fore left it open to any Territorial legislature to provide such enactments on the subject as it should see fit.

When this legislature enacted this law upon adultery it did not conflict with any act of Congress, for there was none; and it would have been competent for this legislature, had it seen fit, to have provided that this crime should be barred or outlawed in ten or five or one year. It was competent for this legislature to leave it without any statute of limitation. It choose to do the latter. There is no statute of limitation applying to this provision. But gentlemen, if a married person has carnal sexual intercourse with any other person than his or her lawful wife or husband, such a person has committed adultery.

But what proof is necessary to satisfy a jury that adultery has been committed? Gentlemen, most men who are hanged for murder are hanged upon circumstantial evidence; it is rather seldom that a murderer is caught in the very act. Shall we start a new rule and apply a more stringent rule of evidence to a crime of a less grade? No, gentlemen, I shall do nothing of the kind. If circumstances are proved which lead the minds of the jury necessarily to the conclusion that the prisoner at the bar has committed adultery, that is sufficient; no positive proof of the act need be introduced, and, gentlemen, I will venture to conjecture that there are fewer cases of adultery proved by positive evidence than of murder. Within the scope of my own observation and reading, more murders have been seen committed and could be positively proved than adulteries. If a man—a married man—intends to have and does have carnal sexual intercourse with a another woman than his wife, he is guilty of adultery, and that, no matter what his belief may be. If he has done an act which the law says is a crime, he is guilty of that crime, whether he thinks it a crime or not. Why gentlemen, very few laws are enacted by the legislature where here is not a large minority of the very legislature that enacts it that are opposed to it; and a very large minority if not a majority of the people may think it unwise or wrong. Does that belief, or that opinion, excuse the minority of the legislature or the minority of the people, so long as it is a law, from obeying it? When the time shall come that a man's belief is to control the question whether he has or has not committed a crime, we shall be in a bad plight. Why gentlemen, you take any ordinary matters of legislation upon subjects that do not involve moral questions particularly, as for instance the tariff. Suppose, certain revenues are provided to be paid at certain ports of entry, it is altogether in the discretion of the legislative body whether it be put at one certain percentage or at another percentage. Suppose a man commits a fraud on the revenue because he thinks the law is wrong, or the tariff is a little too high. He may honestly think so; but suppose he is indicted after doing it, would any court charge a jury, and would any jury, whether charged or not, say that because he believed the tariff was too high that he was therefore justified in disobeying or violating the law? Then when it comes to questions of crime, how much more grave are the considerations weighing upon courts and juries. When the time shall come when a man can do a thing which the law says is a crime and then, when put on indictment, can be acquitted by a jury because he believes that the law was wrong, or because he believed he had a right to do it, then we have reached the end of government, then we have reached the end of civilization, then we go back to the barbarism and savage life from which our ancestors, centuries ago, emerged. Every man is bound to obey the law, whether he likes it or not.

The prisoner at the bar and the principal witness on the prosecution came from England—that land second to none either in civilization or enlightenment, that land where one man is allowed to have only one wife, and where one wife is allowed only one husband; and when he or she disobeys this law meets with summary justice. They came from that land to this land,—the daughter of England—the inheritor of English law, of English liberty, of English civilization and enlightenment; to this land which, like England, requires one man to be true to his one wife, and that one wife to be true to her one husband so long as they both shall live; it requires that in the States, in the Territories and wherever the flag floats. If men choose to come here, we welcome them. It is optional with them whether to come or to stay away, or to leave after they have come; but when they come we expect them to obey our laws—laws which, in these particulars, are in consonance with the laws of all civilized, christian countries.

Now, gentlemen, if from the evidence you believe that between twenty-one and twenty-two years ago, be the same more or less, the prisoner at the bar did take the witness Harriett Hawkins as his lawful wedded wife, and that she did take him as her lawful wedded husband, and that the ceremony which she has testified to did take place; that the prisoner at the bar afterwards gave her a certificate, which has been produced here, that they thereafter lived together as husband and wife and came to this country and that, while here, the prisoner at the bar did have carnal sexual intercourse with Elizabeth Meears or Sarah Davis, as charged in the indictment, then I charge that he is guilty of adultery under the law. Whether you believe that is for yourselves to say. You have heard all of the evidence, you know whether witnesses have been impeached or not; you know whether or not they have impeached themselves by their contradictory testimony. You know all about that. You know, and it is not difficult to recall, all the evidence in the case. Take it, gentlemen, weigh it with the deliberation which the gravity of this case demands, and after you have done so come into court and render your verdict.

Gentlemen, before you retire, defendant's counsel have requested me to say to you, that in order to find a verdict of guilty the jury must believe, from the evidence, beyond a reasonable doubt.

First, "that Harriet Hawkins was at the time set forth in the indictment the lawful wife of the defendant." Yes, gentlemen; I say so.

Second, "that the person with whom the defendant is charged in the indictment with cohabiting was not, at the time of such cohabitation, the lawful wife of the defendant."

Yes gentlemen, I say so, and I say to you that the defendant can have but one lawful wife at the same time. I say to you that if you believe from the evidence he married the principal witness, Harriet Hawkins, as she has stated, any subsequent marriage with any other woman was null and void.

Third, "that the defendant did at the time or times charged in the indictment have actual carnal intercourse with Elizabeth Meears or Sarah Davis." Yes, gentlemen, I so charge you; "and unless the jury are by the evidence satisfied beyond a reasonable doubt of the truth of each of the foregoing propositions they must find the defendant not guilty."

Yes, gentlemen, I say so.

I am further asked to say to you that, "if the jury believe from the evidence that the defendant Thomas Hawkins did bed, cohabit and commit adultery with Elizabeth Meears and Sarah Davis, or either of them as charged in the indictment, and you further believe from the evidence that such offense or offenses were committed prior to the first day of August, 1869, you must find defendant not guilty."

No, gentlemen, I refuse so to charge you, that is not law.

Defendant's counsel further ask leave to charge "that it was the duty of the prosecution to show an actual legal marriage of the defendant with Harriet Hawkins, according to law, and the place where such marriage may have been shown on evidence to have been solemnized; and if the jury believe from the evidence that the prosecution has failed to make such proof, the jury in this case must find defendant not guilty.

I have substantially charged you as to that doctrine in other words, and I repeat it. You must believe from the evidence that the ceremony took place as the witness related; that they have cohabited together as husband and wife, as she related; and you must believe from the evidence that there was a lawful marriage.

Further, I am asked by defendant's counsel to say that, "in order to find a verdict of guilty the jury must believe from the evidence that the act of adultery committed by the defendant has been established by the evidence beyond a reasonable doubt." Yes, gentlemen, I so charge you.

And further, "that unless the jury are satisfied that proof of the commission of an act of adultery by the defendant has been established beyond a reasonable doubt, they must find defendent not guilty. Yes, gentlemen, I so charge you.

And further, I am asked by defendant's counsel to say, "That unless the jury are satisfied that proof of the commission of an act of adultery by the defendant, since the first day of August, 1869, has been established by the evidence beyond reasonable doubt, they must find the defendant not guilty." No, gentlemen, I refuse so to charge you, that is not law.

Mr. Fitch, one of the defendant's counsel, gave notice of exception to the action of the court in refusing to give the instructions asked, in reading the instructions to the jury which it refused to give and to its verbal addenda or extension of the instructions given.

The jury were then placed in charge of the proper officer, and this morning came into court, and rendered a verdict of "guilty." Sentence was not passed, and the defendant's counsel gave notice of a motion which they would file for arrest of judgment and a new trial of the case.

Tuesday morning next was the time fixed by the court for further proceedings in connection with it.

THAT JURY.—Our readers, generally, no doubt would like to know the names of the petit jury in the Hawkins case. A body of men who are so incapable of understanding or who wilfully misinterpret the definition of a common term, ought to have a place in history, if only to show to the *intelligent* portion of the community what mischief may be wrought by persons who are only an embodiment of prejudice, and ignorance when power is placed in their hands. Some of this jury are apostate Mormons, and they, especially, should be held in everlasting remembrance; they have as much right to a niche in the temple of scorn and contempt as their brother Judas, and his name and theirs will henceforth be inseparable. The following is the list of the worthies:

James H Wilbar	James E. Matthews
James Crouch	Geo. H. Rought
Wm H. Liter	Jacob Ornstein
Isaac F. Evans	Henry George
John H. Latey	Chas. B. Trowbridge
Henry O. Pratt	Sol. Siegel.

SERVICES AT THE TABERNACLE YESTERDAY.—At the forenoon meeting, held in the Old Tabernacle, the time was occupied by Elders N. H. Felt and R. F. Neslen, and in the afternoon, at the New Tabnacle, by Elders John B. Maiben and John Taylor.

An Important Case in the Alderman's Court.

On Friday the case of Salt Lake City *vs.* Pat Lannan was before Alderman Clinton. The charge preferred against the defendant was for selling fresh meat in a place not authorized by law, being in contravention of the City Ordinance for the regulation of meat markets &c.

Mr. Smith, counsel for the defense, after some preliminary remarks, presented the following motion to dismiss the complaint.

Territory of Utah, }
County of Salt Lake, }

Before Jeter Clinton, Alderman of the Corporation of Salt Lake City, and Ex-Officio Justice of the Peace.

Salt Lake City, }
vs.
Pat Lannan. }

The above named defendant makes special appearance in this cause, and moves that the complaint in this action be dismissed, and, for ground of motion shows:

First—That the ordinance of said corporation of Salt Lake City, upon which said complaint is founded, was created by the exercise of legislative power assumed by the Common Council of said corporation; that the right to legislate, exercised by said corporation in the premises, is unauthorized by law.

Second—That the judicial powers assumed in this case by Jeter Clinton, as alderman of said corporation, are not authorized by Act of Congress, nor by any authority delegated by Congress through the "Organic Act" of the Territory of Utah.

Third—That to hear, try, and determine this case requires the exercise of judicial powers; that neither such power nor authority has been conferred upon said Jeter Clinton by Act of Congress, nor by any authority delegated by Congress.

Fourth—That the exercise of judicial functions by said Jeter Clinton, by virtue of the office of alderman of said corporation, is without warrant of authority in the legislative powers delegated by Congress to the Governor and Legislature of the Territory of Utah.

Fifth—That the office of Ex-officio Justice of the Peace is unknown to the law.

Sixth—That the said Jeter Clinton has no jurisdiction if the pretended offense charged in said complaint against this defendant. That the authority to hear, try, and determine the same has not been conferred upon him.

Wherefore, this defendant prays that the complaint herein be dismissed, and that he be discharged.

EARLL & SMITH,
Defendant's Attorneys.

Judge Z. Snow, Prosecuting Attorney, said that the substance of the motion had been presented in Court before and had been, very properly too, he thought, overruled, and he therefore thought it unnecessary to make any remarks on the subject then.

After some further remarks on the part of the defense, in which an attempt was made to show that the Ordinance under which the charge was brought was in restriction of trade and in opposition to public policy, and should consequently be rendered void, Mr. Smith entered the following demurrer.

Territory of Utah, }
County of Salt Lake, }

Before Jeter Clinton, Alderman of the Corporation of Salt Lake City, and Ex-officio Justice of the Peace.

Salt Lake City }
vs.
Pat Lannan. }

Defendant in the above entitled cause, not waiving any objection to the Jurisdiction of the Court, demurs to the complaint herein; and, for grounds of demurrer, states—

First—That the pretended offence charged in the complaint in this action is unknown to the common law, and to the statutes of the Territory.

Second—That the facts stated, taken as true, do not constitute any offence known to the law. That the ordinance of the corporation of Salt Lake City, defining said offence, and providing punishment therefor, makes against the Constitution of the United States, is against public policy, and in restriction to trade, and therefore void.

EARLL & SMITH,
Attorneys for the defendant.

After further argument on both sides, Alderman Clinton announced that he would reserve his decision in the case until to-morrow (Saturday) morning, at ten o'clock.

Near the close of Mr. Smith's argument on the part of the defense he, to the infinite surprise of everybody in court, stated, inadvertently we presume, that he had not read the ordinance under which the charge was brought against Mr. Lannan. The public may, from this admission, form some idea of the consistency or inconsistency of his undertaking to assume that said ordinance was either in "restriction of trade" or "against public policy."

As various threats have recently been made that an active crusade will be prosecuted not only against the religious but the municipal rights of the people of this community, we deem it but justice to all to keep facts constantly before the public, that, whatever results may flow from such a crusade, the world may know who inaugurated and carried it on, that there may be no mistake as to who are the enemies of peace and good order and the sowers of discord.

At ten o'clock this morning Alderman Clinton overruled the demurrer, and the case was set for trial, by jury, at four o'clock this afternoon.

FINED.—The case of Salt Lake City *vs.* Pat Lannan, for a breach of the ordinance for the regulation of meat markets, &c., before Alderman and ex-officio Justice of the Peace Jeter Clinton, was decided against the defendant, the jury finding a verdict for $25.

Lannan still continues to act in violation of the city ordinance, and another warrant was issued, this afternoon, summoning him to appear to answer to another charge similar to the first one.

DISTRICT COURT.—The motion and arguments, Thursday afternoon, of the counsel for the defence in the Hawkins' trial, that a wife can not testify against her husband, were overruled by the Court, the basis claimed for the decision being the Territorial statute allowing either husband or wife to testify against the other in cases of adultery.

The examination in chief of the first and principal witness for the prosecution, Mrs. Hawkins, was got through with last night, after which the Court adjourned till this morning at 10.

This morning, upon the re-assembling of Court, Mrs. Hawkins was cross-examined by the counsel for the defence.

The second and last witness called for the prosecution was the daughter of the defendant, Eliza A. Hawkins, the purport of whose testimony was, that her father had two other wives besides her mother. She knew they were his wives, because they lived in the same house with him and had children whom he acknowleged.

No cross-examination of this witness was made by the defence.

Mr. Andrew Taysum, of the 20th Ward of this city, was the only witness called for the defence. He testified that he knew defendant and his family. Had known him for over twenty years. He knew Elizabeth Meears; she was sister to his, witness's wife, and he knew that she was married to defendant some time in 1862.

On the cross-examination of this witness nothing further was elicited, and here the case rested.

The assistant prosecuting counsel then said his piece in support of the prosecution, which was characteristic of him; being neither eloquent nor brilliant, but to us it appeared to be overflowing with that vindictiveness usually manifested by this worthy towards a community who have suffered the infliction of his presence for years and allowed him to live here in ill deserved peace and safety. At the close of his labored effort, the Court took a recess till 2 o'clock.

HIS VIRUS.—In that speech made this morning, by the assistant prosecuting counsel, in the Hawkins trial, the virus of the rabid creature could not be concealed, but found vent in the following, which we recommend to the consideration of the wives and daughters of Utah. Speaking of the practice of plural marriage in Utah, the declaimer said:

"This (the indictment in the Hawkins case) is brought under the laws of Utah, and this thing (the offence charged) is a crime by the laws of Utah; and civilization enters into our law. Civilization is a condition outside of barbarism. Now, go and search the civilized world from one end to the other, and you will find, if I mistake not, that not one single community in it adheres to this principle of polygamy. Barbarians do; barbarians have done so in times past; but no civilized community throughout its whole extent tolerates polygamy. I know that I may be cited to a little community down in Oneida. There is no comparison, because that is a common herd of humanity *that should be wiped out*, as *this ought to be*."

There is the secret and main spring of the entire proceedings now being instituted by the "ring" against the people of Utah. To suppose for a moment that the virtuous instincts of such men as the author of the above bloodthirsty declaration are offended by the practices of the people of Utah, is as absurd as it would be to suppose that such men harbor the slightest respect for virtue and innocence. Their object is to "wipe out" the "Mormons." They are playing their cards to that end, and think they have the game all in their own hands. Time will show, we think, that they are reckoning without their host. But meanwhile we recommend all honest minded men, in or out of Utah, members of the "Mormon" church or otherwise, to reflect upon the above sentiment and to answer for themselves whether such a man is a fit person to hold the position of prosecuting counsel when members of the "Mormon" church are on trial.

FIRE AT BEAVER.—A dispatch, received last night, by Deseret Telegraph, gives particulars of a fire which occurred there on Thursday evening. Lack of space, however, prevents our giving it in full. Three hay stacks, a quantity of straw, and the sheds, coralls and stable of Robert Wiley were destroyed. The damage done would amount to over a thousand dollars.