

the strangers, who, like himself, came from the north and south.

Judge W. R. Smith was pleased to be here to-day. Felt that those interested had used their utmost endeavors to make this a success. Commissioner Paddock said, I am sorry I could not have had a little premonition. If I had, I should have seen to it, that a friend should have been prepared to make this speech in behalf of the Utah Commission. He, too, felt to congratulate the Territory on the occasion here to-day. Referring to the position occupied by the Commission here, he said that such an anomalous one was it, that many might think they should be placed here themselves. And as to their labors, if the people before him had been placed in such a torturing, harrowing position as the Ninth Section of the Edmunds Bill had placed the Commissioners they would be ready to come here themselves. He congratulated all. Provo, than which city, he had never seen one more beautiful. No humanity was so broad, and no evidence of enlightenment so great as that which placed such institutions in our midst.

Judge Dusenberry made a few remarks about desiring honest criticism, after which Prest. A. O. Smoot said to-day was a time long-looked forward to, when the unfortunate would have a pleasant dwelling place. Felt a deep interest in this work from the beginning.

Judge Dusenberry offered the hospitality of the city to the strangers.

Bishop Preston made a few remarks, after which he dismissed the assembly. HOMESPUN.

### MORE ANTI-"MORMON" MAGNANIMITY.

In this issue another evidence is given of the kind of justice that is dealt out by the anti-"Mormon" raiders. It is an example of the amount of manliness and magnanimity they manifest. We refer to the indictment of Mrs. Sarah A. Nelson, of Ogden, by the Grand Jury of the First District, her arrest and being placed under bonds to appear when required.

Deputy U. S. Marshal Perkins, accompanied by two others, called at the residence of Mrs. Nelson with subpoenas for witnesses. Without the lady's consent he proceeded forthwith to enter and search the premises. Perkins having no process authorizing him to take this step, he was as much a trespasser as any street rough would have been who might make an attempt to invade the precincts of a private residence without the consent of the inmates and proprietors. So the brave little woman, standing upon her dignity and prerogative, summarily ejected the impudent fellow who undertook to enter her house uninvited and against her expressed wish. She pushed him out, and accelerated his ejection by a couple of raps from a fence picket, which she had seized in her wrath.

The fact that Perkins acted without legal authority in entering the house and beginning to search it, was proved by the fact that the necessary authorization was sent for after his ejection from Mr. Nelson's premises. Mr. Nelson appearing on the scene in the meantime, being more docile than his brave little wife, conducted the officers through his residence, rendering the procuring of additional legal papers unnecessary.

Under the good old English maxim that "a man's house is his castle," and therefore free from invasion without the permission of the inmates, Mrs. Nelson was justified in summarily ejecting the lubberly fellow, who apparently does not understand his duty as an officer, or if he does, refuses to keep within his authority under the law. Not only is he apparently incapable of properly exercising the functions of the position in which he has been placed, but he must be devoid of the commonest instincts of a man worthy the name.

When Perkins' absence of authority to enter the Nelson household is considered; also the sacred character of a private residence, and that the ejector of the boorish deputy was a weak woman who, in accordance with the in-born nature of her sex, was fired with indignation at the very thought of an attack being made upon her husband, the paltry and spiteful action of the asinine Varian and the jury packed on account of being in sympathy with the prosecution of "Mormons," may be appropriately estimated.

The proceeding against Mrs. Nelson—who, it appears, was seriously affected by the strain upon her nervous system superinduced by the incident which led to her arrest—is the essence of unmanly, cowardly vindictiveness. So far as the facts have been shown it is nothing short of petty spleen, and a vexatious legal action. From the onset the lubberly Perkins was the aggressor, and even if by any possible process of tortuous twisting the womanly action could be construed even into an assault, the justification amply covers it. The impudent and presuming deputy is the person to blame, and if anybody should be punished it is he. By overstepping the bounds of his official authority he provoked an assault, if his ejection can be so designated, and therefore is liable for his conduct in the premises. In no case can the action of Mrs. Nelson be twisted to resistance of an officer. Perkins had no legal right to take the step he did; consequently there could be no resistance to official authority.

But his position is broader than charity and covers a mountain of sins. He is one of the tools in the anti-"Mormon" raid, and this is sufficient to shield him from the action of the law, but it will not shield him from the obloquy which will accrue to him in the minds of all right thinking people, who regard manliness and fair-play. And the malicious Varian and the jury are placed even in a worse light than he.

On the other hand Mrs. Nelson is a "Mormon," and therefore not entitled to any consideration from the crusaders. The fact that she is a feeble woman does not protect her from being the victim of a vexatious prosecution which, but for her identity with the community of Saints, would have been lauded, even by those who are now pursuing her with the terrors of the law, as an act of heroism. It is presumable that Mrs. Nelson's case will go to trial. If so the scene will be one which will have no counterpart in civilized jurisprudence. And if a jury shall be found who would convict the brave little woman, it would be worth considering whether or not it would be well to have all who take part in the prosecution photographed in a group. The counterfeit presentations of those who have, in the present anti-"Mormon" extra-legal and extra-judicial persecutions, taken an active part in sending women and infants who are not even accused of any offense against the laws, to a loathsome prison, should also be obtained. The whole should be preserved as mementoes of a movement of which future generations of the human race will yet be ashamed.

It must have constituted a sublime scene when Deputy Vandercook, accompanied by the clerk of the court, arrested the sick woman—Mrs. Sarah A. Nelson. The courage of these two gentlemen is to be commended after the experience of Deputy Perkins. Of course we apprehend that these two officers had no alternative but to do what they did. But that they failed to call for re-inforcements and appear on the premises with an armed posse to protect themselves against the probability of being thrashed by the invalid lady is an instance of heroism that should not be lost to posterity. A record of it should be carefully preserved in the archives of the First District Court. It makes another score on the side of the courage of the anti-"Mormon" crusaders.

### A JUDICIAL TRICKSTER.

THERE is a fatality connected with unjust legislation and judicial discrimination. They produce a foulbrood of perplexing combinations. This we have made clear as day by exhibiting the judicial acrobatic performances that have been exhibited in the Territorial courts in order to allow no "Mormons" accused under the Edmunds law to escape. There has been a determination to make it fit every case, and, as a consequence, it has been distended and contracted to suit circumstances, the determination being to allow no person alleged to have contravened its provisions an opportunity of living in harmony with it, unless he renounce his religious and family obligations.

Another phase of judicial trickery is manifested in the recent conduct of Chief Justice Morgan of Idaho, in Bear Lake County, as indicated by what appears in the News to-day on the subject. Our readers are aware of the existence of the infamous test oath law passed by the Idaho Legislature last winter. That measure disqualifies all members of the Church of Jesus Christ of Latter-day Saints from voting at any election, holding any Territorial or County office or sitting on juries. The question of the validity of the tyrannical measure was brought squarely before Chief Justice Morgan, in cases arising in his court, in Cassia and Bingham Counties. He fully sustained the statute, and acted in conformity with its atrocious requirements.

In Bear Lake County, where the population is almost entirely "Mormon," the unjust Judge was, it appears, confronted with another class of circumstances than those met with in the other Territorial divisions in which he held court. If he did not get a jury composed of "Mormons" he could not obtain one at all. As our correspondent remarks, for Judge Morgan to adhere to his former perfidious ruling in sustaining an unconstitutional law, would block the wheels of justice, and render a peaceful and honest community a prey to criminals of the blackest die. Several of that class had been held to answer to the grand jury, and if a body of that kind could not be empaneled they must go unwhipped of justice.

But Chief Justice Morgan is evidently not troubled with conscientious scruples to any extent. If conscience enters into his composition at all, it is doubtless entirely subservient to his politic tendency. But the subterfuge to which he resorted was far from ingenious. It was remarkably attenuated. The law which he stalwartly sustained in Cassia and Bingham Counties excludes from the rights and privileges already

enumerated all persons belonging to an organization which teaches, embraces or practices the doctrine of plural marriage. The Judge wanted a grand jury, so he ruled that "Mormons" were eligible providing they had not heard the doctrine taught lately by the Church to which they belonged. The flimsy character of this ruling is indicated by the fact that the Church does embrace the doctrine of plural marriage, and the jurors not having heard the doctrine taught within a given time cannot affect the position, and if they belong to that organization, however bad, unconstitutional and generally infamous it may be, it was intended to exclude them, on account of their church membership, from the privilege of sitting on a jury.

If Chief Justice Morgan had done his duty in the premises, he would have decided the law to be unconstitutional—if on no other ground, because it includes a constitutionally prohibited religious test.

The position of the thirteen jurors whose statement we give elsewhere is such that they might have benefited by accepting of the Morgan subterfuge, but they very properly scorned to be a party to such contemptible trickery. They defined their position clearly and unqualifiedly. They are to be commended for the step.

The Court should always be above reproach, and show an example of probity to its officers and the public. But in this instance the jurors stood head and shoulders above the presiding genius. This was an exceptional position for a jury empaneled under an anti-"Mormon" missionary Judge. But the unusual character of the circumstances caused it. Juries in this region now-a-days are packed upon the principle of being "in sympathy with the prosecution" of "Mormons," and are therefore as a rule of a piece with the partisan character of the courts.

The statement of the thirteen will be read with pleasure by all capable of admiring a manly straightforward and consistent stand. Its honesty should, by comparison with his own conduct, bring the blush of shame to Chief Justice Morgan's cheek, unless he is dead to that redeeming sentiment.

### LOCAL NEWS.

FROM FRIDAY'S DAILY, JULY 17

**Arraigned.**—Yesterday, in the First District Court, at Ogden, Charles F. Middleton, one of the Presidency of the Weber Stake of Zion, was arraigned on an indictment found by the grand jury charging him with the offense of unlawful cohabitation with his wives. The defendant asked until Monday to plead, the request being granted.

**Assault.**—This afternoon G. S. Rodgers, who is said to be the proprietor of a store in the 14th Ward, was arrested on complaint of a Mr. Larsen for battery. According to the complainant's statement, some words passed between the accused and Larsen's daughter, about 18 years of age, when Rodgers flew into a passion and made an indecent assault upon Miss Larsen. Her father happened along at the time, and on interfering, was also assaulted by the accused. The matter will be tried in the Police Court.

**Kicked by a Horse.**—About one o'clock to-day Martin Williams, a resident of South Cottonwood, and proprietor of a boarding house in that region, was passing through the Tithing Office yard in this city, where a great many teams from the country were encamped, and as he walked behind a strange span of horses that were tied to a wagon, he thoughtlessly placed his hand upon the rump of one of the animals without speaking to it. He had no sooner done so than the brute kicked at him, the calf of one of his shoes catching him under the chin, cutting a gash from two to three inches wide, stripping the flesh from his jaw to his mouth and also slightly cutting his upper lip, but not injuring the jaw bone or his teeth at all. Dr. Benedict was immediately summoned and in a short time he had the wound dressed, with several stitches in it, and the injured man feeling comparatively comfortable.

**Robbery.**—A short time since an individual known as James Kinney, alias "Wood River Jim," was before the Police Court, where he paid a fine for a breach of the city ordinances. On the 11th of this month he was also a party in the row at Fitzgerald's saloon, though not arrested on any charge. He has been for some time employed at Benites' lodging house, where there lodges a young man who gives his name as Smith. This Smith had a new suit of clothes, which were just the fit of, and greatly admired by Kinney, and a few days ago Smith was robbed of the suit and \$60 in cash, but no clue could be obtained to the thief. Kinney was suspected of being the guilty party, but there was not sufficient proof to warrant a prosecution, so the matter dropped. Another circumstance that increased suspicion toward him was that when Wilson was fined \$50 for resisting the officers, Kinney offered \$40 in money and a gold watch in lieu of the fine, and yesterday he told Smith that he had no money, and wanted to borrow \$1.50.

Last night, however, all doubt was removed from the minds of the parties victimized as to Kinney being the thief, as he disappeared from Benites' place, taking with him \$3 of his employer's money; he has not been seen or heard

of since, and in all probability has left this part of the country.

**Indicted for Resisting a Deputy.**—On the 2nd of June last, Deputy Marshal T. A. Perkins went to the residence of J. H. Nelson, in Ogden, and endeavored to search the house without having the necessary papers authorizing him to do so. Mrs. Nelson, not relishing such a piece of impertinence, promptly ordered the intruder out, and when she got him to the gate, feeling indignant at his insolence, seized a picket from the fence, and gave him several well-deserved blows. Two other deputies were with Perkins at the time, but did not interfere. On the arrival of Mr. Nelson at home, however, he conducted the deputies through the house without their having obtained a search warrant. The excitement incident to the affair was such that ever since that time the lady has been so ill that she has been unable to leave the house. The officious official, however, was bent on revenge, and the outcome of the matter has been that the grand jury have found an indictment charging Mrs. Sarah A. Nelson with resisting an officer, and yesterday Deputy Marshal Vandercook arrested the lady on the indictment. He was accompanied to Mrs. Nelson's residence by the Clerk of the First District Court, and the bail was fixed at \$1,000, which was furnished by J. M. Wright and H. E. Gibson. The result of the entire transaction will be looked forward to with considerable interest, involving, as it does, the question as to whether a person claiming to be an officer will be allowed, without the necessary papers provided by law, to enter and ransack with impunity the house of a private citizen, simply because that citizen is a "Mormon."

### ANOTHER LETTER BY THAT SAMPLE ANTI-"MORMON."

Something of a sensation was created yesterday by our publication of the letters of that sample anti-"Mormon" and model patriot, George Thorn. The following also written by him to his sister, Mrs. Craig, so well illustrates the morality of anti-"Mormon" howlers that we venture to give publicity to it also:

"Salt Lake City, May 18th, 1884.

"Dear and Affectionate Sister:

"Once more do I take my pen in hand this pleasant evening to let you know that I received your kind and welcome letter and was glad to hear from you and that you was getting better and was able to work again; but I am sorry you can't get rid of your trouble. I am going to consult a druggist that I am a little acquainted with and see if I can't get you something that will relieve you of it. I am sorry that we let it run so long, for I think if you had taken the stuff in time it would have relieved you of it long ago. Have you tried the practice of jumping off the fence that I told you about in my last letter? You did not say anything about it in your letter, or whether you had tried it or not." (Here follows some immaterial matter.)

"Well, Liz, they are still a going for the old polygs. They are making three and four arrests a day, and I see that the committee who went to wait on the President at Washington did not make anything. The best thing the Mormon Church can do is to go to work and preach against this beastly act and submit themselves to the laws of the land, for I tell you if they don't do it there will be blood shed. How does the people take it down there; I see they are going for them down south, and they are beginning to make it hot for them in every place there is such wicked work going on. Well, I guess I have wrote enough this time, so I will close by hoping to hear from you soon.

I remain your true brother,  
GEORGE THORN."

### ARREST OF JOHN BOWEN.

UNLAWFUL COHABITATION THE CHARGE.

Yesterday, at Tooele, Deputy Marshal Collin arrested John Bowen, of that place, for unlawful cohabitation with his wives, Hannah Bowen and Eliza Craner, and subpoenaed as witnesses, Mrs. Bowen, Eliza Craner, George Craner and Mrs. John Haynes. The accused and witnesses came to this city on the same train with Mr. Gowans and those subpoenaed in that case, and were brought before Commissioner McKay at the same time last evening. Mr. Bowen entered a plea of not guilty and his examination was also set for to-day, bail being placed at \$1,000 which was furnished by H. S. Gowans and George Craner.

After the examination of witnessess in the Gowans case this morning, Mr. Bowen was called, and Mrs. Hannah Bowen placed on the witness stand. She testified that the defendant was her husband; they were married in 1874; had four children, the youngest seventeen months old; her husband lived with her all the time.

Mr. Dickson—Where does Eliza Craner live?

Mrs. Bowen—I am not compelled to answer.

Q. Why?

A. I don't want anything to do with it.

The District Attorney being informed that the witness was the defendant's legal wife, explained that he had not been aware

of that fact, and excused the witness.

Eliza Craner was then called: She knew defendant and had known him for about 20 years; lived in the same house as Mrs. Bowen since 1880; was married to defendant Oct. 28, 1880; had three children, the youngest three weeks old.

At the close of this witness' testimony, the defendant's bail was fixed at \$1,500, to await the action of the grand jury, and that of the witnesses at \$200 each, to appear before that body September 8. George Craner, Alexander G. Frazier and Benjamin L. Bowen being sureties.

### THOMAS BURNINGHAM ARRESTED.

JAMES GREEN BRINGS A COMPLAINT, WHICH DEVELOPS INTO UNLAWFUL COHABITATION.

This morning Thomas Burningham and his son-in-law, Isaac Spencer, of Bountiful, Davis County, were arrested and brought to this city by Deputy Marshals Greenman and Collin, a the instance of James Green, of Bountiful, who entered complaint against the accused, charging them with threatening to kill him. It appears that some time since Green bought from Spencer a parcel of land, part of the purchase money being paid down, the remainder to be paid part in the spring and part in the fall, last year. The payments were not made according to agreement, and on several occasions when Mr. and Mrs. Spencer have asked for the money the language used toward them by Green, they claim to have been most insulting. A few days ago Spencer, accompanied by his wife and her brother, called on Green, and again requested the money due. Words followed, in the course of which Green made use of very improper language toward Mrs. Spencer. Her father, who was passing near by, heard the remarks, and went over to where the parties were, and, being in a passion, warned Green that if he again used such language, he (Burningham) would "punch his ears." Mr. Spencer also became wrathful at the insult to his wife and challenged Green to come outside, and he would "lick him in fifteen minutes." Green came to this city and made complaint before Commissioner McKay against Burningham and Spencer. Before Burningham was arrested, and not being aware of the complaint against him, he thought it better not to have any ill-feeling with his neighbors, so went to Green and asked that the matter be dropped, as he did not wish even a dog to be his enemy. Green did not, however, stop the progress of the case, and the parties were brought before Commissioner McKay this afternoon.

At the examination, Green testified that the defendants threatened to kill him, and that he went about armed, for fear his life would be taken. Other witnesses testified that they heard no such threats, and the defendants positively deny having made them. The Commissioner found that there was nothing in the charge of threatening to kill, and discharged the defendants.

As a result of the complaint made by Green against Burningham, and developments which followed, the latter was arrested on his appearance at the Commissioner's Court, on a charge of unlawful cohabitation with his wives, Mrs. Burningham and Zina Sessions, the alleged plural wife. An examination was waived, and the defendant's bonds placed at \$1,500; those of the witnesses at \$200 each, to appear before the grand jury.

### HUGH S. GOWANS ARRESTED.

THE COMPLAINT ALLEGES POLYGAMY AND UNLAWFUL COHABITATION.

On Wednesday Deputy Marshals Greenman and Collin went to Stockton, Tooele County, where they remained over night, and yesterday morning went to Tooele City, with warrants for the arrest of Hugh S. Gowans, President of the Tooele Stake and John Bowen. Captain Greenman called at Mr. Gowans' house and served a warrant upon that gentleman, the charge against him being polygamy and unlawful cohabitation with his wives. Mrs. Betsey Gowans, Elizabeth Broomhead and Andrew Gowans were summoned to appear as witnesses. All of the parties came to this city yesterday afternoon, and were taken immediately to Commissioner McKay's office. The complaint alleges that the defendant, H. S. Gowans, did, on the first day of February, while having one lawful wife living, marry Elizabeth Broomhead, thereby committing the crime of polygamy; and that since that date the defendant has lived and cohabited with the two women as his wives, contrary to law.

The defendant was arraigned and pleaded not guilty, the examination being set for 10 a. m. to-day. Bonds were fixed at \$2,000, John Bowen and Peter Reid being sureties.

This morning, the defendant and witnesses were all present, Judge Kirkpatrick appearing for defendant, and District Attorney Dickson for the prosecution.

Andrew Gowans was the first witness called. He was 22 years of age; lived at Tooele; his father's name was Hugh S. Gowans; mother's name Betsey Gowans; lived at his father's house; there were seven children, five at home; the youngest was named (Concluded on Page 426.)