recommendation coupled with the apparent desire for haste to have the popular prestige placed within the gubernatorial grasp, puts him in a position to have his motives misinterpreted if such were not their complexion.

We regret that he should make so wide a departure in his report from what we esteem to be the basic principles upon which this Republic was built.

ALMOST LABOR IN VAIN.

It is pretty well known that the work of converting the Jews to the perverted systems which are mis-called "Christianity" is very expensive. "The British Society for the propagation of the Gospel among the Jews," in its annual report shows big figures on the expense side of its accounts with very small ones to indicate the known results. And if the subsequent history of "converted Jews" were related in connection with the accounts, and the number of "backsliders" deducted from the sum of the converts, the disparity between expenses and conversions would be still greater and more discouraging.

The society has recently turned its attention to the United States as a field for proselytism. America is pronounced "the New Jerusalem." More Jews come to this country in a year than go to Palestine in ten years. A missionary named Matthews has been urging the "Christians" of California to engage with him in the good work. His arguments smack of the modern Deacon and Churchwarden rather than of the Evangelist. According to the *Chronicle*, they are of a business character. Revival promoters usually have an eye to speculation, and nuances cut quite a figure in their sensation proceedings. Their tactics seem to have been adopted by the missionary from over the water. He announced that he understood the Jews in California were many of them very wealthy. "If converted they would more than repay any expense which the Christian churches had borne in preaching the Gospel to them." So the appeal to the California Christians was based on the probable pecuniary profit of Jewish proselytism.

If this anticipation should prove to be correct, the results would mark a new era in the history of the Society's business. A balance showing a profit would be an innovation. But we do not think there is much prospect of the change. Modern Christianity has little in it to attract the genuine Jew. Its dead forms have no more virtue than Hebraic ceremonies. Jehovah is equally absent from both. And if the creed offered to Judah were imbued with *Divine vitality*, it would have small effect just now on the Jewish mind. "Blindness in part has happened unto Israel, until the fulness of the Gentiles is come in." This was proclaimed by Paul the Apostle, the modern Christian's favorite preceptor, and they should give heed to his words. The zeal of those wealthy persons who contribute freely to the calls of the Society is very commendable, but one would think if the lack of success that has attended it were considered in connection with the saying of the Apostle to the Gentiles it would dawn upon the minds of the donors that there labor is in vain.

The "fulness of the Gentiles" has not yet come in, but the time for its consummation is close at hand. Then deliverance will go forth from Zion, the word of the Lord will come to His servants bearing the Holy Priesthood "Go ye unto the lost sheep of the House of Israel," and then Judah will rejoice in the glorious news, gather home to their own Jerusalem and fulfil the predictions of their ancient seers concerning their latter-day glory. God's people will be "willing in the day of His power," but until He turns the key for the redemption of Judah, their hearts will remain hard, and their ears closed, and the Society for the Propagation of the Gospel among the Jews will look in vain for converts who will "more than repay the expense of their conversion." Besides, when they do open their ears and hearts for the reception of the Gospel, it will be to the pure article as revealed anew in this age.

THE ESTRAY LAW.

Concerning some of the provisions of the law relating to estrays, passed at the last session of the Legislature, by which former statutes upon the same subject are repealed, a correspondent writes from Meadow, Millard County:

Editor Deseret News:

You would confer a favor upon myself and a number of others by helping us to understand the meaning of the law pertaining to estrays; Session Laws 1886, Sections 3 and 4, page 9.

In subdivision third of Sec. 3 we are told that damages may be recovered whether premises are protected by fences or not. How are we to understand this? In Sec. 4 we are told that if we vote to allow animals to run at large for some period, then said subdivision third of Sec. 3 shall be inoperative during such period, etc.; but again is repeated: "And damages may be recovered whether said farms be protected by fence or not."

This is not easy for country folks to understand.

Yours respectfully,
JOHN NIELD.

We reproduce Section 3 and part of Section 4 of the estray law, they being the ones involved in the queries of our correspondent:

"Sec. 3.—If any neat cattle, horses, mules, sheep, goats, or hogs, shall, First—break through a lawful fence, or do damage within the enclosure or premises of any person in any county or portion thereof, where the inhabitants have declared, or may hereaftet declare, in favor of fencing; Second — Break through a lawful fence within an incorporated city, or town, or any lawful fence enclosing any city lot, orchard, or stackyard and do damage therein; Third—Do damage upon the premises of any person, whether said premises are protected by a fence or not, the person aggrieved thereby may recover damages either by an action against the owner of the trespassing animals, or by impounding them in the precinct pound.

Sec. 4.—Any county, or precinct thereof, may at a general or special election, called for that purpose by the County Court, by a vote of a two-thirds majority of its legal voters, voting at such election, declare in favor of fencing their farms and allowing their animals to run at large. In such cases sub-division 3 of section 3 of this act shall be inoperative during such period decided upon by such vote, and damages may be recovered whether said farms be protected by fence or not."

No wonder our correspondent is puzzled over the language of this statute. In the latter part of Section 4 the verbal construction completely obscures the evident meaning and intent of the law. If all of the words after the word "vote" in that portion of Section 4 above quoted were stricken out, the meaning of the Legislature would be plain. The intent of the law is this: Where animals do damage upon the premises of any person other than the owner, the latter may be sued for damages, or the animals may be impounded and damages recovered in that way, unless a "no fence" vote has been carried in the county or precinct. But if the people of the county or precinct have, by an election held for the purpose, declared in favor of fencing their farms, etc., and of allowing their animals to run at large, then damages cannot be collected for injury done by animals on premises not protected by a lawful fence, during the period covered by the vote.

In case of ambiguity in a statute, a court will construe it according to the intent of the Legislature as nearly as that intent can be ascertained from the language used or from the circumstances of the case.

THE WYOMING CAMPAIGN.

It seems that our Wyoming neighbors are having the same game played on them that is worked by the unscrupulous Dubois in Idaho—that is, finding the "Mormous" vote not so pliable as they thought it would be, and our people generally being independent enough to vote for those they consider the best men, the Republicans have taken up the anti-"Mormon" scare and are trying to pull an unpopular candidate through by means of driving out from the Democratic ranks the men whom they could not inveigle into coming into those of themselves. That it will be a sorry failure in all respects is now pretty well assured, for Wyoming, with a fair vote and count, is strongly Democratic, and it is not likely that the managers of that party will permit its strength to be frittered away by any such gauzy scheme on the part of the minority.

A paper whose match for meanness can be found perhaps nowhere outside of this city—and they also have the same name—hails from Rawlins. Referring to one of its recent incendiary articles, the *Uintah Chieftain* (Evanston) says:

"A few weeks ago the *Tribune* advocated driving the Mormons out of Rock Springs with tar and feathers, rotten eggs, etc., saying the Chinese were run out and why not the Mormons in the same way? Thus advocating mobs and riots in a manner peculiar to anarchists. The only reason we can see for this unwarranted assault upon an inoffensive people is that it is one of the peculiarities of the Republican party to abuse all classes who mind their own business and do not coincide with Republican views. The Mormon population will probably know who their friends are at the next election. They will certainly gain nothing by voting the Republican ticket."

The candidates for the Delegateship in Wyoming are—Henry G. Balch, Democrat; Joseph M. Cary, Republican.

Damage Suit.—The long-pending suit of Sam Levy vs. Salt Lake City will probably be reached in the Third District Court to-morrow. On a former trial the jury disagreed. The suit is for $5,000 damages, alleged to have been suffered by the plaintiff in the loss of a large quantity of cigars and tobacco, which had been stored in his cellar. A quantity of water had seeped through the ground into the cellar, it is claimed from the water ditch, and the plaintiff alleges that the city is liable for the damage therefrom.

LOCAL NEWS.

FROM THURSDAY'S DAILY OCT. 21,

MUSICIANS' EXCURSION.

THE TABERNACLE CHOIR AND THEATRE ORCHESTRA VISIT NEPHI.

From a gentleman who accompanied the party we have received the following account of the excursion to Nephi, and of the concert in the tabernacle there, given by the Tabernacle Choir and Theatre Orchestra of this city, who left here on a trip to the town named last Tuesday morning. Three extra coaches were attached to the regular train to accommodate the excursionists, who arrived at their destination at 11:45 a. m. They were met at the depot by the Nephi Brass Band and many kind friends with teams, who escorted the visitors to their homes.

In the afternoon the Tabernacle Choir Band, in conjunction with the Nephi Band, serenaded at the principal places in town. In the evening the choir

GAVE A CONCERT

at the tabernacle. A large raised platform had been erected for the occasion, which was occupied by the Tabernacle Choir and Theatre Orchestra.

The building was crowded to its full capacity. After prayer by President C. Sperry and an overture by the Theatre Orchestra, the Tabernacle Choir gave the "Song of the Brotherhood." Organ solo by Jos. J. Daynes; song, "Stannie Snow," by Wm. H. Foster; chorus by the choir; duet "Merry, Merry are We," by Mrs. Julia Silverwood and Miss Gussie Vincent; "March Song" by the Glee Club; encore, the "Waltz Song;" song, "Trust and be True," by Miss Nettie Raleigh; xylophone solo, by Adelbert Beesley, accompanied by orchestra; "Battle Hymn of Israel," by the choir. Intermission.

Overture by Theatre Orchestra; solo, "Mighty Jehovah," by M. J. Thomas; chorus by the choir; recitation by Miss Nellie Colebrook, "The Station master's Story;" song, "Mignonette," by Mrs. Julia Silverwood; song, "Star of Descending Night," by ten members of the choir; song in Swedish, "In the Forest," by Alfred Neilsen; violin solo, by Willard Weihe; character duet, "When a Little Farm we Keep," by Miss Lizzie Thomas and Adelbert Beesley; song, "Alice," by H. Gardner; anthem, "Jehovah's Praise," by the choir.

It was announced that the Tabernacle choir would give a concert the next morning at 10 a.m. for the benefit of the Nephi Sunday schools.

Benediction by President Charles Sperry.

October 20, 10 a. m.

Concert for the benefit of the Sunday School of Nephi.

Prayer by Supt. Langley A. Bailey.

Overture by the orchestra; "Song of the Brotherhood," by the choir; song, "Bring Back the Old Folks," by Wm. H. Foster; organ solo by Joseph J. Daynes; the "March Song," by the Glee Club; xylonone solo, by Adelbert Beesley, accompanied by orchestra; duet by Mrs. Julia Silverwood and Miss Gussie Vincent; Thanksgiving Anthem, solo by Alfred Nielson, chorus by the choir; violin solo by Willard E. Weihe; character duet by Miss Lizzie Thomas and Adelbert Beesley; song, "Stannie Snow," by W. H. Foster, chorus by the choir; song, "Star of Descending Night," by the members of the choir.

Supt. L. A. Bailey, in behalf of the Sunday school, tendered a vote of thanks to Prof. Beesley and choir, and kindly invited them to come again; closing piece, "Mighty Jehovah," solo by Moroni J. Thomas, chorus by the choir.

Benediction by Elder George Kendall.

Last evening the Tabernacle choir were to have a complimentary dance, tendered by the committee of arrangements.

A few of the excursionists went on to Sanpete Valley on Wednesday.

HERMAN GROETHER.

BOUND OVER ON THE CHARGE OF LIVING WITH HIS TWO WIVES.

Yesterday afternoon, Herman Groether, of the 10th Ward, was arrested on a charge of unlawful cohabitation. The complaint against him is signed by D. W. Rench, and alleges that, from November 1, 1883, to October 1, 1886, he lived with his wives Caroline Groether and Anna Schulthess Groether.

Mrs. Caroline Groether was the first witness called by Mr. Varian. She testified that she was the defendant's wife and had three children. She had known Anna Schulthess since 1879; since the summer of 1884 Ann had occupied a bedroom in witness' house; she had had two children, the eldest of which was dead; the other was an infant; witness did not know of her own knowledge that Anna was defendant's wife, but thought so; heard a rumor, in 1882, that she had been married to the defendant.

Anna Schulthess Groether was the next witness.

Mr. Varian asked her, are you married to Mr. Herman Groether?

Witness—I decline to answer.

Mr. Varian—Have you a child?

Witness—Yes, sir.

Mr. Varian—How old is it?

Witness—About two months old.

Mr. Varian—I'll ask you, first, are you married to anyone?

Witness—I decline to answer.

Mr. Varian—Second, are you married to the defendant, Mr. Herman Groether?

Witness—I decline to answer that.

Mr. Varian—Have you been associating with the defendant as his wife during the past two years.

Witness—I decline to answer.

Mr. Varian—Is he not the father of your child?

Witness—I decline to answer.

Mr. Varian—If not, who is the father of your child.

Witness—I decline to answer.

Mr. Varian—Were you not married to him in the Territory of Utah, during the year 1884?

Witness—I decline to answer.

The Commissioner decided that the questions were proper, and the witness was given a short time to consider, and placed in the custody of the Marshal. Mrs. Caroline Groether, however, suggested to her (in German) that she answer the questions.

In a short time Anna Schulthess Groether was recalled, and to the first four questions replied in the affirmative. To the sixth inquiry she answered that she was married in February, 1882, at the Endowment House.

The witness was then subjected to a rigid cross-examination by Mr. Varian, in the hope of making her testify to the marriage at a subsequent date, but the witness maintained her position and told a straight story throughout.

During this proceeding Mr. Varian asked—Do you believe in a God?

Witness—Yes, sir.

Mr. Varian—Do you believe in heaven and hell?

Witness—Yes, sir.

Mr. Varian—Do you believe lying a sin, even when told in a court of this kind?

Witness—Yes, sir.

Mr. Varian—Do you, on your conscience, and before your God, say that you were married to your husband two years before you went to live with him?

Witness—Yes, sir.

Mr. Varian—Do you believe you will be rewarded in a future state according to your deeds?

Witness—Yes, sir.

Mr. Varian—Do you believe polygamy to be a Divine command?

Witness—Yes, sir.

Mr. Varian—Do you believe the law against it is wrong?

Witness—I guess it is.

Mr. Varian—When the law of God and the law of man come in conflict, which would you obey?

Witness (evidently misunderstanding him)—Both of them.

Mr. Varian—Do you believe this people are being persecuted for their religion?

Witness (emphatically)—I do.

Mrs. Cast and Arnold Schulthess were examined, but knew very little of the case.

The defendant was held to await the action of the grand jury, and gave bail in the sum of $3,000, James Solomon and James C. Petersen being the sureties.

O. P. ARNOLD SENT TO THE PENITENTIARY.

The Result of his Endeavor to Obey the Edmunds Law.

Motion for a New Trial Overruled—Fifteen Months' Imprisonment, $450 Fine and Costs — Bail Pending Appeal Refused.

To-day the motion of the defense for a new trial, in the case of the United States vs. Orson P. Arnold, was taken up in the Third District Court. Nearly two years ago the defendant was arrested and indicted by the grand jury for unlawful cohabitation with his wives Alicia Arnold and Fanny D. Linnell Arnold. On April 13th, 1885, he pleaded guilty to the charge, promised to obey the law in future, and was released on payment of a fine of $300.

In May, 1886, he was again arrested, and a three-count indictment charging him with a similar offense with the same women as his wives, was found against him. The first count covers the period from May 1, to July 31, 1885; the second from Aug. 1, to Dec. 31, 1885; and the third from Jan. 1, to May 11, 1886. At the September term of court he was tried and the jury gave a verdict of guilty on all three counts. His counsel moved for a new trial, on the grounds that the evidence was insufficient to warrant a conviction; that the verdict was contrary to the evidence; and that the court misdirected the jury in the matter of law.

In support of the motion for a new trial, Mr. Rawlins argued that, as two elements were necessary in this class of cases, the marriage status and marital association, there must be some proof in support of each, or a verdict of guilty could not be found. Evidence of mere association was insufficient to convict. The evidence in this case had all been to one effect, and the jury had no right to come to a conclusion opposed to the whole evidence, or to cast aside all the testimony of the witnesses and proceed without. As to the marriage status, which existed prior to April 13, 1885, it ceased at that date, as the parties had agreed to discontinue that relation, and the defendant had promised to obey the law. Subsequent to that time the relationship had never been resumed, and the manner of living had been changed, the defendant remaining with his legal wife. The public declaration of the defendant was that he would conform to the law, dissolve the relationship which formerly existed with the polygamous wife. The evidence showed that that relationship had never been resumed. The registration of the polygamous wife as Mrs. Arnold, at the hotel in Ogden, was no evidence of "holding out." There was no deception practiced, and the parties occupied separate rooms. There had been no acknowledgment of each other as husband and wife.

The District Attorney had argued that the alleged marriage must be declared a nullity. This proposition, though not recognized by the court, had its effect on the jury. The position of the District Attorney was utterly absurd. The idea that a man to place himself outside of the charge of criminality, must invoke the aid of the arm of the government, was foolish. The idea that a man could not place himself in harmony with the law of the land, without outside assistance, would make the law ridiculous, and go to show that it was not founded on reason and justice. A man should not be required to ask the government, or any agency thereof, for the privilege to be innocent. He ought to be able to do that within himself. The law had made the

DEFENDANT'S CHILDREN LEGITIMATE,

that punishment might not fall on them. It did not deprive them of a mother's care, or deprive their father of the privilege of visiting them. The father owed to his legitimate children certain duties; among these he was not required to take them from their mother's care! The controlling power of a father was still due them: it was his duty to give them social and domestic care, to administer to their material comfort. He should not be compelled to leave to others the performance of that duty which the law enjoined on him and him alone. He could care for support and visit his children, in the presence of their mother. To say that he could not attend to this duty personally, was to cast them adrift. This case was very different to one where a man claimed both of the women as his wives, thereby giving out the ostentation of a polygamous household.

As to asking the court to decree as a nullity a polygamous marriage, when both parties knew it was void, and the law did not recognize it,

NO REASONABLE COURT

could entertain such a request. If one of the parties had been inveigled wrongfully into an illegal status, the court could give the deceived person relief. In this case the defendant had no power, and would not have been permitted by the Court to do as the District Attorney demanded. The jury had, however, paid attention to the attorney's argument rather than the Court's charge relative to this. In view of the District Attorney's argument before the grand jury the Court should have instructed them not only that a divorce in this case was not necessary, but that it was a circumstance which they had no right to consider as bearing on the guilt of the defendant. Under these circumstances the defendant was entitled to a new trial.

The evidence had shown that he had only visited and administered to the necessary wants of his children. He had occupied no position that would shock morality or decency. There was no testimony to controvert this statement. The defendant had done everything that he could lawfully do. His public declaration in regard to his polygamous wife was of just as much force as if, in reference to his legal wife, a divorce had been granted, yet, in the latter case, if the defendant had visited his sick children, though in the mother's custody, would the law punish him? It certainly could not be so inhuman. No sane person would consider this a continuance of the marriage relationship. With reference to the registration at Ogden, the most reasonable course to expect was that the mother of defendant's children should be called "Mrs. Arnold." That was the name by which she was known, and it was a matter over which the defendant had no control. He had no right to designate her by any other name, and thus brand his legitimate children with infamy. If the defendant was guilty under the circumstances shown by the evidence, then

NO MAN WHO PROMISED TO OBEY THE LAW COULD BE INNOCENT.

The jury evidently did not comprehend the case when they came to the conclusion they did.

As to his visits to his children, the defendant must be allowed a reasonable latitude under the law. The court had said he might do this, and nothing transcending this could be pointed to by the District Attorney. There was affirmative evidence on the part of the defendant that he kept within the bounds of duty.

Mr. Varian argued against the motion for a new trial, stating that so much had been said in reference to the legal duty of men in the position of the defendant, that further discussion of it by the attorney for the government was unnecessary. When the defendant promised to obey the law, he promised to conform to that law as construed by the courts; he promised that he would so regulate his conduct that the ultimate end sought would be

Continued on page 652.