

TREAT THEM WITH DESERVED  
CONTEMPT.

In the Denney case before the Commissioner, two witnesses at least were brought into Court who had no business there. They were two young ladies who had been summoned by the deputies in the street, whose names were not known to the officers and who merely happened to be near the house where the deputies were making their arrest. They knew nothing of the affair and were of no use as witnesses.

If the people choose to submit to these peremptory proceedings we have no objection. If they like to do just as they are told by the creatures of Marshal Ireland, who seem to think their word is law and that they can command the attendance of every person who comes within speaking distance, whether they have any protest against relating to them or no, we have nothing to say. But when people are treated in this way and do not want to be forced into court and be plagued with questions, they should understand that they are not under any obligations to go there on the say-so of some underling who chooses to command their presence. There is a lawful way to obtain the presence of witnesses, and that is not by the *ipse dixit* of a deputy. If those two young ladies had gone about their business and treated the insolent fellows who summoned them by word of mouth and in fictitious names, with the contempt they deserved, there is no law which would put them to any penalty.

Officers have no right to go prowling around with blank subpoenas to fill up as they choose, for the purpose of catching individuals that they may wish to summon before a court. Their business is to serve papers properly prepared, upon persons who are required to appear in the subpoena. They have no more legal authority to account a person and say "I subpoena you in the name of Jane Doe," or "in the name of Richard Roe," than any private person has to attempt the same nonsense. People who are unfamiliar with legal proceedings are imposed upon by impudent ruffians who laugh at their simplicity.

The law is not enacted to harass and annoy the public, but to protect peaceable citizens and secure to them their rights. The prosecutions which have been inaugurated in Utah against the class of the community have been conducted in a manner to destroy instead of preserve the public peace. And respectable men and women are liable at any hour of the day or night to be disturbed by reckless ruffians under pretense of law and without legal process and commanded to appear before a court, and in instances not a few have been placed under arrest without being charged with any offense known to the law.

We have heretofore pointed out the rights of citizens in regard to these matters and the limits of the powers of officers. We have counseled our friends to obey the law, but not yield to the dictum of every petty official who chooses to exercise undue authority. We repeat the advice. In a state stop was put to these unbecomingly proceedings, and that citizens who have violated no law should stand up defense of their liberties. Let legal process be obeyed, but let impudent assumptions of upstart officials be treated with utter indifference.

## "EXCESSIVE BAIL" AGAIN.

When the bail exacted in the case of President George Q. Cannon was denounced as "excessive," the answer was, "It cannot be excessive if the defendant is able to furnish it." We contended that the amount of bail required should be regulated principally by the nature and penalties of the offense. And we argued that \$45,000, or even \$25,000, must be "excessive bail," as forbidden by the Constitution, in a case of simple misdemeanor where the full penalty is six months imprisonment and a fine of \$300. But the principle on which it was insisted upon was the position of the defendant and his ability to obtain sureties to that amount.

Now we have a case in which the defendant and a witness for the prosecution are both unable to furnish the bail required of them. On the rule adopted and contended for in the other case, this one must be a case where excessive bail is demanded. John Bergen, accused of polygamy, on the highest grounds is placed under \$5,000 bail which he is unable to obtain. And the lady with whom he is charged to have committed the offense is required to furnish bail in \$500 for her appearance as a witness, and is also unable to furnish it. The bail being excessive, on the rule followed in the first named case, some effort should be made at once to have it reduced. It is shameful that either of the parties should be confined in the penitentiary because of inability to furnish the excessive bail required by the fee-fetted and woman-hater McKay.

At Santa Barbara on the 13th of this month a man named Dr. Crooks was arrested for forgery. He had been previously arrested and his bonds were fixed at \$15,000. This \$15,000 he claimed to be excessive bail, and on his being taken on a writ of habeas corpus before Judge Hatch of the Supreme Court, the bail was reduced to \$5,000 which he gave and was liberated.

Bergen's case appears to be another of the outrages that are becoming common with Deputy Marshals, who are aided in their dirty work by the filthy morning sheet which champions the cause of debauchery and its dirty little evening echo.

The deputies who played spy, climbing on to each other's shoulders and peering into key-holes and over transoms, told a story about what they saw in a room that they burst into, but not the room in which the parties were found, and dragged the man and woman away to the penitentiary, giving them no opportunity to give bail. Their statements about what they heard and saw were strenuously denied by the parties, and it looks as though they were trying to work up a case against Bergen without any sufficient cause.

It is a dirty piece of business, worthy of the creatures engaged in works of ruffianism under the shelter of the law, and of those who employ them and profit by their nefarious doings. And it is shameful that people subjected to such treatment should be treated as criminals and deprived of their liberty because of the excessive bail demanded of them and which they are unable to obtain. Some steps should be taken at once to assist these people in their trouble.

UNFORTUNATE AMERICAN  
FORK.

AMERICAN FORK appears to be a favorite objective point for U. S. deputy marshals when they rally forth on anti-Mormon expeditions. Doubtless the facilities for raiding are numerous, amplified by the fact that it is the place of residence of a penitentiary guard and deputy, who married a "Mormon" girl. The material for such incense, however, is evidently furnished by an apostate, to whom the role of "spotter" is admirably adapted. He is fitted for the occupation by nature and instinct. Unless his reputation be much in advance of his real merit, he would not hesitate to sell his nearest and dearest friend for gain. When the hope of reward is coupled with the talent of hate, all scruples appear to vanish.

Some time ago a gentleman from this city heard that this pitiable person was representing himself to be a U. S. officer, and pretending to arrest some persons under color of authority. By this reprehensible conduct he frightened a number of women and children, causing one lady to be so sick that she came near dying. The gentleman alarmed by this, called upon Marshal Ireland and informed him of what he had heard concerning the creature referred to, and enquired whether it was one of his deputies. The answer was in the negative, and in addition the Marshal expressed great indignation at its conduct. He said that if the facts were as represented it should be arrested and properly punished. It now transpires that although it is not a deputy, it is one of the tools with which the Marshal and his deputies work. After using it, the real officers should be obliged to go there on the say-so of some underling who chooses to command their presence. There is a lawful way to obtain the presence of witnesses, and that is not by the *ipse dixit* of a deputy. If those two young ladies had gone about their business and treated the insolent fellows who summoned them by word of mouth and in fictitious names, with the contempt they deserved, there is no law which would put them to any penalty.

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## SCARCELY COMPETENT.

That ancient but lively female who is known as Kate Field, has been figuring lately around the national capital. She is so furious over the downfall of Ell the gallant, who was just to her eye and goes for everything "Mormon" with all her characteristic vehemence and indifference to veracity. Her anti-Mormon lecture—rather dish of scandal, made up of scraps of gossip and far-ends of worn out fabrications, seasoned with a dash or two of semi-pungent salacity, is played out in Washington. So she is having a bad time of it, and is interviewing press reporters, that she may get in a lick at the "Mormons" where she can. But she is pretty well known in those regions, and so her talk is received with several degrees of allowance. The following, which appears in the Washington Critic, shows in what light her efforts are viewed:

"Editor Critic: I am not a Mormon nor a believer in polygamy, but I have a strong leaning towards the eternal fitness of things, in public agitation as well as in clothes. I was one of the most earnest sympathizers in the recent movement which you so ably advocated. I refer to the effort to have Colonel Kate Field appointed Governor of Utah. But I have a view of that eternal fitness of which I am an admirer, changed my mind, and Colonel Kate Field has, out of her own mouth, convinced me that she would not be a good Governor of Utah. There are several ladies from Salt Lake City now in Washington who are attempting to prevent a great injustice to the women who have taken joint stock in a single man as a husband, and from their memorial which has been presented to the President, I can see how they and their offspring may be greatly wronged. But that is not my point. Miss Kate Field says of these ladies that they are bright, good mothers, of lively disposition, and in every way estimable. They preside over their homes with womanly grace and tact, and are the glory of the Mormon Church, and there she must draw the line. Now, I submit that Colonel Field would not make a good governor for Utah, and also that she is taken upon herself a mission without the fundamental experience that all missionaries to be practical should have. No, Colonel Field does not fit the situation."

What does she know about babies and pargery? Does she know when anything is liable to set in and what should be done when it does arrive? Is she an *au fait* in feeding bottles and baby clothes? Does she know what is best to be done when the young one bawls and lies in the still watches of the night and refuses to be comforted? I won't. And does Colonel Field know how to make the seductive flap-jack or how to do corn beef and cabbage to that turn where they will do the most good? Would she think of having the old man's slippers warmed and his dressing gown ready when he came home? Would she know exactly how to muss his hair so as to be the most pleasant to him? We won't again. She has not had the experience. What does she know about that increasing and multiplying which is a divine injunction? She has never done anything for the census. At between the two I think those Mormon ladies know more of the very best of a man is concerned. When Miss Field tackles the question of matrimony she is getting beyond her depth. Under the circumstances I submit, is Miss Field more qualified to speak of these Mormon ladies than those of themselves? Once more, *PATERFAMILIAS*.

THE DANGEROUS LINE OF  
USURPATION.

BISHOP TUTTLE, of the Episcopal Church, is a man well known and generally respected in Utah. Of course he is opposed to the religion of the majority of the people here, and is outspoken in his opinions. But he has not exhibited that spleen and rancor which are so common in the clerical class of the "Mormon" Church. On several occasions testified to the good qualities of the people here in a manner that has gained him much esteem. In the following, which appeared in an ecclesiastical organ, that gentleman incidentally attacks the "Mormon" Church in a severer tone than common with him, but his main remarks strike at a measure intended for evil. He has the sagacity to see that the bill aimed at the "Mormon" Church by confiscation of its property, may, if successful, at some time be directed against other Churches. The proposition from which he dissents is wrong in principle and is opposed to the established ideas of the rights and powers of the State in reference to religion, and he places himself upon a record in a way that leaves no room for misgiving as to his position. We can afford to pass by his casual remarks, which are understood, about the "depression" that he well knows does not exist in Utah, in view of his strong opposition to the usurpation and robbery designed in the new Edmunds bill. Dr. Tuttle says:

"I cannot persuade myself to look with approval upon the enactment of measures at Washington (even upon the plea that extraordinary diseases require extraordinary remedies) which put the control of the property of the church, without its desire or consent, in the hands of apostates of the state, and to deny the Mormon people the right to give and use money for the purposes of their religious earnestness and missionary zeal. Make all these grand and noble institutions, together with the Relief Societies, which are doing so much good in the land, to be the property of the State, would be a primary institution of learning or instruction cannot be too highly estimated. It is the quarry whence are mined the materials with which to erect the grandest, the most magnificent, morally, intellectually and spiritually, that will become giants in strength, power and might in the hands of the redeemed for the glory of fallen humanity. 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