

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY:

PRINTED AND PUBLISHED BY THE  
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - JUNE 4, 1884.

## THE DAYS OF JEFFRIES REVIVED.

The tactics resorted to in the Second Judicial District for the purpose of intimidating witnesses and persecuting those who decline to answer impertinent and personal questions, have been adopted in the Third Judicial District of this Territory. Prosecuting Attorney Dickson follows in the footsteps of Zera Snow, and Judge Hunter imitates the example of Judge Twiss.

Yesterday Miss Nellie White was placed in the custody of the U. S. Marshal, and sent to the penitentiary until she answers certain questions relating to herself, put to her by the Prosecuting Attorney in the presence of the grand jury, or until otherwise ordered by the Court. The Belle Harris case is fresh in the public mind. The incarceration of that brave woman caused a feeling of indignation in nearly every part of the United States. Her heroism and fortitude raised up for her a host of friends and made her the object of general admiration. If we are able to judge properly the character of the lady now subjected to the same indignities for the same cause, the same failure will be achieved by the chivalrous (?) and manly (?) persons who are now attempting to force a woman to disclose to them her private affairs.

But we do not intend to enlarge on this matter at present. There is another point, relating to it, that should receive immediate and serious consideration. There may be some faint color of law for this extreme course pursued towards a witness adjudged to be in contempt of court, but for the method adopted in another direction, for the purpose of extorting testimony there is neither law, nor reason, nor justice. The legal wives of men under suspicion of entering into plural marriage within the time specified in the statute of limitations, have been subpoenaed and brought before the grand jury, placed under an oath of secrecy as well as to tell the truth, browbeaten, badgered, examined, cajoled, threatened and intimidated, and all without any authority whatever in law!

This we denounce as an outrage. It cannot be defended by any plea of public expediency or moral necessity. It is against established rules, recognized principles and fundamental axioms. It is a violation of law both common and statutory, and is hostile to the decisions of the Supreme Court of the United States. Let it be distinctly understood by the people of this Territory that a wife cannot be compelled to testify against her husband in any criminal prosecution or proceeding. No court or grand jury has any authority to issue a subpoena for her attendance for that purpose; no officer has any right to serve it; and there is no power to punish her for absolutely refusing to answer any question relating to her husband, no matter what officer, juryman or judge may presume to question her. Such questioning is unlawful, and those who have dared to resort to it are themselves the breakers of the law, and they know it. In support of this we will cite the local statute on the subject:

Sec. 421. Except with the consent of both, or in cases of criminal violence upon one by the other, neither husband nor wife are competent witnesses for or against each other, in a criminal action or proceeding to which one or both are parties." (Laws of 1878, page 151.)

This law is not peculiar to this Territory. It is general. There may be modifications of it in various States, but the principle remains the same in all. It is founded upon doctrines that are not disputed in any part of the civilized world. We have quoted the Utah statute, we will now refer to the common law rule in relation to it. Greenleaf on Evidence in Vol. 1, Sec. 324, says:

"The rule by which parties are excluded from being witnesses for themselves applies to the case of husband and wife, neither of them being admissible as a witness in a cause, civil or criminal, in which the other is a party. This exclusion is founded partly on the identity of their legal rights and interests, and partly on principles of public policy, which lie at the basis of civil society. For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent; and to break down or impair the great principles which protect the sanctities of that relation would be to destroy the best solace of human existence."

Mr. Greenleaf also says in Sec. 254, vol. 1 of his work on Evidence:

"Communications between husband and wife belong also to the class of privileged communications, and are therefore protected, independently of the ground of interest and identity, which precludes the parties from testifying for or against each other. The happiness of the married state requires that there should be the most unlimited confidence between husband and wife; and this confidence the law secures by providing that it shall be kept forever inviolable; that nothing shall be extracted from the bosom of the wife, which was confided there by the husband."

And this rule applies even after the death of the husband or after a divorce. We now quote from 2 Kent's Commentaries, sec. 179:

"The husband and wife cannot be witnesses for or against each other in a civil suit. This is a settled principle of law and equity, and is founded as well on the interest of the parties being the same, as on public policy. The foundations of society would be shaken, according to the strong language in one of the cases; by permitting it. Nor can either of them be permitted to give any testimony, either in a civil or criminal case which goes to criminate the other."

The Supreme Court of the U. S. as well as the Courts of last resort in the several States have repeated and uniformly upheld this rule in the strongest and most emphatic terms, and the validity of our local statute was sustained by the highest legal tribunal in the celebrated Miles case, causing its utter defeat because the testimony of the wife was received against her husband.

Now, what can be thought of officers, sworn to uphold the law, who, in the spirit of religious persecution, not only endeavor by penalties and prisons to compel defenceless women to explain their personal relations to men suspected of living in plural marriage, but drag men's wives into a secret tribunal without a companion, without counsel, and in the presence of fifteen strange men, attempt to frighten them into testifying against their husbands, and this in violation of both statutory and common law, and the rules of jurisprudence that have prevailed from time immemorial? What is the object of this terrorism and lawlessness? Is it not solely to break down, if possible, "an establishment of religion"? Is there any zeal exhibited by these officers of the law against other classes of offences? Do they not wink at infractions of law and morality and all kinds of irregularities that are practised outside "of the marriage relation?"

We would like to know how far these persons intend to proceed in this direction. As they have commenced to adopt the tactics of the ever infamous Jeffries, how many more leaves will they take out of his infernal book? Since they have commenced to imitate the inquisitors of mediæval times, why not bring into play the thumbscrew and the rack? If the policy of force is to be pursued with unwilling witnesses, and punishment is to follow failure to tell what is required, why not revive the fagot and the torch, rekindle the flames of Smithfield and Seville, and instead of the rules of common law and written statute, follow the articles of Valdez and the regulations of Torquemada?

We suggest to these men whose zeal without wisdom is guring them to these extremities, that they may achieve a different kind of distinction from that which they covet. The American people do not applaud the persecution of women. In the absurd fanaticism against plural marriage which is the folly of the hour, the country does not want the oppression and debasement of the weaker sex. And while there is a strong desire to put down what is called "Mormonism," the destruction of principles which are essential to the sanctity of the family bond, will not be favored by the reflecting public. Enforce the law, gentlemen, according to your duty, and no sane man will utter against you a word of censure. But in discharging that duty be careful that excessive zeal in one direction does not blind you to other obligations, and make you violators of the very laws you have sworn to uphold. Your acts are open to judgment as well as those of other people, and "unusual punishments" as well as "unreasonable searches and seizures," prohibited by the Constitution of our country, will not be applauded and may not be tolerated by the great people of the United States.

## INTERVIEW WITH MR. GOUGH.

THE NOTED TEMPERANCE LECTURER  
MAKES AND HEARS SOME EXPLANATIONS.

On Saturday morning Mr. John Nicholson, of the editorial staff of the News, accompanied by Mr. Scott Anderson, proceeded to the Walker House for the purpose of conversing with Mr. John B. Gough. They met the renowned temperance advocate before reaching there, but in consequence of other engagements, he was unable to accord an interview until half-past four o'clock in the afternoon. At that hour Messrs. Nicholson and Anderson, with Mr. O. F. Whitney, of the News, and Mr. Junius F. Wells,

Mr. Gough in his apartments. There was present also Mr. Flynn, of the Redpath Lecture Bureau.

Mr. Nicholson:—Mr. Gough, we all attended your lecture last evening, and were highly entertained. The views you expressed were strictly in accord with our own. The first time I heard your lecture was when I was a boy, in 1854, at Berwick-on-Tweed, a small town on the English border. I also heard you in Liverpool twice in 1879, when you had such immense audiences in Hengler's Circus.

editor of the Contributor, called at the hotel and were cordially received by Mr. Whitney—I also heard you lecture in Ohio several years ago.

Mr. Gough—Well, gentlemen, I am gratified to learn that I afforded you pleasure by my lecture last evening, and I esteem this visit as a courtesy.

Mr. Nicholson—Perhaps you are not aware of the fact that probably the strongest fight for temperance that ever took place on this continent has been made in Utah by the "Mormon" community. When I came to this Territory in early times, there were practically no drinking saloons and no drunkenness. But in opposition to the local laws saloons were established by non-"Mormons," and that antagonism which they were enabled to successfully exercise was due to influence from a quarter where one would least expect it.

Mr. Gough—Why did not the local courts enforce the laws?

Mr. Nicholson—Because the purely local jurisdiction went no higher than the Justice's Courts, which took a proper stand on the subject. But the cases were taken on appeal to the District and Supreme Courts of the Territory, presided over by U. S. officials, who ruled invariably in favor of the liquor men, and by strained constructions established precedents which enabled the liquor traffic to gradually gain the foothold it now assumes.

Mr. Gough—I should have opposed such a movement against temperance, no matter from what source, or by whom it had been instituted.

Mr. Nicholson—In view of the noble, generous and humane sentiments expressed in your lecture last evening, and the apparent contradiction between them and those attributed to you in an alleged interview published in this morning's Tribune, we called to frankly ask you whether you have been correctly represented by that paper?

Mr. Gough (hesitatingly)—I saw what was published in the Tribune, and while I cannot deny that in the main it expresses my views regarding one element of Mormonism, as I understand it—the polygamous element I mean some things attributed to me by the reporter I did not say. I told him when he asked for my views on the subject of Mormonism that I was entirely ignorant of it, not having read any of your books, nor given it any study whatever. I felt competent, however, to express myself in regard to polygamy, which I cannot tolerate; that is, I said, if these things be true.

Mr. Nicholson—If what things be true?

Mr. Gough—Well, you hold, don't you, that a man may have more wives than one at the same time?

Mr. Nicholson—Yes, under certain regulations and conditions, that is a part of our religion.

Mr. Gough—I said that if a man could have two wives, he could have fifty or a hundred.

Mr. Nicholson—According to that method of reasoning, logically, if a man can have one wife, he can have twenty-five or fifty. Is that not so, Mr. Gough?

Mr. Gough, (a little dazed)—Why—yes—yes, certainly. (It is candidly admitted that it is doubtful whether Mr. G. would have made this admission, had he fully comprehended the drift of his interrogator's ideas.)

Mr. Gough—I had no suspicion that the man who questioned me was a reporter. He had neither pencil nor paper, and I had the idea that I was expressing my opinion to a private individual. I am in the habit of expressing my views plainly when they are requested, but I should not have said what I did for publication. Now I do not wish to say that a trap was sprung upon me, because I do not wish to lay such an accusation against anyone. But I do say that I was inadvertently led to express things, in my private room, which I did not intend for the public.

Mr. Nicholson—You are reported to have said that you would not permit a polygamist to call upon you.

Mr. Gough—I did not say it in that way. I said that I would not invite an immoral man over my threshold, and of course looking upon polygamy as immoral, my remark could have been readily construed as it was. I wish to say here, though, that I have nothing against Mormonism, as an ism. I concede to all the right to believe what they think proper, and I respect sincerity in anyone, even in a Hindoo, bowing down to a god of wood or stone. In referring to the Mormons, I used no such language as "slush" and "balderdash."

Mr. Nicholson—There are many people who hold views entirely different to those you cherish, and to them those views are religiously sacred. There is also a possibility that they are right and you are in error. Should not the fact of their views being sacred to them, also make them sacred to you. Is this not a proper general principle to act upon, between man and man?

Mr. Gough—I most decidedly concede every point you advance in that respect.

Mr. Nicholson—Plural marriage,

or "polygamy," as it is termed, is a pure, holy and sacred institution in the estimation of the Mormon people. You have placed it, without investigation, upon the level of the polluting and degrading evil of prostitution, to which it is the very antipodes in every respect. In thus expressing yourself, it does not appear that you have acted upon the principle of fairness which you concede to be correct. In taking this extreme position against what this great part of the community esteem as sacred, you have, so far as your influence extends, injured rather than aided the cause you represent.

Mr. Gough—I regret very much, if any such effect shall result from anything I may have said, and I shall be more careful in future about expressing myself. But I have been told that there are many good Mormons who repudiate polygamy, and desire to see it done away with.

Mr. Nicholson—You have been misinformed on that point. If there are members of the Church who entertain such views, they are not good "Mormons," not being in full faith.

Mr. Wells—Mr. Gough, I represent an organization in this Territory of over ten thousand young men, who have, as one of the cardinal principles of their association—temperance. They have looked upon you as the foremost champion of temperance in the Christian world, and have much admired the bold stand you have taken, and the elevating sentiments you are in the habit of expressing in your lectures, as being in full sympathy with the views they entertain on the same subject. Hundreds and thousands of these young men owe their existence to the very principle you have denounced—that of polygamy—an institution to them pure and holy, and in thus branding their fathers and mothers as immoral and degraded and themselves as the offspring of vice, you have struck a fearful blow at yourself in their estimation. They know that their parents are not impure, but have taught their children the principles of temperance and purity from the cradle.

I, myself, owe my existence to that principle, and consequently speak from positive experience and understanding. In Weber County, alone, there are 1,100 members of the society I refer to, and if you had lectured on temperance under their auspices, I could have guaranteed you a \$1,000 house. I could not do so now, for I fear what you have said, or are reported to have said, has made it an impossibility.

Mr. Nicholson—I perceived by your lecture, Mr. Gough, that you believe in the Bible. Believing in the inspiration of that record, you must admit that God sanctioned and sustained polygamy.

Mr. Gough—No, I can not allow that He sanctioned it. He merely permitted it.

Mr. Nicholson—If time would permit I could easily prove from the record, which I have in my pocket, that He not only sanctioned and sustained, but enjoined and regulated it. But this would prolong the interview.

Mr. Gough—I am a friend to investigation, I have heard a great many statements in regard to Mormonism, and if you can prove to me that it is true, I will go through the world and preach it till I die. I am willing to become informed upon the subject.

Mr. Whitney—In investigating the subject, Mr. Gough, try and imagine yourself an inhabitant of the world over eighteen centuries ago, when another peculiar sect, "everywhere spoken evil of," made its appearance and regarding which a great many statements were made, and when it required as much courage to become a Christian as it now does to become a Latter-day Saint. At that time men were expected to cast aside all prejudice and false tradition, and seek for the Kingdom of God on their own responsibility.

Mr. Wells—If you would examine "Mormonism" in the same spirit which you enjoin upon those who are struggling to overcome the appetite for drink—to ask God honestly for help—you would soon be convinced of its truth.

Mr. Nicholson—I could not help admiring, Mr. Gough, the noble, humane and beautiful idea which permeated your lecture in reference to reclaiming the fallen. You deprecated the practice of denouncing and holding aloof from them. You strenuously advocated the opposite course, of seeking down into the depth of their souls for the lingering spark of manhood and fanning it into a flame. I could not help contrasting that view with your denunciatory attitude toward the Mormons and their institutions. Even if they are degraded, which is not the case, condemnation would not tend to elevate them. You are reported to have said that you would as soon go to a "variety show" as to the Tabernacle on Sunday.

Mr. Gough—I did not say what was attributed to me in that respect. I said I would go to no place on Sunday from a motive of curiosity, and that is what would take me to the Tabernacle. I would not go to any church on Sunday, but my own. Another point on which I have been misrepresented was in reference to Mr. Beecher. I did not couple his name with Mormonism at all in my conversation with the Tribune reporter. I merely stated that my estimate of Mr. Beecher had changed because he had changed.

Mr. Nicholson—Our visit to you, Mr. Gough, is in the spirit of friendliness. You are engaged in a good cause and we wish you success. We might have injured you had we been so disposed. We knew that you had spoken

in bitter denunciation of the "Mormons" and their institutions, Mr. Whitney, a member of the staff of the News, having heard you express yourself in that vein at Elyria, Ohio. If we had published that fact and taken a stand against you, you would have practically spoken to empty chairs last evening. But believing that your position was due to a lack of information, we considered that an act of that kind on our part would have betrayed a paltry spirit to which the News does not descend. Now that you have come here and had the chance to investigate for yourself, the situation has changed and still we have to-day refrained from hostile expression, which would have damaged your prospects in Ogden.

Mr. Gough—I do not expect to lecture in Ogden. I have been telephoned to from that place, asking if I had expressed myself as reported in the Tribune, and on answering affirmatively, so far as polygamy was concerned, received another message that it was doubtful about my getting an audience.

Mr. Nicholson—In your lecture at Elyria, you quoted from the Salt Lake Tribune, which is probably the most unscrupulous, unprincipled, foul and scurrilous sheet ever published on the face of the earth.

Mr. Gough—I think you are mistaken in regard to my quoting that paper.

Mr. Whitney—I was there, Mr. Gough, and heard you quote from it, and wrote a report of your lecture to the Salt Lake Herald. Knowing the utter unreliability and depraved character of the paper which you used as your authority, I was surprised that so intelligent a gentleman as yourself should have been deceived by it. It was the lecture on "blunders" that I heard.

Mr. Gough—Well, perhaps I may have mentioned it, as an episode, although it is not in the manuscript of my lecture. In speaking extemporaneously, a lecturer often branches out upon ideas that occur to him at the moment. I wish you had told me of it at the time.

Mr. Whitney—I have been hoping ever since that you would come to Utah and find out your mistake for yourself, which I am sure you may do with even cursory investigation.

Mr. Wells—The impression made by your lecture upon myself and friends was very favorable. We had heard such things all our lives.

Mr. Nicholson—In other words, Mr. Gough, you were preaching "Mormonism" without knowing it.

Mr. Whitney—Do you not think, Mr. Gough, that the same perception which enabled us to appreciate the grand and noble truths embodied in your lecture, would also qualify us to perceive any element of loathsomeness in polygamy, if such an element really existed?

Mr. Gough—I beg you will not think that I doubt your sincerity in the view you take.

Mr. Whitney—Then, admitting our sincerity, do you not think it inconsistent that we could appreciate the moral truths that you advance, and still incorporate into our system of religion that which is intrinsically impure?

Mr. Gough—I can only say that I am not fully informed upon the subject and am a friend to further investigation.

Mr. Anderson—I have been an advocate of temperance for many years. I first heard "Mormonism" preached five years ago, in Liverpool, by one of the gentlemen present. I was then a much prejudiced against it as anyone could possibly be, but something was said at the meeting I attended that impressed me and I determined to investigate it. I sought out from the public libraries every book I could find that had been written against the Mormons, and placed the statements side by side with what the Mormons had to say for themselves. The anti-Mormon statements were so extravagant that they carried with them their own refutation. I became convinced of the truth of Mormonism and identified myself with the Church. I came here eleven months ago and have found the statements made to me by the gentleman I first heard preach this gospel true in every particular. When I came into this Church I found men in it who were far ahead of myself in relation to temperance principles, refraining not only from intoxicants and tobacco, but even from coffee and tea and hot drinks.

Mr. Nicholson—One of the articles of our faith, called "A Word of Wisdom," enjoins strict temperance in all things.

Mr. Anderson—There is a beautiful city in the northern part of the Territory called Logan. Almost the entire population decided by vote against the introduction of liquor saloons. Unscrupulous men established them, they were arrested and the cases taken into the courts. Notwithstanding that the charter of Logan City evidently incorporated a prohibitory clause, United States Judges, by a twisted ruling, decided against the people, peace, good order and temperance, foisting the dram shop upon a community which had protested vigorously and fought against it, until they found themselves powerless to do more.

The interview here came to a close. Mr. Gough repeating his thanks for the call made upon him, and the visitors on retiring expressing similar sentiments in relation to his courtesy towards them.

A Greensbury, Pa., special says, depositors in the Union Deposit Co. will not receive three cents on the dollar.