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WHAT A SPECTACLE!

YESTERDAY'S issue contained a statement regarding the advent of United States Deputy Marshals at the residence of Richard Britton, of the Sixth Ward, armed with a warrant for the arrest of that gentleman, on a charge of unlawful cohabitation.

As a rule it takes a pretty pathetic case connected with the anti-"Mormon" crusade to appeal to the sympathies of the ordinary deputy marshal engaged in prosecuting it. From what we can learn, however, this one was too much even for them, causing an expression of deep disgust toward the crawling thing who had informed on Father Britton. When the latter appeared in their presence they beheld a man approaching eighty years of age, more or less, who for years has not taken a single breath in his conscious hours without distress. A veteran so broken down with age and its accumulating infirmities as to be almost unable to totter a distance of half a block. A person whose lease of life is necessarily near its terminal point. No wonder that the picture struck even the deputies, accustomed to witness with indifference scenes of surpassing distress, and caused a sensation of contempt to arise in them for the miserable wretch who gave the officers the information intended to cause the incarceration of Brother Britton in prison for living with his family.

It is to be inferred that the case is not one that was hunted up by the officers. They were put upon the track of the intended victim by a low and despicable sneak, of whom Satan himself might, one would suppose, almost be ashamed. The informer and spotter is a thing—he has only the semblance of manhood. He is a contemptible article in general, but such a one as that alluded to is of the lowest grade of the lowest type of mortals. It nauseates the mind to bestow upon so vile a wretch a passing thought. When the secret acts of the sneak are brought into the light and exposed, as they will be, he will feel like hunting for a hole in which to hide himself. Sneaks and traitors are not viewed with any more regard by those who use them than they are by those against whom their cowardly actions are aimed.

MR. BENNETT'S DILEMMA.

FOR a cautious man and a clever lawyer, Mr. C. W. Bennett makes some serious mistakes. He spent last winter in Washington, and in the course of newspaper and private talks averred repeatedly that the only thing the Gentiles wanted in Utah was good government and to make loyal citizens of "Mormons." About his first public utterance on his return to Salt Lake was that he, like the rest of those to whom he was speaking (the Chamber of Commerce), was here to make money. If there is no difference between the desire to make money and being a good citizen, then the gambler can be a good citizen.

In the argument yesterday in the Mammoth case, as to the legal form of oath, he again talked differently from the way he has talked. He said the oath which it was proposed Judge Henderson should cause the jurors to take—the one formulated by the Loyal League committee—"simply brings a man face to face with his own conscience." If the oath does this, it searches the conscience of the voter, or the citizen. Further on in the speech, he declares that the oath formulated by the "political authorities"—himself and others—as distinguished from that provided by the Utah Commission, simply carried out the intention and spirit of the lawmakers. This means that the intention of Congress was to frame an oath that would search the conscience of a "Mormon"—in plain words, a test oath. Now, either Mr. Bennett speaks falsely, or the men who framed the oath spoke falsely. In the House, this charge was distinctly made, and as distinctly and emphatically denied by Mr. Tucker. In the Senate, the same charge was made again by Senators Vest and Call, and Senator Ingalls asserted most emphatically that in no way could the language of the oath be construed as designed to touch the conscience of a "Mormon" or any person. Senator George F. Hoar, inquired of Senator Edmunds, (because he (Hoar) had received protests against the passage of the bill on the ground that it infringed on the rights of conscience) whether the oath had such an intention. Senator Edmunds replied that persons who thought the oath contemplated such a thing, had not read it. He declared that the "most astute and ingenious sophist" could draw no such meaning from it. Now the fact is simply reduced to this: If Mr. Bennett holds the design to be what he says, to bring the "Mormon" to face his conscience, then he must hold those who framed the bill to have uttered falsehoods in denying that such was the purpose. Does Mr. Bennett like the deduction?

Again: The possibility of the interpretation Mr Bennett attempts to have put upon the oath was canvassed in the House, both before the passage of the original Tucker substitute and after. Interested as Mr. Bennett was in the bill, he must have known this. Now the fact is that every lawyer who considered the oath, simply laughed at the possibility of its wording or design being to bring a man "face to face with his own conscience." There were in Washington those who feared, and wisely, just such interpretation, and their fears were scouted and ridiculed by lawyers in Congress.

Mr. Arthur Brown, Mr. Morris' attorney in the Mammoth suit, made a palpable point when he asserted that the form of oath in the law was that which Congress intended to be used. If any other purpose were in view why did Senators Edmunds and Ingalls call the attention of those who criticised the bill to the specific language of the oath, if the design were not that the language should be used. There was not the slightest hint in all the debates that out of the form given another oath was to be formulated. The oath in the bill was spoken of, discussed, and defended as the oath that was to be used and sworn to by voters and others. It was explicitly stated by Senator Edmunds that the oath had been "carefully" prepared, and that the greatest caution had been exercised on its framing to prevent such a possibility as conscience being searched. Why this care in framing if the very language were not to be used?

Representative Tucker and Senator Ingalls both avowed in their speeches in defense of the bill that they would vote against it if they could be shown that in any way the bill would reach a man's conscience. Yet Mr. Bennett declares the design was to bring a "Mormon" "face to face with his conscience"—which means, if it means anything, that the men who framed the oath "carefully," designed it to search the conscience of those who were to take it; in plain English, that it was designed to be a test oath, which the Constitution prohibits. There is but one reflection possible. Either Mr. Bennett speaks falsely when he says such was the design, or those who who framed the bill spoke falsely when they declared it was not the design. Evidently the latter did not speak falsely.

"POLITICAL AUTHORITIES" AND THE COURTS.

THURSDAY afternoon's proceedings in the Mammoth mining suit, in the Third District Court, published in yesterday's issue, before Judge Henderson, would be perused with interest. They developed a new phase of the long train of singular circumstances that have characterized affairs judicial and political in this Territory for some time. In many respects the one class of interests has been hand and glove with the other. The purpose to preserve that unity and make the one fit into and aid the purposes of the other projected with much prominence on the occasion in question.

The panel of the jury was well nigh completed, when a number of citizens—mostly "Mormons"—summoned by open venire, were marched into the court room. Joshua Midgley, a "Mormon" was called and answered satisfactorily the usual questions as to general qualifications, when the point was reached when it appeared necessary for him to subscribe to the oath prescribed by the Edmunds-Tucker law. In place of it, however, the one framed by the "Loyal League" political schemers was handed to Judge Henderson, who was acting in the Third District in place of Judge Zane. In answer to a question the Judge was informed by the clerk that the oath then presented was not the one formerly used in court, but had been subsequently *approved* by Judge Zane.

This statement on the part of the clerk was a misleader. In a judicial capacity Judge Zane had never approved any other oath than the legal one, formulated by the Utah Commission. He approved that in the strongest way in which anything could be endorsed. In the first place, he subscribed to it himself as an official of the government, in the next it was administered in his court to jurors and others. Thus it was approved as perfectly legal by personal official acceptance and practical application in the court. Judge Henderson then presiding over the court in the initiatory proceedings in the trial of Morris vs. the Mammoth Mining Company, declined to depart in the matter of the oath from what had been adopted as court practice by Judge Zane. It will be observed by an account of proceedings in another suit, in to-day's issue, that he somersaulted yesterday from his consistent position in that regard taken on Thursday, and used the oath prescribed by the secret political body called the "Loyal League."

Mr. Bennett, of counsel for the Mammoth Company, blurted out unsophisticatedly the origin of the oath. This was unnecessary, as a comparison of it with the form issued by the political schemers to the registration officers shows the one to be identical with the other. The admission of the gentleman was not very ingenious, however, as it places the Court in an unenviable predicament. The authors of the illegal oath are, according to Mr. Bennett, "political authorities," save the mark. Are we to understand from this that the courts of this Territory are to be conducted by "political authorities," or ought they to be independent, administering the law fairly and impartially. How does this look in the way of corrupting judicial channels? A certain formula and practice obtains in a court—presumed to be a court of justice—a body of irresponsible men dubbing themselves "political authorities," prescribe new formula and practice, the old ones are abolished and the new ones adopted. Does this look as if the courts of this Territory were being surrendered to the manipulation of political "authorities" to be used for political purposes, those of a purely judicial character being, to say the least, secondary? Place this interrogation by the side of Mr. Bennett's assertion—he is one of the "political authorities"—and see which way it could be answered.

It can be readily seen why the "political authorities" should desire the judicial authorities should be in their hands "like clay in the hands of the potter." Wherever the oath prescribed by them can be enforced this gives it prestige and strengthens their scheme to steal the Territory. In this way it is probably hoped that the sound legal position of the Commission will be weakened and their own fortified. Then there is the point of having the courts committed beforehand to a certain line of action in case of contingencies that might arise out of any proposed political outrages that may be in the "mind's eye" of the "political authorities."

If the grimy hand of that secret conspiracy known as the "Loyal League" is to be stretched within the confines of the courts and control and manipulate their formula and practice then is the situation deplorable, indeed. If this be so the enemies of human rights and justice have no barrier over which they would not leap in order to attain their ends, unless it be perhaps their own personal peril, should they overstep the limit beyond which safety would not be to them insured.

REGISTRATION AGAIN.

VOTERS cannot be too thoroughly impressed with the necessity of attention to registration. One week has passed and how the work has progressed generally is a matter of uncertainty. There have been brought to light some instances where the registrars, instead of following the suggestions of the Utah Commission, have observed the behest of the "Loyal League," whose circular of information to registrars was published the other day. These registrars have been removed. There have also come to light cases of illegal conduct by registrars in other sections, where, so far as learned, no action has been taken to bring the attention of the Commission to the matter. That body cannot well take action until complaint is laid before it. Let it be impressed upon the minds of the leading men in the People's Party, throughout the Territory, that the conduct of registrars who refuse citizens the right to take the oath until interrogated on subjects that the law makes the oath to cover, or who impose another oath than the one framed by the Commission, should at once be reported to the People's Party Central Committee here in order that the proper steps in the premises may be taken for securing the removal of the offenders. In the matter of registration, as in that of voting, the great duty rests on the citizen individually. We do not wish to believe that the members of the People's Party at any time need be instructed as to the duty imposed by citizenship. The moral weight of voters is of good effect, even when there is absolutely no danger of a subversion of the will of the majority. But in such hours as these, the duty that every citizen assert his right of citizenship becomes imperative. The vote of each man will be needed, not alone that the election may be won by those having most at stake, but that the party assert itself positively at the coming election. It is to be expected that the party opposed to the people will do its utmost to win the election. If that utmost be confined to legal methods, then it will be futile; but whether it be or not, the duty of every voter, not only in his own behalf, but in the interest of his party and his principles, is to take a course that will perpetuate honest government in Utah by the friends of the people. To do this, every citizen must see that he is not defrauded of his right by the negligence or opposition of any registrar or any person whatsoever. If he can take the oath, he certainly ought not to be urged to have his name placed on the registry list or to see that it is kept there. To be registered is the first step to voting. You cannot vote if you are not registered and the duty of every citizen is to see that he preserves and exercises his rights in behalf of continued good government and in behalf of liberty, which some in this Territory are trying to jeopardize.

AN ANTI-OATH JUROR.

THERE is considerable discussion among people of all classes with reference to the action of Judge Henderson yesterday in permitting a man who refused to take any test oath, to sit on the jury although accepted by both sides. The Edmunds-Tucker law is very plain on this subject, saying in terms that no person shall be capable of jury service who shall not have taken said oath. The matter seems to assume the aspect of a dilemma so far as the Judge is concerned, and there is something to be said for and against his action. The juror, or rather the man drawn for jury service (Mr. Barr) was being examined as to his general qualifications for such service, not with reference to any particular case, and when he absolutely refused to take any oath prescribed, his position on the panel became vacant at once and the Court should simply have registered the decree of the law by ordering him to stand aside; but before this could be done one of the parties to the suit offered to waive the oath and the other side quickly followed suit; this created the dilemma, for in civil cases any kind of a jury that is acceptable to both parties is a good jury for the purpose of finding a verdict in that particular case, no matter whether one or all of them are under some general disqualification. What was to be done then? It was the parties litigant whose interests were at stake, not one in which the people of the Territory or the United States were a party, and for the Court to have dismissed him peremptorily after both sides had accepted him, would have been an act bordering upon the extra-judicial.

As we look at it, the error of the Court was in permitting Mr. Barr to arrive at the point where he could be accepted by the litigants; it was certainly no error to receive him after that point was passed. When he refused point blank to take any oath under any circumstances, he should have been excused at once, as he will undoubtedly have to be if his name is called for any other case, because it seems that when his name is reached again the plain duty of the Court will be to set it aside and order another name to be drawn from the box. Had Mr. Barr been a "Mormon," doubtless—judging from past practice—his refusal to subscribe to any oath of the kind in question would have barred him from a place on the panel before the question reached the litigants.

FROM SATURDAY'S DAILY MAY 7.

Unsuccessful Raid.—Yesterday a force of deputy marshals, guided by one "Bill" Butcher, made another raid on South Jordan. They searched three or four houses, with barns, stackyards, etc., but failed to find any one to arrest.

The Pacific Roads.—It is announced that the lease of the Oregon Navigation lines to the Union Pacific has been finally concluded, and that on Wednesday last the Oregon Short Line, which is nominally the lessee, took possession of the property. The lease is for ninety-nine years from January 1, 1887, and the Union Pacific guarantees the performance of its terms by the Oregon Short Line. With respect to the legal disability of the Union Pacific making such a guarantee, permissive legislation is to be asked of Congress, though the lease does not depend upon such authorization being obtained. The Oregon Transcontinental Company is provided for by giving it the right to build any branches which it may be decided to construct. Mr. T. J. Potter, new general manager of the Burlington, retires from that company to become general manager of the Union Pacific, Oregon Short Line and Oregon Navigation lines, it being provided in the lease that he shall become the manager, and further that in case of default the manager shall operate the Navigation Company's property as trustee. This provision is evidently aimed at a possible attempt to upset the lease, as being unauthorized on the part of the Union Pacific. The lease is of considerable importance, as it gives the Union Pacific the independent outlet it so much needs to the Pacific.—*Bradstreet's, April 30.*

JAMES BISHOP ARRESTED.

HE IS CHARGED WITH THE OFFENSE OF UNLAWFUL COHABITATION.

The first arrest under the Edmunds law since the arrival in this city of District Attorney Peters was made this morning, James Bishop, of the Sixteenth Ward, being the victim. About 6 a.m. deputies Vandercook, Pratt and Franks called at Mr. Bishop's house and arrested him and subpœnaed his family as witnesses.

The complaint was sworn to before Commissioner Frank Pierce, this being the first case of the kind brought before him. It was made by Deputy Franks, and accused Mr. Bishop of living with Sinah Bishop, Rachael Sykes Bishop and Ellen Oberly Bishop as his wives. The defendant entered a plea of not guilty.

District Attorney Peters was present at the examination, but took no active part, Mr. Varian conducting the prosecution. The witnesses testified that the defendant lived in the same house with his wives Sarah and Rachael, the latter being an invalid. The examination was short, and at its conclusion Commissioner Pierce held Mr. Bishop to await the action of the grand jury, fixing his bail at $1,000, which was given.

WOULDN'T TAKE IT.

A GENTILE WON'T TAKE THE OATH, BUT IS ACCEPTED AS A JUROR.

In the trial of the suit of Wright vs. Aschelm, in the Third District Court yesterday afternoon, Mr. George Barr was on the open *venire* for jurors, but when asked to take the "League" form of the oath, which was presented by the court, refused, saying, "I have served my country faithfully, I am not a foreigner, and have always been a good citizen; I don't wish any office or emolument under the government, and would not take an oath to obey any particular law."

Court—Have you conscientious scruples against taking it?

A.—Yes, sir, I have; I do not propose to take any oath which is intended to make my allegiance any stronger.

Court.—Then you object to any kind of an oath.

A.—I do.

Mr. Hoffman—So far as I am concerned, may it please the Court, I don't insist upon him taking the oath.

Mr. Bennett said that he would not require the juror to take the oath.

Court—That cannot be, gentlemen. The law prescribes that a person to act as a juror must take the oath.

Mr. Bennett—We will waive the oath. I do not think there can be any objection if both parties waive it. We are willing to waive the oath as to all the jury, not as to the one juror alone.

The opinion of Judge Sutherland was asked; and he stated that such a proceeding in a civil case was all right. The juror was then accepted without being required to take the oath, as was also Mr. J. D. Spencer to-day.

ANOTHER CASE.

JUDGE HENDERSON REPEATS HIMSELF.

Judge Henderson repeated himself this afternoon. A Swede was up as an applicant for citizenship. The length of the applicant's residence was satisfactory, but it became evident that he did not sufficiently understand the difference between the government he wished to renounce and that to which he would swear allegiance. These questions over, he was tested in the Edmunds law, and declared his willingness to obey the law in future. Then he was asked if he thought it was right for a man to have more than one; his reply being that he did not know.

Court—What position do you hold in the Church? A.—I am an Elder.

Q.—What are your duties? A.—I do not understand you.

Q.—Do you teach or preach? A.—No; I do not. I have not done so, but, of course, I believe in the Church.

Q.—Do you believe in the revelation regarding polygamy? A.—Yes.

Q.—And in obeying counsel? A.—Yes, I might.

Q.—Well, if there should come tomorrow a revelation commanding you to go into polygamy, what would you do? A.—I cannot say what I would do; I expect to obey this law. I have had no practice in polygamy; I do not know what I might think.

Q.—Then you do not mean to say what you intend to do for the future?

A.—I cannot say what I may think to morrow. I will obey the law.

Court—I think this another case like the others. The law has nothing to do with your past, or the present. It relates wholly to the future; and as you do not know what you will think in the future, this case may go as the others have gone.

Whereupon the applicant and his witnesses left the court room amid the sneering smiles of the half-witted imbeciles who haunt that place. It was apparent that the applicant did not understand the ways of a judge who poses as a cross-examiner, and who puts in the mouth of applicants for citizenship words they did not utter, and words designed to convey a meaning they did not intend. It is hardly becoming the dignity of the Court to permit its officers and jurors and others to cachinnate their delight at the answers of one who desired citizenship, but who, because of insufficient knowledge of the language, makes replies that are not always to the point. It does not give an exalted idea of the dignity of a court.

THE WATERWORKS.

THE PRESENT PLAN OF SUPPLYING THE CITY.

Now that the upper system of the waterworks has been laid and drinking water promised for the dry benchers but little is heard of the system by which City Creek water is distributed throughout the city, though in reality the upper portion constitutes only about one-third of the improvement and extensions inaugurated last fall. The labor of preparing the reservoir in the large brick building in the cañon, which is to be the head of the lower system, has been steadily prosecuted, however, and the excavating is now