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A BRACE OF BULLIES.

THE Latter-day Saints at Rock Springs, Wyoming, having made arrangements to build a meeting house at that place, the ire of some sectarian bigots has been aroused to fever heat. The following, which appeared on the 22nd inst., in a paper called the *Budget*, gives evidence that the murderous spirit which prompted the Chinese massacre at Rock Springs is still in force, and that the majesty of the law will probably have to be invoked against the "Christian" violence that is threatened:

"According to the Rock Springs *Independent*, the Mormons of that village are making arrangements to erect a church edifice. For shame! Rock Springs ought to be ashamed of itself and if it should turn loose and give the multiplication-matrimony people a little of the same medicine it administered to the Chinese a year ago a grateful people will rise up and call it blessed. I would not counsel bullets, but would substitute bad eggs and base ball bats. Brother Palmer, of the Rawlins *Tribune*, gives my views exactly when he says, with reference to this matter: 'We would suggest tar and feathers and rotten eggs as weapons which should be used against the Mormon residents of Rock Springs by decent citizens, instead of inviting the erection of an edifice that will always stand as a monument to a hellish institution—a disgrace to the Territory and the fair name of Rock Springs.'"

"Bill. Barlow," as the bully who edits the *Budget* calls himself, with "Brother Palmer" of the Rawlins *Tribune* should be indicted for inciting to commit crime. The "Mormons" have as much right to build a meeting house in any pars of Wyoming where they can legally acquire land on which to erect it, as the Methodists, Episopalians or any other society. And they can claim the protection of the laws equally with other religious bodies against ruffians of the Barlow and Palmer stripe. Such men are assassins at heart and are as cowardly as they are murderous. The "Mormon" residents of Rock Springs are a peaceable and industrious people who interfere with no man's religion and take no part in any kind of disturbance. While they do not break the law they are entitled to all its aid against mobocracy, and can claim the constitutional right to worship God according to the dictates of their own consciences, without interruption from such blackguards as the scribes of the *Budget* and *Tribune*.

When such arguments as tar and feathers, bludgeons and bullets are the best that can be used against a cause, they are good evidences that the position of those who use them is unsound, and that the object of attack is unassailable by truth and reason. The gospel of violence will not prevail in the warfare on "Mormonism." It has been tried, many times, in vain. It is a confession of weakness on the part of those who use or advise it, and every man with a spark of decency should frown it down.

If the "Mormons" of Rock Springs intend to build a meeting house, we presume they will build it. And we warn the mobocrats and murderers who edit the *Budget* and the *Tribune*, and their associates, that they will run great risks if they attempt towards the law-abiding "Mormons," any such base, craven and criminal doings as disgraced Rock Springs in the assault on the Chinese. Let them make a note of it.

A MOST DISGRACEFUL AFFAIR.

THE verdict in the Jones-Treseder case will be a surprise to many people. We confess it is not so to us. When juries are understood to be empaneled for the purpose of carrying out the instructions of the Prosecutor and the Court, it is not to be expected that any other verdict will be rendered than that desired by the prosecution. We do not believe, and the general public do not believe, that if the accused had not been "Mormons" there would have been any pretence of a case against them. That the verdict was not only unsupported by the evidence but actually in direct opposition to the evidence, must be patent to every person who has watched the case intelligently.

The defendants were indicted under Section 5451 of the Revised Statutes of the United States, which reads as follows:

"Every person who promises, offers or gives, or causes or procures to be promised, offered or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity or security for the payment of money or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be punished as prescribed in the preceding section."

The penalty prescribed in the preceding section is a fine of "not more than three times the amount of money or value of the thing so offered, promised, given, made or tendered, or caused or procured to be so offered, promised, given, made or tendered," and imprisonment for not more than three years.

It will be perceived that to constitute this offense, the person sought to be bribed must be acting at the time in an official function under authority of the United States. If he is not an officer of the United States no crime is committed in offering a person money for information such as the defendants sought to obtain from E. A. Franks. Everybody is at liberty to form an opinion as to the propriety, morality, wisdom or expediency of such a proceeding. But that was not the question before the jury. If Franks was not acting in an official capacity under authority of the United States at the time when the the money was said to have been tendered to him, as prepaid wages for the services required and agreed to be rendered, no offense was committed against the statute under which the defendants were indicted. This is beyond dispute.

The prosecution understood that fact, and therefore procured the indictment of the defendants for bribing a United States deputy-Marshal. This, then, is what the defendants were tried for. They were not tried for bribing a bailiff, or a penitentiary guard, or any one else but a deputy-Marshal. The evidence established the fact that the so-called deputy-Marshal was not an officer of the United States nor in any official capacity, but simply an unofficial employe of Marshal Ireland's. It is beyond doubt that he was neither, when approached by Treseder who claimed to be acting for Jones. He had been both guard and bailiff, but had been discharged. No attempt was made to endow him with official authority until District Attorney Dickson, as the evidence shows, conspired with Marshal Ireland to entrap Jones and Treseder by making Franks a deputy.

That they did not succeed was shown in the fact that Franks never executed a bond. A purported bond was introduced, but it was not signed by the principal; and the pretended sureties, if they swore they were worth $10,000 committed perjury. The document was a "straw bond;" *i. e.*, not worth two straws. Franks swore he never gave the bond, or saw it, or knew of its existence. That a bond to be valid must be signed by the person executing it, need not be explained to any one with the least knowledge of law. The Poland Act of 1884 provides concerning the appointment of deputy-Marshals in Utah:

"Such appointment shall not be complete until he shall give a bond to said Marshal, with sureties, to be by him approved, in the penal sum of ten thousand dollars conditioned for the faithful discharge of his duties," etc.

Franks not having given a bond was not a deputy-Marshal. The attempt to make him one for the purpose of entrapping Jones and Treseder into committing a crime was a failure because of the false bond business. The whole scheme was disreputable, almost too low for the scrubbiest pettifoggers, and yet on it is made to hang the ruling of the court and the verdict of the jury, and consequently the fate of the two defendants. But view the status of Franks as we may, the fact remains that neither Jones nor Treseder knew that they were treating with a deputy-Marshal or other officer of the United States. Franks testified that he told Treseder at the third conversation that he was *not a deputy-Marshal*; that he never told him he was a deputy; that he never informed him of any change; that when Jones and Treseder were present he never told them anything about it. The defendants then having been informed that Franks was not a deputy-Marshal, had no idea that they were violating the law. What they did was under the impression that they were doing nothing in violation of law, for, as we have shown, there was nothing criminal in their act if Franks was not an officer.

His testimony is that he was made an officer *to make the crime complete!* And the persons who laid this trap and worked to turn the acts of Jones and Treseder into a crime, are District Attorney Dickson and ex-Marshal Ireland. The former suggested it as "necessary for the accomplishment of the purpose in hand," and the pliant Marshal was ready to carry it out, fix up the straw bond and swear anything and do anything "to make the crime complete."

Under such circumstances and in view of these facts, can any fair-minded person say the verdict was according to the evidence? The court is largely to blame for the result. Judge Zane, as reported, ruled that it was "immaterial whether defendants knew that Franks was in fact a deputy-Marshal." That if "defendants were mistaken as to the character of the office held by Franks, and if the latter did not hold the office they supposed he did, the bribery is not less criminal because of the mistake." Also, that "it is not material whether the bond was or was not signed by the sureties, or that the sureties were not worth the amount involved." This, it appears to us, was very misleading. The question is not, did the defendants make a mistake "as to the character of the office," but did they believe that Franks held any office under the United States at all, and further, did he hold the office of deputy-Marshal? Also the point is not the signature of the sureties but the signature of the principal?

The charge is bribing a U. S. deputy-Marshal; the evidence showed that according to the requirements of law Franks was not a lawful deputy-Marshal, for the reasons we have cited. If they bribed anybody it was not a lawful officer. Even taking the views of the prosecution, the defendants did not know they were inducing a United States officer of any class to perform an unlawful act, and the matter being in doubt, they were entitled to the benefit of the doubt.

But the jury was selected from a class opposed to that to which the defendant Jones belongs, and to which it was supposed Treseder belonged. It was picked with the view of having it from that class. It was not an impartial jury. It was not a just verdict. The whole proceedings are tainted with the odor of the plot between Dickson and Ireland, to turn a lawful act into a crime, and then pursue the alleged criminals with that malice and vindictiveness that have disgraced the anti-"Mormon" prosecutions and made the trial of a "Mormon" a sham and a pretence.

The defense was vigorously conducted, and the utter baselessness of the charge and the shameless conduct of the official conspirators were forcibly exhibited. The verdict was not the fault of the defendants' case nor of defendants' counsel. It was simply the echo of the prosecution and the expected finale to another anti-"Mormon" farce. The verdict was wanted by the Prosecutor, and all he needs to do under present arrangements, is to let the jury know it. A new trial will be asked for and probably refused. We hope it will be carried up as far as the law allows. It is a disgraceful affair, and whatever may be the outcome, the official conspirators who plotted to complete the crime will stand besmirched with the dirt of their doings to the disgust of every honorable man in the country.

JUDICIAL IDIOCY AND INFAMY.

BY the absurd and unjust ruling of the court of Wednesday, David Leaker was convicted of an offense which he had not committed. The evidence was conclusive as to his innocence. He was charged with cohabiting with more than one woman in violation of the Edmunds Act. The testimony introduced by the prosecution established the fact, that since the passage of the Edmunds act and for some time before he had only cohabited with one woman. Yet he was convicted and, no doubt, like others equally innocent of infraction of the law, will receive the full penalties prescribed for an alleged crime that he never committed.

How was this brought about? In this way: It was shown in evidence that the defendant had two wives. The first wife bore him no children: the second had a family. By mutual arrangement Leaker lived with the second, the first living near by but without cohabitation. This being satisfactory to all parties, no one was injured and the law was not violated. But the Court, refusing the request of counsel to charge the jury according to the law and the testimony, instructed them that cohabitation with the first wife was to be presumed; and as cohabitation with the second wife was admitted, of course nothing was left for the jury to do but to bring in a verdict of guilty or ignore the ruling of the Court. Judge Zane, perhaps, is not to be blamed for these instructions. It is the doctrine of the infamous Powers, endorsed if we remember rightly by Boreman, but dissented from by Zane, and this is the law as laid down at present by the Supreme Court of the Territory, and until reversed, must govern in the District Courts of Utah.

It is in violation of well known and established principles of jurisprudence. Presumption of a fact cannot stand in face of proof to the contrary. Any presumption of law may be refuted by evidence. When the opposing proof is adduced, the presumption is dissipated. It has no further existence. But according to the Powers-Boreman idiocy and infamy, presumption is to stand, and convict a defendant, not only in the absence of testimony to support it, but in spite of conclusive evidence against it. Could anything be more preposterous and subversive of law and justice?

But why is this permitted? Simply because the end in view is to send as many "Mormons" as possible to prison, and the doctrine of the prosecution is, "The end justifies the means." This has appeared through the whole course of the proceedings against the "Mormons" in the Utah courts. It is a damnable doctrine, it stamps with ineffaceable obloquy all who advocate or act upon it, and it will blast to all eternity those unjust stewards who thus misuse the authority briefly entrusted to them, when they stand before the Eternal Judge and give account for this prostitution of temporary power.

WIGGINS' FAILURE.

"PROFESSOR" WIGGINS, of Canada, comes to grief over the failure of his predictions relative to the great earthquakes which were to have devastated a large portion of the United States and a small part of Mexico yesterday. He is being, and for a few days past has been unmercifully handled by a big proportion of the press, those who formerly scouted his pretensions joining with those who are now ridiculing him, in making the man feel as uncomfortable as possible. There is little if anything savoring of the spirit of charity or consideration in any of these ebullitions, and in their text and conclusions they bear the apparently ineffaceable imprint of the scoffer; not that Wiggins deserves a defense, but that they are too hasty in fortifying their own opposition to the idea of anything taking place which they are unable to explain.

Wiggins is an industrious and earnest worker in one of the British observatories in Canada. He is not a great man, and we very much question if he has the elements of greatness within him. But he is entitled to some respect, and his opinions should receive decent consideration because of the fact that he has studied them out in accordance with his training, education and the rules governing scientific research. In this he has exhibited commendable industry and a desire to advance to a front position among the scientists of the age; so that, when he falls short of what is aimed at, why should we empty the vials of our wrath upon the man himself, overlooking the system upon which alone, doubtless, he based his conclusions? supposing, for example, he had been an employe in a surveyor's office, and having mastered by rule and experience the intricate sciences of triangulation, had followed those rules in the computation of a circle or the arc of a circle at a distance, and had fallen short a fraction of an inch, would it be just to blame him if his equations were correct and the rules strictly followed? Hardly. Yet we conceive Wiggins, present predicament to be somewhat similar to that.

Success makes villainy a virtue, while failure makes honesty a crime. Had the struggling scientist who is now impaled upon the lance of the press and public opinion happened to hit it yesterday, the world would have been at his feet to-day. As it is, there are none so poor as to do him reverence. He was foolish for startling the ignorant by announcing as a certainty what was at best but a hypothetical conclusion, and incurring the ridicule of the cultivated by making himself their victim in the event of failure. Astronomers are the only purely scientific men whose predictions seldom fail, but Wiggins is evidently not an astronomer.

THE FIRST WIFE NOT A WITNESS.

IN the First District Court at Provo on Thursday, during the progress of the case of James W. Loveless, indicted for unlawful cohabitation, Mrs. Loveless was called as a witness for the prosecution, but objected to by the defense as the legal wife of the defendant. The Court decided to hear testimony on that point, which he instructed the jury was not to be taken in evidence, but was only for the consideration of the court. The lady testified that she was the wife of the defendant, and was married to him in 1847 at Council Bluffs, Iowa. On being asked by the prosecution whether her husband had other wives, the defence objected to the question and the Court sustained the objection. The question of the admissibility of the evidence of the legal wife against the husband was then argued and authorities cited, and the Court ruled that the wife was not a competent witness in the case.

This action of Judge Henderson is strictly in accord with a long line of judicial authorities, with recognized principles of law and public policy, and with the statutes of Utah governing the rules of evidence. But it is in direct opposition to the course pursued in the Third District Court, where legal wives have been compelled under threats of imprisonment for contempt, to testify against their husbands in the face of protests on the part of the the witness and of the defendant. This, too, when the law is clearly opposed to such proceedings. The proposition in the new Edmunds bill to make the lawful wife a competent witness against the husband in cases of polygamy and unlawful cohabitation, raised more opposition, perhaps, than any other feature of the obnoxious bill. It was denounced by persons of both political parties, as a violation of principles recognized in law for centuries and enunciated repeatedly by the Supreme Court of the United States. The endeavor to foist it upon the statutes of the United States was evidence that no law existed permitting such an outrage, for if there had been a provision that could be reasonably construed to countenance it, there would have been no need to try to make special legislation concerning it.

But District Attorney Dickson, whose zeal for the law is so strong that he has no scruples about perverting it in order to secure victims to its penalties, by quoting one Utah statute and concealing another, and by imparting to the section cited a strained and improper meaning, clearly in opposition to the intent of the framers, managed to induce Judge Zane to rule in favor of his illegal demand for lawful wives to testify against their husbands in cases of this character. The facility with which the District Attorney can obtain the decision of that court in accord with his desires, has justified the common saying that Zane is but the echo of Dickson.

The section relied upon by the District Attorney for making the lawful wife testify against the husband is in the Utah laws of 1884, p. 459, which provides as follows:

"A husband cannot be examined for or against his wife, without her consent, nor a wife against her husband without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other."

The point dwelt upon by the District Attorney was that in the offense of polygamy or unlawful cohabitation the husband commits a crime against the wife. But he did not take into consideration the important fact that in these cases a man is not charged with a crime against his wife. She does not accuse him, she does not claim to have been injured, in most cases she has been a party to the proceedings which the law seeks to make criminal, and it is not intimated in the indictment that the defendant has committed any offense against his wife.

To settle the meaning of the law, however, there is another section contained in Utah laws of 1878 which has not been repealed and which will be found on page 151:

"Sec. 421. Except with the consent of both, or in cases of criminal violence upon one by the other, neither husband nor wife are competent witnesses for or against each other, in a criminal action or proceeding to which one or both are parties"

This explains the meaning of the words "a crime committed by one against the other." The wife should be protected by law from criminal violence on the part of the husband. That is the intent of both statutes. It is in harmony with innumerable precedents and is sustained in principle by judicial decisions of the highest courts in the States and of the nation.

We hope this matter on a proper occasion will be fully tested, and that the rights of witnesses may come to be respected in the courts of Utah. At present on many occasions they are not protected, but even ladies are subjected to treatment which makes every decent man's blood boil with indignation. It may seem to some individuals who are not moved by the nobler impulses of humanity, that the best way to bring a community into subjection to a law which they resent, is to proceed to extremes, use every trick and scheme known to pettifoggery, and even pervert the law to base uses, but the better class of mankind will view such doings with contempt, and the time must come when law and decency instead of illegal rulings and merciless severity will prevail in the District Courts of Utah.

LITTLE COLORADO STAKE CONFERENCE.

The Quarterly Conference of the Little Colorado Stake of Zion met at St. Joseph, September 4th, Joseph H. Richards acting President. St. Joseph, Wilford and Tonto Basin Wards were represented. A good spirit prevailed and much encouragement and consolation were given by the speakers. The general and local authorities were sustained and the Saints manifested a determination to live their religion.

S. G. LADD, Clerk pro tem.