

Ever brought to this Market, which will sell in any quantity—cheap.

**GENUINE ENGLISH ALE & DUBLIN STOUT.**

30¢ per gallon. The Territory for the

**Boston "HUB PUNCH."**

IMPORTED AND DOMESTIC GOODS FOR MEDICINAL AND OTHER PURPOSES.

30¢ Family Trade Solicited. Goods ordered by Telephone and delivered in all parts of the city.

**COUNTRY ORDERS FILLED WITH DISPATCH.**

**All kinds of BOTTLES Bought.**

**CHRISTMAS--1881.**