

beth Ann or Ann Elizabeth, and that she was not called or known as Anna or Anna Elizabeth, then you should find the defendant not guilty." I don't think the difference in the name Ann or Anna is material. The name is used to identify the person. We say a house, church, dwelling, to describe a place. The name describes a person, and individual, so they can be picked out, so the person can be known. Some people use nicknames, as Maggie for Margaret—it means the same thing. So I think here, some say Ann, and some Annie. I am of opinion there is sufficient evidence to cause the jury to believe she was called in the family by the name of Annie. People outside the family get the names of a family from parents and brothers and sisters. One witness confined the name to the family, but another did not. The testimony all taken together shows that she was known as much as any by the name of Annie. With respect to the sufficiency of the evidence, there was enough to show that he lived with both women as his wives. It was not shown that he stayed all night, but was there late at night and early in the morning, and men do not usually around a house late and early to convey an idea they are married when they are not. It is the reasonable inference they were married. There was so a child, and it bore his name. The witnesses were disposed to favor the defendant, truthfully, as far as they could. The testimony was conflicting and some of them made inconsistent statements, but taken altogether, I think the evidence is sufficient. The motion is therefore overruled.

Mr. Miner then filed a motion in arrest of judgment, on the grounds, 1st—That there was no charge of a public offense in the indictment; 2d—that the law was void, for uncertainty. He argued in support of the motion, which was overruled.

The Court then said, rather sharply—Have you anything further to say, Mr. Miner?

Mr. Miner arose to his feet.

Court—Mr. Miner, have you anything further to say?

Mr. Miner—No, I think not, sir.

Court—You will stand up, sir. Are you prepared to say that you will obey the laws of the United States in the future—this law as interpreted by the court—the law against polygamy and unlawful cohabitation?

Mr. Miner—If your honor please. While I am a native-born citizen of the United States, since reaching my majority I have never said that I would obey all the laws of the Congress of the United States.

Court—Well, how is it you are practicing law? Does not your oath require you to do it? Let me have the statutes of 1884.

Mr. Miner—I was admitted before that statute was passed.

Court—You have stated you were assistant district attorney of the United States?

Mr. Miner—I was.

Court—I suppose you took the oath as such assistant.

Mr. Miner—Yes, to support the Constitution of the United States. But for the last thirty-three years, since attaining my majority, there have been some of the statutes of the United States which I said publicly that I would not obey, and some that I would not, probably, if I had lived when they occurred; such as the alien and sedition laws; coming up to the time when what was known as the fugitive slave law was passed, it required me, as an individual, living in the Northern States, and every other individual to convert ourselves into nigger catchers of the slaves of the South. When that law was passed I said that I would not obey it—I would take the consequences of failing to obey it—and a former practitioner with me in Ohio was fined a thousand dollars and given six months' imprisonment by the court of the Northern District of Ohio, because he would not obey it. There had been some others; and the reason why I refused to obey them was because I regarded them as being unconstitutional, which right, as a citizen, I claim to have and exercise as an individual, precisely in the same manner as the communities which are made up of individuals resisted those laws to secure their repeal. Also I have reference to at least one where a very able opinion rendered by the Supreme Court of the United States—while I admit as a lawyer and as a citizen it is the last forum of adjudication; but I learned from experience and observation that there is a higher tribunal than that; one which the great political parties of the day recognize as a higher law, and one which they are bound to respect, though even it contravened every part of the annunciation of the Supreme Court; and that case was a case with which your honor is familiar. In the Dred Scott case against Sanford, was called in question and called unconstitutional what is known as the Missouri Compromise Act, and by the resistance to that position, though it was pronounced by the Supreme Court a resistance to that act as agitated by the country and by one of the great political parties, until they reached that position which brought on the conflict—brought on the greatest internecine war the world has ever seen. In all constitutional laws I am ready, and ever have been, to say that I will uphold and proclaim them not only by my influence and whatever means I possess; but by personal sacrifice, if required. But as far as the law to which your Honor has referred, the courts, I know, differ with me upon that (They have the right, and I have the same right to dif-

fer from them) is a law reaching into the domain of morals exclusively, and to that extent, or unto that domain, I have never learned that the Constitution of the United States authorized Congress to go—

By the Court—Is it not wrong for one man to kill another?

Miner—Yes, your honor.

Court—Is not that immoral?

Miner—Yes, but not more so because the law pronounces the act criminal.

Court—That is enacting the moral law into the municipal law, is it not?

Miner—Yes, nothing else; as our great founder and commentator of the law says—

By the Court—The criminal law is nothing more than that, is it?

Miner—Yes, sir, that which is *malum in se* and that which is *malum prohibitum*.

Court—The principle is that that conduct which, in all of its consequences, aggregates human misery, is wrong, and which promotes human welfare and human happiness, is right.

Miner—True; just as Justice Blackstone says in reference to these matters, that the crime of murder is no more a crime—there is no turpitude attached to it—by reason of the law, but that, being in direct violation of the law of God.

Court—Well, Mr. Miner, it is not worth while for you to ask the question whether this law is right or wrong.

Miner—I was simply stating my position and my reasons—

Court—You are not the one to say whether it is right or not. The Supreme Court of the United States have said the law was constitutional and right, and it is not for you to say it is not—

Miner—The whole Republican party have done that—

Court—They did it at their peril—

Miner—Simply, they were in the majority and the more powerful.

Court—Well, what the Republican party does is not the law of the land. It is the law of the land that must govern civil conduct.

Miner—It became such, your honor. That is in the domain of morals. My only judgment is that they have not a right to enter that domain. And again, if we should go back to the facts as they appeared in the enactment of this law, it was not passed by Congress; it was not passed by a majority of the Senate—I think not to exceed 20 votes were given to the passage of that act, and that before a full house. These are matters, which are matters of conscience between man and his God. Man's conscience may be warped, may be biased, may be unenlightened. It makes no difference so far as the individual is concerned, so long as that status is fixed, if he regards it conscientiously as an unconstitutional act.

Court—Suppose his conscience should lead him to covet his neighbor's property and take it?

Miner—That is restrained by the higher law.

Court—suppose he should covet his neighbor's wife?

Miner—That is forbidden by the decalogue.

Court—Suppose he should covet his neighbor's daughter when he had a wife, and want that daughter?

Miner—That is a matter between them. If they are agreed upon it nobody else's rights are infringed. I am glad your honor mentioned that.

Court—The law says that is not right and calls it a crime, and you must understand that polygamy in this Territory and everywhere in the United States is a crime—

Miner—I am aware of that.

Court—You are not the one to give the definition. The sovereignty of the American people, through their servants in Congress, are the parties to determine what is wrong conduct and what is right, and after they determine it, if there is any question made and the Supreme Court pronounces it valid, that is the end of it.

Miner—That is the end of legal controversy, I admit that; but not the end of controversy in the forum of conscience or in the forum of debate. So far as the legal branch of the government is concerned it is final. That, I, as a lawyer, confess. I am perfectly willing to say I will observe this and have always done it; I reserve to myself the right as a citizen to say whether these acts are constitutional in my judgment or not. If the higher tribunals say they are right and I disobey them, as a matter of course, I must do so at my peril, until the political condition of the country shall reach that organization which would be powerful and resist the operation; then of course they could come, with the popular vote, right again; and in my childhood and from thence up, I have said to myself this one lesson taught by Solomon—

Court—Taught by whom?

Miner—Solomon.

Court—If you attempt to follow all the conduct of Solomon, you will be a pretty bad customer and bad citizen.

Miner—He said that "to fear God and keep His commandments was the whole duty of man."

Court—I understand that you take the position that you have a right to determine what laws of the United States are valid and what are not?

Miner—I do, sir.

Court—If every citizen were to do that we would have no government at all. The American people in Congress, through their representatives, made the law; the tribunal selected by the people, the Supreme Court of the United States, in the modes pointed out, have determined that this law is constitutional and is a rule of human

conduct, and that you must obey it as well as all others. To say it is in the domain of morals is idle; because an act may be morally wrong in no reason why the law-making power should not also say it is wrong. Anything that is sufficiently injurious to society to be prohibited by law, Congress has a right to prohibit it; whether it is moral or immoral. I do not think it makes any difference. Morally speaking, Congress would not have any right to make an immoral law, but Congress has the right to determine this, and whenever certain conduct is wrong and thus prohibit it, and the highest tribunal of the country says that is right, nobody can appeal from it—that is the end of it.

As a lawyer, of course, you are bound to respect and obey the laws of your country. The Government does not license men to expound the law as attorneys, with the understanding that those lawyers shall advise persons to disregard the law, or by their own conduct disregard it. You cannot expect to practice law in this Territory or anywhere else in this country if you stand up and say you will not obey the laws of your country, but violate those laws. I am of the opinion that in your case, you being not only a citizen of the United States, but really an officer of this court, licensed and commissioned to practice law, aggravates the matter, and makes it more wrong in a moral point of view; the wrong is greater than it may be with some of those ignorant persons who may not have known what the law was. You, being a lawyer, licensed to practice law, must be presumed to know what so plain a law as this is, after it has been discussed so often.

The sentence against you is that you be imprisoned in the penitentiary for the term of six months and fined in the sum of three hundred dollars, and also pay the costs, and that you stand committed until the term of imprisonment expires and the fine and costs are paid in the mode pointed out by law.

In respect to the other question, I will direct the clerk to make out a copy of this judgment and sentence, and the reporter write out your remarks on this occasion and file them; and that a rule be taken against you to show cause at ten o'clock a.m. on next Saturday, to show cause why your name should not be stricken from the roll of attorneys.

Miner—I cannot answer when I am in prison.

Court—You will be permitted to come out if you desire to answer. That rule will be entered against you, and you have notice now that next Saturday, one week from to-day, at 10 o'clock a.m., you will show cause why your name should not be stricken from the roll of attorneys, and deprived of the privilege of practicing law in this court.

This afternoon Mr. Miner became an inmate of the penitentiary.

FROM MONDAY'S DAILY. OCT. 16

Delegate Appointed.—The Governor, to-day, appointed Jos. A. Jennings to act as delegate from Utah Territory to the National Cattleman's Association Convention, which will meet at St. Louis on November 23d.

Agricultural Report.—I have still on hand a number of copies of the Report of the Commissioner of Agriculture for 1884. Any person desiring a copy can obtain it by mail free of cost, by sending name and address to JOHN T. CAINE, 75 B Street, Salt Lake City.

Information Wanted.—Information is wanted by Brother Thomas Divett, who lives at 254 Centre St., in this city, of the whereabouts of a family by the name of Stocks, who emigrated to this Territory from Newton le Willows, Lancashire, England. The parents' names were Henry and Mary, and their three sons were called Angus, Moroni and Simeon.

Commissioned.—The Governor, on Saturday, issued commissions to F. A. Mitchell, Chas. W. Stayner and I. M. Waddell, as commissioners to locate university lands.

To-day commissions were issued to Wm. Thomson, justice of the peace, Geo. Thomson, constable, Granite precinct, Salt Lake County.

Horse and Buggy Stolen.—Last evening Mr. J. H. Young called at a house on Cottonwood and left his horse and buggy tied outside. On coming out the outfit was missing, and search up to the present has failed to discover its whereabouts. The owner does not think it possible that the animal broke away, but believes a theft has been committed. The buggy is an open top with one seat. The animal is a large dark chestnut-sorrel mare.

Sudden Death.—We regret to learn from Brother E. R. Young, who has just arrived from his home in Wanship, that his venerable and esteemed wife, Margaret Holding Young, died at that place from pneumonia, at one a.m. to-day, after an illness of only three days. She had attained a good age, having passed her 72nd birthday in April last. The bereaved husband is here for the purpose of obtaining a casket to place the body in. The remains will be brought to this city for interment. Notice of funeral will be given hereafter.

Robbery.—On Saturday afternoon Alex. Shannon and Joseph Larson went into a saloon near the D. & R. G. W. depot, where Larson succeeded in getting Shannon drunk. He then led him off some distance and rifled his

pockets of about \$35 in cash. When Shannon became sober enough to realize his loss the police were notified, and last night arrested Larson and lodged him in jail, awaiting trial. Shannon also answered to the charge of drunkenness, and paid a fine. He also charges that Larson has been guilty of improper intimacy with Mrs. Shannon.

Is It So?—Is it a fact, as commonly reported and generally believed, that when W. D. Newsom was taken home to bid his family good bye, he was firmly manacled and accompanied by four deputy marshals? If so, the desire to accomplish something new in the sensational proceedings of late going on must have been considerably strained. He is not a large man and far from being a dangerous one; and to handcuff him like a slave and have his adieu witnessed by perfect posse of overseers, is somewhat suggestive of ante-bellum days—too much like a fragment of Uncle Tom's cabin to be a live sensation, and a little too brutal to fit even there.

Third District Court.—On Saturday afternoon, in the case of the People vs. Fred. Hopt, time till Monday was allowed to give notice of filing a bill of exceptions.

United States vs. John Eckert; making counterfeit money; plea of not guilty.

United States vs. John Kennedy; passing counterfeit money; plea of not guilty.

A. E. Leavitt vs. Oxford and Geneva Mining Company; motion of defendant for new trial overruled.

To-day, in the case of United States vs. John Penman, polygamy and unlawful cohabitation, by agreement, the trial was set for Monday, Oct. 26.

The People vs. Ed. Bagan; grand larceny; trial set for Monday, Oct. 26.

W. S. Simkins et al. vs. George F. Adkin; jury waived, and trial before the court in progress.

The grand jury came into court and presented two indictments under the laws of the United States, against John Penman.

Re-indicted.—The grand jury to-day brought into Court two new indictments against John Penman, the former ones having been quashed because of the name of his alleged second wife being given in them as Hutchins instead of Hodgson. The accused was brought in from the penitentiary this afternoon, and on being arraigned before the Court plead not guilty to the indictments.

Mr. Varian requested the Court to set an early day for the trial, giving as his reason for doing so that the chief witness, the alleged second wife, was imprisoned in the penitentiary, not having been able to offer the necessary security for her appearance at the time of trial.

Judge Zane accordingly named Monday next as the time.

Mr. Kirkpatrick requested the Marshal to permit an officer to accompany the defendant to Bountiful to procure bail, but Penman was returned to the penitentiary to-day. Bondsmen are expected to come down from Bountiful to-morrow.

Fatal Accident.—About noon to-day, while the Utah and Nevada train was being made up at the western terminus of the line, a brakeman by the name of George Hill, son of John Hill of the 16th Ward, attempted to get upon a flat car loaded with ore, which was coming towards him, and to do so placed his foot upon the link which serves to couple the cars together and sprang upwards. As he did so his foot slipped and he fell prostrate upon his back in front of the car, which, before he could move or the brakes could be applied, ran over his right leg and lengthwise of his body, crushing him badly and causing his death within fifteen minutes. He appeared to be conscious after the accident, but was unable to speak. He has been employed for the past five years on the train, and was well liked by his associates. He was 21 years of age, and leaves a wife and one child.

The body was brought to town immediately and Coroner Taylor was telephoned for and an inquest held on the remains.

Cure for Diphtheria.—A correspondent in one of the northern settlements sends the following prescription which he claims to be a sure cure for diphtheria. Take green copperas (not slacked) and burn on a stove lid or otherwise, until it can be pulverized. It should be burnt until it becomes of a yellowish brown color. Take one level teaspoonful of it, the same of sulphur and the same of burnt alum. The alum should be taken off the fire before it quite stops boiling, as it is then stronger. Put these ingredients in a teacup and fill with hot water, then add one teacupful of white sugar. Put the mixture in a tight bottle and shake it before using.

Directions for use are as follows: "In extreme cases give one-fourth of a teaspoonful every hour, and keep the outside of the throat cold, to take down the fever. Ice water with saltpetre in it is good for this purpose. In extreme cases the cloth should be changed every two or three minutes."

To prevent diphtheria the following course is recommended: "While in health, give one teaspoonful twice a day, for one week, every two or three months. If this is followed up, diphtheria will never be taken. Persons waiting upon those who are sick with diphtheria should keep taking the above while exposed to it."

Our correspondent states that his mother obtained this prescription in

Missouri, at the time so many were dying of the scurvy, and that she has used it many times with invariable success, it having in no case yet failed to cure.

To cure scurvy on the head and face, the following rule is given: "Give to an adult one teaspoonful, three times a day, and take one teaspoonful of the powdered copperas, one teaspoonful of the powdered alum, and one teaspoonful of the sulphur, mix dry with lard, and apply on the sores as a salve. In all cases where the prescription (which is binding in its nature) is used steadily, give physic about once a week. This medicine is harmless to even nursing babies. I have used it for 30 years myself, and never failed with it, unless the patient was beyond mortal help. Give to children one-half as much as to adults."

Pleasant Valley Notes.—On last Friday afternoon the D. & R. G. round house at Scofield was destroyed by fire, being completely consumed. Close to it was the lumber yard of David Eccles, and for a time there was imminent danger that the lumber would take fire also. Had it done so a vast conflagration would have been the result, as immense quantities of lumber are lying in the yard. The round house was located about one and three-quarter miles from the Winter Quarters (D. & R. G.) coal mines. A caboose was quickly run up to the mines and returned loaded with miners who came to aid in putting out the fire. A startling rumor was started about the time the flames began to subside. It was to the effect that the night watchman, who usually slept in the round house during the day, had been consumed in the burned buildings. It was afterwards settled, however, that such a calamity had not happened.

For several years past Bishop David Williams, of the Pleasant Valley ward, has had the management of the D. & R. G. coal mines, but with the month of September his contract expired, and the management of the mines was assumed, on October 1st, by the Pleasant Valley Coal Company, whose officers will in future conduct the business of mining the coal. Bishop Williams had at the mines a store and stock of general merchandise which he sold out to the P. V. Coal Co., when the change took place. The Bishop has removed his family from the mines to the town of Scofield, about two miles distant, where he talks of engaging in mercantile business, stock raising, etc.

The output of coal from the D. & R. G. mines during the last few days has exceeded 500 tons per day. The force of miners is being rapidly increased, every train to Pleasant Valley having on board black diamond diggers, many of whom take their families with them. At the Utah Central mines there is also quite a rush.

The population of Pleasant Valley probably numbers at the present time 1,000 souls, which number is being rapidly augmented. Starting at Pleasant Valley Junction, on the main line of the D. & R. G., is a branch road about 17 miles long, reaching to the coal mines in Pleasant Valley, and forming the only avenue of communication between the valley and the outside world. A great deal of fault is being found with the management of this branch line, and the accommodations afforded passengers (going over it are certainly anything but pleasant and comfortable. Travelers are compelled to ride in a caboose attached to a coal train, which seems not to be governed in its arrivals or departures by any time card. It is set down in the time table as leaving P. V. Junction at 4:10 p.m., but frequently it does not depart until late at night. During the present influx of miners and their families into Pleasant Valley, it often happens that women and children are detained in this caboose hours and hours after the time at which they should have reached their destination, and in consequence they suffer great inconvenience and anxiety, and find themselves landed in a strange place late in the night.

On the return trip to P. V. Junction this train is very irregular in leaving Scofield, and frequently misses connection with the west-bound passenger train over the main line, in consequence of which passengers and mail and express matter "get left" at P. V. Junction, until the next day. This happened last Saturday. Why the train over the Pleasant Valley branch does not run more regularly is not apparent to a casual observer.

Unhappy Man.

Why persist in ruining your digestion by eating unwholesome food; and keeping it ruined by doing nothing to restore it to usefulness and right action? Some think that dyspepsia is incurable. They are the ones who have never taken Brown's Iron Bitters. This valuable family medicine makes short work of the tormentor and soon enables the digestive apparatus to do its work. Mr. H. E. Collins, of Keokuk, Iowa, says, "I used Brown's Iron Bitters for dyspepsia, and am greatly benefited."

Why go about with that aching head? Try Ayer's Pills. They will relieve the stomach, restore the digestive organs to healthy action, remove the obstructions that depress nerves and brain, and thus cure your headache permanently.