

to Assistant Attorney-General Maury was able and eloquent, briefly discussing the law points advanced on the part of the government. He insisted that the questions for the court to pass upon were: whether there could be constructive cohabitation and a segregation of offenses, when, in fact, there had been but one offense. In replying to Mr. Maury's remarks about morality, Mr. Richards was impressively eloquent, and the court paid marked attention. The questions put by the members of the court to counsel, yesterday, indicate clearly a desire to construe the law so as to relieve the hardships the construction given by the court below would impose on the people affected. Justice Bradley, yesterday evening, desired Maury, on the part of the government, to say what course polygamists should pursue in regard to their plural wives.

The Chief Justice remarked to Maury that he could take till this morning to answer the question. Today the Chief Justice, Bradley, Miller and Field pressed the Assistant Attorney-General to answer, but he avoided and, becoming excited, declared it would have been infinitely better if the Mormons, years ago, had been put to the sword. Curtis protested, and called upon Maury to explain, but his explanations were awkward. Richards, in closing, made effective use of Maury's ill-advised expression.

The case now under consideration by the highest tribunal in the country, is one of very great importance. Apart from its consequences to the Apostle who now lingers in the penitentiary because he refuses to renounce his covenants, cast off his family, and turn back on his religion, it is likely to affect the future of this whole Territory. Many of the foremost men in the community are in some respects, involved in the same questions which belong to the case before the court of last resort. They are summed up in the two points presented by Mr. Richards, and that which was pressed on counsel for the Government by several of the Judges.

It is to be hoped that, this time, the court will give a comprehensive and complete opinion upon the meaning and limits of the offence of "unlawful cohabitation" created by the Edmunds Act. We use the word "created," advisedly. Under the definitions that have been given to the term it is a new offense in the law. No such criminal meaning was ever before applied to it as in the prosecutions against the "Mormons." It has been stretched and twisted in various ways to meet differing cases. It has been made more elastic than any statute that was ever before manipulated by adroit attorneys and echoing courts. Its capabilities even now seem not to be exhausted. If ever a law required a settled definition, it is the third section of the Edmunds Act.

The question, "What course shall polygamists pursue in regard to their plural wives," is most momentous. In many instances plural marriages were contracted, in good faith, before any law of the United States was enacted on the subject, and there is no other law that touches them. In still more numerous instances they were entered into at such a remote period that the statute of limitations bars them from legal action. Thus, in such cases the polygamic status is not criminal, and that has been enunciated by the U. S. Supreme Court itself. What then shall men do with the plural wives whom they have married and who are as dear to them as any monogamist's wife is to him? Are they to cast them off, as many so-called "Christians" do their mistresses? Or are they to eat them, like the converted polygamous savage when he embraced "Christianity?"

Under the rulings which sent Apostle Lorenzo Snow to the penitentiary, a man must not dwell in the same town as the women whom he has lived with as his wives for years. He can be imprisoned if he says they are his wives, or if rumor says they are his wives, although he does not dwell under the same roof with either of them nor treat them in any way as a man usually treats a wife. To use the lunatic language of the Chief Justice of Utah, "He lives, they live; they live together, they cohabit; they are his wives; he cohabits with them as wives." Conclusive reasoning! Send him to jail! The meaning of all this is: A polygamist "Mormon" must repudiate his plural wives whom he has solemnly vowed to treat as his wives in time and throughout eternity. If he does not, he shall go to prison.

We do not believe that any one but rabid and heartless bigots and persecutors like the Utah ring and such men as Maury, wish to break up and destroy peaceful "Mormon" families in any such barbarous fashion. We are certain that no such result was contemplated by the enactors of the Edmunds law, except perhaps the iceberg from Vermont and a few other soulless intolerants. Maury would solve the "Mormon problem" with the sword. His remedy would be to destroy polygamy by slaying those who practice it. In order to cure he would kill. We are glad he expressed his true sentiments in the highest court of the land. The Judges can see the animus that directs the extreme measures against the "Mormons." It is beyond and outside of all law, human and divine. It is passion, not principle. It is brute force, not reason.

What to do with "Mormon" plural wives to sustain the especial law of Congress and not violate the laws of

humanity, of civilization and of equity, is the great question before the court. It requires an answer. If the counsel of the Government cannot answer it, the duty lies with the Supreme Court. Maury's method is out of the question in a popular government. It might do for savages and semi-civilized autocracies. But the Government itself would, if called upon, repudiate the murderous sentiment of its temporary representative. If a peaceful and lawful settlement of the trouble is desired and the august tribunal before which this matter appears can decide upon no other, some rational recognition of "Mormon" rights as citizens and religionists, must be adopted as well as of the law which is especially framed against a feature of their faith.

One thing may be counted on by all who are interested in this question. No true Latter-day Saint will violate the covenants he has made with God and his wives, no matter what may be the penalties imposed upon him. That may be depended upon, come life or death, liberty or perpetual imprisonment. The Saints desire, if possible, to live within every law of God and man. They wish no conflict with the country. They desire no rupture with the government. They court no enmity from any other body, religious or political. But they have embraced a religion that is interwoven with their very lives and has regulated their family relations, and the ties that have bound them together and have been sealed by the authority of Almighty God, cannot be broken by any power on earth, civil or military, and nothing but sin and the decree of heaven can sever the eternal bonds that unite them. Undue severity, cruel interpretations of a harsh enactment, efforts to force men to cast adrift their loving families and break the sacred vows that they have made in holy places, will all result in conspicuous failure. And this is as certain as that there is a God in heaven.

Give us laws that we can obey in honor, and definitions thereof that are in accord with recognized jurisprudence and preservative of common rights, and far more will be accomplished than by the vindictive measures, prejudiced verdicts, varied rulings and triplicated sentences of packed juries and passionate courts, or by the blind fury, ruthless violence and relentless hate of armed hosts and their bloodthirsty advocates.

#### LOCAL NEWS.

FROM WEDNESDAY'S DAILY, APRIL 23

**Robbery.**—Last evening a thief entered the Tithing office in this city, and stole from a wagon a valise belonging to Mrs. Peter Garff, containing a quantity of valuable ladies' and children's clothing.

**Mount Carmel.**—Brother W. J. Jolley, writing from Mount Carmel, Kane County, says: "All is well with us in this place. Our fruit prospects are good yet, though the spring is backward. Fall grain looks very well. The people are generally prosperous."

**Arraigned.**—In the Third District Court to-day, Charles Denney, of the 11th Ward, was arraigned on an indictment charging a violation of the Edmunds law from May 1, 1883, to Dec. 31, 1885, by living with Sarah A. Denney and Lucy F. Denney as his wives. A plea of not guilty was entered.

**Battery and Conspiracy.**—Angus M. Cannon, Jr., was arraigned in the Third District Court this morning on two indictments, and entered a plea of not guilty to each. He is indicted jointly with Hugh Cannon and Frank J. Cannon with having entered into a conspiracy to commit a battery upon "one Wm. H. Dickson," and also for battering Mr. Dickson.

**The Emigrants.**—The following dispatch was received from New York last evening:

The Nevada has arrived with the company in charge of Elder Edwin T. Woolley. Will leave to-morrow. All well. JAS. H. HART.

This company of Saints will probably reach Salt Lake City on Tuesday next.

**Sugar House Soberable.**—There was a pleasant sociable given in the Sugar House Ward meeting house last Friday evening. A very interesting programme of songs, speeches and recitations was carried out with considerable credit to the participants. A bounteous supper added to the general interest, and was partaken of with hearty zest. The gray-haired, middle-aged and youth of both sexes mingled together in social conversation, making a scene long to be remembered by those who were fortunate enough to be there.

**The Infanticide.**—The preliminary examination before Justice Bradford, of South Cottonwood, in the case of Miss Monson, charged with infanticide, was concluded yesterday afternoon. The testimony is, however, suppressed, for good reasons. The girl admitted to several parties that the child was hers, that it had been born alive, but died shortly afterward, and she buried it. At the examination the defendant made no statement. She was committed to the custody of the Sheriff to await the grand jury's action in the matter.

**Sudden Death.**—Brother Thomas Whittaker, one of the best known and most estimable citizens of Centerville,

came down to the city on business, and was stricken with violent cramp pains in his stomach, from which he continued to suffer notwithstanding kind friends did all they could for his relief, until death ensued, about 8:20 this morning. His son John was beside him during his suffering, but the other members of his family knew nothing of his sickness until informed of his death.

He has had twenty-one children born to him, all of whom are living.

**The Raid on Payson.**—A Payson correspondent sends us the following particulars of the recent raid at that place under date of the 26th instant:

"Early this morning, Deputy Marshals Vandercook, Redfield, Smith and three assistants raided our town in search of their usual prey.

They visited seven or eight houses, along with the spotter Jim Wilson, a young man well known to the police court of our town.

No arrests were made, as in every instance the parties wanted were not at home. A few persons were subpoenaed to appear before the September term of court at Provo. After breakfast at Smith's hotel, four chop-fallen deputies departed in their buggy toward Provo, and two left on the north bound freight train.

"The witnesses were first subpoenaed to appear before McKay of Salt Lake City. Upon some of them plainly telling the deputies that they would not go out of this judicial district unless taken by force, the deputies held a short conference after breakfast at the hotel and then called upon the witnesses to appear before the court as above stated."

**Friendly Words.**—An influential business man of one of the large cities of the Mississippi Valley, writes a private letter to a friend in this city, from which we are permitted to make the following extract on condition of withholding the name:

"I am just in receipt of a copy of the DESERET NEWS, also of the Epistle of the First Presidency of the Church of Jesus Christ of Latter-day Saints, which you kindly sent me. Please accept my thanks for same. I have read the pamphlet with interest, and must say that it is a splendid article and well written. I would further state, that had this pamphlet been published 1800 or 2000 years ago, it would have been bound between the two lids of the Bible to-day. I am not a 'Mormon,' however, I do not thank God for that. There is one thing sure, the people who are persecuting the 'Mormons' must either throw away their Bibles, or accept the 'Mormon' religion as true. If this Epistle of the First Presidency is not a clincher for the 'Mormon' religion, based upon the teachings of the Bible, then I am no judge of sound argument."

**Killing Dogs.**—Salt Lake City contains a large number of snarling, worthless curs, whose continued lease of life is doubtless due to the tender-heartedness and humane feelings of their owners or the unreasonable fondness which children are wont to lavish upon dumb brutes rather than to any value real or imaginary that is attached to them, and in view of their being a public nuisance a general slaughter of them by some humane method would subserve the public good. There are, however some valuable dogs in this region, which are highly prized by their owners and a nuisance to no one without it be the house-breaking fraternity, and which are entitled to life by virtue of their being registered, as well as because of their general worth. To wantonly kill such dogs is an outrage to be deplored, for which the perpetrator if caught might be subjected to a heavy penalty, yet several cases of this kind have occurred of late, without, however, the guilty parties being discovered. The plan adopted has generally been to poison the dogs, and some owners of valuable canines have become so alarmed for the safety of their pets on this score that they have provided muzzles for them, which effectually prevent the brutes from eating while wearing them. It is sincerely to be hoped that the parties engaged in this heartless killing will yet be caught and punished as they richly deserve.

**The Davenport Case.**—The case of The People vs. Fanny Davenport, for keeping a house of ill-fame, was taken up for trial in the Third District Court to-day. Considerable time was spent in getting a jury, and after the panel was completed Isaac Woolf, wholesale liquor dealer, was called as the first witness. He testified that defendant had had business relations with him, and that she kept a house of ill-fame. Woolf often visited the place. On cross-examination the witness admitted that his visits there had aided in giving the house its ill-repute. He was in the habit of frequenting the place, and often took other parties there, especially country dealers who came to the city to do business with Woolf. When asked whether he had been in the employ of the defendant, he grew wrathful, and finally answered in the negative. He refused to state the names of any of those who accompanied him when he frequented the house of ill-fame.

P. W. Madsen testified to having sold the defendant some furniture, but as he was not paid for it, took it back.

H. H. Schaeffer testified to having visited the house. The reputation was that it was a house of ill-fame.

B. Y. Hampton was called, and re-

fused to be sworn, on the ground that the prosecution had moved for the dismissal of several resorters to the house, declaring the witnesses unworthy of credence. The Court instructed him to be sworn, which was done. Mr. Hampton then declined to testify, as his statements might be distorted and used against himself. The jury retired from the room, and the matter was argued pro and con, when Mr. Hampton was excused.

Wm. Salmon was called, and refused to testify, as his evidence might be used against him.

The Court asked if there was an indictment against Mr. Salmon, and Mr. Variau replied, "No; and there isn't likely to be."

Mr. Salmon then testified that the place kept by defendant was reputed to be a house of ill-fame, and the prosecution rested their case.

The matter was then given to the jury, and of course the verdict could not be otherwise than guilty.

The defendant has departed for parts unknown, and of course is beyond the jurisdiction of the court.

#### LUDWIG BERG

TESTIFIES THAT HE HAS TWO WIVES, AND IS CONVICTED.

Ludwig Berg, of the 11th Ward, who was indicted under the name of George Berg, was arraigned in the Third District Court this morning, and pleaded guilty to the charge against him. The following jury were summoned to try the case:

Fred Anderson,	Geo. Chandler,
Cornelius Hunt,	Edward Roche,
Henry Siegel,	F. M. White,
G. W. Gulliver,	N. Trewick,
Henry Sandler,	Henry Carrigan,
E. A. Whittaker,	W. E. Blenney.

The indictment charges Ludwig H. Berg with unlawful cohabitation with Louisa Berg and Hannah Thompson Berg, as his wives, from May 1, 1883, to Sept. 1, 1885.

The defendant was called as a witness and testified that the ladies named in the indictment were his wives, and had lived with him in that relationship during the period named in the indictment.

The jury returned a verdict of guilty, and sentence was fixed for June 1st.

#### THE JURY DISAGREE.

FOUR JURYMEN IN THE DEAN CASE WANT TO RENDER A VERDICT ON THE EVIDENCE.

The case of the United States vs. Jos. H. Dean, charged with a violation of the Edmunds law, was given to the trial jury at about four o'clock yesterday afternoon. At 5:30 o'clock, no verdict having been found, court took a recess until 7:30 p. m. At about 8 o'clock the jury came in and reported that they were unable to agree upon a verdict, but Judge Zane stated that they had not been out a great while, and could retire for further deliberation. Court was then adjourned until 10 a. m. to-day.

This morning the jury came into court, and announced, through Mr. N. Trewick, foreman, that it was impossible for them to reach a conclusion as to the verdict. They had been out 18 hours, and were discharged by the court.

The charge against Mr. Dean, as well as the remaining indictment, was continued until the next term of court.

The witnesses in the case were also excused, and ordered to report at the September term.

FROM THURSDAY'S DAILY, APRIL 23.

**Immigrants.**—The second company of this season's immigrants from Great Britain will leave Liverpool May 22d, the third company June 26th, the fourth August 21st, and the fifth October 16th.

**Arraignment.**—In the Third District Court this morning Frank J. Cannon was arraigned on two indictments, one charging battery on Mr. Dickson, the other conspiracy to commit an assault. The defendant took the statutory time—two days—in which to plead. The case was set for trial on Saturday at 10 a. m., when the witnesses, some thirty in all, are required to be in attendance.

At the same time S. A. Kenner, as attorney for A. M. Cannon, Jr., separately, announced that the plea as to the indictment for battery would be withdrawn and a demurrer entered. Judge Zane ordered the argument on demurrer to take place at 2 p. m., at which time the attorney announced that his ground for demurrer was based upon the copy of the indictment, and that there was a material variance between it and the original instrument, and he would not therefore file the demurrer. He also withdrew from the case, and the boys will probably appear for themselves.

**Diphtheria at Tooele.**—By letter from Brother John Dunn, of Tooele, we learn that diphtheria has prevailed at that place for some time past, and quite a number of deaths have resulted from it. On the 5th of February last, Brother John Bowen (who was shortly afterwards incarcerated in the Penitentiary for acknowledging and living with his wives and declining to make promises for the future) lost a daughter from the disease.

On the 27th and 31st of March, Bro. W. A. Pickett, of that place, lost his

only two children, a boy and a girl, aged about twelve and fourteen years from the same cause.

During the present month, another citizen, Brother Lysander Gee, had the disease break out in his family, three children being at first affected with it, and soon afterwards five; and within a week four of them had died from its effects. One of them was his son Almoud, a fine robust young man about 17 years of age. The other three were his grandchildren, Alberta, William and Zillina Luker. Others in the family are also still affected with the malady.

On the 24th inst., Emily McKenrick, a 16-year old daughter of Brother Robert McKendrick, who is now also serving a term of imprisonment in the penitentiary for his fealty to his wives and his religion, succumbed to the same dread disease.

The contagion is at present confined to two families, and it is hoped that it will extend no farther. The day school has been temporarily suspended lest its continuance might result in spreading the malady.

**How They Rob "Uncle Sam."**—

As an evidence of the means used to swell the purses of the "fee fiends" engaged in the anti-"Mormon" crusade, the prosecution of Mr. Joseph H. Dean affords a fair illustration. In this case, the trial of which resulted in the disagreement of the jury, sixteen witnesses were subpoenaed and only four used, the latter being all who could give any evidence. The other were useless so far as the purposes of the prosecution were concerned. Of one of them all that was expected to be proven was that the witness had seen Miss Ridges sweeping the door yard. Six others were brought from Provo, outside of the district, both before the grand jury and at the trial, yet not one of them knew the defendant even by reputation, or had any knowledge of the case. These six witnesses drew from the government for their attendance and mileage, \$78.

It is apparent that there could be no other object in summoning them, and thus wasting money, except to pile up fees for the officers engaged in the work. The witnesses had all been before the grand jury, and the prosecutor knew exactly to what they could testify, yet when the trial came on, parties whom the prosecution was aware had no knowledge of the circumstances, were brought into court—subpoenaed to act as mere spectators. If the Federal government wishes an honest administration of its affairs in Utah, a little inquiry into such circumstances as these mentioned would bring conviction that it cannot be expected from the conspirators who now manage the business. It is not to be wondered at that the President is giving some attention to Federal office-holders in Utah, if their method of procedure has been brought to his notice. The "fee fiends" of this region seem not to have reached the limit of their conscience yet—if they have any.

**Deputy Registrars.**—The following deputy registration officers have been appointed by the Utah Commission:

Tooele County—Wm. Young Jr., Quincy precinct.

Millard County—Wm. Atkinson, Snake Valley precinct.

Salt Lake County—H. S. Laney, 1st Salt Lake City precinct; C. H. M. y Agrumonte, 2nd Salt Lake City precinct; J. W. Clark, 3d Salt Lake City precinct; Duncan Noble, 4th Salt Lake City precinct; S. G. Sheldon, 5th Salt Lake City precinct; James Spillet, Big Cottonwood precinct; John Brinton, Bingham precinct; David Ducombe, Brighton precinct; Vincent Shurtleff Jr., Butler precinct; Joshua Terry, Draper precinct; James Hawker, East Mill Creek precinct; Melvin D. Cook, Granter precinct; B. Y. Golding, Granite precinct; Geo. Canning, Hunter precinct; J. C. Morrill Little, Cottonwood precinct; Brigham Shurtleff, Mill Creek precinct; Wm. B. Hardy, Mountain Dell precinct; Samuel Brinburg, North Jordan precinct; C. J. Thomson, North Point precinct; H. T. Spencer, Pleasant Green precinct; S. L. Howard, River-ton precinct; L. F. Wells, Sandy precinct; Henry W. Winchester, South Cottonwood precinct; John Holt, South Jordan precinct; James T. Monk, Silver precinct; John S. Thomson, Sugar House precinct; Philip J. Stone, Union precinct; James B. Abbott, West Jordan precinct; Henry L. Brown, Bluff Dale precinct.

Iron County—D. H. Lamoreaux, Paragonah precinct; S. R. Burton, Parowan precinct; John White, Summit precinct; James Corlett, Cedar precinct; S. J. Pollock, Kanarra precinct; Weber County—A. J. Stone, Lynn precinct; T. W. Hard, Harrisville precinct; T. W. Stoker, Plain City precinct; Jno. Everett, Hooper precinct; E. Wilber, Eden precinct; Jos. Smith, Huntsville precinct; Theo. Daniels, Utah precinct; Geo. Ritter, Riverdale precinct; Chas. Webb, Slaterville precinct; Wm. Sewell, Wilson precinct; Temple Short, Pleasant View precinct; Heber Salisbury, Marriott precinct; Ed. Sewell, West Weber precinct; A. J. Crookman, North Ogden precinct; H. C. Kiler, Philip Rank, Ogden precinct; Davis County—Robert Simpson, South Hooper precinct; John Bowman, South Weber precinct; John H. Meredith, Kaysville precinct; Hector W. Haight, Farmington precinct; Parley P. Evans, Centerville precinct; Stephen Hales, East Bountiful precinct; Luther S. Brnham, South Bountiful precinct; A. J. Phelps, West Bountiful precinct;