

petent court on the ground of the nullity of the marriage contract."

"I instruct you that Congress had the power to pass this law and that it is not in violation of any provision of the Constitution, in other words, that it is constitutional, and that a person who is guilty of entering into such a marriage as is prohibited by this statute is guilty of crime."

"And I further instruct you that the respondent's religious belief can have nothing to do with the case. He cannot shield himself from the punishment for doing what the law declares to be a crime under a plea that the act is in accordance with his religious belief. Religious liberty is not violated when the citizen is called upon to answer for his external acts, which are in violation of a valid law of the land."

"Before you can lawfully convict the respondent you must find from the facts, either proved or admitted before you in evidence, that while a prior legal marriage existed between him and the person named in the indictment as Mary Jane Tuddenham, he entered into such a relation with the person named in the indictment as Amelia J. Schofield, as would have been a valid marriage itself."

"There is no statute in this Territory prescribing a form of marriage or designating any particular persons before whom the ceremony must be performed or the agreement entered into. To constitute a marriage here where there are no civil requirements, a simple expression of mutual consent between the parties, to be henceforth man and wife, is sufficient without the solemnities."

"The first marriage is admitted by the defendant, by his counsel, in your hearing, and besides you have the testimony of a party who was present at the ceremony, who says he saw them married."

"This marriage once proved to exist and the wife shown to be still living, it is incumbent upon the respondent to show that it has been annulled before he can avoid the consequences flowing from this relation. If you find that while a former marriage existed, and within two years from the finding of this indictment (the 26th of October last) he entered into such a relation with the party named in the indictment, as would be a valid marriage, but for the prior matrimonial union, your verdict should be guilty."

"In order to make out their case against the respondent, the Government has only to establish these two facts, viz., a prior valid marriage with a woman still living, and a subsequent marriage while the prior one existed within the time I have mentioned, that would have been valid but for the prior marriage."

"As in all criminal cases, so in this, the respondent is entitled to any reasonable doubt you may have as to his guilt. That is, whether he actually contracted a second marriage while the prior one existed."

"This doubt should not be a capacious one that you have to seek after—to hunt up, under a desire to screen the respondent, but a fair reasonable doubt, such a one as would naturally rise in the mind of a reasonable man, as to the existence of any fact which is necessary to be shown to exist, in order to make out the act which constituted the crime charged. The facts have been few, and I apprehend you will have no difficulty in arriving at a correct conclusion."

The jury retired to their room about ten o'clock, in charge of an officer of the court, and returned in about half an hour, and brought in the following verdict—

"JURY ROOM, Salt Lake City,
April 21st, 1875."

"We, the jury in the case of the People of the United States in the Territory of Utah vs. George Reynolds, indicted for polygamy, find a verdict of guilty, and recommend the prisoner to the mercy of the Court."

"SAMUEL BRINGHURST,
Foreman."

Mr. Sutherland said he purposed presenting a motion for a new trial, arrest of judgment, and to set aside the verdict, and asked until next Tuesday to put it in form, which was granted. Subsequently, however, Mr. Sutherland stated the ground of the motion, which was that the respondent had never been arraigned and asked to plead, and had never had the indictment read to him.

The public prosecutor said he had an impression that the respondent had plead when the plea of abatement was read to him, but, on being interrogated by the Court on the matter, Mr. Reynolds stated that he had never heard the indictment read and had never plead.

The Court granted the motion. Mr. Carey seemed somewhat flustered at the omission he had made in the case and announced that he was ready to proceed immediately and try the case over again.

After some consideration Mr. Sutherland, for the defendant, waived the matter of a new trial, with a view to taking the case to the Supreme Court of the United States.

Then followed the novel proceeding of a prisoner being arraigned and pleading after being tried by a jury and convicted.

Mr. Reynolds plead, "Not guilty as charged in the indictment."

The question as to whether such a proceeding will stand good in law will be discussed and decided upon on Tuesday.

Meanwhile Mr. Reynolds was set at liberty on giving bonds for \$5,000, Mayor Wells and Bishop A. H. Raleigh being sureties.

FROM FRIDAY'S DAILY, APRIL 2.

Considerably "Mormon."—Geo. Reynolds, tried under indictment for polygamy, is a "Mormon," he was convicted on "Mormon" evidence, and two-thirds of the jury who returned the verdict were "Mormons." The talk about "Mormons" refusing to convict "Mormons" under the law, when the law and evidence are conclusive, is the sheerest nonsense.

Home From His Mission.—Mr. Chandler Holdbrook, of Fillmore, called this morning, having just returned from a mission in the Eastern States, for which he left Utah last November. During his absence he has traveled in nine States and two Territories, but his labors have been chiefly in Massachusetts and Ohio. He has been well treated by the people in every section that he visited; as a general thing he found a kind, good feeling prevailing among them, and a much better opportunity to preach the gospel than he expected.

Garrotted and Robbed.—Last night Mr. J. B. Kinney was walking down First East Street, near the Blythe corner, when he was approached by a couple of men, one of whom threw his arm around his neck, placed his knee in the small of his back and drew him over backwards. Mr. Kinney was about to call for help, when the scoundrel who held him struck him a sharp blow on the upper part of the forehead, which put a temporary quietus upon him. While Mr. Kinney was held by the larger of the two rascals, the smaller one rifled his pockets, taking from them a buckskin purse or wallet, containing about \$185, after which the two garroters ran off.

Mr. Kinney subsequently informed the police of the circumstance, but as he could give no description of the robbers, on account of being in a state of bewilderment at the time of the robbery, no clue has yet been found to them.

Mr. Kinney states that one of the robbers had a knife in his hand, and it was probably with the end of the handle of that weapon that he was struck.

A perfect cure for the garrotting disease was discovered in London, England, some time back. They don't have any garroters there now, the cure proved so perfect.

Polygamy Case of Hon. Geo. Q. Cannon Dismissed.—At ten o'clock this morning the case of the "People of the United States, etc., vs. George Q. Cannon, indicted for polygamy, was called, the respondent being present in person and by his counsel, Messrs. Sutherland & Bates.

Mr. Bates presented the following plea—

"United States of America,
Territory of Utah,
Third Judicial District.

"The United States } Indictment
vs. } for
Geo. Q. Cannon. } Polygamy."

"1. And the said Geo. Q. Cannon, in his own proper person, cometh into Court, and having been arraigned and heard the said indictment read, saith—

"That the United States ought

not further to prosecute the said indictment against him, because he saith—

"That he did not unlawfully marry and take to his wife one Sarah Jane Jenny, in manner and form as set forth in the first count of said indictment, within two years next before the presentment and filing of said indictment in this Court; and this he is ready to verify. Wherefore he prays judgment and that by the Court here he may be dismissed and discharged from the said premises in said indictment specified."

"2. And for a further plea in his own proper person to the second count in said indictment, he saith—

"That the United States ought not further to prosecute said indictment against him, because he saith that he did not unlawfully marry and take to his wife one Martha Zella, in manner and form as set forth in said second count of said indictment, within two years next before the presentment and filing of the said indictment; and this he, the said defendant, is ready to verify. Wherefore he prays judgment and that by the Court here he may be dismissed and discharged from the said premises in said second count of said indictment specified."

"3. And for a further plea, the said defendant cometh into Court, and having been duly arraigned and heard the indictment read, saith—

"That he is 'Not Guilty' in manner and form as charged in said indictment, and of this he puts himself upon the country, April 2nd, 1875."

"SUTHERLAND & BATES,
Att'ys for Defendant."

The District Attorney entered a demurrer to the plea, stating at the same time, that he did not expect to prove that any of the marriages charged in the indictment had been contracted by the defendant within two years previous to the finding of the indictment, but there was a question as to whether the statute on polygamy did not include the living and cohabiting together.

The court asked the District Attorney if he could cite any authorities on the subject, but he could only produce one, which, however, had no bearing on the present issue; in that instance the statute expressly made it a crime for parties forming a bigamous marriage relation to subsequently live and cohabit together, which was not the case in the statute bearing on the present case.

The Court said he must hold the plea to be good, as from all the authorities he had examined he was led to the conclusion that it was the act of consummating the second, or other marriage subsequent to the first, that constituted the offense according to the statute, and that parties could not be punished for subsequently living and cohabiting together unless the statute made it a crime. The demurrer was therefore overruled, the prosecution being barred by the U. S. statute of limitations.

At the suggestion of Mr. Bates, the District Attorney asked the Court to note an exception to the ruling, that the point might be decided in the Supreme Court of the Territory.

FROM SATURDAY'S DAILY, APRIL 3.

That's So.—The Cincinnati Times says—"Almost a panic is prevailing in the ranks of the Ringists." That's so.

In Pennsylvania.—We have received an interesting letter from Thomas Britton, Neshannock, Mercer Co., Pa., formerly of Sedgley, Staffordshire, England. There is a branch of twenty-nine members, including three elders, one priest, two teachers and one deacon, at Neshannock. They would be glad if some of the elders who might be travelling that way would call upon them.

Bear Lake Valley.—Brother C. Merkley, formerly of this city and now of St. Charles, Bear Lake Valley, called to-day. He is much attached to his northern home. Up to the 5th of January there was no rough weather and the roads were dry and dusty. Since that time it has been cold, with about two feet of snow on the level. As a general rule, peace and good will have prevailed in that settlement.

Eleazar Hunt.—A gentleman writes from Chicago and asks us to

furnish him the address of Eleazar Hunt, said to be living somewhere in Utah, and with whom the inquirer wishes to communicate. The Mr. Hunt inquired for was formerly a Quaker, and has lost one leg. The address can be sent to Mr. George Buckley, office of Warder, Mitchell & Co., North Clinton Street, Chicago, or to this office.

Grand Jury.—The Provo Times gives the following as the list of the grand jurors drawn March 29th, 1875, for the May term of the First Judicial District Court of Utah Territory:

John Cox, Jun, Wm M Bromley, Joseph McRae, Benjamin A Norris, James H Whitlock, Wm Framp-ton, Henry Lamb, Ira N Hinkley, John J Sturgis, Milan Packard, Stephen B Moore, Elmer Taylor, John McBeth, Joseph Fawcett, Richard Darling, Niels Waldemsen, Jesse B Martin, Henry Chap-pell.

Tasmania.—The Hobart Town Mercury, of Dec. 21, and the Tasmanian of Dec. 30, contain courteous notices of two lectures upon "Mormonism," delivered in the Odd Fellows' Hall in that city, Dec. 20th and 27th, by Elder Wm. Geddes.

The Tasmanian adopts for its motto the following apt quotation from Junius—

"The ruin or prosperity of a state depends so much upon the administration, that to be acquainted with the merit of a ministry, we need only observe the condition of the people."

Mineral and Other Specimens.—The following shows how great and how probably rapid have been the changes undergone in the structure of these wonderful valleys—

"Mr. Thomas Godfrey:

"The fossils you brought from Brother John T. Richards, of Littleton, Morgan County, which were dug up by him, at a depth of thirty-seven feet, in sinking a well, are, as you supposed, fragments of bone of some very large animal."

"The clays and earths are such as are generally found at the foot of mountains where volcanic action has disturbed and changed the character of minerals. Mica, of the black variety, and feldspar are distinguishable, with other minerals."

"I am very much obliged to you for bringing these specimens to the museum."

"Yours very truly,

"JOSEPH L. BARFOOT."

Salt Lake Horticultural Society.

—At the meeting last evening the committee appointed to draft petitions to the City Council and county court, asking for public aid to help to put into operation effective measures for arresting the ravages of the codling moth, reported that on Tuesday evening, March 23d, they presented a petition to the city council asking for an appropriation of \$500 for the purpose named; that said petition was laid on the table; that in consequence of this action on the part of the city council the committee did not deem it advisable to consume more time to procure an appropriation; and asked to be discharged from further responsibility in the matter. The report was accepted and the committee discharged.

Subject for consideration at next meeting, Shall we have a Summer or Fall Fair?

Adjourned for two weeks.

Territorial School Law.—The Utah Educational Bureau have ready for distribution a pamphlet which should be in the hands of all the school trustees and teachers in the Territory. It contains the various school laws passed by the Territorial Legislature, namely, "An Act Providing for the Establishment and Support of Common Schools," approved Jan. 19, 1866; "An Act Defining the Meaning of the term Common Schools, and in Relation to the Further Duties of County and Territorial Superintendents of Common Schools," approved Feb. 21, 1868; "An Act Further Defining the Duties of County and School District Collectors," approved Feb. 16, 1872; and "An Act Appropriating Money for School Purposes," approved Feb. 20, 1874; also the Annual Report of the Common Schools of Salt Lake Co., Utah, for the year ending Oct. 30, 1874.

All parties engaged in the cause of education will see that in such a pamphlet there must be a large

amount of information respecting the duties of school officers, and the rights of schools, and it should be widely distributed throughout the Territory. The Bureau will furnish the pamphlets gratuitously upon application.

Social Party.—Before us is an invitation to attend a social party to be given in the 17th District School-house, on Wednesday evening, April 7th. We understand the proceeds of this party are to be devoted in aiding to furnish the fine new school-room with suitable seats and furnishings.

The new School-house in the 17th Ward is an excellent structure, being not only a credit to the people of that locality, of whose energy and public spiritedness it is a tangible monument, but such buildings, dedicated to the purposes to which this is devoted, are creditable to the whole City. To those districts which have not yet moved as progressively in the same direction as the 17th the advice may be judiciously given, "Go and do likewise."

Home Industry in Ogden.—We are pleased to note a commendable march of domestic manufacture in Ogden, under the direction of Mrs. F. D. Richards, Superintendent of the Society of Home Industry, and other ladies of that town. For some time past, a class of some forty misses, some of them as young as six years, have met every Saturday to learn straw-braiding, and most if not all of them are now capable of producing a good and merchantable article of braid.

The society have recently opened a millinery store, of which Mrs. Job Smith, of this city, has temporary charge. The handsome assortment of ladies' hats and bonnets, and gents' straw hats, all manufactured from the straw grown in Weber county, on hand at the Society's store, is evidence enough of what can be done by well directed home industry. We heartily wish the Ogden ladies success.

Utah Southern Excursion.—By courtesy of the officers of the Utah Southern Railroad there was an excursion yesterday, in compliance to General Cowan, Assistant Secretary of the Interior, over that line, to the end of the track and back. Besides General Cowan and the officers of the road, Presidents B. Young and Geo. A. Smith, Governor Axtell, General John E. Smith, General Kimball, Bishop Tuttle and other leading and well known gentlemen were in the party. Everybody who went seemed to enjoy the trip exceedingly. The company left the depot shortly after 8 o'clock in the morning, and on the return a portion of the party availed themselves of an offer courteously made by General Schofield, President of the Bingham Canyon and Camp Floyd Railroad, to take a run over that line.

Ogden Seminary.—The examination at the close of the winter term of this school, which took place on Thursday and Friday last, we learn, gave general satisfaction to all interested. On the first day, the classes in grammar, history and geography were examined, most of the pupils evincing a thorough understanding of the lessons, as also of the principles evolved. The morning of the second day was consumed in examining the classes in reading, algebra and geometry. Questions by both teacher and visitors present were answered with great promptness and accuracy, showing a high degree of proficiency on the part of the students and a systematic discipline combined with untiring zeal on the part of Mr. Moneh, the principal.

The afternoon of the closing day was occupied with recitations, dialogues, declamations, music, and songs, affording an agreeable entertainment to the parents and friends of the school, a large number of whom were present.

During the examination there were present, Territorial Superintendent O. H. Riggs; W. W. Burton, Superintendent of Common Schools, Weber Co.; Pres. F. D. Richards; Mayor L. J. Herrick; R. Ballantyne, Superintendent of Sunday Schools, Weber Co.; Hon. Lorin Farr; also Profs. K. G. Maeser and D. S. Dow, with other gentlemen from Salt Lake interested in educational affairs; all of whom expressed themselves gratified with the progress of the pupils and the general conduct of the school.

Whatsoever a man soweth, that shall he also reap.