

BLACK SATURDAY AT BLACK-FOOT.

For the following account of the proceedings in the District Court at Blackfoot, Idaho, on the 7th inst., the occasion on which eight of our brethren were arraigned before Judge Hays and received their sentences, we are indebted to the *Southern Idaho Independent*, which paper is deserving of credit for its enterprise in obtaining a stenographic report of what was said:

On Saturday, the last day of the District Court at Blackfoot, the United States cases were again called for the purpose of passing sentence upon the defendants.

Judge Hays.—Mr. Joseph M. Phelps, you have been indicted by the grand jury and convicted by a trial jury of unlawful cohabitation. Have you anything to say why the sentence of the court should not now be pronounced upon you?

Mr. Phelps.—I don't know that I have. I am a little sorry that I am arraigned here for a practice that I believe to be a divine doctrine. It is part of my religion, and while I am amenable to the laws of the land, I hold there is a higher law. I wish your honor to take this view. I have endeavored all my life to live according to the laws of the land.

I tried a good while to find that Mormonism was wrong. I am convinced that it is divine. I would not give a cent for a religion that does not go further than the bonds of this world. My blood runs as thin as any man's when I see the flag of my country. I love my country and I have always endeavored to instill a patriotic spirit in my children. I do not wish to weary the court, I could say more.

Judge Hays.—Mr. Geo. C. Parkinson, you have been found guilty of resisting an officer of this court; of obstructing justice by securing a fugitive from an officer of this court. What have you to say why the sentence of the court should not be pronounced upon you?

Mr. Parkinson.—Nothing more than to repeat what I have said. I am not guilty of the crime with which I am charged, that is all.

Judge Hays.—I have been informed that you have been advising, since this trial, others who have been convicted to make no promise of obedience to the law. Is that information correct, or have I been misinformed?

Mr. Parkinson.—I have given no direct advice that I know of. In general conversation I have expressed my views as to how I would feel if brought up here charged with an offense, under the law, which is a part of my religion.

Judge Hays.—I desire that you make no evasive answer. I have been informed that you have advised some of the gentlemen who have been convicted of illegal cohabitation, and who now stand with you before the court, to make no promise of future obedience to the law; but on the other hand, you have advised them to state that they would not obey the law. Have you so advised them, counseled, or in any manner sought to persuade them to do so?

Mr. Parkinson.—No sir.

Judge Hays.—I am glad to learn that I have been misinformed.

Mr. Alex. Leatham, have you anything to say why the judgment of the court should not now be pronounced against you? You have been found guilty of illegal cohabitation.

Mr. Leatham.—Please your honor, I took an oath of allegiance to the government in the year 1863. I have never repented it. I took that oath a dozen times crossing the plains. I was willing to take that oath, and stand by it, a dozen times every morning before breakfast. Soldiers were there, I guess about every ten miles, and we had to be corralled and asked if we were willing to take the oath of allegiance. I said, "Yes." Down south, about Sanpete, I did military service three months, and was every day in active service from sun up until sun down. I still uphold this government, but I must, for conscience sake, preserve that heaven-born right that God has given me.

I have never illegally cohabited with any woman not my wife. I have had two wives. I had them because of my thorough conviction that it is the divine will of the Almighty. It is part of my religion. I hold myself pure and undefiled. Would to God that all men were just so.

I have a wife now and ten children, nine of them under ten years of age. All I ask is the privilege of taking care of them, of supporting them, of providing for their wants, honorably, and of living my religion as I understand it.

Judge Hays.—You have only one wife living?

A.—No sir.

Q.—What have you to say about obedience to the laws of your country in the future?

A.—I have to say this, I have a heaven-born right, that God has given me, which I desire not to relinquish either to man or the government.

Q.—In other words, do you claim the right to marry another woman in the future, if you feel so disposed?

A.—That is part of my religion to have more wives than one. I am fifty years old, and I may never undertake such a thing, but I hold this doctrine to be revealed from God.

Q.—You have no promise, or assurance of future good conduct, or obedience to the law of your country?

A.—No man knows what he will do in

the future. I have nothing to say about that.

Judge Hays.—Mr. A. L. Blackburn, you have been convicted of illegal cohabitation, what have you to say why the judgment of the law should not now be pronounced upon you?

Mr. Blackburn.—I have only to say, like these other gentlemen, I consider it part of my religion. I have two wives living, and have nothing to retract. I have endeavored to support them and protect them honorably. I do not know that they lack for anything. I can not deny any part of my religion that I am satisfied is of God. If I did not have an inward conviction that it is the will of the Almighty I would not be in that order of marriage. I have no desire to be in opposition to this government, or any of its laws, but I must conform to what I am satisfied is the will of God. I hold that I am in duty bound to obey His laws, in all due respect to the law under which I have been tried.

Q.—I conclude from your language that you are not a native of this country?

A.—No. I was born in England and have been in this country 12 years.

Q.—Are you a citizen of the United States?

A.—Yes, sir.

Judge Hays.—Mr. Bjorn, what have you to say why the judgment of the court should not now be pronounced upon you?

Bishop Bjorn.—I have only this to say that I have made sacred covenants with those two women while there was no law against it. Those covenants are that we would love one another; I have promised to support them, and care for them and the children, and I wish no other way than to do so. I am sorry for my situation. I am sorry to be in opposition to this country, of which I am a citizen. On the other hand I will obey the principles of the everlasting Gospel. I can not refuse to do that. I can bear to go to prison for years rather than do that.

Q.—How many wives have you?

A.—Two.

Judge Hays.—You have spoken of your wives, Mr. Blackburn, how many have you?

A.—Two.

Judge Hays.—Mr. Phelps, how many have you?

A.—I have three.

Judge Hays.—Mr. Nahum Porter, you have been convicted of illegal cohabitation; what have you to say why the sentence of the court should not now be pronounced upon you?

Bishop Porter.—Nothing at all, sir. I would like to ask a question.

Judge Hays.—I will hear you.

Bp. Porter.—I watched the evidence in my case very closely, but I could not find any that proved that I had cohabited with more than one woman, since the passage of the Edmunds law.

Judge Hays.—I would say this; you failed to observe the evidence closely. I am afraid that you are not a good lawyer, or you would have discovered ample evidence on which the jury might find a verdict. I will ask you if you have more than one wife?

A.—Yes sir.

Judge Hays.—Then the jury have not convicted an innocent man.

Bp. Porter.—What is unlawful cohabitation?

Judge Hays.—Have you more than one wife?

A.—I have.

Q.—Have you cohabited with your second or plural wife since the passage of the act?

A.—I have not.

Judge Hays.—I shall be pleased to hear from you. I wish to know whether you have been violating the provisions of the United States law in the past three years?

Bishop Porter.—That is the reason I ask the question to know whether I have or not.

Judge Hays.—I think you ought to know. Have you lived with more than one woman as a wife during the past three years?

Bishop Porter.—That is just what I said a while ago, that I have not.

Judge Hays.—The jury have found that you have been guilty of unlawful cohabitation. In order to constitute this crime it is not necessary that you should hold sexual relations with them. It is sufficient and a violation of the law if you hold them out to the world as your wives. The law does not require that you shall disown the children. Upon the other hand, it is your duty as a good citizen to support those children, though they were born to you out of legitimate wedlock, and as a good citizen it would be your duty to support the woman that has trusted you. You can support her as a brother would support his sister, as a gentleman would support his friend; you may visit her for proper purposes, but for no immoral purpose as understood by the law.

I will ask if, in that view, it is your purpose to obey the laws of your country as they exist at present?

Bishop Porter.—I do not wish to make any promise. I have tried to obey the laws, yet I am here to-day. I do not know how far I may go.

Judge Hays.—Are the children of your second or plural wife your children?

A.—She has no children; she had one that died.

Q.—Was that your child?

A.—Yes sir, I claim so, but it was begotten before the Edmunds law took effect.

Q.—State if in the future you will live within the provisions of the Edmunds law, the law of the United States?

A.—I have made up my mind with the

rest of these gentlemen; it is pretty hard to make promises and keep them. I know what I have done in the past. I am perfectly willing to take the penalty of the law if I break it.

Judge Hays.—Mr. Garrison, you have been convicted of unlawful cohabitation, what have you to say why the judgment of the law should not now be pronounced upon you?

Mr. Garrison (an apostate).—I would say a great deal, if you give me the privilege. I have but one wife. I think the court was satisfied of that though I was found guilty. I did not consider that I was. Concerning the Edmunds law I thought it was made for polygamous marriages. I never saw the law until after I came to Blackfoot.

I wish to say that I have always been a loyal citizen. I am a native of the South, and was there during the rebellion. I have three scars made by rebel bullets, trying to kill me because I was doing secret service for the government.

I should have tried to put this woman away but she had no home and all I could do would be to turn her out of doors. Since I went away I have settled up with this lady and have said she must go away. I don't think this court, or any other, will have occasion to pass sentence upon me again.

Q.—Do I understand you, in the presence of this court and people here assembled, to promise that you will in the future obey the laws of your country?

A.—That is my intention.

Q.—Will you promise to abstain from legal cohabitation with more than one woman?

A.—That is my feeling, and generally when I take a position I stick pretty close to it.

Q.—I have been informed, it has come to the ears of the Court, that gentlemen who are standing beside you, and upon whom it is expected the law will be pronounced, have advised you not to promise to obey the law. Have I been correctly informed?

A.—I don't know if it has been done in that shape. The strongest conversation was by other individuals who are not concerned in this matter at all. Some of these men have said, "You may as well go on with us." One individual urged me to come back into the Church and marry this woman. I do not belong to the Church, and I do not expect to any more.

Two or three of them may have been gassing. They said, "You had better come and stay your full time; if you go away before we do we shall feel bad about it." I told them I should go away the first time I could.

Q.—You do not belong to their Church?

A.—No sir.

Q.—You did when you went to Bishop Porter and asked a permit to marry this woman.

A.—Yes sir.

Q.—The Church denied it to you?

A.—Yes sir.

Q.—And then you left the Church?

A.—That was not the only cause. I had a son-in-law.

Judge Hays.—We do not care for that.

Judge Hays.—Mr. Arthur Peck, you have been convicted of illegal cohabitation; what have you to say why the judgment of the court should not be pronounced against you?

A.—Nothing; only I would like to ask one question: Which of my wives shall I live with?

Judge Hays.—Live with your first, your lawful wife. You may support and take care of both of them, but live with your legitimate wife; I don't believe in two. The law does not recognize two. As a good citizen, it is your duty to support the woman who has borne you children, but not to maintain with her the relation of husband. What have you to say as to promises for the future? Will you obey the laws of your country?

A.—I don't know what the future will bring forth. I have no promises to make.

Judge Hays.—Mr. Isaac Nash, you have been convicted of illegal cohabitation; have you anything to say why the sentence of the law should not now be pronounced upon you?

A.—I have been in this country 36 years.

Q.—From what country did you come?

A.—From Wales. As one of the gentlemen said, I have helped to make this country; helped to build bridges, kill snakes and fight the Indians. I brought a wife with me, an invalid. She had no children, and I love children, your honor. I loved her and tried to do the best I could to honor the laws of my adopted country. I came here young, and I am now pretty old, 62 years old, although I don't look that.

In the year 1866, believing that I had knowledge within myself that celestial marriage was a divine law, and one of the ordinances of our Church, I took the opportunity and embraced it. I married another wife. I made a covenant with her and with my God that I would uphold and cherish her through time and through all eternity. God has blessed me with children. That woman is the mother of eight—two I have buried. My first wife had no children through disease; she took to my little children and has acted as a mother to them. I have been a moral man; I hate blasphemy. I have been found guilty of unlawful cohabitation. That is true if the term means to hold them out as my wives. They are my wives, and I love them.

Q.—Have you anything to say as to what your future conduct will be?

A.—Your honor, I cannot cast away

my wife and children. Paralyzed by my tongue before I shall utter the words, or shall make bastards of my children and my wife an outcast. I ask your honor to look into this and see. I have not broken the Edmunds law for years and years, unless it be in holding these women out as my wives. All I ask of you is to be merciful, for the sake of my children, as your honor will expect to find mercy before the bar of God. I have no more to say.

Judge Hays.—It is far from a pleasant task or duty that is now imposed upon me. I had hoped to hear different sentiments uttered by you who now stand before me and who have made your statements to the Court. Claiming the protection of the law you refuse to obey it. You claim that you have a right to determine whether a law shall be obeyed or not. You each stand forth accused, convicted and (with the exception of Mr. Parkinson) confessing your crimes, while you claim that you have a right to commit these crimes, and bid defiance to the laws of that country of which you ask protection. You come before the Court and say that in the future you defy those laws as you have done in the past. In other words, you propose to stand here and defend your past course which the government has pronounced wrong, and which the moral sentiments of the civilized world have proclaimed criminal. I have been pained in listening to you to-day.

It has been with regret that I have learned since coming to this Territory that a considerable portion of the people propose to stand out in defiance to the law and bind themselves together for the purpose of overthrowing and defeating the law of the government. It is with regret that I have learned this fact, but having learned it, I perceive that I have a duty to perform, from which I could not and will not shrink. I say to you in all kindness, but in earnest, that the course which you and your people are pursuing, not only in Idaho but in Utah and in other Territories where they dwell, is one which must inevitably destroy them as a people. It requires no prophetic power to tell the future of such conduct as this. It only requires power to see cause from effect.

You stand in this temple of justice; you say you claim the right to determine what law you will obey and what law to disobey. You claim the right to dispute the law of men. Gentlemen, you are mistaken. A religion that is built upon a foundation of crime cannot stand in this age.

I say it requires no prophetic power, but only to trace from cause to effect, to know the response which the country will make when it learns of your defiance to its laws. It will be known. It is known. It is taking a deep hold upon the hearts of the American people. They are slow to move, but gradually they are becoming aroused. Step by step your vile purpose, your opposition to the law, your dangerous course is being understood by them and arousing them up and forming a public sentiment which will be crystallized. When it acts against you, it will be effective. You will think it cruel, but you have no one to blame but yourselves. Obedience to the law now will secure to you the protection of the government and the honor of the American people. Disobedience must inevitably result in the opposite.

I am aware that you are hoping that Congress may interfere; that legislation may go backwards. Some are vile enough to suppose that pecuniary considerations may control the legislation of this country. In that you are mistaken. The American people are in earnest. They have determined that polygamy and this vile system shall be blotted out. You are impressing them by your actions every day.

Your conduct here to-day will impress them still stronger with that belief. You are arousing a feeling that you know not of. You are starting an avalanche. It is like an avalanche that gathers on a mountain peak, very little at first, but it grows stronger and stronger until it sweeps all opposition before it. I say you know not what you do. You are starting an avalanche that must and will culminate not only in the overthrow of your entire system, but will if necessary, wipe you from existence.

The laws of the country must be obeyed. It is not for you to say which are to be respected and which are to be held for naught. Some of you are American citizens. You owe this government full allegiance. Some have come from foreign climes. You have come here to enjoy the blessings of free government and you now refuse to yield to it the allegiance which you have sworn. I say to you, gentlemen, it is a suicidal course. It is not wise. There may be some divine providence that is guiding you on for the purpose of wiping your system from the earth. If so, bow in obedience to it, and accept the results.

Mr. Phelps, I had hoped and expected better things from you. You are a man of intelligence and are certainly endowed with many manly qualities. I had expected from you obedience to the law. You claim its protection. I learn that you have been industrious, and I understand that you have been able to accumulate a competency. It is by the protection of the law that you have been enabled to secure a competency, and by it you may be permitted to enjoy the result of your industry. I had hoped and I had believed that one endowed with your intelligence and with the power to see the future and to see what your present ruinous

course must lead to, would accept the situation. You have seen fit to pursue the other course. I have but one duty to perform. Painful as it is, that duty shall be performed in pursuance of the oath I have taken, without shrinking. The judgment and sentence of the court is that you Joseph M. Phelps be imprisoned in the Territorial prison of the Territory of Idaho for the term of six months, and you be further fined the sum of three hundred dollars, and in addition thereto you are adjudged to pay the costs of the prosecution of this case which are taxed at one hundred dollars. In pronouncing the sentence of the court I have this to say: being guilty, you have resisted the law; you have put the government to the expense of trying you, and, having done this, you must pay for it. You may sit down.

Mr. Parkinson, your case is different from the others. You are convicted of having sought to resist an officer in serving the process of this court. You plead not guilty, but the evidence was clear and sufficient against you. I ask you now if in the future you will desist from such conduct and devote your attention to minding your own business.

Mr. Parkinson.—I could not say what I will do in the future. I have been a law-abiding citizen thus far.

Judge Hays.—I shall judge the future by what you have done in the past. I find that in the past you have sought to obstruct the ends of justice. In the past I find that you have sought to shield those who are criminal; you have sought to prevent the officers of our government from serving the process of the court upon them. Courts must protect themselves, and they will. I am sorry that a man of your intelligence should start wrong. The course of crime is always downward. Were you in the court room the other day when the duty devolved upon me of sentencing various robbers and thieves?

A.—I was.

Judge Hays.—You then might have learned a lesson that should have been profitable to you. These men, bad as they are, were not always such. Their crimes were small at first. You have been convicted of a crime that is light compared with theirs. But you have been found guilty of secreting a criminal, of obstructing the course of justice, and yet you tell me you have no promise to make as to the future. I had hoped that you, at least, would promise to be a good citizen in the future. The sentence of the court is that you, Geo. C. Parkinson, be imprisoned in the Territorial prison, of the Territory of Idaho, for the period of twelve months. I give this long period for the purpose of teaching you and others that resistance to the laws of our country cannot be permitted. It is further adjudged that you pay a fine of \$300, and in addition thereto the costs of your prosecution, taxed at \$100. You may sit down.

Judge Hays.—Mr. Leatham, I had hoped in view of your age, that you might say to the Court that in the future you would obey the laws of your country. You could do so without sacrifice and without casting infamy upon any woman, for your wife has been but recently taken from you. I understand you to say that you claim the right in the future as in the past, to violate the laws of your country.

Mr. Leatham.—I claim that I have not violated the laws of the country. I have exercised the right to—

Judge Hays.—And have followed your passions rather than your judgment. Had you more intelligence I should talk to you further, but, lacking that intelligence which some of your associates possess, I proceed to pass the sentence of the law upon you. The sentence of the Court is that you, Alexander Leatham, be imprisoned in the Territorial prison for the term of six months, and that you, in addition be fined the sum of three hundred dollars and the costs of the prosecution in your case, taxed at one hundred dollars.

Mr. Blackburn, you plead guilty?

A.—Yes, sir.

Q.—Have you a desire to say anything further?

A.—No, sir.

Q.—I understand that you can give me no assurance of your future good behavior?

A.—As I said before, I suppose I am right, in obedience to my God.

Q.—And you propose to exercise that right in the future as you have in the past?

A.—Yes, your honor.

Judge Hays.—Then accept the result of your course, and accept it manfully. I believe you will do so. I have been somewhat impressed with your course in pleading guilty.

Mr. Blackburn.—I was guilty as the law looks at it.

Judge Hays.—The sentence of the law is, that you, Alfred L. Blackburn, be imprisoned for the term of six months in the Territorial prison. It is further adjudged that you pay a fine of three hundred dollars. I omit your costs of the prosecution, you having come forward and confessed your offense against the law.

Mr. Bjorn, have you anything to say why sentence should not now be pronounced upon you?

A.—I believe not.

Q.—And can you give no promise as to the future?

A.—I will say this much: As you have expressed your deep sympathy toward me, I will say that I know nothing about laws, but there is a higher law than this. I claim to live my religion. I can prove by that I have done nothing to snipe my conscience. On the one hand is the great