EVENING NEWS Published Daily, Sundays Excepted,

AT FOUR O'CLOCK.

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NOT A COMMON REVERSAL. THE rebuke which the District Attor-ney and the courts of Utah have re-ceived by the recent decision of the birbest legal tribunal in the land us h can see in it the overthrow of a delibthe gratification of personal malice; of judicial authority; a vindication of the rights of accused persons even though they are classed as "Mormons." To err is-auman. It is nothing new | explain his conduct to the Papal Sen mistakes. And no man or official is to

be severely condemned for an uninten- claims that he has a right to be a polllaw and its liability to different interpretations is proverbial. The records disciplining for having politiof appellate courts are largely made up cal preferences or making political of points difference between judicial authorities. But the case just decided, not disposed to look at it that way. which is but one out of a very large number of a similar character in the main aspect, involved not merely a difference of opinion about the rendering of a clause or the definition of a paragrph, but the liberties of men that the investigating committee of St. suffering from false imprisonment. Au Stephen's have exonorated and even

Act of Congress limiting punishment, endorsed him. for a certain offence to a given period, was deliberately disregarded in that respect and the penalties were multiplied at the option of a vin-It is no wonder that District Attorney dictive official. And the courts of Utah Dickson feels sour and ugly; he is consustained this high-handed outrage, fronted with a dilemma. He is comfeeling secure in their supposed impelled to accept of a universal verdict munity from supervision by a higher against him upon one or the other of court. What could be done towards two propositions. (1) That he is a blocking the way to a final adjudicascrub lawyer. (2) Should that fail, tion by a court of review, was accom-

that he is a petti-fogger and persecu. plished. But it was all in vain. The tor obstructions failed and the reversal The recent decision makes it inevitwas complete. able that the formulation and applica-The decision of the Supreme Court tion of the theory of segregation of the of the United States means that the offense of unlawful cohabitation werecourts here greatly exceeded their authe result of ignorance of the law or thority. That they punished men outthe existence of malice in the side of the law. That all who have thus been incarcerated beyond the time heart. He is jeft to elect which specified by statute are victims to offi- of the propositions he will stand upon There is no getting away from it. Procial and judicial assumption, and that fessionally it is looked upon by some to gratify personal animosity exto be as great a crime to be a poor pressed upon the bench, the law lawyer, as it is to be a consummate has been trampled upon by those who scoundrel. We do not share in this claim for it the highest veneration. view, as there is no essence of crime The peculiarity of this case, too, is nality in ignorance unless it belthe refurther marked by the fact that the

after the battle, from both wings of the opposition to the quasi-socialist, as to where such a force was raised and how it was dene a force outnumbering the Republican party 10,000 votes and growing up as it were in a day. At this inneture, the solu-

ior to him in popularity and influence, MORE DISGRACEFUL PROhe it was who created the phalanx, so

highest legal tribunal in the land, is a ing rabble, by presenting to the individuals pur to annoyance and great deal more than an ordinary re- their eyes the picture of a expense without cause are"Mormons," friends, and a decided popular feeling versal of a judicial ruling. An attempt social Utoria in which the rich would may be considered in that light. As in our lavor. So we are now, as is being made to class it with the com-be lowered and the poor raised until usual in cases where there is no evi-trom neighboring settlements all mon differences on legal points be-tween the lower courts and the higher. But this will avail nothing with the the headquarters of the church at levolence and spleen, in brutal disre-the devil's leaves, where it has given way to honest inquiry he can mether way to honest inquiry he can neither thinking portion of the public. They Rome took a hand in the affair and re- gard for the natural feelings of the bake nor brew. moved Dr. McGlynn from his position, lawful wife of Mr. Hamilton and of erate attempt to prostitute the law for but the angry parishioners more than her condition as the mother of twin ignored his successor, they would babies six weeks old. He also took a sturdy blow at the unlawful exercise not allow him to enter the another excursion beyond the limits of building and on the regular law and official duty, in forcing witcontribution day they gave up of their nesses to state their belief and testify as to rumors they might have heard, substance not (anything; subsequently all of which he knows as well as any the Doctor was ordered to Rome to body is not evidence and cannot be newly-converted ones." A foul-legally evidence from any witness mouthed falsifier then follows for judges as well as attorneys to make ate, but he would not go-he wrote all legally extorted from aby witness. legally extorted from any witness. Of course he was supported by Mc-Kay in this excess of law and violation of right, and the Commissioner further indulged in remarks that exhibited his low nature, coarse disposition and lack he had to say and sent that. He tional blunder. The intricacies of the tician as well as a churchman if he so of right, and the Commissioner further elects; that he will not submit to of ordinary good breeding. No won-

speeches. The Church, however, are der that he is Dickson's pet Commis er, for they barmonize in grossness That is the way the matter stands now; neither the Doctor nor his ad-and decency. We would like to see this comput-times has the writer written replies now; neither the Doctor nor his ad- and decency. herents will yield; in fact the latter We would like to see this compul-

prepose to build a church for him in-dependently. It is aiready well known closure of their belief and what they demand of a number of prominent have heard from rumor, fully exposed and tested. We know that it is consid- of comments! The same game was ered incompetent and improper repeated here, to the intense disgut in respectable courts in Eug- of many prominent men who have in respectable courts in Eug-

land and in the United States. We ers against our people, and as many of these were subscribers and promised believe it is wrong and an outrage upon the rights of witnesses. to use their influence to see the other side published also, the writer was once more induced to write a reply; Messrs. Dickson and McKay, however, do not seem to think that witbut anticipating the fate of his letter nesses have any rights which they are he kept a copy which is herewith inbound to respect. Is there no witness closed, and which you will please pubwith backbone enough to stand up for his rights in this regard? A refusation of the standerous reports elsewhere:

would probably bring the point to a "MCHENRY, Maryland, January 13, 1887. definite issue. The witness might pos-'Editor Republican:

sibly be committed for contempt. But In a number of late issues of your he would not be compelled to remain he would not be compelled to remain long in confinement. There is a legal remedy at hand, and it would be promptly applied and the matter could be determined by competent judicial authority. Of course before any test authority. Of course before any test them to be slanders, we venture to of this kind is made reliable, legal ad-vice should be obtained. In the course of examination, Depu-ism a 'blot' on our escatcheon', etc.,

ty Arthur Pratt, who, without doubt, and its leaders men of brutal im-made a terrible blunder as to the iden-tity of a witness declared that he in saying he got his information from tity of a witness, declared that he in saying he got his information from their bitterest enemies, i e, apostates, Judases, men who have escaped (?) authority for certain alleged informa- from the grasp of the 'monster.' By

in a day. At this juncture, the solu- represent this great coantry? If so, on our way through Deer Park, noted of space precludes our noticing but

in a day. At this juncture, the solu-tion came as soon as those who asked the question could comprehend it — McGlynn. As rector of St. Stephen's Church (Catholic) in New York, inferior in rank to Arch-bishop Corrigan but immensely super-ice to him is nonpularity and influence. our present field. Suffice it to say that mud from behind a fence, but come we found a people here willing to listen | forward with an honest purpose to teach or be taught. Show toward the "despised sect" a spirit of Christian charity, and let our respective systems wherein they differ, stand or fall by the test of Scripture.

Respectfully, N. L. N. ever we have been heard, we have OGDEN OCCURRENCES.

Subscribed Capital, - \$200,000 Paid Up Capital, - \$100,000 FEBRUARY 9th, 1887. HEBER J. GRANT, - President, HEBER J. GRANT, Providen, JAMES SHARP, Ver-Directional, ELLAS A. SMITH, Sery, and Trans. DIRECTORS. Henry Diawoodcy, John Henry Sn.1.5 George Romney, John C. Cuilse, Thos. G. Webber, David Eccles, P. T. Farnsworth, The weather here for two days past has been intensely cold, and the wind piercing. The health of the community is somewhat improved, and it is a

Such paragraphs as the following by source of gratitude that the mortality a correspondent in the local paper is is light. This morning a case of scarwhat rouses old cloven-hoof. "We have been very much annoyed by two Mormon Elders who have been preaching at Buder's for the past four let fever was reported to the city authorities, and the house in which it is

was promptly quarantined. weeks. And they have been very suc-cessful in their proselyting. We would The sanitary committee work with like to see these Latter-day Saints go commendable zeal to promote the back to Utan, as should all those health of the people of this city.

Mr. Rollin P. Saxe will shortly re-turn to California. He has been here for many months and has sold a great many of his Holstein blooded stock. To-day he sold to Mr. David Ksy, a cow and calf for which he received three hundred and fifty dollars. Mr. Kay is proud of his purchase and the seller is glad to receive the ducats. Mr. Saxe monism," praises the correspondent desires through the DESERET NEWS to for in fearless (?) exposition, etc., thank his numerous friends in this dilates upon the enormity of the sys-Territory for their patronage and the tem, and shows how the "Mormous"

corded him. Only one arrest has been mad with-In the past few days on the choice of unlawful cababitation. The victum was Rider John Schade, of Huntsville. Yesterday he was brought down from the valley arraized before Concitizens, and then the facts were gar-bled and intrepreted by three columns nissioner Wardleigh and placed under \$1,500 bonds to await the set on of the grand inquisitors.

A few months since the steam flour-ing mill of Mr. Joseph Clark in this city was destroyed by fire. To-day Mr. Clark consummated the purchase of Farr's mill, which is located near the Ogden river bridge, on North Main learned how groundless are the sland-Street. As soon as Mr. Farr can cleau up what grain and mill stuffs there a in the mill he will take possession, and, with his well known energy and enterprise he will deabtiess make the insti-intion of benefit to himself and the

Court, arrived 'n Ogden 1:0m the penitentiors. They met win a hearty welcome from their numerous friends and the citizens of Ogden generally.

BIRTHS. In this city, to the wife of John Parring ton, at 1:15 a.m. Feb. 19, a gr-t. All well. DEATHS. BENNET-At Son's Hooper, of inflormer





M. I.

Z.



course of the Utah courts was utterly indefensible. The law itself is so plain that it is not open to doubt. The authorities and precedenta are all against the course pursued. The was not an inch of solid ground on which they could base their theory and practice. When the case came before the deciding tribunal it could not be defended on its merits. There was no attempt at argument to show that the lower courts were right, or that they had any fair reason for punishing men for violation of a statute, beyond the penalties which that statute imposed. But the continuous. endeavor was made to prevent the If the proposition involving the in-Court from inquiring into the matter at

all. The jurisdiction question was sprung to stop investigation. The plea was not made that the lower courts had such and such reasons for their remarkable proceedings, but it was in effect: "You have no right to look into this affair. No matter if the Utab courts have declared that black is white, or white is black. You have no authority to question their decision.' The fact is, the case was beyond defense and therefore obstruction was the only chance left for the attorney who appeared for the courts below.

able situation? But we must not be-Therefore we say, this is not to be come abstruse, but return to the point classed with cases which disclose a we desire to present. mere variance of opinion as to the construction of terms or the bearing

the greater proportion of those who world began. of a sentence in a statute, but is in the nature of a complete overthrow of a position assured by the District Atview the situation dispassionately will lean to the theory of malice, in the exbitton of which the most remarkable torney and the District and Suprema indifference to human agony has been Courts of Utah, in which they proshown. As for instance, in the case of ceeded to punish persons without aua victim (O. P. Arnold) where the thority of law, on the personal theory offense was divided into three counts, that the punishment, in their view, as the counsel for the defendant spoke in limited by law was inadequate to the eloquent and pathetic terms of the offense. In other words, the Attorney sufferings inflicted not only and the Judges did not look at it with upon the men thus pursued, the same eyes as the men who but also upon innocent women and made the law, and there fore they proceeded to make it operate to suit their own notions of vengeance against of fenders.

We have no doubt whatever that if other vital questions ruled on by the Utah court and involving the liberties of men, could be subjected to the same authoritative criticism, they would meet with a similar reversal. The cohabisuffer, but it "could not be helped." tation chameleon needs its colors fixed Now it is demonstrated that it could "helped." It could have been imby sticking a Supreme Court pin through it. The absurd and contradictory opinions of the Utah courts on for a maladministration of the law, the same question, reader them open accessarily the result of ignorance or to ridicule and contempt. They have unmitigated villainy. stood as law because they could not be brought up into the higher ney knew that his theory was not good law, and that he formulated and applied

light. The obstruction to inquiry concerning them has been so tar effectual. But the tremendous overturn which the segregation question has given to judicial assumption in Utah, suggests the utler wrong and error of other important rulings bearing in the same direction.

At present there seems no relief from the difficulty. But the presence of the evil is a constant reminder that some means ought to be devised for remedy, and the minds of the most intelligent and reflecting should be turned in the direction of its discovery. It is the province of law to right that which is wrong in practice, and it is certainly wrong that a palpable wrong should exist without a remedy.

suit of neglect to take advantage of attion, even though commanded by a similar testimony, we can prove our Savior to be a 'wine-bibber, a glutton and a bastard,' and the great Apostles, tainable sources of information to better qualify the individual for the dishonor not to tell, and would not obey au order of court requiring thim to would not obey 'the filth of the earth and the offscour-ing of all things.' Strange that men of such depraved instincts should be charge of sacred official duty. If the conduct of Mr. Dickson has been the answer. Well, if that is right in one answer. Well, if that is right in one whrees, it is right in snother. Or is there one law for deputies and an-other for ordinary citizens? If A. P result of ignorance it is possible that he is entitled to at least a small degree of commiseration, providing he exother for ordinary citizens? If A. P. hibited due diligence to inform himself has the right to refuse to reply even the sacrifice of worldly reputation and But even this molety of sympathy would though commanded to answer by a seem liable to be dispelled, in view of court, so has C. B. or I. H. or M. W. the plain language of the statute or anybody else. And if a promise not which fixes the maximum penalty for to tell is binding in one case it is bindunlawful cohabitation, and the palpaing in another; if it would be dishonble fact that the offense is necessarily orable for one person to break it, it

HOW IS THIS?

would be dishenorable in anybody else, and the court must protectall gredient of malice be settled upon the witnesses in honor alike.

situation of the unfortunate man is ... This is the second case of groundless appalling-a malicious man is invariajudicial proceedings against Mr. Hambly unfortunate. That very ingrediilton, and one more instance of coment itself renders him so. He also mon barraty for the purpose of making makes other people unfortunate-the fees for certain officials. And thus is class whom h e makes the victims of Uncle Sam bled to satiate this inerhis deviltry. It is a question whether, dinate greed for fees, while respecta even in that case, all the sympathetic- ble citizens are put to the ignominy o feeling can properly be bebeing forced from their homes to go stowed upon those on whom-in before a hog-like official as criminals, yielding to the impulses of an and be badgered and browbeaten by a evil nature-he inflicts suffering and brutal attorney, and all upon a false wroug. Is he not entitled to some decomplaint and without any beneficiar gree of pity on the basis of his unenviresult to the government or the community. Such proceedings, which have become quite common, are a disgrace

even to the most disgraceful judicial It is not unreasonable to expect that crusade ever inaugurated since the

> THE SOUTHERN MISSION. TORRENTS OF SLANDER MET AND TURNED BACK.

> > MCHENRY, Md., Feb. 2, 1887.

Editor Descret News: At a Conference held in Orinoco, Va., Eiders to open up the first field of 78 to 22, the true proportion is as 1 to 124 in favor of the "Mormons." Other the writer was appointed one of two Dickson's heart like the gentle rain of heaven upon a slanting plank, there being no soll from which the moisture could cause to sprout an infinitessimal twig of that most delightful plant— human sympathy. The substance of his response was that it was true, women and children might have to affer, but it "could not be helped." more highly regarded, jealously pro-October 1st, when I would be joined by a new companion from Utah. We would thus have a full month in which to travel and locate a field before the the Latter day Saints. All their hopes of eternal exaltation linge among other things, upon the sancity and eternity of the marriage covenant,

reversed:

moosing lerson.....

CRIMES COMMITTED BY

nows of winter came. But unfortunately one of those delays which are unwhich, as in the case of David, is foravoidable under even the best regu-iatioa, interfered to prevent the arrival of Elder Luman Mecham, of Milton, ever severed and dissolved by a breach of chastity. Knowing this, a true Lat-ter-day Saint would rather lose his life Utab, my new companion, till nearly

ter-day Saint would rather losenis me than commit adultery. But some have more wives than one. Exactly so. They are in the same box with Abraham, Jacob, Moses and many other of the Prophets of God's chosen people, as can be demonstrated by holy writ. And we hope that those who now feel like calling those ancient a month later. The snow we fast falling, and the wind, dressing itself in white, whistled coldly-scorpful tune, and feit its fantastic tracks in many a crested snowdrift, on the cold December morning that we set out for our new field.

Our friends remonstrated (against our leaving on such a day, and desired us to remain until the storm blowed It was not a mere spirit of reckless

or God.' "Blood atonement.' The Latter-day S. ints on this point teach nothing but what is set forth in the New Testa-ment, vile slanderers to the contrary notwithstanding. adventure that caused us to persist in our journey. Buoyed up by vigorous health and glorying in the consciousness that we were bearing a message

The Mormon people knew nothing of the affair until after the butchery, and then they believed with the rest of mankind that the Indians alone were guilig, until the arch-assassin made his confession before the court. But of prayer as to where we should go, and were now following as the Spirit led. As we reached the higher regions the show became boot-top deep and

Any Bennest, boya January 29 h, 1886, died Janur, y 17th, 1057.

In / Reapel.

SEDDON .-- In the Fi'th Ward, on Wedness day, Fei reary 9.h, 1 7, 24 1:35 p.m., F'or erce Effe, daught : of Samuel M. F. aud Forence Seduon. Bo m in Sel. Lake City. 0 ol. 11 h. 1086.

oined themselves to the 'monster.' at S. h Wa d meeting house, F .day morning "10 o'cloc's. Friends of the family invited. the cost of being ostracised by friends and kindred. But 'nine-tenths of them

came from the slums of Europe, the AMUSEMENTS.

abodes of dense ignorance, etc., and hence they naturally rally around such leaders. We shall see. "By the census of 1880, Utah's popu-latiou was found to be 143,000, of which the American portion numbered 00 000 in round numbers. LAKE THEATRE 99,600, in round numbers. 'The great TWO NIGHTS AND MATINEI

miss can neither read, nor write, nor do they wish to.' It will be a simple matter to fit the lie here also. By the Friday & Saturday, Feb. 11 & 12 same census it was found that only a ittle more than three per cent. Engagement of the charming Litle Com-

Utab's population sten years old and upward, could not read and write. edienne, Vocalisi and Queen of Protean Stars, Now, taking the population of the

United States, as a whole, it was found KATIE PUTNAM that a little more than nine per cent. SUPPORTED BY at the same age, could neither read EXCELLENT COMEDY COMPANY

nor write. But we shall test the alleged ignorance and depravity of Mor-JOHN WHITELEY Manager.

"If the religion of the Latter-day FRIDAY EVENING, February 11th Saints 'places a perpetual premium on men's lusts and brutal instincts,' then An entirely original 4 Act Comedy drama the following statistics, which we ex-ERMA. THE ELF tract from the criminal records of

Utah for [1882, ought certainly, to be SATURDAY EVENING, Feb. 12th, Miss Putnam's Favorite Comedy, LENA, THE MADCAP.

Mor-mone Nec-MATINEE, SATURDAY at 2 p.m. Assault with intent to commit race 1 LITTLE BAREFOOT. - MATINEE PRICES, 75c., 50c. & 25c. -Reserved Seats on sale at Box Office and Obscene a d profane langa she ... 4

Toial..... 5 172

"If Mormons and non-"Mormons" were equal in population, then, as will be seen, the proportion of crime, in the above table, would be so I to 30 in favor of the former; but when it is dives Relief of once and Cures

HAY-FEVER

A particle is app agreeable. Price 30 by mail, registered, 60 ets. Circulars ELY BROS., Druggists, Owego, N. Y.

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THE GREAT Unfailing Specific SIMMONS

REGULATOR

worthies adulterers may yet have the privilege of 'sitting down with Aora-nam, Issac and Jacob in the kingdom

that would save, we rather felt a thril "I'he Mountain Meadow Massacre. of pride in thus having an opportunity of showing what we would do for the John D. Lee with a few confederates and a band of Indians, are alone re-sponsible for that horrible tragedy. Gospel's sake. The Alleghanics lay in our pathway, for we had previously made it a matter

SIMMONS LIVER REGULATOR

For Detroit, Columbus, Indianapolis, Cin inasti, Niagara Falls, Buffalo, Pittaburg, Oronio, Montroal, Boston, New York, "hiladelphia, Baltimore, Washington, and Il points in the East, ask the ticket agent or tickets via the

"NORTH-WESTERN" if you wish the best accommodations ticket agents sell tickets via this line. Gen'l Manager. Gen'l Passenger Ag't

GEO. D. WD LAMSON Jon" Agent, Boom 8, Windsor Block, Denver General Western Agent, Omaha, Neb

LIVER DENVER AND DISEASE

Wester nde SYMPTOMS: Bitter or bad taste in white or covered with a brown fur; pain is the back, sides, or joints - often mistakets for the back, sides, or joints - often mistakets for petates; sometimes nauses and waterbrack, or indigestion; fatalency and acid eruots-tions; bowels alternately costive sull is; headache; loss of memory, with a painful sensation of having failed to do something which ought to have been done; debility; low spirits; a thick, yellow appearance of the skin and eyes; h dry cough; fever; rest restens; the urine is scenty and high col ored, and, if allowed to stand, deposits a weilinent: RAILWAY. THE POPULAR PASSENGER ROUTE

BETWEEN THE EAST AND WEST!

WONDERFUL MEDICINE!



mensely mitigated if not abolished but

If it be taue that the District Attor-

it under the belief that it could not be

taken before the United States Su-

preme Court, the situation is still more

hideous in its uzadulterated perfidy.

It is positively ghastly in its utter an-

scrupulousness. If that be the posi-

tion, and if a human being should re-

ceive sympathy on the ground of a disposition to diabolism, then Mr.

Dickson is entitled to an ocean of that

tender sentiment. Fortunately, how-

ever, segregation has suddenly as-

sumed the shape of a boomerang

which, in its rebound, has struck

at those whom he regarded as his

helpless hand-tied victims. He now stands nakedly before the gaze of hon-

the man whose hand threw it