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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 Hume 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 at Leavenworth, Kansas, for failing to answer 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 to judge properly by the character of the lady now subjected to the same indignities for the same cause, the same fate 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, besieged, examined, calumniated, threatened and intimidated, and without any authority whatever in law!

This wrongdoer 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 in direct violation of 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 proceeding or proceeding. No court or officer, nor 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 the officer, or judge, or jury, 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 first cite the local statute on the subject:

Sec. 424. Except with the consent of both parties, or in cases of adultery, 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 131.)

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 local statute, and will now quote 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, and neither is competent to testify as a witness in a civil or criminal case, in which the other is a party. This exclusion is founded upon the principle of their legal rights and interests, and partly upon principles of public policy, which be 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 this principle, which protects the sanctities of that relation would be to destroy the best solace of human existence."

Mr. Greenleaf also says in Sec. 324, 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 which it is supported, if 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 defenseless women to testify against their husbands, but also to examine and suspect of living in plural marriage, but drag men's wives into a secret tribunal with a companion, without counsel, and in the presence of fifteen strange men, attempt to frighten them into testifying against their husbands, and 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 browbeat, if possible, "an establishment of religion?" Is there any real evidence by these officers of "conviction?" Do they not wink at immorality of law and morality and all kinds of irregularities

MORE HOAR AMENDMENTS.

Following are a few of the amendments which Senator Hoar has added to the piece of legislative patchwork now awaiting action in the U. S. Senate:

Sec. (a) A widow shall be endowed of one-half of the lands and tenements whereof her husband was seized of an estate of inheritance, at any time during her widowhood, and shall be entitled to the same, whether or not she be a native citizen.

(b) The widow of any alien who, at the time of his death, shall be entitled by law to hold real estate, or who shall be an inhabitant of this State at the time of such death, shall be entitled to such real estate, and shall be deemed a native citizen.

(c) A husband, seized of an estate of inheritance in lands, exchanges them for other lands, his widow shall not have dower of both, but shall make her election, to be endowed of the lands given, or of those taken, in exchange; and if such election be not made by the commencement of proceedings to recover her dower of the lands given in exchange, within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(d) When a person seized of an estate of inheritance in lands, shall have executed a mortgage of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged, as against every person except the mortgagee and those claiming under him.

(e) Where a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure payment of purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or those claiming under him, although she shall have no interest in such mortgage, but she shall be entitled to her dower as against all other persons.

(f) Where, in such case, the mortgage, or those claiming under him, shall, after the death of the husband, be sold, either under a power of sale contained in the mortgage, or by virtue of the decree of a court of equity, and if any surplus shall remain after payment of the money due on such mortgage, and the said surplus shall be charged of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus, for her life, as her dower.

(g) A widow shall not be endowed of one-third part of her husband's real way of mortgage, unless she acquire an absolute estate therein during the marriage of her husband.

(h) In case of divorce, dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

WHAT A MEMORIAL!

In what is claimed to be the memorial to Congress on the affairs of this Territory from the Utah Department of the G. A. R., but which is merely signed by Dr. George C. Douglas and F. M. Bishop of this city, the following passage occurs:

"The Legislature of the Territory of Utah has met and adjourned without enacting any laws to enforce or even recognize the provisions of the various acts of Congress, applicable to Utah, and more especially those two acts commonly known as the 'Poland' and 'Edmunds' acts."

What an egregious crime of omission the Legislature has been guilty of! We admit that it failed to enact "any laws to recognize" the "Poland" and "Edmunds" acts. This is in the eyes of the luminaries of the G. A. R., one of the leading reasons why Congress should "take away all legislative power from the people of the Territory of Utah."

The Poland act is a law in relation to "courts, judicial officers, jurors and notaries public." It took nearly all the power formerly held by local officers, under the Territorial Statutes, in relation to juries out of their hands, and placed it with the officers of the United States. It has been completely questioned, and undisturbed operation ever since its enactment. It is therefore difficult for the ordinary mind to comprehend what the late Legislature could have done in the shape of measures for its enforcement. But Department Commander Geo. C. Douglas and some of his associates of the Utah branch of the G. A. R. are evidently not men of ordinary mental grasp. What they lack in information is amply compensated for by an excess of presumption.

It is a curious thing that these men are so deficient in information as to be so hasty disposition to condemn the memorialists for their ignorance. Sometimes the absence of information is not a culpable condition. It may be the result of incapacity, for which men are not in any justice responsible. It is a deficiency which is not easily remedied, and which is not to be acquired with sufficient speed to require inquiry into the subject before spreading themselves regarding it before Congress and the public, and good judgment has not been liberally bestowed upon everybody. Those to whom it has been bestowed, especially those not accountable for its absence, providing they have exhibited due diligence in its cultivation.

But perhaps the memorialists could have enacted measures to "enforce the Poland" act. Doubtless they think they could, for they are not over modest. In their own "mind's eye" all things are possible to them; and nothing is too extraordinary for them to attempt that has in it a point of possibility to enable them to get an act by appointment. They could not get one in the gift of the people. This is the reason why they want "all legislative power taken out of the hands of the people of Utah." If this could be brought about they would have some shadow of an opportunity.

The memorialists are evidently also ignorant of or else ignore the fact that the Legislature did pass an election law, the only one they were even remotely directed to enact by the Edmunds act. But that law was vetoed by Governor Murray, who by a usurpation of authority properly vested in the people at one time appointed George C. Douglas and a host of others of his class to offices which, fortunately for the public weal, they never filled, but not on account of any lack of effort or disposition on their part.

The chief ingredients of the memorial are first, ignorance; second, misrepresentation; third, ulterior objects. As a whole it is a piece of consummate human folly and stupidity. Its formulators have good reason to hide their heads.

MR. GOUGH.

JOHN B. GOUGH, who will lecture at the Theatre, to-night, is doubtless the most popular living temperance advocate in the world. The most striking compliment that could be paid him, either in the past or future, is his position in the list of imitators of his peculiar style of oratory. But all the simulators necessarily fall far short of the original.

Mr. Gough's power lies in his ability to tell a story, and his manner is positively electrical. His descriptive faculty is so remarkable that he is enabled to alternate between the humorous, pathetic and horrible with such facility that the audience is impelled to follow the genius of his dispassionate but outburst of laughter, tears of sympathy and thrills of horror. Added to the other elements of oratory so conspicuously exemplified in him is an intense earnestness, which brings his whole being into play while in the act of speaking. His manner is so energetic, almost to the verge of exhaustion, that it is almost impossible to believe that he is not a supernatural being. In any other person the methods he exhibits would be considered extravagant, but in John B. Gough they are demonstrative of a natural and powerful talent.

The noted temperance orator is well known to the people of this Territory, and several of his addresses were of pleasure derived from attending his lectures.

THE THOROUGHbred STATION "Nimbus."

Will stand for the season at the Station of Mr. J. D. Griffin, S. E. Corner of Main and Third Streets, Salt Lake City.

1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-12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