EVENINGNEWS AT POUR O'GLOOR. RINTED AND PUBLISHED BY DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Friday. . August 8, 1884.

MILITARY AUTHORITY AND CIVIL JURISDICTION.

THE change of policy in regard to the trial and punishment of lawless sold-lers, is made the occasion of an attempt to create ill-feeling between the military authorities at Fort Douglas and the municipal authorities of this the officers at the Fort. Mutual rehas taken concerning arrested soldiers.

The facts are these: A ruling of the Supreme Court of the Territory, which has not been tested in a higher court, has decided that muni-cipal ordinances are not "laws of the land" in the meaning of the Fifty - Ninth Article of War, and that therefore the military and not the city authorities have the right to try and punish soldiers who violate the ordinances of the city. Notwithstanding this, the General has not interfered with the city authorities in arresting and punishing disorderly until he was led to believe that un- cles of War. necessary violence had been used to-

ward them by the police. We are satisfied that Gen. Mc-Cook is and has been sincere in his expressed desire to "co-operate with the police force." It is to his interest to preserve order and discipline among the men in his command, and he knows that rowdyism and inebriety out of the camp are liable to lead to insubordination and disorder within the, camp. We find no fault with the General for we had no fault with the General for requiring arrested soldiers to be turned over by the city to the military anthor-ities. It is in accordance with the rul-ing of the highest court in this Terri-tory. It is therefore the law until set aside by another rul-ing of the same court or of the court of last resort. We think the ruling wrong. But the General is not responsible for that. And on de-mand of the military authorities the city is not legally justified in 'retaining

soldiers in custody. There is no conflict on this point-Lawless soldiers may be arrested by the police as before. The people are not to be left a prey to the violence disorderly men simply because they wear the uniform of Uncle Sam. But when such offenders are placed in Jall the police, the Commander at the Fort is to be notified and furnished the names of witnesses against them, that he may proceed to punish them according to the ruling. All the difference is, that the offending soldiers will be tried by a Court Martial instead of by the City Justice. Under the Articles of War the penalties must be the same in both instances. We are of the opinion that they are not likely to be less rigidly inflicted under a military sentence than by the decision of a city magistrate. We believe that the intent of the law of the United States is clearly to place unruly soldiers, in time of peace, under the operations of the civil law. They are not then to be tried by the military. It is only in time of war that they are to be tried by court martial, and then only for certain grave offences. Here is the Article of War that provides for this: "Art. 58.—In time of war, insurrec-tion or rebellion, larceny, robbery, burgiary, arson, mayhem, manslaugh-ter, murder, assault and battery, with an intent to kill, wounding by shooting or stabbing, wit's an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when commit-ted by persons in the military service of the United States, and the punish-ment in any such case shall not be less than the punishmeut provided, for the like offense, by the laws of the State. Torritory or district in which such offense may have been committed." se may have been con What does this imply? Why, any wyer, and any person with a reasonad, will recognize the principl that as it is only in time of war that punishment for these offences is to be under military authority, other times the jurisdiction the civil power prevails, as is expressly provided in Article Fifty-Nine, which we have previously given to our readers. That the languge of the latter article is not to be ed in the narrow sease in which it was construed by the Supreme' Court of this Territory under the notorious-ly erroneous McKean administration, is evident when the article is care-fully read. It provides that an officer soldier who is accused of a capital rime or any offense against the person or property of any citizen which is able by the laws of the land, is to be delivered over to "the civil magistrate," and military officers are rered to aid the officers of justice in prehending and bringing him to al. Observe, any offence which is alshable by the laws of the and, brings the offending soldter, in time of peace, under the jurischefton of the civil magistrate. Are not drunkeuness, assault, riotous conduct, and those disorderly acts of which a few men from the Fort are frequently guilty, "offences punishable by the laws of the land?" And is not the Justice who presides in the Court at the City Hall a "civil magistrate?" And is it not clear that, these points being granted, the City Court has jurisdicexcept in time of war?

s of the Peace, under the laws of ry, which, it is not disputechnical construction of the Supreme Court is to be followed, the soldier in

constody must be tried under the laws of the Territory by the "civil magis-trate," and cannot be lawfully tried under the Articles of War by court

These are the plain and inevitable tions to be arrived at by examination of the Articles of War. The nuddle that has been brought about is the fault of a judiciary with an anti-"Mormon" mission. The determination to thwart everything sup-

posed to be "Mormon," so biased the Judges under the McKean administration that the most egregious errors were committed, and the Supreme Court of the United States, on appeal, set many of the rulings of that period aside. This ruling was never appealcity. This is a revival of the old tac-tics. We do not think they will be successful. There has been no real conflict between the city officials and ntent of the law concerning the military and civil powers, interferes with spect has been the rule and there has been but little misunderstanding. It is not true that any imputation has been made that General McCook has "com- a city free from punishment, or submitted an injustice" in the course he jects him to trial and punishment without color of law, for the power of We have heard no such charge and do the military officers to try him for not think there is any ground for it. civil offenses only prevails in time of

war. It is an absurd ruling with vicious consequences. But neither the muni-cipal authorities of Salt Lake City nor the Commanding officer at Fort Dong-las is responsible for it. And yet it is a question worthy the attention of both branches of the public service, whether after all it would not be better to be governed by the law, and, if the municipal ordinances are not to be considered laws of the land, to punish unruly and lawless soldiers under the territorial statutes, and thus comply soldiers until in the recent case of with the prevalent ruling, and at the Quillivan and Sheridan, and then not same time do no violence to the Arti-

> MORE EVIDENCE AGAINST THE "SPAULDING STORY."

THE stupid invention known as the Spaulding story has been thoroughly exposed and its assumptions completely overtarned, but it is continually repeated and appears to be the only refuge of those who want to account for the Book of Mormon on any other than the true hypothesis, namely, that it is a divine record translated by divine power. The Spaulding story was chiefly concocted by D. P. Hul-burt or Hurlburt, who was excommunicated from the Church at an early day, and who made it up to fulfil his threat of vengeance against the Church authorities. The character of the man, the falsity of his statements, proofs that Sidney Rigdon-who, he claimed, stole the Spaulding manu-

slow to set aside the judgment of the courts. If the happy and much-to-be-desired condition of our empty jails and un-used scaffolds dawns upon this. Terri-tory, during my occupancy of the gub-ernatorial chair, it must come through the behavior of the people and not by the pardoning power vested in Your most obedient servant, JOHN BUNN, Governor. How ALANGON SMITH. script and helped Joseph Smith work it over into the Book of Mormon,never saw the Prophet nor the book HON. ALANSON SMITH, Att'y for defendant, Boise City. until after it was published, have been repeatedly shown up, but of course have no weight with those who will not be convinced. However, as additional testimony on this subject, we publish below the statement of a gentleman familiar with some points bearing on this matter. It will be interesting to the Latter-day Saints, if not to their enemies. We clip it from a letter written by Mr. Hyram Rathbun to the Lamoni, Iowa, Herald of August and, 1884, and dated Lansing, Michigan, July 17, 1884: gan, July 17, 1884: I remember very distinctly when my father, Robert Rathbun, and uncle George Miller, both lived in Mantas, Ohio, in the years of 1828, 1829 and 1830. My father had been a minister in the Close Communion Baptist persuasion. But he, with uncle George Miller, had more recently been carried away with the reformation which had swept through the Western Reserve in Ohio. It was a kind of a reform Baptist movement. One Sidney Rigdon was regarded at the time as the one towering above all others in ability, and consequently a leader in the reformation. During the year of 1830, one Parley P. Pratt and one Oliver Cowdery, came along. Father opened his doors and , received them kindly; and they preached in tather's house. Mr. Pratt gave tinther a Book of Mormon, and requested him to read it. He also gave Sidney Rig-don one, making the same request of him that he did of father. My father was much more of a preacher than he was a debater. Uncle George Miller, was not much of a preacher than he was a debater. Uncle George Miller, the book through on this wise: 1st. They covenanted together to pray each dom, and for the direction of the Holy Spirit, that they might finow of a truth and be directed of God for or against I remember very distinctly when my much to be commended as his initia-t ory official performance. BY TELEGRAPH PER WESTERN UNION TELEGRAPH LINE. Saluting the Dead.

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cance upon them. He said

anything a carpenter, a cabinet make or wood-carver can make with a fr set of edged tools. He occupies an o church in Kirkwood, which he has fr ione, and as he supposed, no one hear-ag him, was so disgraceful and black hat I would not tell it under any con-ideration. except under oath, con-rmed me in all the charges brought ed almost completely with curiositi of a novel as well as useful charact with the aid of his trusty bone-handl knife. The spectators who take to trouble to visit this museum will find to collection as interesting as the picture of a famous art gallery. A short the against him. In regard to the fourth item, I only tro have to say that at that time I was an col Elder with Mr. D. P. Hulbert, of the of the of the say in the say of the say in the say of the say in the say in the say of the say in the say of the say in the say of the say of

Elder with Mr. D. P. Hulbert, of the aforesaid Sandusky Annual Conference of the Church of the United Brethren in Christ, and personally knew of those grievances. I was one of that honor-able, august body of Elders, who for over two days before Bishop Edwards patiently heard his trial, and thorough-ly and faithfully investigated all the testimony in his case. And we all came to the same conclusion, that he was a very bad man, and guilty of each charge made against him. We all voted yes. I, Hirum Rathbun, voted on the case to suspend him from the ministry for one year, and by so doing give him a chance to redeem himself; but he went on from had to worse, and at the next Annual Conference of 1852, by vote, we excommunicated him from the Church for improprieties with the opposite nex, for lying, and for intem-perance.

same kind of Burn as at present, he will gain the approval of all inw-abid-ing citizens. A strong effort was made on his arrival at the capital of the Territory to obtain from him a com-mutation of the death sentence on a

The mark in all the charges brows in the based of all transformers in the set of all trans

bill. "I defy any artist to eclipse my work with either a pencil or brush. An ar-tist may draw a picture as perfectly as he possibly can and hand it to me to reproduce in wood, and I will improve on the picture. Some men think that because they can make a wooden chain with a knife they are great The law providing the death penalty for murderers is in accord with the whittlers. There is no trick in making a simple chain, as the man who makes one link can make forty. Scrolling is by far the most difficult work a man can do with a knife. I can carve per-fectly a leaf or an animal. With a simple pocket knife I have made over 300 models which occupy places in the Patent Office. divine injunction. The common manner of inflicting it is objectionable, but capital punishment is proper for capital crime. A Governor of a State or 300 models which occupy places in the Patent Office. "About a year ago I made the mod-el of a steamship for parties in Europe. They were so well pleased with it that they paid me \$500 for my work. This model was run by steam and could travel through the water at the rate of sixteen miles an hour. My aptitude for whittling is a gift as natural to me as an ear for music is to some other men. After a plece of work is finished I look at it with astonish-ment and wonder now I ever succeded is making it so complete in every de-tail. I cannot draw, and know next to proportions in every plece of work I ment alook at a picture which I in-proportions in every plece of work I inske are always remarkably correct. When I look at a picture which I in-that I can whittle out any automatic contrivance ever invented in the space of a year. Until this year I was not aliving could be made by a whittler, but now I entertain a different opinion. The most I ever made on a plece prior to this year was \$20, which was cleared of a raifle. In two weeks I can com-plete in every detail the model of any ship ever built, and I will construct any kind of a machine ever invented and make it run in an eight ounce bot-tie. All this sounds very strange to you, yet every word of it is true."-"." Territory is expected to see that the laws are faithfully executed. It is only when mitigating circumstances or exculpatory evidences are found to existafter sentence has been passed, that the Executive is justified in preventing the full effects of conviction. The protection of life and property reuires strict enforcement of legal pen-Ities and the backbone of Governor Bunn appears to be endowed with the requisite rigidity to effect this. We hope that his future career will be as



8200.00 200.0 DIRECTO 11111 百万人 BALT LARE CETT, May 15th, 1884 ALL ALL ALL ALL ALL H. S. Eldredge, Bog., Bupt. Z. C. M. I., H. S. Elferedge, Log., Super 2. C. H. L. Diman Size.—I am the owner of a Miller Wrought from Range No. 15, with elvated over all all, which I purchased from you and consider it just capital. I believe it consumes less fuel than the ordinary No. 7 Stove; it is roomy, and large enough for a family of thirty persons; it balks well and has the best attachments for hot water I ever saw, requiring so extra fuel to keep forty gallons at water I ever saw, requiring so extra fuel to keep forty gallons at water I ever saw, requiring so extra fuel to keep forty gallons at water I ever saw, requiring so extra fuel to keep forty gallons at water I ever saw, requiring so extra fuel to keep forty gallons at water I ever saw, requiring so extra fuel to keep forty gallons at while 's salesmen, in fact it is homelike and comfortable. Then in Cincinnati in Jonuary last, I learned from one of Mr. Miller's salesmen, they had just taken in exchange for a larger one. To ally know of three delects with it, it has to be set in place, from it, if you can find somethin is that obviates these incomerce wood wood with happy, and your food well cooked. Tours truly. The PARSONS, Bit Second South Street E Z. C. M. I., GENTLEMENT. -- The Millier Wrought Iron Range I purchased from you, gives the greatest satisfiction as regards its Baking and Cooking qualities and also its Water Heating Apparatus; I do not believe its cousi can be found, and as an economizer of fuel I can cheerfully equal can be found, and as an ed Yours very truly, Z. C. M. I., GENTS.-The Miller Wrought Iron Range I purchased from you nine years ago, is still in use and giving entire satisfaction; I would not sell it at any reasonable price if I could not get another of the same kind. I would recommend all wishing to get a First Class Range, to buy the Miller. Yours truly, WILLIAM NAYLOR, WILLIAM NAYLOR, Thirteenth Ward, Salt Lake City SALT LARE CITY, April 20th, 1884. 11.00 Z. C. M. I., GENTLEMEN. -- I cheerfuly recommend the Miller Wrought Iron Range as by far the Best Cocking Range that we have ever used, our experience embracing several kinds. As an Economizer of Fuel it is apparently perfect, and as a Boiler Attachment Heater, I know of none so good. BENJAMIN HAMPTON, Twelith Ward, Salt Lake City. Very truly yours,

> 00 2 23 MH3M GENTLEMEN.-I take great pleasure in endorsing Mr. Hamp-'s Testimonial, from a griteful experience during the past year. Yours respectfully, GEO. T. ODELL, ton's Ter GEO. T. ODELL, Twelfth Ward, Sait Lake City, of Grant, Odell & Co





在许能说出话是否?

t it is objected that municipal or ces are not "laws of the land." What are they then? An ordinance is defined in law and in philology as "leg-islative, a statute, a law, a decree." nances are laws in a certain sense.

ing the book through for divine wis-dom, and for the direction of the Holy Spirit, that they might know of a truth and be directed of God for or against the Book of Mormon. 2d. Father was to read, and Uncle George Miller was to criticise. 3d. They were to lay aside all prejudice, all partiality; and with all Caristian candor and rightcours fair-ness, endeavor to reach their conclu-sions. The result was that they both embraced the new faith, and through all the checkered scenes of life main-tained it and finally died in the triumph of that faith. of that faith.

of that faith. Sidney Rigdon at once rejected the Book of Mormon given him as an im-position, and boldly withstood Parley P. Pratt and Oliver Cowdery. But Uncle George Miller set right in upon Sidney Rigdon with all his indomitable and unconquertible persevenues. igh it was a life and death stru and never gave up the contest Mr. [Rigdon became convitced, and inally converted to the new faith also. This was not a public, but a private controversy [They called it then, "The faith once delivered to the Saints." This was Nidney Rigdon's first acquaint-ance with the Book of Mormon. And it was a very trying time with these Re-formed Badtists to see their standard bearers with a good many others go over to what was then called "The Church of Christ," and "The faith once delivered to the Saints."

In regard to D. P. Hulburt, some-times called Dr. P. Hulburt, I have this to say: That it so turns out in the wonderful providence of God, that this very peculiar sort of a man. The facts in his case are these: 1. He was licated from the Methodist Cauch for improveded us Christ of La tex, and lying. 3. Upon t te of O 9th, at the re-

to the "Church of two or-en in Christ," and was or-Elder among them. Here, Elder among them there, both in until in the fall of 1851,

AMERICAN. LATEST BY LIGHTNING.

NEW YORE, 8.—Stocks lower; New York Central fell off from 108% to 105% on London selling decline, the re-mainder of the list ranged % to 2. New JerseyCentral, exceptionally firm, rose

The Greeley expedition ships Bear, Thetis and Alert arrived at noon off Governor's Island. See'y Lincoln, General's Sheridan, Hancock and other army and naval officers with troops, received the bodies from the vessels, the forts firing a funeral salute. BIRTHS.

MURDOCH-On Thursday, August 7th 1984, to the wife of David L. Murdoch, of the 20th Ward, a daughter.

FOUND.

A WHITE SOW ABOUT IS MONTHS old. The owner can obtain the same by paying costs at Ed. G. Hooper, 19th ward, au w, 2nd North Stacet. dit

BOARD AND LODGING. TWO YOUNG MEN OR TWO LADIES can obtain Board and Lodging at 161 8 fth West Street. Terms moderate. d2w

SCHENECTADY, N. Y., 8.—There was great excitement here last night caused by the arrest of four young men in a disturbance with the Salvation Army. One thousand five hundred men fol-lowed the prisoners to the station, threatening to throw the officers into the canal. Threats were also made to burn the barracks. Fears are enter-tained of a riot to-night and the poince are taking extra precautions. STRAYED. FIEOM THE D. & R. G. DEPOT, ON Monday, August 4th, two Horses, one hay and one black, the bay is branded LO on the hip. The flader will confer a favor by commu-nicating with Mrs. Faildwin, near the D. & E. G. Depot, Salt Lake City. ds&w

NEWBURYPORT, Mass., 8. - The re-ception to Greely next Thursday in-cludes a parade of Knights Templan and militia. Several posts of the grand army, civic societies, fire department and school children, which will be re-viewed by Mr. Greely. A band concorr identic parado the meworks in the MINTON'S TILES PLAIN AND ENCAUSTIC. ildings and Dweilings; Gla melled Tiles for Mantels,

and for Ex-MILLER & COATES, NEW YORK.

ELIAS, MORRIS, Imperter's Arent

LEGAL NOTICE. FOREIGN. In the Probate Court in and for the Count of Sait Lake and Territory of Utab. LATEST TRANSATLANTIC DIS-

latter of the Estate of Martin H

DUBLIN, 8.-All the men indicted. Petition for administration to Probate of Will a with the recent about in in leaded not guilty. The in leaded hy the court regarding

CANCELED BY

1 to Aug st of the Crown.

in the court room of "Fizz ! Bang II Boom HIP-The attendance at the Theatre last evening was far better than expected earlier in the day, and as much better, perhaps,



Provo, Springville Bingham, Park City,

Salt Lake City.

Wood's Cross, Knysville, Ogden, Brigham Citv,



SOLD AND GUARANTEED BY P. W. MADSEN & CO., 68 Main Street, Salt Lake City.

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