

cles to decide who is most entitled to the *Tribune* writer's pet epithet—which he seems to consider in the light of an unanswerable argument—"a profound ass."

TEMPERED WITH MERCY.

THE first indication that Chief Justice Zane has a heart sensible to the suggestions of mercy, appeared in the slightly modified sentence upon Brother Willey. Then, as if the heart once softened still further relaxed, the sentence upon Brother Penman was a further modification of the usual extreme penalty of the law. It is a good sign, and we are pleased to record it. We do not believe that the Edmunds law requires the severity with which it has been administered in every case, and when a Judge exhibits some degree of that "discretion" which is vested in him by the terms of the statute, it has a much better effect upon the defendant and upon the public than the rigid, unbending, unmerciful enforcement of the law's full penalties, in every case of peculiar kind. We have had so much to find fault with in Judge Zane that we are pleased to note some symptoms of other feelings than implacable hate, and excess of vengeance, against "Mormons" charged with violation of the Edmunds law.

FREE SPEECH.

THE *Tribune*, trying to reply to the News in regard to the "Grand Mistake" about Pres. George Q. Cannon's power to abolish plural marriage, dodges the question entirely and rushing off on a tangent, says: "Speech which advises the breaking of the law is not free speech." Well, now, most people would think that was very free speech. Some would claim that it was a little too free. We do not think any one but a person afflicted like the *Tribune* scribe, with softening of the brain would deny the freedom of such speech, however much he might disagree with its propriety.

But what is free speech in the view of the great lingual authority of the *Tribune*? He says: "To counsel a people to obey a law even if it is wrong but to fight to have it amended in a legal way, is free speech." Shades of the patriots! Whoever heard such a definition as that before? The sublime efforts of oratory which have given everlasting fame to the sturdy champions of right and resistance to wrong were not free speech! The heroes who stirred the hearts of their followers to fight against tyranny under forms of law in the Old World, and the grand leaders who counseled the casting off of allegiance to a foreign yoke in the New World, never indulged in free speech! There is no free speech unless it pleads for submission to wrong if the wrong is done under color of law. The signs of idiosyncrasy which have been exhibited by that scribe for some time past have reached the stage of certainty. If he is not cured for at once a strait jacket will become a necessity.

We claim the right to advocate that which we know or believe to be true. We accord the same right to those who differ from us. If an unjust and unconstitutional law is always obeyed, what probability is there of its ever being annulled or made inoperative? But whether it is right or wrong to advise non-submission to an unrighteous law, preaching or lecturing against it is free speech, just as much as speaking for it is free speech. And a person or a paper that wishes to suppose pains and penalties upon any one for a public expression of his opinions, is an enemy to free speech.

That is the position of the *Tribune*. It would punish those who express views on the "Mormon" question that differ from its own. Its idea of free speech is speech according to its own notions. Anything contrary to them is not free speech. Any one who either speaks or votes except at its dictation is "a slave." It dominates many "Gentiles" and some officials, who dare not chirp except according to its notes, and it wants to put a muzzle upon everybody who will not wear its filthy fetters.

The right of free speech as guaranteed by the Constitution is not yet denied to the "Mormons." Pres. Cannon has as much right to speak in favor of plural marriage as any one has to speak against it. And we propose to have our say on the matter whenever we please, law or no law, and we call that free speech.

Any attempt to stifle it, by courts, officers, papers or partisans of any kind is usurpation and tyranny, and the statement that a price is put upon the head of President George Q. Cannon because of his public utterances, indicates the spirit of intolerance, persecution and damnable oppression which burns in the hearts of his enemies. It is bigoted, un-American and despicable, and should be hated and condemned by all free men and every soul that believes in the sacred and invaluable right of free speech.

Astronomers are constantly studying the movements of the stars. Red Star Cough Cure movements are prompt. It removes the worst cough at once. 25 cents.

LOCAL NEWS.

FROM WEDNESDAY'S DAILY, FEB. 10

Witnesses from Marriotts.—Deputy Marshal Steele, of Ogden, visited Marriotts, a settlement west of that place, yesterday, and served subpoenas upon Emma Tracy, Wm. Hamilton, Jonathan Butler and Annie M. Butler.

Dangerously Ill.—The many friends of Miss Agnes McMurrin will be pained to learn of the lady's serious illness. On Monday last she was in the Third District Court room, but was compelled to leave for home, where she has had to remain ever since, and is now lying in a very feeble and precarious condition, from a severe attack of inflammation of the bowels and pneumonia. We hope to be able to chronicle an improvement in her condition soon.

Arrest at Uintah.—Deputy Marshal Steele and Bailiff Bridges of Ogden, pounced upon W. G. Saunders, of Uintah, late upon Monday evening with a warrant, charging him with unlawful cohabitation with his wives. He was immediately taken to Ogden, where he was liberated on John Scowcroft and A. Greenwell becoming sureties for his appearance when required. He was arraigned before Judge Powers in the First District Court yesterday, and allowed until to-morrow morning to plead to the indictment against him.

Horton's Water Pipes.—By reference to an advertisement found in our columns, it will be seen that Brother David James, the enterprising plumber of this city, is agent for the Territory for the Horton Water Pipes and Couplings, the same that are in use in the Ogden Park City waterworks, and which are claimed to possess a number of advantages over the ordinary cast iron pipes. The pipes of this kind now in use in this Territory would aggregate a length of at least 75 miles, and they are giving entire satisfaction wherever used.

Under Bonds.—Deputies Greenman and Hurd presented themselves at the residence of Wilhelmina Cannon in the Seventeenth Ward yesterday afternoon, served a subpoena upon that lady and required her, as there was no gentleman present to prevent, to accompany them to Marshal Ireland's office. She was quite willing to respond to the subpoena, but objected to the indignity of having to walk along the street in their company (as she had a perfect right to do, for notwithstanding the organ of the lechers and champion of the spotters persists in calling the service of a subpoena an "arrest," the law makes a distinction between it and the service of a warrant and does not authorize an officer to take a witness who is subpoenaed into custody.) On emerging from the house into the street the lady requested Mr. Greenman to either precede or follow her, as she did not want to be seen walking beside him, but her request was only greeted with a laugh.

On being taken before District Attorney Dickson she was required to give bonds in the sum of \$2,000 for her appearance as a witness in the case of A. H. Cannon, indicted on a charge of unlawful cohabitation with his wives, when wanted. The bonds were fixed at \$2,000—\$500 more than was required of the defendant in the case—and R. G. Lambert and D. W. James were accepted as sureties.

Death of a Notable Woman.—Sister Desdemona Wadsworth Fuller Smith, an old resident of the Sixth Ward of this city and a former wife of the Prophet Joseph Smith, passed from life at her home yesterday morning at the ripe old age of 78 years.

She was the daughter of Peter and Susannah Zellers Fuller, and sister of the late David Fuller, and was born in Huntington, Luzerne County, Penn., on the 6th of October, 1809. She embraced the Gospel about the close of the year of 1836, in Richland County, Ohio, being baptized by Elder John P. Greene, and from that time forward shared in the persecutions to which the Church was subjected.

She was living with her brother David, near Haun's Mill, at the time when the massacre of the Saints occurred at that place, and she and other members of the family were under the necessity of secreting themselves in the woods to escape the mob.

She was among the first to enter into the order of celestial marriage, being married to the Prophet Joseph Smith in Nauvoo, at which place she remained until the final expulsion of the Saints. She came to Utah in the year 1848, and has resided here ever since.

She was a quiet, unassuming, faithful woman, and was greatly respected by all who had the pleasure of her acquaintance.

The funeral services over her remains will be held in the 6th Ward meeting house to-morrow (Thursday), commencing at 1 p. m. Friends of the family are invited to attend.

BURGLARIES.

THE CITY INFESTED WITH DESPERATE CRACKSMEN.

THREE ATTEMPTS IN ONE NIGHT.

Evidence that this city is infested with a horde of experienced and desperate burglars continue to accumulate. In addition to the house-breaking already reported within the past few days, first at the residence of F. S. Richards, Esq., and then at A. H. Cannon's, the

house of G. G. Bywater, in the 17th Ward, was also entered and searched in vain for valuables suitable for the cracksmen to carry away, the night before last, and now three cases are reported as having occurred last night or rather this morning.

Between four and five o'clock this morning the wife of Harvey Hardy, who resides immediately south of the Governor's residence on West Temple Street, awoke to find a man rummaging in a bureau in the bedroom. She immediately gave the alarm and her husband sprang from the bed, seized his pistol and followed the burglar out of the back door, which had been left open to facilitate his exit, and as the fellow was dodging among the trees fired at him, but without effect. Investigation revealed the fact that the burglar had entered the house by mounting a will barrel and prying open a pantry window, from where he proceeded through the dining room, children's bedroom and into the room occupied by Mr. and Mrs. Hardy, where he extracted \$15 from the pockets of Mr. Hardy's clothing and was diligently searching for more when discovered.

Sometime early this morning Mr. Sam Levy, who resides on Third South Street, between West Temple and First West streets, was awakened by a slight noise in his bedroom and arose in time to see a man dart through an open window and escape in the darkness. He had no firearms in the house or he might easily have shot him. The burglar had entered by way of a window, which happened to be unfastened, and had probably not been in the house many minutes when discovered—not long enough to secure any booty.

Some time during the night Mr. E. M. Jones, who lives opposite Mr. Levy, in a house owned by George Whitaker, heard some one trying to pry open a window of his residence, but when he presented himself at the window, pistol in hand, the housebreaker decamped, leaving behind him a long-handled ax with which he was probably trying to open the window.

If these fellows keep up their efforts and are only sufficiently indiscriminate in their choice of houses, we may hope to hear of a burglar funeral soon, for their are residents who are prepared for them and know how to shoot.

ANOTHER GUBERNATORIAL VETO.

THE BAIL BILL KNOCKED IN THE HEAD.

THE CHAMPION OBSTRUCTIONIST COMES OUT MORE PLAINLY THIS TIME WITH HIS REASONS.

Governor Murray sent to the Legislative Assembly yesterday the following message in disapproval of the bail bill, from which it will be seen that he is determined to do all in his power to perpetuate the outrages to which the people of this Territory are now being subjected through an unjust and discriminating advantage being taken by partisan judges of a law hastily and thoughtlessly adopted by a former Legislature. The great obstructionist now shows himself in his true colors:

TERRITORY OF UTAH,
EXECUTIVE OFFICE,
Salt Lake City, Feb. 9, 1885.

To Hon. W. W. Ritter, Speaker of the House:

SIR—The present law governing bail was taken from the California code, from which much of our law is copied. The practice which the bill before me proposes to change continues in California, in New York and, as a rule, throughout the United States.

The practical results, should this bill become a law at this time, will be to supplement and aid the purposes of those who for years have been, and now are, combined to defeat the execution of laws of the United States.

The defense fund, to which I have heretofore asked your attention, has been applied for this purpose, not only in Utah, but in our neighboring Territories of Idaho and Arizona, in the vain hope of successfully defending the system of polygamy.

The fact that the dockets and time of the courts are taken up, in cases growing out of this determined defense of polygamy, and that every technicality known to the laws has been resorted to in order to delay and defeat the execution of laws denouncing the system, imperatively demands of the Executive to retain every statute which is just and applicable that guards the administration of justice.

The section sought to be changed is applicable and just because it has been sustained by the Supreme Court of the United States, and materially aids in the punishment of public offenders and is a time honored practice under the common law. Under the bill proposed, the rich man or the man shielded by powerful confederates, after conviction, will go at large, and the poor man and stranger will go to jail.

As I am in sympathy with the government, in the endeavor, and obliged to see "that the laws are faithfully executed," I must again withhold my approval from this H. F. No. 80, or any like measure, under and through which both national and Territorial laws will be delayed or defeated in their execution.

I have the honor to be,

Very respectfully,
ELI H. MURRAY,
Governor.

THE CRUSADE.

THE PROSECUTIONS IN THE THIRD DISTRICT COURT—SIX CONVICTIONS AND ONE SENTENCE.

After the jury in the case of the United States vs. S. H. B. Smith returned a verdict of guilty, the time of passing sentence was set for Saturday, Feb. 13, at 10 a. m. The case of

JOSEPH MCMURRIN

was the next taken up. A jury was summoned and the defendant himself took the stand and testified that Jeanette Irvine McMurrin and Margaret McMurrin were his wives and had lived with him in that relation during the period named in the indictment.

The jury promptly returned a verdict of guilty, and Tuesday, February 23d, was fixed as the date of passing sentence.

W. H. LEVY,

of Tooele County, was then called, and after the impeding of a jury, the members of which are almost the same in every instance, the defendant was sworn and testified that both of the women named in the indictment were his wives, and had lived with him as such.

The usual verdict of guilty was entered, and sentence set for Tuesday, Feb. 23d. The court then adjourned until 10 a. m. to-day.

This morning, a certificate of the illness of Mrs. Bowen having been received, the case against John Bowen, of Tooele, was postponed for one week. That of the United States vs.

ROBERT MORRIS

was then taken up. The defendant stated that he wished to withdraw his plea of not guilty, which was allowed. A plea of guilty was entered, and sentence will be passed on Monday, Feb. 15th. A jury was next asked for in the case against

WM. W. WILLEY.

W. H. Remington, of the firm of Remington, Johnson & Co., of this city, was interrogated. Yesterday he had admitted having a strong prejudice against all accused of the offense of violating the Edmunds law, and the state of his mind was such that it would require evidence to convince him the accused was innocent. To-day, however, it appeared as though he considered his failure to get on a jury a neglect of duty, and he answered that he was without prejudice as to individual defendants, and was accepted. His subsequent conduct, however, showed how great was the prejudice his tongue denied, and that he "outvenomed all the worms," and was possessed of more active interest than even the officers of the court.

Chas. Bagley stated that he was a "Mormon," but did not believe in plural marriage; accepted some of the doctrines of the Church and rejected others; did not believe the revelation enjoining plural marriage had ever been given; believed the authorities were teaching false doctrines; had partaken of the Sacrament about a year ago; lived at Big Cottonwood; had only one wife; had never spoken against plural marriage or expressed himself as opposed to it until to-day; had paid nothing for the last four years.

Mr. Lindsey believed in plural marriage and was excused.

Newton Dunyon did not believe in plural marriage, but was excused for actual bias.

Messrs. Goodman, Snarr and Worthington believed in "Mormonism" and were excused.

Mr. Bagley was challenged peremptorily by the prosecution.

N. A. Scribner, John M. Young, Peter Sinclair, George Turnbull, Joseph Barker and John Wickel were next called.

Messrs. Sinclair, Barker and Wickel were excused for their belief.

Gideon Turnbull, Wm. M. Ferry and J. C. Conklin then took their seats in the box, and were accepted, the jury standing as follows:

H. N. Greene, F. H. Bema,
W. H. Remington, W. E. Smedley,
James Owens, Fred Gross,
N. A. Scribner, John M. Young,
Geo. Turnbull, Gideon Turnbull,
Wm. M. Ferry, J. C. Conklin.

Wm. W. Willey, the defendant, was sworn and testified that he lived at East Bountiful, Davis County; between the dates named in the indictment, Nancy Willey and Martha Tuttle Willey were his wives, and lived with him as such.

The Court then charged the jury, who returned a verdict of guilty without leaving the jury box.

Sentence was set for 2 p. m.

THOMAS BURNINGHAM

was the next defendant called on the same charge. A jury was then obtained as follows, all the even numbers being thrown out:

Bolivar Roberts, Jerome Bougard,
George Tait, James Berry,
J. C. Conklin, J. J. Greenwald,
Gideon Turnbull, Wm. M. Ferry,
N. A. Scribner, George Turnbull,
W. H. Remington, F. H. Bema,

Julius Schettler would require evidence to convince him of the defendant's innocence, and was excused.

The indictment was read, charging the defendant with cohabiting with Ellen Burningham and Zina Sessions Burningham as his wives.

Thomas Burningham was sworn and testified that he lived in Bountiful, Davis County; Ellen Burningham and

Zina Sessions Burningham were his wives, and lived with him in that relation during the time named in the indictment.

The Court charged the jury, who returned a verdict of guilty.

Sentence was fixed for 10 a. m. Wednesday, Feb. 17th, and the court took recess until 2 p. m.

THE COURT'S LENIENCY.

At 2 o'clock this afternoon, Wm. W. Willey was called to receive his sentence.

Mr. Dickson stated that when the Marshal made the arrests the defendant interposed no obstacles, but rather assisted him to obtain witnesses.

Mr. Willey then stood up, and the Court asked whether he had anything to say.

Mr. Willey—No, sir, I have not. Court—Is it your intention hereafter to obey the law against polygamy and unlawful cohabitation?

Mr. Willey—I have nothing to say as to that; I will leave the future to the future.

Court—What is your ability to pay a fine?

Mr. Willey—I have 26 acres of land in Bountiful, perhaps worth \$2,000; I have 16 children.

Court—I am informed by the Marshal, that since this prosecution was commenced you have put up obstacles in the way, but rather aided the Marshal. The court will take that into consideration in passing sentence. You will be fined \$200 and imprisoned in the Penitentiary for the term of five months, and also be adjudged to pay the costs, and be imprisoned until fine and costs are paid.

The case of the United States vs.

JOHN PENMAN,

indicted for polygamy, was then taken up. After the usual routine, the following jurors were empaneled to try the case:

N. A. Scribner, J. J. Greenwald,
F. H. Bema, George Tait,
W. E. Smedley, James Berry,
George Turnbull, Jerome Bougard,
J. C. Conklin, Bolivar Roberts,
W. M. Ferry, Gideon Turnbull.

Julius Schettler had no watch, money, stocks or other personal property, except the clothes he wore. Excused.

The indictment against Mr. Penman charges polygamy by the defendant; that he while having a lawful wife, Isabel Hutchinson, living, did, on Sept. 1, 1884, in Salt Lake County, marry Helen Hodgson.

Mary Penman was the first witness. She was 13 years of age; defendant was her father; her mother was Isabel Penman; her father and mother lived at home; witness had three brothers and two sisters; they called defendant and Isabel Penman father and mother; witness heard her father call her mother his wife; Janet was the eldest child; Robert the next; did not know Mary Ellen Hodgson; never saw her.

Kathleen Penman was 15 years old; her testimony was similar to that of the preceding witness.

Elizabeth Hodgson was called. She lived at Hooperville; she had a daughter named Mary Ellen; her daughter had lived with John Penman prior to June, 1885; did not know for how long; her daughter left while witness was away; Mary Ellen had a child seven months old; it was born at witness' house; defendant was not at the house when the child was born; did not know who the father of the child was; had not talked with Jno. Penman on the subject; did not know whether her daughter was married; had not enquired of the person whom she believed was the father of her daughter's child; believed her daughter was married; had seen the person she believed to be her daughter's husband; the defendant asked witness' consent to marry her daughter Mary Ellen; did not know how long since; made no answer to the defendant's request; had seen defendant in company with her daughter since the birth of the child; did not call her wife, nor she call him husband; he did not kiss her; he had the child in his arms; did not hear him call the child his little girl.

Mary Ellen Hodgson was next sworn. She knew the defendant; was married to him; did not know how long since; it was more than a year since; had known the defendant a long time; she had a child; it was born July 11, 1885; could not tell the day she was married; thought it was two years since she was married in this city; was married in the day time; had never been in the Tabernacle; did not know who performed the marriage ceremony; was not acquainted with him; left her mother's house after she was married; was married in the fall of the year; it was not the fall before her baby was born; it was the fall of 1883.

Cross-examined—Had always borne the name of Hodgson; had lived in the house with defendant three months.

John Coles testified that he knew the defendant; lived next door to him; knew his wife Isabel; had not been introduced to her; did not hear defendant call her his wife.

Ellen Penman was called; she was 21; defendant was her father-in-law; John Coles was her father; had known defendant five years; knew Isabel Penman; had heard defendant call Isabel his wife.

The prosecution rested their case, and the defense stated they had no testimony to offer.

The case was submitted without argument, and the Court charged the jury who returned a verdict of guilty,