

## AN INDEFENSIBLE CONSTRUCTION.

We direct attention to an editorial in the Chicago News, which we have copied in another column. There is only one mistake in it, and that is in the confounding of President Angus M. Cannon with his brother the ex-Dele-gate, who has not been on trial.

It is clear that the Supreme Court of the United States in adopting and confirming the construction of the lower courts of the term "unlawful cohabitation" have gone outside of the rules of interpretation which have heretofore governed in criminal law. They were unable, as declared by Mr. Richards in his powerful argument before that court, to find any precedent in criminal law for their interpretation. They felt the importance of sustaining the action of the lower courts for the suppression of polygamy, in order that popular feeling might be pandered to, and therefore were influenced by expediency instead of by law. Popular prejudice will cause approval of the decision, but every lawyer who examines it critically will see that the point put forth by our Chicago contemporary is well taken.

That paper urges the importance of consistency in the enforcement of the laws against the "Mormons," and deprecates the distortion of language and the violation of law even in punishing "polygamous Mormons." Quite right. But consistency and regard for law do not figure in the crusade against the Latter-day Saints, and have not figured in any of the prominent movements to injure them. We have recognized the potent fact in all the difficulties through which our people have passed, that our enemies, in order to obtain any advantage, have always been compelled to go outside of the bounds of truth in argument and beyond the limits of law in prosecutions.

New rulings, arbitrary interpretations, novel practice, strainings, twistings, violations of precedent, cunning, sophistry, pettifoggery and trickery have been resorted to with exhibitions of petty spite and inhuman malevolence coupled with that bigotry which always enters into the persecution of an unorthodox religious body, whether under color of law or otherwise.

It is a consolation to our people in all the afflictions they have had to endure, that falsehood and misrepresentation have been the chief weapons wielded against them in polemics, and special, unconstitutional enactments and indefensible constructions of law and language the chief measures hurled against them in the courts.

## "A MERRY CHRISTMAS!"

"A MERRY CHRISTMAS!" This will be the greeting that will be heard tomorrow wherever the English language is spoken. Throughout Christendom in various tongues the "compliments of the season" will be tendered. For the time being at least, party lines and factional barriers will be broken down, the haughty will unbend to the lowly, the rich will come nearer to the poor, foes will appear friendly, scattered families will be drawn together, icy hearts will be thawed out, generous souls will be aglow, benevolence will abound, the little ones will be in an ecstasy of delight, and amid feasting and dancing, music and merriment, good wishes and congratulations, the great Christian anniversary will come in and go out, a time of general pleasure and rejoicing.

It is a religious celebration, yet it brings with it no spirit of asceticism, in spite of the common notion that piety means austerity and gloom. It is set apart to commemorate the birth of the greatest Being of all the earthly ages—the world's Redeemer, Jesus of Nazareth the son of Mary, and, as millions believe, also the Son of God. There are varied views as to the nature and origin, the doctrines and requirements, the birthday and death-day of the Great Teacher and Perfect Exemplar, but all civilized nations unite in recognizing His power, wisdom and purity, and in doing honor to His greatness. Theist and atheist, enthusiast and agnostic, learned and illiterate acknowledge His goodness and admire His works. He is unique. No one is equal to Him in history; the annals of the world furnish no parallel to His majestic character.

The spirit of His teachings has permeated the world. Even heathendom has felt its effects. And though mankind are far from that obedience to His precepts which is desirable, the most precious benefits that the race enjoys to-day, are traceable to the influence of the gentle yet mighty Personage whose natal day we celebrate.

We do not believe that in any portion of the Globe Christmas Day will be more generally commemorated than in Utah. During the past week business has been done with a rush. The stores have been crowded, the streets have been thronged. Everybody has seemed to be laden with parcels and every face to wear a smile. It is so pleasant to make others happy. The presents that have been purchased, the toys and goodies for the children, the provisions made for creature comforts must have cost a liberal fortune, and the distribution of so large a volume of the commercial life current must have a good effect upon the body politic.

What some people miscall extravagance is that circulation of currency which prevents general stagnation and gives life to the social extremities. All classes are benefited by it and the artisan and laborer are thereby remunerated for their toil. The effects of this Christmas expenditure will be felt in all circles of society. That affection for offspring which is a mark of Christian sentiment and training is nowhere more apparent than in misunderstood Utah, and no boys and girls will be prouder or have more cause to be pleased with the visits of Santa Claus than the progeny of the merry "Mormons."

The poor, too, will be as well and as thoroughly provided for in these mountain valleys as in any portion of either hemisphere. Organized relief in the various wards has collected all kinds of good things for the comfort of the indigent, and that without noise or ostentation. There will be no cringing to wealth nor humbling of the needy. Gifts will be bestowed with a ready hand and a cheerful spirit that will drive away want for the balance of the year in many a scanty home. And there will be fewer victims of penury and sufferers from want in Utah than in any place of equal numbers in Christendom. This thought will add greatly to the pleasures and rejoicings of the season.

But there is one great drawback to the perfect celebration of Christmas 1885 in Utah. A number of households will miss the loved head and guardian of the family. Some of the best men in Israel are in exile or in prison. Forced from their homes because of their devotion to principles dearer to them than life, they cannot mingle with the fond and affectionate ones who were wont to gather around them on this great festival day. No tender wifely kiss will be pressed upon their lips, or little ones clamber upon their knees to show with glee the gifts of Santa Claus and cling with sweet caresses round "dear Papa's" neck. That liberty which the great Christ came to breathe and inculcate is taken from them by His professed admirers. For truths that He has revealed they suffer. For the Gospel He preached they are persecuted. For following the examples He pointed out and keeping the commandments He has given, they languish in jail or linger in voluntary retirement, knowing that they have no present chance of justice. Their absence will cast a deep shadow upon the domestic hearth, and "If Father were only here," will check the joy bursting from childish lips and start the tears in many smiling eyes.

When angels sang their anthems over the new-born Savior, "Peace on earth, good will to all men," was the burden of their carolings. When the Redeemer in His manhood proclaimed His mission, He declared: "I come not to send peace on the earth, but a sword." The song and the saying seem to conflict. But before there is universal peace, there must be a grand struggle. Truth clashes with error. The word of the Lord is opposed by the will of men. Divine commands are opposed by human laws. Christ's mission provokes a warfare. But the end will be peace. The result will be good will. The triumph will be harmony.

The servant is not greater than his Master. Hell was stirred at His coming and the powers of earth sought His destruction. He was led to prison and to death. He was sacrificed under the color of law. Treason was the cry against Him, and "He is not fit to live" was the verdict of *vix populi*. His followers must not murmur at similar injustice and a similar fate. The great martyrs of all ages were tormented under pretense of law. Those who are persecuted to-day may expect the same treatment. It is all in the programme, and all works to the same end. But now the climax is near. The consummation is at hand. Courage, men of God! Patience, wives and children! Rejoice, Israel, for your redemption draweth nigh!

The celebration of Christmas has a peculiar charm to the Latter-day Saints. Jesus is to them no mythical Messiah. He is a living personage. He is their Elder Brother. He is their ever-lasting Prince. He is their resurrected Savior. He is their coming Redeemer. Joseph the Seer saw Him in the heavenly vision and testified that He lives. The Spirit of Truth bears record. We commemorate His birth, we hail His approaching advent. We are making ready for the Great Bridgroom.

Let these thoughts mingle with the rejoicings of the day. Make everybody happy who is within your reach. Let the little folks have "a splendid time." Be merry and wise. Let temperance guide in all things. Remember the absent. Provide for those who need. Let no missionary's family lack anything to make up good Christmas cheer. Look to the dear ones of those whose absence is enforced or made necessary for prudential reasons. If thine enemy hunger, feed him; if he be thirsty, give him drink; if he be naked or fireless, clothe him and keep him from the cold. But do not drink into his evil spirit, nor pattern after his persecuting ways. Ye are not "the children of this world."

To all our patrons we extend Christmas greeting. To our opponents we say, God grant that you may see the truth as it is in Him whose birthday we celebrate. We wish no ill to any one. We do not design to injure a living soul. We desire to promote permanent peace and abiding good will. Our struggles and defenses are for the maintenance of principles, not for the downfall of men. We would to God

that all peoples, governments, kindreds and tongues would bow to King Immanuel, abandon war, banish bigotry, cease to strive with tongue and pen and inaugurate an era of peace, praise and unity. We labor to that end, and if we use sharp weapons in our warfare with error, and meet forcible assaults with vigorous rebuttals, it is for what we deem the cause of the inimitable and matchless God-Man, whom all Christendom delights to honor in name if not in reality. God bless all lovers, defenders and seekers of the truth, and may a merry Christmas be the harbinger of a happy and prosperous New Year.

## LOCAL NEWS.

FROM WEDNESDAY'S DAILY, DEC. 23

**Woman's Exponent.**—The *Exponent* for the 15th inst., comes to us full freighted with good things as usual in the shape of timely editorial articles, interesting correspondence, original contributions from various authors and upon a series of subjects, readable selections from other periodicals, and a Christmas poem—the latter by Sister Hannah T. King.

**At Teasdale Also.**—A Piute County correspondent writes that an earthquake was felt at Teasdale, Piute County, at 8.20 p.m. December 16th, by several persons. It was accompanied by a rumbling noise like that of a heavily-loaded wagon, and passed from S. W. to N. E.

The weather there is and has been very fine, no snow yet. The good people are building a very good log meeting house, that is ready for the shingles, which are ready for it. It is 19x28 feet inside.

**Court at Ogden.**—Morton and Carson, the two cracksmen who were caught breaking into Wardleigh's store in Ogden some time since, were yesterday convicted, and sentenced by Judge Powers to imprisonment in the Penitentiary—the former two and a half and the latter three years.

The case against Hans Borg, charged with committing an assault with intent to commit bodily harm, was dismissed by motion of Mr. Kimball, who had been appointed to prosecute the case.

James Brown, charged with assaulting Wm. Studer, was found guilty, the jury recommending him to the mercy of the Court.

**Fatal Accident.**—We learn by letter from W. A. Warnock that Augustus J. M. Johnson, of Monroe, while hauling cord wood from above the quartz mill at Marysville, Piute Co., about noon on Friday, the 18th inst., fell from the load while descending a steep hill, and had the wheel of the wagon pass over him, inflicting internal injuries from which he expired in about ten minutes after.

Deceased was born at Salt Lake City, November 28th, 1865, and was a member of the Eleventh Ward martial band, about four years ago. He was a young man of excellent qualities, a member of the Y. M. M. I. A., and highly respected by all who knew him.

The funeral services were held at the schoolhouse on Sunday, the 20th inst., at which a very large concourse of people assembled to pay their respects.

His aged mother and two sisters are sorely afflicted over the terrible calamity.

**Accidents on the U. P.**—Jacob Warpu, a Finlander, unable to speak English, met with a frightful accident at Almy on Monday. In attempting to board a passing train he missed his hold and was dragged under the cars, the wheels of which passed over both his ankles, crushing them so that his feet were only connected with his legs by tendons. He was taken to Ogden, where his limbs were amputated half way between the knee joints.

Another accident occurred on the same line, near the "One Thousand Mile Tree." The pay car was coming down the track, running at a pretty good speed, when they discovered a hand car on the track only 100 feet ahead. The men on the hand car jumped off and endeavored to get the car off the track, but did not succeed in getting it far enough to clear, and the engine came up, struck the car, knocking the men in half a dozen different directions. One of the men, J. B. Shines of the civil engineer department, was struck on the head either by the hand-car or something that was on the car, and knocked senseless. The injured man was taken to Ogden for treatment, and it is thought that he will recover.

The Ogden Herald contains the full details of both accidents.

## THE HAMPTON CASE.

THE TESTIMONY FOR THE PROSECUTION WEAK, BUT THE JURY WAS PICKED BY IRELAND.

The trial of B. Y. Hampton, for conspiracy, was continued in the Third District Court yesterday afternoon. After Prosecuting Attorney Varian had outlined his case to the jury, Mrs. Fields was called as the first witness for the prosecution. This is the notorious prostitute whom the "weak and vicious" deputy marshal, Vandercook, E. L. B. and other anti-"Mormons" visited for the gratification of their lustful desires.

The witness testified that her name was S. J. Fields; she was in Salt Lake City from April to August, 1885; went away about the last of August or 1st of September; lived on West Temple Street, opposite the Continental Hotel, and afterward next door to Secretary Thomas; moved there in May or June; knew Mr. Hampton; the house she opened was his; he gave her money several times, \$300 or \$400 altogether; the money was given to open the house; Mr. Salmon and Mr. Smith were the first to speak to her; the defendant said he wanted her to work for him; witness understood that they wanted to get men who sat on the jury; didn't know what the house was for; supposed men were to visit there; didn't know the men were to be punished; received male visitors there; sent two notes soliciting men to come there, one to Commissioner McKay; called on the Governor; put her advertisement in the Tribune, and left her card there; P. H. Lannan called on her one evening; all the money she received was from defendant; the house was rented in the name of Fiddler; Fiddler lived in the house; the furniture came from Dinwoodey's; defendant told her to go there and get it; she paid \$25 on it; Mr. Dinwoodey took the furniture back; Hampton gave her money to go to San Francisco; the house kept was for purposes of prostitution; women came and went; knew one called Bailey, who stayed over night once or twice; got acquainted with her at the City Hotel; men resorted to the house for purposes of prostitution.

Cross-examined by Mr. Sheeks—Witness came from Leadville in November, 1884; went to work for Mrs. Admire, next to the Metropolitan Hotel, then to Ogden, and back to the City Hotel; did not know Mr. Hampton at that time; saw Hampton after she came back, several times; there were always others with him; Officer Salmon was one, Officer Smith another, and two more who were strangers to her; got money from the defendant; the police had the key to a room in each house; defendant offered her \$300 to get the Governor; a man named Fiddler rented the house near the Secretary's for her, and lived with her as her husband; Salmon said he gave Fiddler the money to rent the house; Ida Bailey stayed at the house all night once; no one else lived steadily in the house but witness and Fiddler; when she left here, went to California, then to Denver; was arrested there, but didn't know what for; Captain Greenman brought her back; the attorney talked with her, and so did Marshal Ireland; saw Ireland on the train at Provo, but did not remember what was said; Marshal Ireland told her she would not be prosecuted for keeping a house of ill-fame; didn't know what the men were to be caught for; she would not, for a million, have ruined herself and the men as she had done, if she had known she was going to get into trouble.

The Court then adjourned until this morning at 10 o'clock, and the jury were sent to the Valley House for the night.

This morning Officer Wm. Salmon was the first witness called. He testified that he was acquainted with the house next to Secretary Thomas' house; between April and September, 1885, he saw Mrs. Fields at that house; also saw a girl there; had seen acts of intercourse between these women and men in that house; had not seen both of the women and a man on the bed together; had given Mrs. Fields \$10; saw defendant pay her some money, more than once, perhaps two or three times; gave her about \$150 at one time—the first payment; it was at his office; heard no talk between them; saw Mrs. Fields and a man commit sexual intercourse; did not see the Bailey woman commit this act there, but at the house opposite the Continental Hotel; also saw Mrs. Fields at the latter place; did not know who moved the furniture from one house to the other.

Cross-examined by Mr. Sheeks—There was nothing said when the money was paid, about keeping house; the money was not paid for rent.

Re-direct by Mr. Varian—Witness heard the agreement to give Mrs. Fields money.

Re-cross-examination—The money was not for keeping a house of ill-fame.

Re-direct—The money was to get the privilege of going into a room of the house; there was no agreement about the furniture; witness was not acting under instruction from Hampton; the woman Fields came to him first; officers Pickett and Burt were with him at times.

By Mr. Sheeks—Witness heard all the contract; there was nothing about keeping or furnishing the house; the money was not paid for the purpose of keeping, maintaining or starting a house, nor for rent.

Officer John Pickett was sworn. He had heard part of officer Salmon's testimony; had been at the house of Mrs. Fields, and saw acts of sexual intercourse with both women.

Cross-examination—Was there once with Salmon.

Re-direct—Knew Mrs. Fields was a prostitute.

Commissioner Wm. McKay was the next witness. He had received a note from Mrs. Fields, which he identified; a messenger boy brought the note which he answered; had seen Mrs. Fields at his office on the 23rd of July.

(The note and reply were offered in evidence, and objected to by the defense. The objection was overruled and an exception taken. The note was an invitation to Mr. McKay to call on

her. Mr. McKay wrote that he was too busy, unless she called at his office before 4 p.m.) Mrs. Fields came to his office about 2 p.m.; they conversed about the note.

The defense moved to strike out Mr. McKay's evidence.

The motion was overruled.

Mr. McKay continued, that Mrs. Fields came to his office; she wanted to see him privately; they went into his private office; she asked that the doors might be closed, which was done; she stated that a mutual friend had sent her to get some legal advice; she asked what the law was in reference to keeping assignment houses; she again declined to tell who sent her; McKay told her that he was not in the habit of giving advice on such matters, and the question was offensive to him; she had called on him twice, and he could not distinctly distinguish the two; Mrs. Fields said she had a friend who proposed to establish her in a house of assignment; she said she thought she could make it pay if the Gentiles would stand in with her; she understood the "Mormons" were down on such things; she proposed to open the Metropolitan hotel; McKay says he told her that if he had jurisdiction and the law warranted it, he would send her to the penitentiary for five years; she then left.

Patrick H. Lannan, of the Tribune was next called. He had been to Mrs. Fields' house once, in the afternoon, in the summer time; he went there in response to a note; found Mrs. Fields there; she told him he might do a great deal for her; she said she was a stranger here, was fond of fun, and thought he was; she would like him to visit her; she said she would have a beautiful woman there from Denver; he congratulated her and left.

John S. Scott, also a member of the last grand jury, was present at the investigation when Mr. Hampton was indicted; heard a conversation between Mr. Varian and defendant, in which Mr. Hampton was informed that he might decline to testify; Mr. Hampton said he was willing to testify, and stated that he had made an arrangement with the woman Fields, and paid her some \$400; did not hear him state the purpose of the agreement.

Morris R. Evans, foreman of the same grand jury, testified that he was present at the aforesaid investigation; heard the conversation between Mr. Varian and Mr. Hampton; Mr. Hampton said he was willing to testify, and stated he had made arrangements with Mrs. Fields to open a house to entrap men; he had paid her \$300 or \$400.

Cross-examined by Mr. Sheeks—would not say this was the exact language; it was to open houses of prostitution to entrap people; would not say whether it was to keep or open the house; did not know when the house was opened; Geo. Harrison was clerk of the grand jury.

City Attorney F. S. Richards was called, and testified that if any complaints were filed against certain men in the justice' court, it was when he was absent.

City Marshal Phillips testified that he did not know who verified the complaints.

Francis Armstrong testified that he was a member of the County Court; was acquainted with Mr. Hampton; had not had any conversation about employing women; had given him some money for detective work, to bring lewd men to justice; it was about \$500 of his private funds; this was simply to detect crime, because there were so many girls being seduced by certain lewd men; the money was to bring the women and men to justice, and for no other purpose.

Henry Dinwoodey was sworn. He did not know Mrs. Fields; had sold furniture to a Mrs. McCall, and had taken it back by attachment; had a mortgage on the furniture.

Wm. F. Raybould testified that he was a member of the last grand jury; was present during the investigation when Mr. Hampton was indicted; Mr. Hampton had testified that he had paid Mrs. Fields about \$400, to entrap other people, and that houses were opened to catch certain individuals.

Cross-examined by Mr. Sheeks—Had given the substance, but not the precise language; could not give the language; did not know whether the house was opened before or after the contract; the money was paid to detect men visiting the house; thought the houses were opened previous to the contract.

The defense moved to strike out Mr. Raybould's testimony. Motion overruled.

Mr. Raybould understood that Hampton hired the woman for the purpose, and she rented and furnished the house.

Wm. A. Pitts, also a grand juror, testified that Mr. Hampton stated, in substance, that he had been furnished money by Mr. Armstrong, and had paid Mrs. Fields about \$400, for information to be given of men visiting the houses, one of which was south of Secretary Thomas'.

Justice Speirs was called, and testified that complaints had been filed in his court against certain parties, for certain offenses; they were sworn to before him; there were two persons who signed those affidavits.

Mr. Varian—State whether Mr. Hampton was one who signed those affidavits?

Objected to by the defense. Objection sustained.

Several of the complaints, which had