

EDITORIALS.

THE GREAT FIRE!

THE attention of our readers is respectfully but earnestly invited to the subjoined Proclamation of His Honor Mayor Wells, calling a Mass Meeting, at the Old Tabernacle, to-morrow, Oct. 11, at 1 p.m., for the purpose of contributing means for the relief of the vast number of sufferers by the tremendous conflagration at Chicago, and of taking such other steps for their assistance, in this time of their great calamity, as shall be deemed appropriate.

PROCLAMATION by the MAYOR.

THE news having been confirmed of the terrible conflagration by which a great portion of the city of Chicago has been reduced to ashes, and ONE HUNDRED THOUSAND PEOPLE have been stripped of their homes, clothing and means of subsistence, therefore—

I, DANIEL H. WELLS, Mayor of Salt Lake City, by the wish and authority of the City Council of said city, call upon all classes of the people to assemble in MASS MEETING, TOMORROW, WEDNESDAY, Oct. 11th, at one o'clock, p. m., at the Old Tabernacle, in this City, for the purpose of making subscriptions and taking such measures as are demanded for the relief of our fellow citizens who are the sufferers by this dreadful visitation.

DANIEL H. WELLS, Mayor of Salt Lake City.

Oct. 10th, 1871.

THE MASS MEETING.

ACCORDING to the Proclamation of Mayor D. H. Wells, a mass meeting of the citizens was held at the Old Tabernacle, at one o'clock, this afternoon. Owing to the announcement only having been made public last evening, the attendance was not very large.

Mayor Wells was elected Chairman and Hon. Geo. Q. Cannon Secretary of the meeting.

The Chairman briefly stated the object of the meeting, after which the following gentlemen were appointed a Committee of five to receive subscriptions: John T. Caine, Ex. Gov. Mann, Col. D. E. Buel, Theodore McKean, Warren Hussey, Sharp Walker, William Jennings and William Calder.

At the suggestion of Col. Buel, it was resolved that the above committee be empowered to add to their number as many gentlemen as they might deem proper, as by that means this movement in aid of the sufferers would be likely to be more widely extended and effective.

Eloquent and appropriate addresses were delivered by Honorables William H. Hooper and Thomas Fitch; Mrs. Lippincott (Grace Greenwood), Major C. H. Hempstead, Mr. Alexander Majors and Judge Z. Snow.

The chairman stated that President Brigham Young had authorized him to announce that a benefit in aid of the Chicago sufferers would be given at the Theatre one evening during the present week. It was also announced that Mrs. Lippincott would deliver a lecture in the Old Tabernacle or some other building, in aid of the good cause for which the meeting had been convened.

A subscription list was opened, and although the meeting was only a small one, in a very short time the sum of \$6,285.50 was subscribed. President Brigham Young, being an early resident of Illinois, holding the oldest commission of Major-General in the militia thereof, and naturally feeling a more than ordinary interest in the welfare of the State, and of its chief city, headed the list by a subscription of \$1,000. Mayor D. H. Wells, Honorables William H. Hooper and William Jennings

and the firm of Messrs Buel and Bate-man donated \$500 each and the Mayor announced that he was authorized to subscribe \$1,500 in behalf of Salt Lake City.

Near the close of the meeting, Mr. Alexander Majors arose and said he considered that the time of holding the meeting was unpropitious. He thought that many who would have liked to attend had been unable to do so. That all might have an opportunity of participating in the humane object of the meeting, he moved that the present meeting be adjourned till seven o'clock this evening, to assemble in front of the Salt Lake House. Owing to many of the audience moving out of the building while Mr. Majors was speaking, and a number of others coming up to the chairman to pay their subscriptions, the latter did not clearly understand the purport of his remarks, and in consequence the motion was not put. The meeting was adjourned sine die, and in accordance with the suggestion of Mr. Majors, will convene again this evening at seven o'clock, in front of the Salt Lake House.

THE opinion of Chief-Justice McKean, on the motion of counsel to quash the indictment in the case of "The people of the United States, in the Territory of Utah vs. Brigham Young;" which we publish in another column, pleases us. Not that we do not think there were good reasons why he should grant the motion, as will more plainly appear when the arguments of counsel who made the motion are laid before the public, but because, having resolved to overrule the motion, the Chief-Justice has so plainly told his feelings upon the subject and made such a public promise as to what he will do should the counsel for the defence prove, from the authorities or principles within the whole range of jurisprudence, or from mental, moral or social science, that the polygamic practices charged in the indictment are not crimes. We do not know what line of argument the counsel for the defence intend to adopt, and, therefore, we are not in a position to speak upon that subject; but we are glad to know that Judge McKean considers polygamy, or the practice of plural marriage, as the case which he is to try—that it is for Marriage, and not for Lasciviousness, that this and other cases are to be tried by him. From the nature of the indictment we had not supposed that Marriage was the question involved in this trial. His admission, therefore, we view as an important one. It is no more than proper that the defendant and the entire country should know exactly on what the prosecution plant their case. If plural marriage be the practice for which men are indicted and to be tried, let it be stated, as the Chief Justice has stated it, openly and without disguise.

The Chief Justice has said that while the case was called "The People versus Brigham Young, its other and real title is Federal Authority versus Polygamic Theocracy." Shall we give the name by which the case should be, and will be in future history, called? "The Utah Ring of Imported Officials versus Religious Liberty."

IN the case of the People of the United States in the Territory of Utah versus Brigham Young, sen., this morning the counsel for the defendant presented the following document, which Mr. Fitch read—

TERRITORY OF UTAH }
THIRD DISTRICT COURT. }
The People of the }
United States, }
in the } September Term, 1871,
Territory of Utah } Salt Lake City.
vs }
Brigham Young. }

To the Hon. Jas. B. McKean, Judge of the above entitled Court.

We the undersigned, of counsel for the defendant in the above entitled cause, respectfully except to the following language of your honor in your opinion upon the motion to quash the indictment herein:

"The Supreme Court of California has well said: 'Courts are bound to take notice of the political and social condition of the country which they judicially rule.' It is therefore proper to say that while the case at the bar is called 'The People versus Brigham Young, its other and real title is Federal Authority versus Polygamic Theocracy.' The government of the United States, founded upon a written constitution, finds within its jurisdiction another government—claiming to come from God—imperium in imperio—whose policy and practice, in grave

particulars, are at variance with its own. The one government arrests the other in the person of its chief, and arraigns it at the bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right. If the learned counsel for the defendant will adduce authorities or principles from the whole range of jurisprudence, or mental, moral or social science, proving that the polygamic practices charged in the indictment are not crimes, this court will at once quash this indictment and charge the grand jury to find no more of the kind."

The indictment in this case charges the defendant with "lascivious cohabitation," and not with polygamy or treason. The statement of your honor that a system of polygamic theocracy is on trial in this case in the person of Brigham Young, coupled with your intimation to us to prove by authorities that the acts charged in the indictment are not crimes, is most prejudicial to a fair trial of the defendant, in that it assumes that the defendant has been guilty of the acts charged in the indictment, and that the law and not the alleged fact will be on trial.

No motion has been made to quash the indictment in this case on the ground that the acts charged therein are not crimes, nor has such a proposition been advanced on argument by any of defendant's counsel herein.

We submit that no "political and social condition of the country" can relieve the prosecution of the task of proving one or more of the acts alleged in the indictment, and that unless and until such proof is made the guilt of the defendant ought not to be assumed or even conjectured by the Judge before whom he is to be tried.

If any presumption is to be indulged in it is that the defendant is innocent of the charges preferred against him, and that he will accordingly plead "not guilty" to the indictment, and that presumption remains until the defendant elects to plead either guilty on a special plea of justification, which latter has not been suggested by either the defendant or his counsel. In so pleading "not guilty" the defendant will not say that the acts charged in the indictment are not crimes, but that he is not guilty of the acts charged in the indictment.

Then there will be a question of fact for a jury, and we submit that in the determination of that question the language of your Honor herein referred to cannot but tend to the prejudice of the defendant, and we therefore except to the same.

FITCH & MANN,
HEMPSTEAD & KIRKPATRICK
SNOW & HOGE,
HOSEA STOUT,
A. MINER,
LEGRAND YOUNG.

At the time of reading and filing the foregoing the Prosecuting Attorneys were not in court.

They entered the court room shortly after, when Mr. Baskin suggested to strike the exception from the files, alleging that there was no authority for such a paper. Mr Maxwell regarded it either as a personal attack on the Judge, or the proceedings of the court, or as a "political exception." To the insinuation of the last named gentleman.

Mr. Fitch replied that it was no more a "political exception" than the opinion which elicited it was a political ruling.

The Court said that without establishing a precedent it would permit the exception to remain on file.

DISTRICT COURT.—In the 3rd District Court, this morning, after the Exception, (to be found in another column) filed by defendant's counsel in the case of the People vs. Brigham Young, sr., had been disposed of, the defendant in the Hawkins case filed a motion for a change of venue, alleging his belief, on oath, that he could not obtain a fair trial in the 3rd District Court, on account of the prejudice of the Court and among the people from whom the jury would be drawn.

The motion was argued by defendant's counsel and the counsel for the prosecution, when the following decision was rendered by

THE COURT.

Some months ago, Harriet Hawkins, an English woman, came to me and made an affidavit, charging her husband, Thomas Hawkins, with having committed numerous adulteries, in violation of the statute. On her affidavit, as I was bound to do, I issued a warrant and brought him before me. That was the first time I had ever seen him. I gave him an examination, and, from the testimony elicited, which was all one way, I committed him and then held him to bail, to await a session of the grand jury. That is all, absolutely all, I know of and have ever done in this matter; all.

I have held a great many men on bail on other charges. It is quite possible that every one of them has thought me prejudiced against him. That does not make it so, however. Whether a man be innocent or guilty who is held to bail, he has a good deal of feeling on the subject, and he may, per-

haps it is rather natural that he should, however erroneously, come to the conclusion that the court or magistrate is prejudiced against him. That does not make it so.

The affidavit of the defendant does not state a single fact to show why the Judge of this Court is prejudiced; he only thinks, believes or conjectures so. These are all the facts there are in the case, so far as I am concerned. I issued a warrant on the affidavit of the defendant's wife, he had an examination, and I held him to bail. That is all there is of it, absolutely; and every man that I have ever held to bail can, if he choose to—I cannot enter his conscience, God only can do that—make just such an affidavit, and I could not try a single one of them if that is good law.

In regard to the prejudice existing against the defendant, he simply thinks and believes it is so, and perhaps he honestly thinks and believes so; but there is no fact in the affidavit to show it. And though he honestly believes it exists the Court can not be controlled by the belief of a man when no facts are stated to justify that belief. The motion is over-ruled.

At the request of the prosecuting counsel the Court fixed a day for the trial of this case, and next Wednesday at 10 o'clock in the morning was the time announced for its commencement.

EFFECTS OF THE STORM.—One of the strongest gales experienced here for some time swept through this city last night, and was quite destructive in its effects in some localities.

A concrete stable in the Twentieth Ward, on the bench north of the city wall, belonging to Mr. Septimus W. Sears, was entirely demolished, with the exception of the West wall. At the time of the accident two young men, brothers of Mr. Sears, were asleep in the building. There were also in it a span of valuable mules, a span of horses and a cow. As soon as the occurrence happened Mrs. Sears ran into town and informed Mr. Sears, who obtained the assistance of a number of police officers and others, and they were speedily on the spot, rendering all the assistance necessary under the circumstances. Luckily the young men who were sleeping in the stable escaped with only a few slight injuries. The mules were killed, one of the horses had one of his legs injured; the other horse and the cow were unhurt. The loss sustained by Mr. Sears from this occurrence will probably amount to in the vicinity of \$1,200.

While the two young men and the animals were being extricated from the debris of the fallen stable, a small fire broke out in a house a short distance to the northeast of the place. It was, however, by the exertions of the police officers and others, speedily extinguished.

A large portion of the roof of the house of Mr. Robert Russel, in the 8th Ward, was blown off, besides other damage done, the loss amounting, in all, to about \$150.

The front part of the roof was lifted from the building next east to the Merchants' Exchange, Second South street.

A large number of trees in every part of the city were snapped in two by the furious blast, while others were torn up by the roots and carried into the middle of the streets. Besides this the streets were strewn profusely with limbs and branches which had been snapped from the parent trunks like so many pipe stems. Hundreds, and we might truthfully say, thousands of rods of fencing were demolished. Many signs and awnings were blown down from the fronts of stores.

OGDEN ITEMS.—The following are from the Junction of Saturday:

"On Thursday night a furious wind blew from the north, changing occasionally to the north-east. The weather was piercing cold and Jack Frost had a holiday. The Utah Central freight train, which left Salt Lake at 5.30 p.m., with twenty-five cars, on arriving at the Hot Springs encountered a terrible gale which brought it to a stand still, the wheels revolving but the train making no progress. Eventually it was again put in motion, taking an hour and a half to reach Wood's Cross. Here the train was parted, and an effort made to reach Farmington with ten cars, but the wind raised the tops of several cars and lifted some bodily off the rails, and an extra engine had to be called into requisition. The train, which was due at Ogden at 8.25 p.m., did not arrive until 4.25 a.m. on Friday."

"Last Wednesday, John Horspool of this city was cleaning out a room lately occupied by some gentlemen from the East, who had been engaged in making an ornithological collection. In stuffing the birds, of which they had obtained a large variety, they had used considerable arsenic, portions of which, being stirred up in the dust, were inhaled by Mr. Horspool, and nearly cost him his life. He was seized with violent pains and symptoms of arsenical poisoning, his nails turned black, and had it not been for the prompt attention of Dr. Anderson, he would most likely have died. He is now rapidly recovering."

FOR THE UTAH NORTHERN.—A dispatch received this morning, from John W. Young, Esq., who is now in the east, states that an engine and seven cars for the Utah Northern Railroad, had been shipped. That gentleman had also succeeded excellently in procuring iron and rolling stock.