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CHARLES W. PENROSE, EDITOR.

a punctual attendance at all the meetings, to which you are hereby invited, We remain your Brethren,

JOHN TAYLOR, GEORGE Q. CANNON, JOSEPH F. SMITH, First Presidency of the Church of Jesus Christ of Latter-day Saints. SALT LAKE CITY, March 12, 1884.

THE THREATENED HIGH WATER.

We notice that at the last meeting of the City Council, a petition was presented by Richard Brimley and thirtyone others, in behalf of the resident of the southwest portion of the city. which called attention to the annoyance and damage received by residents there from a certain canal. The petitioners stated that they had repeatedly asked for redress and had been referred by the city to the county. Wnen they appealed to the county, they said, they were referred back to the city, and between the two they

We are satisfied that these petitioners, as well as others who live in low situations, have ground for complaint, and as we are threatened at the present time with high water and floods, it is but right that the county and city authorities should take their case, and that of others who are similarly exposed, into consideration, and bestow upon them all the relief that is possible. Let no previous season since our settlement of this valley has there appeared greater danger of high water peared greater danger of high water and damage from our streams than at representing the deceased man Johnand damage from our streams than at the present time. There should be no disposition on the part of the for eternity, contracted no marriage city or the county authorities to shift the responsibility from one to the other. They should be united in their efforts and vigilant in taking the necessary steps in time to prevent serious disasters. Every canal that solemnization of marriage other than can carry off water should be opened, and no one portion of the land should would have been adultery, the highest be made to bear the flood alone. The crime known to our Church except be made to bear the flood atone. rights of those who live on the low lands should be respected and receive attention as much as those in any other

understand, of the water being drawn from Utah Lake which has accumulated there during the winter. The present snow, when it melts, will swell the streams and doubtless raise the do not affect the condition or property river still higher. For this the county of the parties while living, the defend-officials should be fully prepared, and ant did not violate the Edmunds law every canal constructed to take water and consequently was not as alleged, out of the Jordan should be opened to guilty of fliegal voting. He could not bear its full proportion when the be convicted except by a packed jury, water rises. It would be most unfair and by the force of religious prejudice. to the residents contiguous to the Jordan to have the whole torrent of that be explained which are of a different stream allowed to run in its bed to the mature to that we have described, but damage of the adjacent property, they cut no figure in this case. And it when its waters might, without injury must be remembered that the question to any other part of the country, be diverted into the canals which have been constructed for the purpose of as footish as we regard the god-father using its waters. It would be most un- and god-mother proxy system of just to take all the water out during Catholicism, Episcopalianism, etc., tage to the residents along its banks to verdict. The facts brought out show have the water there, and to turn the to have been a spite case, and if the have the water there, and to turn the full flood into its bed when it is likely promoters of it, think they can make to overflow its banks and submerge such a transparently thin persecution to overflow its banks and submerge farmers adjacent thereto.

We hope the county officials, as well their trouble for their pains. Andrew as the Mayor and city officials, will pay Peterson had dust as much right to vote attention to the subject in time. By taking timely precautions the waters may all be controlled without inflicting who sat on the judicial bench, and who, serious damage upon any part of the we consider, summed up the case imthem tgo unrestrained and as chance may direct, and our officers should now make themselves familiar with the entire situation, so as to be prepared to The pluck and energy of Bishop Madtake the best steps immediately. The sen, of Gunnison, Sanpete County, as citizens look to them to do this, and exhibited in his efforts to establish they can best do it by concert of action | and maintain the sugarand syrup manamong themselves.

PETERSON'S PROXY MAR-

master of the sugar-making ibusiness in theory, but in seeking to secure practical results has been hampered on WE publish to-day Judges Hunter's every hand for want of the wherewith charge to the jury in the Peterson case, particulars of which have already appeared in the NEWS. We think that dent of a company, producing at least lawyers generally will concede the soundness of the propositions and conform of a superior article of clusions thereon laid down with two syrup, the product of the amber exceptions. The first of these exceptions is the statement that Courtess pure; containing the entire saccharine has "exclusive jurisdiction" over this matter of the cane, the sugar not be-Territory to legislate against bigamy; ing extracted Unlike the general run the other is the conclusion that a con-viction for bigamy or polygamy is na-necessary as proof in a trial for illegal voting, when the basis of the charge is that the defendant is a bigamist or cle preferred for several reasons, polygamist.

We do not concede the point that should be fostered and the article now Congress has exclusive jurisdiction considered in more reflable and more

over any organized Territory of the Union, for each Territory possesses the right—we will not stop to dispute would like to see Bishop Madsen's adas to whether it is inherent or bestow. as to whether it is inherent or bestowed—to legislate for itself, and is en—ceive a substantial recognition. Mr. dowed with power over all rightful libert it force soliciton orders in subjects of legislation. Congress has the city. "exclusive jurisdiction for all purposes AM SELLILLAGET whatever" over the District of Columbia, and no other part of the country except similar places owned entirely by the United States. Congress has no right to legislate on the marriage ques-tion at all. Not a line can be found in the Constitution which authorizes it. And it is only by changing the word gate election on November 1883 Judge "territory"—which from the context Charge to the Jury on Wednesday undoubtedly means land, -into "Territories," which the Constitution never contemplated, that the power of Congress to legislate directly for our incipient commonwealth, can be con-

strued to the smallest extent.

The question as to the necessity of a conviction for bigamy or polygamy before definite proof can be offered that a defendant, in a case of this kind, was disqualified to vote when the alleged offence was committed, was clearly argued and snatalised in the afficient to by Judge Harkness. The response of the Assistant Prosecuting Attorney on trial before you, on the 7th day of Summit, and Territory of Utah, was a highest, that is to say, said Andrew Polestran on the 1st day of Movember A. D. 1882, in the county of Summit, and Territory of Utah, was a highest, that is to say, said Andrew Polestran on the 1st day of Movember A. D. 1882, in the county of Summit, and Territory of Utah, was a highest that is to say, said Andrew Polestran on the 1st day of Movember A. D. 1882, in the county of Summit, and Territory of Utah, was a highest that is to say, said Andrew Polestran on the 1st day of March A. D. 1870, having a lawful wife living and not field to and with one Caroline Johnson; that said iswini wife and Said Caroline J the Assistant Prosecuting Attorney that this would render the Edmunds law importative its no reason at all Neither the Court nor the jury were responsible for the failure or incom-

States against the peace and dignity thereof."

But we do not wish to dwell on these tents. The principal question arising in the case is the nature of the marriage between the defendant and Caroline Johnson. It was not denied that he was previously married and that his His Honor then cited the law of Con gress against unlawful voting for a Representative or Delegate (Sec. 511 U. S. Revised Statutes) and that which provides that no bigamist or polygafirst wife was living, neither that he voted at the Delegate election. If then mist shall vote (Sec of the Edmunds law) declared | that Congress thad exbona fide contract of marriage was clusive jurisdiction over this Territory ntered into between him and Caroline for the purposes named in these laws Johnson, he was, under the Edmunds and proceeded to say: law, disqualified as a voter and conse-

aw, disqualified as a voter and consequently liable to prosecution for illegal dant under the indictment in this case, you must find from the evidence; bequently liable to prosecution for illegal ANNUAL CONFERENCE.

To the Officers and Members of the Church of Jesus Christ of Latter-day Saints:

As the Sixth of April, the day appointed for holding our Annual Conference, falls on Sunday, we deem it proper to commence the Conference meetings on Friday, April ith, 1834, at 10 o'clock a.m. at the Large Tabernacic in this city.

That the defendant was not married to Caroline Johnson as Judge Hunter of Gardine Johnson as Judge Hunter of Gardine Johnson as Judge Hunter of the Marriage. He did not contract "in which the relation of husband and wife in this life" was undertaken. Indeed he did not contract with her the relation of husband and wife in this life" was undertaken. Indeed he did not contract with her the relation of husband and wife in this life or the life to come. He simply stood for the caremony, and that alone, as proxy for her deceased husband. He committed no offense against any enactment of Congress or any other law-making power, valid or involad. Therefore, on the Judge's showing, the defendant was not guilty of illegal voting, for he had but one wife and was not disqualified from exercising the elective franchise.

Trusting this arrangement will suit the convenience of the officers and Saints generally, and that there will be for acquittal and four for conviction. yond a reasonable doubt, that there was an election held in the said coun-

But the jury disagreed, standing eight for acquittal and four for conviction. until the contrary is proved, and in case of a reasonable doubt unless his guilt is satisfactorily shown you must acquit the defendant, A reasonable doubt is not a mere possible doubt. It is that state of the case which after the It is quite likely that the four who tod for conviction did not understand criage doctrine explained by the But it is very plain and clear to the Latter-day Saints. The doctrine of entire comparison and consideration of all the evidence leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge. You are the sole judges of the credibility of the witnesses, of the weight of the evidence and of the facts.

The laws regulating the events of eternal marriage, by which a man and woman can be scaled together for time and all eternity, is one of the most important parts of our faith. Connected

The laws regulating the exercise of the elective franchise in this Territory are within the constitutional powers of Congress, and all the interests of society and good government demand their enforcement. with it is the doctrine of plural mar-riage and also the doctrine of vicarious administrations. Baptism for the dead is a part of this. On the same principle It is the duty of the jury to accept and follow and apply the law as laid down by the court. If the court erts

marriage.

It is the right of the firstborn son, if there be such, of the deceased man for whom the vicarious marriage is performed, to stand in the place of the father for the ceremony only. If there is no son, or the son is too young, the is no son, or the son is too young, the proxy may be a friend. But that friend in this case, merely and understanding of the law applica-ble to the case, there are no means by which its error, if it makes one, can be corrected. Such a course, if pursued by juries, would leave the law forever unsettled and unknown. stands for that occasion only, to represent the dead person. He un-

A criminal intent is generally an ele ment of crime, but every man is presumed to intend the necessary and legitimate consequences of what he knowingly does. If he knowingly intends to do and does do what the law which he is conclusively presumed to know—forbids, he does the act with the criminal intent the law requires, and no other evil intent need exist.

The crime of illegal voting consists in the voting of a person not authorized by law to vote. If any one not so authorized does vote in this Territory, authorized does vote in this Territory, at an election held for Delegate to the bridge across the Ohio Central Railroad Co., and still holds the unfinished structures until payment is secured, the road being in the hands of a receiver. He tried to not a telegraph wire on the bridge daughter of a royal house in some other country, occupies to the lady at

dertakes no obligation of marriage

whatever with the living woman, either

for this life or the life to come. There-

fore he is not married to her himself.

He stands in the same relation to her

sent by his sovereign to stand as proxy

for a prince in a marriage with the

It is clear then that Andrew Peter-

Judge Hunter defined marriage, and further, that as the Judge ruled, the

religious ceremony in which he acted

must be remembered that the question

whether the jury believed or not in marriage for eternity, or considered it

ufacturing industries under difficulties, seem well nigh indomitable. He is

from distant markets. Besides we

THE PETERSON CASE.

In the case of Andrew Peterso charged with tillegal voting at the Dele-

as a nobleman in a European monarchy,

that he believed or was advised that he had a right to vote. If he acts upon his belief or construction of the law, he acts at his peril and must abide the for himself with the widow, and was under no obligation or promise to live If a man and a woman agree and promise one with the other to take each other as husband and wife and said with her, provide for her, or do any-thing further than that ceremony only. If he had undertaken to do so with no greement is to take effect imme on their exchange of pro hey marry each other within the mean that proxy ceremony, his intercourse ing of the law; no subsequent inter-course or carnal connection with each other is necessary to constitute or vali-

date such marriage.
A marriage like any other fact may be proven by the admission of the de fendant, coupled with other corrobor-ating circumstances, and if such evison did net marry Caroline Johnson, as dence taken as a whole is sufficient to iduce a conviction in the minds of the jury beyond a reasonable doubt, the jury ought to find the fact of marriage as a fact in the case.

"had no element of a civil marriage," and therefore as "courts do not en-In order to convict a person of the crime of unlawful voting at an election held for Delegate to Congress on the ground that he is a bigamist or polygforce or takes jurisdiction in matters which involve only religious bellef and ground that he is a bigamist or polyg-amist at the time of voting it is not nec-essary that the status of a defendant as a bigamist or polygamist shall be proved or fixed by evidence of a con-viction of the crime of bigamy or poly-gamy. All that is required in such a case is proof by the prosecution be-yond a reasonable doubt that the de-tendant at the time alleged votad at fendant at the time alleged voted at such an election for delegate to Con-gress, and at the time of voting had two or more wives living and undivorc-There are other marriages that might

If the jury believe from the evidence beyond a reasonable doubt that years ago the defendant was married in Denmark to the woman who is known in this case as Caroline Peterson and af-terwards, in 1870, and while said Caro-line Peterson was living and undivorc-ed from defendant, that the defendant agreed to take as his wife the woman agreed to take as his wife the woman known as Caroline Johnson, and at the same time said Caroline Johnson agreed with defendant to take him as her husband, and both at the same time assented in their minds to such a contract; and if the jury further find beyond a reasonable doubt that on or about the 7th day of November, A. D. 1882, in the County of Summit, in this Territory, both said Caroline Peterson and Caroline Johnson were living and undivorced from defendant, the defendant presented a paper or ballot on which the name of any candidate was stick, they will find that they have but fendant presented a paper or ballot on which the name of any candidate was printed or written, as that of a candidate to be voted for us a Delegate to Congress from this Territory, to the judge of election at an election held at said time and place for said Delegate in Congress, and that such paper or ballot was received by said judges of election and deposited with other ballots received by them at said election, I charge you that the defendant voted at such election for Delegate in Congress without liaving a fawful right so to do and that it is your duty to find him guilty of the offense charged in the indictment.

Marriage is a civil contract, requir-

Marriage is a civil contract, requir-ng the consent of both parties. A valid marriage must be a contract, to which the law will attach certain incidents and obligations, including an obligation on the part of the husband to live with and protect the wife, furnish her a home and support her and the children of the marriage according Combitation, in fact, is not neces

sary to a valid marriage, for the par-ties may waive or refuse it, but the right to actual cohabitation, unless conducive to health than that obtained

charge to the Jury on Wednesday

BY TELEGRAPH. PER WESTERN UNION TELEGRAPH LINE. AMERICAN. LATEST BY LIGHTNING.

Bogus Butter.

ALBANY, N. Y., 21.—The Senate committee on public health, which has been investigating adulterations of food, reported to-day. They say they have discovered wholesale and alaryning adulterations, dangerous to the consumer and depreciating the property in the rural districts. Imitation has been so disguised often as only to be discovered by chemical analysis. Out of 30 samples of butter purchased by the committee in New York, only 10 were genuine. The poorer qualities of bogus butter sell from 20 to 30 cents to laboring men; better grades 40 to 50 cents. The cost of manufacture ranges from 12 to 18 cents, average 14. Many dilry farmers have been driven out of business, and the consequent loss to The zbove Committee. business, and the consequent loss to the State is estimated at \$5,000,000 to \$10,000,000 yearly. The committee estimate that 40,000,000 pounds are sold annually in the State, and that the illagitimate business is breaking up our export butter trade. Butterine can be sold for 18 cents less than natural butter.

A Saultary Baid in New York.

New York, 21.—The sanitary inspec-tor accompanied by a squad of police, made an unexpected raid last night, on the express wagons that carry ment into the city from New Jersey: 150 car-cases of "bob" calves were seized and sent to the offal dock. The raid spread on among the expressin Failures.

New York, 21 .- business failures last week throughout the country reported 213, as against 216 last week. The fall-ures are exceptionally few in the West-ern and Pacific States.

The U. P. and the C. B. & Q. Another Railway Explosion.

BUPFALO, N.Y., 21.—This morning a freight train on the Lake Shore road, near Angola, that had parted, came together heavily, causing the explosion of an oil tank on one of the cars, set-ting fire to the train and lalso to one on the west bound track. Two brake men were burned, but not fatally.

CLEVELAND, 21.—Duncan C. Ross to-day sent Richard E. Fox, New York, articles of agreement for the signatures of John L. Sullivan and Mervine Thompson to fight according to prize ring rules. Accompanying this was \$2,500 guaranteeing Thompson's signa-ture.

A Little Rebellion

the bridge and a wire was put up. That night the bridge company cut the wire and barricaded both ends of the bridge, defying the United States marshal Under orders from Judge Jackson the marshal has gone to Parkersburg to get an armed posse to enforce the authority of the court.

FOREIGN. LATEST TRANSATLANTIC DIS PATCHES.

A French Threat. MADRID, 21.—The threat of the French government to send a military force into the little republic of Andorra in case the French demands are rejected, arouses indignation here. Spain will regard the entry of French gend'armes nto Andorra as a breach of interna-

NOTICE

Z. C. M. I., SALT LAKE CITY March 10th, 1884 THE STOCK TRANSFER BOOKS OF this Institution will be CLOSED or March 15th, and RE-OPENED on April 6th THOMAS G. WEBBER,

THE CHEAPEST, STRONGEST, MOS simple, compact, durable, effective and conomical steam pump in the market, for mising liquids under and up to 100 feet. No machinery, no oil, no special care. Can be worked suspended to a chain. Will paster, mud, sand, pulp, etc., without mjury to parts. Needs only a steam pipe from

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DR. E. L. PLANT, IS DEATH ON TAPE WORMS. To gomoves them in Two Bours, Head and Trail, and his price is very reasonable.

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Generiere Rogers, Helen Sedgwick, Marie Lear, Sam Ryan, Harry Stoddard. interpret characters new to the stage, in cluding Moonshiners, "Ristocrata" Revenue and "First Families." RUN OF FIVE WEEKS IN CHICAGO, The above Company specially engaged

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I's acres of ground. A very large, new greenhouse was built on the ground last Fall and is now in good working order, alled with plants of all kinds for spring sale, such as house, bedding and basket plants in great variety, and at moderate prices.

Garden seeds, pure and reliable, in bulk as well as in packets, in great variety and at moderate prices, also peas, beans, sweet corn and herb seed.

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Also the finest varieties of the Pear, Peach Plum and Apricot.
Also the most desirable varities of smal fruits.
Also Shade and Evergreen Trees, Ornamental Shrubbers and the rarest Climbers Dwarf and Tree Roses.
Also a superb collection of Greenhouse and Bedding Plants.

Boston, 21.—A conference between the committee of the C. B. & Q. and the Union Pacific, is now in progress at the offices of the former road in this city. No reporters are admitted, but it is learned that up to this hour no action has been taken.



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We respectfully call the attention of the trade of the Territory to our

GENERALLY NOW IN STOCK.

CUT RAILWAY RATES.

When In Town Give Us a Call. MAIL ORDERS WILL RECEIVE PROMPT ATTENTION.

Wm. Jennings & Sons.

EAGLE EMPORIUM, BALT LAKE CITY.



OBNTRAL MARKET. WILLIAM P. ROWE

HAS OFENED THE ABOVE Market and Hay and Grain Store,

No. SE, FIRST SOUTH STATES CALL AND SEE MIN.