

laws. The act of Congress punishing by fine and imprisonment unlawful cohabitation is unquestionably a general law, applying alike to all the inhabitants of the territory over which the United States claim exclusive jurisdiction. It must have been intended to suppress vice and immorality as well as to punish the Mormons who maintained marital relations with their plural wives. But the prosecuting officers in Utah have declared this law not made to be applied to non-Mormons, and the courts have held this to be the fair and rightful interpretation of the unlawful cohabitation act. They have, moreover, held that Mormons who have maintained the offspring of their plural marriages and recognized as their wives the women they espoused before the passage of the Edmunds law were guilty of its violation, and upon this ruling men have been condemned and sentenced, and are now undergoing punishment, although they were ready and offered to prove that they had not "cohabited with more than one woman."

Very recently a man who confessed to having seduced his wife's sister was arrested upon a charge of "unlawful cohabitation," but was upon a habeas corpus proceeding released—set free by the Chief Justice of the Territory, who held that the Edmunds law was not intended to and did not apply to such cases. It is probably needless to add that the accused in this case was not a Mormon.

The Mormon people do not ask that you shall even "wrest once the law to your authority" in order "to do a great right to them." They will endure vastly more than the public conscience would expect of any people, but they insist, as they have an undoubted right to do, that the laws should be impartially administered; that the men who administer them should be fair, upright, unbiased and impartial; that the executive and administrative officers sent thither by the federal government should be honest, and confine themselves to the performance of their legal duties, and not become the allies of an unscrupulous coterie, whose sole object is to plunder the Mormons of their property and their liberty.

The Mormon people are charitable and are not prone to speak evil even of those who despoitely use and persecute them. The merciless crusade which has been waged against them for many years they believe to be directed at their religion. They know that the faith which they profess and practice is unpopular; but they know also that in this respect they are but enduring that which has been the common lot of true believers in every age of the world. They believe that it is as true of them as it was of those to whom the Son of Man spoke more than eighteen hundred years ago:—"And ye shall be hated of all men for my name's sake, but he that endureth to the end shall be saved." Their abiding faith in an overruling Providence makes them confident of the ultimate triumph of their cause. They feel and know that their religion is of God and that the wicked and the ungodly will strive against it in vain.

"We are not here, Mr. President, to ask favors at your hands. Those who sent us ask but for simple justice. They do not ask you to stand between them and the law, but they do insist that the laws ought to be administered with equal exactness to all men, regardless of race, prejudice or religious antipathies. They recognize the fact that it is your duty to see "that the laws enacted by Congress are faithfully executed," but they maintain that a "faithful execution" in this instance means the perfect equality before the law of Mormons and non-Mormons.

Therefore, in their behalf we respectfully ask that you will hear their protest and give heed to their request for a fair and impartial investigation of the "Utah situation."

This is their protest:

"We protest against unfair treatment on the part of the general government."

"We protest against a continuance of territorial bondage, subversive of the rights of freemen and contrary to the spirit of American institutions."

"We protest against special legislation, the result of popular prejudice and religious interference."

"We protest against the conscience of one class of citizens being made the criterion by which to judge another."

"We protest against the tyranny of federal officials and the continuance in office of men who disgrace their positions and use their official powers as a means of oppression."

"We protest against the partial administration of the Edmunds law—the punishing of one class for practicing their religion and exempting from prosecution the votaries of lust and crime."

"We protest against the breaking up of family relations formed previous to the passage of the Edmunds law and the depriving of women and children of the support and protection of their husbands and fathers."

"We protest against the prosecution of persons, many of whom are infirm and aged, who entered into plural marriage before it was declared a crime and have never violated any law."

"We respectfully ask for the appointment by the President of a commission to fairly and thoroughly investigate the Utah situation, and, pending its report, we solemnly protest against the continuance of this merciless crusade."

In conclusion, Mr. President, permit us to express the belief that a fair and candid investigation of the "Mormon problem" would disabuse the public mind and remove much of the prejudice existing against us. May we not

therefore entertain the hope that you will institute such an investigation and thus open a door for the settlement of this "vexed question?"

The President listened courteously and attentively to the address and upon its conclusion said:

"Well, gentlemen, so far, of course, as the Edmunds law is concerned I had nothing to do with that. Of course, it is my duty to see that it is enforced as well as all other laws. You are entitled to fair consideration and to have the law impartially administered as you ask, and so far as any appointments which I shall make are concerned I will endeavor to give you the character of men who will see that the law is impartially administered. I hope soon to be able to get at these matters, but it will require a little time."

The President's face broke into a smile as he said: "I wish you out there could be like the rest of us."

"But, Mr. President," rejoined Mr. Caine, "we do not all see alike in these matters."

"That is very true," answered the President.

"What we ask," said Mr. Caine, "is that the law shall be impartially administered."

"You are entitled to that," said the President, "and so far as I am concerned I shall see that it is so. As to the investigating commission for which you ask, that is a matter that I must take under advisement. This is a new question to me, and such things should not be decided in haste; but I will give these matters my attention as early as possible."

The President then shook hands with the delegation and they retired.

We have thus performed the duty you required of us. The question has been brought prominently before the country, and has aroused much discussion through the public prints, and the agitation has caused many to reflect upon the matter, who would otherwise have been indifferent. Whatever the immediate result may be, the Saints may feel that they have done their duty in bringing their grievances directly before the President and the Nation. For the rest, they can only trust in Him who controls men and measures to advance His own purposes, and who doeth all things well.

Very respectfully,

JOHN T. CAINE,

JOHN W. TAYLOR,

JNO. Q. CANNON.

DECORATION DAY.

As is generally understood, Decoration Day is now a legal holiday in this Territory, as well as in other parts of the Union. The pretty custom of decorating with flowers the graves of departed friends—so much more common in some nations of Europe than here in matter-of-fact, utilitarian America—has been gradually growing in popularity since the great civil war, and the general public sentiment on the subject finally found expression in the setting apart of one day in the year to be devoted to this object. This was mainly with a view to keeping green the memory of and showing honor to the victims of the great conflict already referred to, but its effects may be as appropriately extended to others as to them. Though there are few soldiers' graves in this region to decorate, there are numerous other heroes worthy of being remembered who have passed from our midst, whose memory we should cherish and over whose graves we may well afford to bestow some tokens of honor.

In visiting cemeteries in some of the European nations—Scandinavia for instance—one may frequently see not only well cultivated flowers, etc., growing about and upon the graves, but settees or chairs located beside them, indicating the custom which prevails among the sentimental inhabitants of those countries, of spending a portion of their time beside the graves of their deceased friends, musing over past associations, or pondering upon the lessons which their lives taught, their fingers meanwhile perhaps engaged in knitting or some other such light employment.

The dry climate of this region offers but poor facilities for cultivating flowers or shrubbery in the cemeteries, but there is no reason why we should not carry thither flowers to bedeck the tombs of our friends, and we can profitably spend a little time there, where the surroundings are apt to inspire serious thoughts, and allow our minds to dwell upon and draw lessons from the lives of those who have preceded us to the realms of immortality. Tomorrow, being the day set apart for this purpose, and it having been decided to suspend business generally in this city for the occasion, many of the citizens will doubtless devote a portion of the time in the manner mentioned.

The News' employees being among the number who can appreciate a holiday of this kind, the office will be closed for the day and no paper will be issued on Saturday evening.

Tennyson announces a new historical drama—the sequel to "Becket."

ELDERS IN TENNESSEE RELEASED.

GEN. THORNBURG FURNISHES SECURITY FOR THEIR APPEARANCE.

CHATTANOOGA, Tenn., May 23d, 1885.

Editor Deseret News:

Our last communication left Elders Christensen and Garner in the County Jail of Carter County, at Elizabethton.

A number of their friends offered to go on their bond, even telegraphing into the county seat, from eighteen miles in the county, making the offer, but none were acceptable to the sheriff.

After a little delay, Gen. J. M. Thornburg, of Knoxville, was communicated with, who willingly stepped forward and signed the bond and the brethren were once more free from their loathsome place of confinement, feeling inexpressibly pleased at the change made in their surroundings.

Gen. Thornburg, their bondsman, is a well known citizen of East Tennessee, a Representative in Congress for six years, a brother to Major Thornburg, killed in Colorado by the White River Utes, has visited Utah a number of times, and is acquainted with many of our leading citizens, is a liberal minded gentleman, and possesses unlimited influence in his part of the State.

The jailor Mr. Camger and his good wife, treated the brethren with unexceptional kindness, extending every favor and courtesy possible, under the circumstances, for which the Elders feel very thankful to them; especially was this true after a day or two's acquaintance.

When the brethren first entered the jail they explained to the other prisoners, their custom of having morning, and evening devotions, and asking a blessing on their food, which they carefully followed while incarcerated, it seemingly making quite an impression on their fellow prisoners, who parted from them with regret, but were rejoiced at their release.

They remained in Elizabethton over Thursday night, and would leave on the morning train, to return to their former field of labor, some twenty or thirty miles away, with the sympathies, private and public, of very many people, who previous to this persecution, knew and cared little about the "Mormon" Elders.

The already evident result of this unconstitutional law, and inhuman persecution of the Elders, is that it will simply spread the Gospel, make friends for the truth, and cause the honest in heart to investigate.

Steps have been taken to protect the rest of the Elders laboring in the State, which we trust will prove effectual, although a number of them are isolated from quick mail, and telegraphic communication.

One of the most prominent men, and leading politicians in the State, who has visited our Territory, remarked publicly on hearing of the law, that preaching polygamy was not necessary in preaching "Mormonism," and that the act would never attain the object aimed at, but on the contrary, would make friends to the cause.

More anon, MISSIONARY.

COURT DOINGS AT OGDEN.

INDICTMENT QUASHED AND OTHER MATTERS.

OGDEN CITY, May 27, 1885.

Editor Deseret News:

After the court was opened this morning the first case called was the

MOTION TO QUASH

the indictment against Mr. James Taylor, because the names of certain witnesses were not found endorsed thereon. Mr. Dickson confessed the motion, but at the same time he asked that the Court make an order for the case to be reconsidered by the grand jury.

Judge R. K. Williams, of counsel for the defense, asked that the Commissioner be required to file his record. The Court then ordered the case of James Taylor to be considered by the grand jury. In regard to the filing of the record of the Commissioner, the Court thought it could be obtained without any order.

James Taylor is once more

A FREE MAN,

at least for the present. What the grand jury will do in reconsidering the case, of course I cannot at present say. If witnesses can be found to lodge the necessary information, a new indictment may be found, but it is a question in my mind whether the material will be forthcoming for some time to come.

During the morning session Gilbert R. Belnap, Sheriff of Weber County, was appointed by the Court Bailiff for the present term. He took the oath and entered at once upon his new vocation.

Erasmus C. Wangsgaard, a Danishman, was made a citizen. Previous to taking the oath to support the Constitution and laws of the United States, etc., the usual catechism was administered, to all of which he subscribed.

During the day the Grand Jury filed into court and presented

TEN INDICTMENTS

against persons whose names were not divulged. Two of these were for offenses against the laws of this Territory. Two cases were ignored by the grand body inquisitorial. There is

considerable speculation as to the parties against whom the ten indictments are found, but all will be known in due time, which no doubt will be soon enough for those most interested in them.

I have delayed this note,

WAITING FOR THE VERDICT

in the case of Lorin Farr vs. P. R. Shupe. It is a suit for damages by the plaintiff which he alleges he sustained in the year 1884 in consequence of an injunction issued out of the First District Court (at the instance of defendant) restraining him from building a dam in the Ogden River to procure water to run a flouring mill, and for irrigation purposes. The amount claimed at first was \$300, which was afterwards increased to \$600. The case occupied most of Tuesday and nearly all of to-day. Kimball and Heywood appeared for the complaint and Jonasson and Marsh for the defense. The case was given to the jury early in the afternoon. They retired and were out until seven o'clock this evening, when they filed into court with a verdict for the defendant.

At 1 o'clock on Saturday—Memorial Day—the business houses in this city will be closed for the remainder of the week, which time will be devoted to honoring the nation's dead, and various social gatherings for amusement in a way to suit the people.

The weather is fine, the moon is full, and many people wish their purses were.

WEBER.

EXPRESSIONS FROM THE PEOPLE.

A GLANCE AT SOME OF THE NOBLE INSTITUTIONS AND METHODS OF OUR GLORIOUS COUNTRY.

A SUGGESTION FOR THE SIMPLIFICATION AND IMPROVEMENT OF THE SAME.

PLEASANT GROVE,

May 22d, 1885.

Editor Deseret News:

I believe it is said that the enlightened nations in framing their laws have adopted

THE CODE OF MOSES

as a basis, and even embodied many of its provisions in their systems. I am not much versed in law, but I think in some instances those in existence are the reverse of that of Moses. His code, for instance, ordained and incorporated in its provisions the divine institution of marriage, including polygamy, or a plurality of wives, giving details how it should be conducted, making provisions for every emergency and protecting all in their rights in that relation, but forbidding all sexual intercourse outside of the marriage relation. Adultery and fornication were punished with death; the offender was taken outside the camp and stoned to death.

I have been led to examine these matters recently, while observing the proceedings of the courts in this Territory, their rulings and applications of the late acts of Congress (the Edmunds law, etc.) It seems these laws and rulings are made to screen all sexual intercourse outside of the marriage relation and punish with fine and imprisonment, those who enter the marriage relation, as provided for by Moses. If they had made it a capital offense, the reversion would have been complete.

The Edmunds law has some very singular features. The President and his appointees pledge themselves to an impartial enforcement of it. This appears to me to be an impossibility. How can a partial, discriminating, one-sided law be impartially administered? For instance, the Edmunds law in all cases of polygamy, etc., excludes from the jury eighty per cent. or more of the people in this Territory because they are supposed to be biased in favor of the accused, when it is a well-known fact that the remaining small percentage as a rule are equally or more biased against the accused; yet the law makes them eligible, good lawful juries to try such cases. Thus Congress by act has provided for

PACKING THE JURY

in these cases.

I am sorry for President Cleveland and his appointees to have such an unpleasant duty to perform. True, the courts have a discretion in fixing the penalty in cases of conviction, but if the court partakes of this bias against this class of cases, the condemned is sure to get the full penalty, and some of the Judges have said that the penalty for unlawful cohabitation is entirely too light. This exhibits vindictiveness and unfitness to exercise judicial power. Further abuse of this authority is manifested in pronouncing sentence in these cases; the victim is ordered to stand up, the court elevates the judicial club over his head and says, "Have you anything to say why sentence should not be pronounced upon you. If you will turn all of your wives out into the street but one, (where they will become a prey to the unprincipled, and thus sever the most dear and sacred ties known to the human heart) the blow will be light; and further, if you will entirely give up your faith in these things, renounce what you have believed and taught for forty years or more; obey the Edmunds law, and teach others to obey it; be a good citizen, and become one of us, we will let you go and suspend judgment. If you

don't promise to do this and surrender your manhood, you shall have the full penalty of the law, which is entirely too merciful for your case.

When I was a boy, more than fifty years ago, I saw an illustrated copy of Fox's

"BOOK OF MARTYRS."

One illustration in it, I remember, was an execution, by burning, of a "heretic." The victim was tied to the stake and the executioner standing by with a lighted torch and a priest in front holding up a crucifix, lecturing the culprit about his heresy, offering him pardon and life if he would renounce his religious convictions, obey the law and be a good citizen.

I thought that was done in a day of ignorance and superstition, and felt thankful that I lived in this enlightened age and in this glorious Republic—in free America—where every man could worship and serve God according to the dictates of his own conscience, with none to molest or make him afraid. But here we are in the same fix in this enlightened age, in the land of liberty and equal rights, and this is done by the law-makers suffering themselves to be crowded to it by the priests of the land. The whole machinery of the courts is set by law and rulings with guides and shutes to grind out a certain result in these cases, and they

CANNOT MAKE ANY MISTAKE.

It took some time to get the machinery in shape, but it is now done, and runs admirably. A cold-blooded murder case can run through the whole machinery three times in succession and come out unscathed; but it will catch a polygamy case every time. The Miles case did slip through, but the machinery was not complete then. Able counsel are employed to defend these cases, but they are checked off by the rulings of the conductor, and have no show at all. How would it look in the prize ring to fetter one of the combatants and let his opponent have a clear run and beat him unmercifully, and come off without a scratch?

Would he not feel large, his friends patting him and calling him a hero as he received the belt?

I would make

A SUGGESTION

to have the law amended so as to do away with juries and the prosecuting attorney in these cases; it would be shorter and more economical. That would leave the court and marshal with his deputies, who, with the aid of the informer, could carry the work on more rapidly. The informer could hunt up the case, report to the marshal, receive his blood money, \$25, \$50 or whatever the fee is. Then the marshal could swear out his papers and send his deputies to arrest the unsuspecting victim, arraign him before the court to be lectured and sentenced and sent to prison. "Who comes next?"

A ten year old son of mine while listening to the doings of the courts the other day, says: "Pa, if every 'Mormon' man would take two wives that would get them; would it not?" This is the way young Israel proposes to fight this battle. FAIR PLAY.

ST. JACOBS OIL



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(Successors to A. VOGELER & CO.) Baltimore, Md., U.S.A.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One yellow HORSE, 10 years old, branded 70 and MH combined, and a brand resembling a wine glass on left thigh, also JZ on right thigh.

Which if not claimed and taken away, will be sold at 9 o'clock a. m., June 8th, 1885, at the Nephi District Estray Pound.

PETER SUTTON,
District Poundkeeper.
Nephi, May 29, 1885.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One dark red BULL, about 7 years old under and upperbit in left ear, a little white on rump, small white strip under belly, a little white on inside of each hind leg, no brands visible.

If not claimed within ten days will be sold Saturday, 6th day of June, 1885, at 10 o'clock a. m., at the District Pound, Kanosh.

GEO. CRANE,
District Poundkeeper.
Kanosh, Millard Co., Utah, May 27, 1885.