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Charles, aged 13 years; his father and mother live in the same house; had heard his father speak of having been married to witness' mother; knew Elizabeth Broomhead; had known her six or seven years; she lived in Tooele about two blocks north of his mother's house; she had never lived at his mother's; did not know who lived in the house with Elizabeth Broomhead; she had lived there six or seven years; she had one child, about 15 or 16 months old; its name was Barbara; heard it called by no family name; had never seen defendant at that house; had met Elizabeth Broomhead at Mrs. Gowans'; defendant had been there at that time; had not heard defendant speak of the child as his, or caress it, or heard it called his by anyone; had only seen them in company at Mrs. Gowans' house; mother's maiden name Gowans; did not know where they were married; it was Scotland; the eldest child was 30 years old.

Elizabeth Broomhead testified: She had been acquainted with defendant about seven years; her parents were dead; they had never been in this country; was married; her husband's name was Hugh S. Gowans; they were married in January, 1881, in Salt Lake City; was living in Tooele, in her own house; before she was married; had done so about two years; went to Tooele about eight years ago; first went to live with her aunt, Elizabeth Green; lived there over a year; next went to live in her own house; had lived there ever since; did not remember who was the officiating minister; it was the 8th of January, 1881; her husband commenced living with her about two years after they were married; she was not married in February, 1883; had not lived together because they understood the time of limitation; had had conversation with the defendant about it; did not remember when they commenced living together; it was in 1883; there was no conversation about living together inside of three years; did not remember the name of the officiating minister; had a child one year old last February; defendant had lived there ever since, visiting about once a week, taking meals, and staying over night; had not spoken to any member of defendant's family about the marriage; had not told anyone.

Mr. Dickson—Do you, on your conscience, before your God, swear that you were not married to Gowans in February, 1883.

A.—Yes, sir.

Examined by Mr. Kirkpatrick—Witness did not know any of those officiating in the Endowment House; since 1883, the defendant had not lived with her half the time; stayed only one night each week; took supper only and slept there; defendant had never introduced her as his wife. She had never claimed to be his wife to anyone; her child Barbara was 16 months old; defendant made his home with Betsey Gowans.

Mr. Dickson—Has your child ever been blessed?

A. Yes, sir.

Q. By whom?

A. Its father blessed it himself.

Witness said no one else was present; did not know whether there was a record of it or not; had never been to meeting with defendant; had been out dining with him, and visited at his house; her child had been called Barbara Broomhead; she was blessed as Barbara Elizabeth.

Judge Kirkpatrick, to Mr. Dickson—What do you claim?

Mr. Dickson—I claim the defendant should be held for unlawful cohabitation.

Kirkpatrick—Then there must be a new definition given to unlawful cohabitation.

Dickson—I do not wish to argue that now.

Judge Kirkpatrick insisted on the definition of unlawful cohabitation as given by the Territorial Supreme Court, i. e., that the two elements were "holding out" and dwelling together; sexual intercourse was ruled upon as a non-essential element. There had been no holding out—no announcement, more or less public, in this case. If the defendant was held there must be a new definition of unlawful cohabitation, and this elastic word must be still further elongated. The Court should stop somewhere, and not have a new definition for each case, or there could be no respect for such a law.

Mr. Dickson argued that the Court did not say it was necessary to prove that the defendant held out more than one woman as his wife, but if it was shown that he lived with two women, this was sufficient. He claimed that there had been a living together shown. That if once a week would avoid the law, the defendant might take five more wives, and escape punishment.

Judge Kirkpatrick argued that if the court held that living together was sufficient, it would be an expansion of the Supreme Court's definition; the District Attorney in former trials had made a great bugbear of this public "holding out," and in this case the elements held as necessary by the Supreme Court could not be eliminated.

Mr. Dickson contended that the showing of a marriage ceremony was sufficient. In a polygamous the public would understand that the woman a man lived with were his wives; the Supreme Court had held that non-intercourse was not a defense, not that it was not material proof.

Judge Kirkpatrick claimed that under the ruling of the Supreme Court, no case had been established, and the defendant should be discharged.

The decision was reserved until after the examination in the Bowen case, when the Commissioner who evidently did not dare refuse the District Attorney's request, held that he had not understood the Supreme Court to say "holding out" was a necessary element, but only a circumstance, and that he had always thought the offense could be proven by other circumstances. He accordingly held the defendant to answer the charge of unlawful cohabitation, and dismissed the charge of polygamy.

Mr. Gowans' bonds were fixed at \$1,500, and those of the witnesses at \$200 each. Henry Monheim of Salt Lake City, and S. S. Worthington, of Grantsville, being sureties. The witnesses were instructed to appear before the grand jury on September 8th.

FROM SATURDAY'S DAILY JUNE 18

Emigration.—Although no official notification has yet been received, we learn that the fourth company of emigrants will leave Liverpool on the 29th of August. The fare for this company is unchanged; that of the fifth and last company, which will leave about the middle of October, is not yet decided upon.

Counterfeit Money.—The police, last evening, arrested John Kennedy on a charge of passing counterfeit money. Kennedy was arrested for the same offense a few weeks ago, but was discharged on his explaining that he had committed the act without knowing that the coins—silver dollars—were counterfeit, but on this occasion he is not liable to escape so easily.

Land Laws Still in Force.—We are informed by Messrs. Bird & Lowe Land Agents and Attorneys, of this city, that a general impression prevails in this Territory that certain land acts have been repealed. So far from this being the case, they say that there has been no suspension of the operation of the different land acts, and that the public lands are still open to filings and entries under the pre-emption, homestead, desert and timber culture acts. These gentlemen proffer to furnish any information in regard to land laws without charge.

Remarkable Escape.—A rather unusual accident and marvelous escape from death occurred at Marsh Valley, Idaho, on the 11th inst. A little grandson of W. C. Hawkins of that place, two years and ten months old, fell into a well a depth of twenty-two feet, and though the well was walled up and the stones very rough and projecting, it was not only recovered from its perilous position alive, but without any bones being broken or having received any injuries worse than some bad bruises.

Writ of Error Applied For.—Application was made before Chief Justice Zane this morning for a writ of error upon which to carry the case of Angus M. Cannon, with which all of our readers are familiar, before the United States Supreme Court. Messrs. Richards and Harkness argued in favor of the granting of the writ, and Prosecuting Attorney Dickson opposed it. At the conclusion of the arguments Judge Zane announced that he would take the matter under advisement until Monday.

It is difficult to see how he can, with any degree of consistency, refuse to grant the writ, inasmuch as Associate Justice Powers, although he acquiesced with his brother judges in the conviction of the appellant (on the principle that the end justified the means,) clearly pointed out, in the opinion which he delivered when the case was on appeal before the Supreme Court of the Territory, that a number of errors had been committed during the course of the trial.

A Series of Misfortunes.—Brother Niels Anderson, formerly of South Cottonwood, has had an experience during the last few months which may serve to illustrate what streaks of ill-fortune will occasionally follow a person in spite of all the efforts possible at good management.

He sold out his property on South Cottonwood last fall and started to Arizona in response to a call for settlers to locate at St. Johns. On reaching Mt. Pleasant, in Sanpete, his eldest son, a boy of sixteen years, was stricken with typhoid fever, and lay ill for two months. When he had fairly recovered, six of his other children were prostrated with the same disease. Two of these recovered in a couple of weeks, but about that time their mother was taken sick and for two months thereafter she and the other four children were severely afflicted. However, they all finally recovered except one, the eldest daughter, a girl of fourteen years, who lingered a couple of months longer and then died, on the 5th of last month.

During this trying time the citizens of Mt. Pleasant were full of sympathy for the afflicted family, which did not find vent merely in sentimental expression, but in a more substantial form, in affording them material help and relieving their necessities. A sister of Brother Anderson's too, a widow by the name of Valentine, who resides in Brigham City, also manifested her sisterly feeling by journeying at her own expense to Sanpete and remaining there one month waiting upon the family in their sickness. Brother Anderson mentions these manifestations of kindness with feeling and evidence of gratitude.

Notwithstanding the help he had received, though his expenses had been so heavy that the small capital with which Brother Anderson started upon his journey became exhausted and he had incurred some debts which he was anxious to pay, so taking his team of two span of horses and a wagon, he and his boy set out two weeks after his daughter's death on the line of the D. & R. G. railway, to obtain work and make a raise. But on arriving in Pleasant Valley a new misfortune befell him. His horses when turned out to graze became frightened and stampeded, and though he has since made diligent search for them he has not yet been able to find the two best of the animals. In the hope that someone may find them and return them to the owner at Mount Pleasant we here append their description:

One is a dark iron-grey horse; three years old, branded G on left shoulder and C on left ribs.

The other is a sorrel bald-faced horse, six years old, both hind feet white and a mark resembling a star on each shoulder. The latter had on a halter when lost.

The Norwegian Mission.—From Elder Martin Christopherson, who returned with the last company of emigrants, from a mission to his native country, Norway, extending over a period of rather more than two years, we gather a few particulars relating to the spread of the Gospel in Norway and his personal labors in that land.

A great many very good people have in years past embraced the Gospel in Norway and emigrated to this country, and from the success which continues to attend the labors of the Elders there in proselyting it is fair to infer that a large number of the present inhabitants of that region will yet follow their example. It has generally been supposed, from the fact that many of the Elders sent as missionaries to that country have been imprisoned, that the government and people are very bigoted and illiberal and specially opposed to the "Mormons." This is not strictly true. While there are laws existing in that nation which, if rigorously enforced, would materially interfere with the propagation of any other than the state religion there, the officers of the law have usually been opposed to their strict enforcement and inclined to deal leniently with the Elders. The prosecutions which the missionaries have been subjected to there have almost if not quite invariably been instigated by priests of other denominations, who, jealous of the success of the Elders, have watched to detect them in the act of baptizing or administering the sacrament to their converts, and then informed upon them, and had them prosecuted for so doing.

As an evidence that the officers themselves are not inclined to discriminate unfavorably to the Saints, it is mentioned that a Catholic priest and a companion were detected by policemen one night in the act of tearing down the sign from the front of the Saints' place of meeting, in Christiania, and they were immediately arrested and marched off to prison. The next morning Elder Christopherson was requested to appear before the magistrate's court and decide with what degree of rigor they should be prosecuted. When the priest was asked by the magistrate why he tore down the sign, he replied that the "Mormons" had no right to preach in Norway. He was quickly undeceived and informed that they had equal rights with others in that respect, and that he could be imprisoned fifty days for his offense. This had the effect of humbling him, and he implored Elder Christopherson's forgiveness, and declared that he was drunk at the time he committed the act. The Elder magnanimously forgave him and requested the magistrate to discharge him, but that functionary informed him that he could not do so without inflicting at least a slight fine, which he proceeded to do.

For baptizing or administering the sacrament the Elders are liable to a fine of forty kroner or imprisonment on a diet of black bread and water for five days, and when the priests complain upon them and they are prosecuted they invariably choose the imprisonment in preference to paying the fine.

The Elders are now making good headway in Norway in proselyting. A number of new fields have been opened up there within the past year which have yielded some excellent Sain's in response to the preaching of the Gospel. About 100 persons have been added to the Church by baptism during the past year in this Conference.

The conference house in Christiania is owned by the Church. It is a three-story building, and contains a hall for meeting, with a seating capacity of 400 to 500, an office and bedroom for the Elders and tenement apartments for the accommodation of ten families, which are always rented.

Elder Christopherson presided over the Norway Conference for a year before leaving there, and previous to that had charge of the Drammens Branch, and assisted the President of the Conference. He attended 500 meetings during his absence and spoke in 400 of them. He also baptized 45 persons, confirmed 39, blessed 18 children and administered to 129 sick persons. On the whole he greatly enjoyed his mission.

FROM MONDAY'S DAILY, JULY 20.

Wants a Situation.—Miss Mary Inkley, who lately arrived from Eng-

land, desires a situation. She has been accustomed to the position of clerk in a boot and shoe store, but does not propose to confine herself to that line. She would undertake any species of light labor. She is now residing at Draper.

Writ Denied.—This morning Judge Zane rendered his decision in the application for a writ of error to the United States Supreme Court, in the Cannon case, made on Saturday. After reviewing the question, the Judge stated that application was denied. This closes the case, as no further legal steps can be taken.

Information Wanted.—W. J. Smith, Conductor N. E. R. R., of South Carolina, writes from Charleston, of that State, to ask information concerning the whereabouts of a relative named John Eckells Truley, who he says became a "Mormon" about thirty-five or forty years ago. Any person possessing the information will confer a favor by communicating with him.

Arrested.—On Saturday officer Salmon started southward on the D. & R. G. train, for the purpose of arresting J. C. Kinney, alias "Wood River Jim," who stole the money from Benites' till the other night. When the train reached Franklyn station the individual wanted by the officer got on board, accompanied by H. P. Kirk, and both were taken into custody and brought back to the city, where they were laced in jail.

Death from Diphtheria.—We regret to learn that Willie Cummings, the little son of Laron and Birdie Cummings, who for the past two weeks, has been afflicted with diphtheria, has succumbed to the disease, his death having occurred at 1 p. m. to-day, at the residence of his grandfather, Bishop H. B. Clawson. There are no indications at present of the contagion spreading in the household, and it is to be hoped that it will not.

The child was five years old on the 23d of April last.

Arraigned.—This morning there were three arraignments in the District Court for the offense of unlawful cohabitation. Bishop H. B. Clawson was first called, and to the reading of the indictment replied that he preferred to make no plea, whereupon, at the District Attorney's suggestion, a plea of not guilty was entered by order of the court.

Bishop John Sharp was next arraigned and pleaded not guilty.

Henry Dinwoodey, who was arrested on Saturday evening on an indictment found over three months since, also entered a plea of not guilty.

The bonds in each case are fixed at \$1,500, and the trials will probably be called in September.

Burglary.—We learn from a resident of Lehi that a burglary was committed at that place on Saturday night. The robbers in the first place, purloined a ladder from the yard of the jail or court house. With this they were enabled to enter the upper floor of the building in which Lewis Garff conducts a store, which is on the ground floor. The rooms to which they thus gained access are occupied by Goodmanson Brothers, jewellers. The thieves carried away a large number of pieces of jewelry, mostly articles that were in hand for repairs. The property taken from that part of the premises amounted to several hundred dollars. The depredators next visited the cellar, in which some of Mr. Garff's goods are stored. From there they carried away forty boxes of cigars. No track of the thieves has yet been discovered.

Celebrating His Release.—Brother Hyrum S. Phelps, who was on the 11th inst. released from the Yuma prison, after being incarcerated three months for living with and providing for his wives and children, used to reside at Montpelier, Bear Lake County, Idaho. He still has a number of relatives and many friends living there, and we learn from the Bear Lake Democrat that a large party of these assembled at the residence of J. W. Phelps, Jr., of that place, on the 11th inst., to commemorate the release of their friend and relative from prison. The report of the affair says:

A huge table was spread with the good things of this life, where forty persons were seated, who did ample justice to the picnic provided for the occasion by the good sisters. After the tables were removed, the company were entertained until 9 p. m., with songs, music, and short speeches delivered by old time friends of Brother Hyrum Phelps, who spoke in high terms of the integrity of old friend. Prior to the close of the exercises it was resolved that we, the relatives and friends of H. S. Phelps, do hereby express our hearty approval of the manly course pursued and the integrity manifested by him during his trial and imprisonment for conscience sake.

Resolved, That by so doing he has increased the confidence and esteem of all present on this occasion.

Counterfeiters.—Kennedy, who was arrested on Saturday on the charges of drunkenness, profanity, and passing counterfeit money, was fined \$20 for the first two offenses, and held in \$800 bonds to await the action of the grand jury.

One John Eckert, a discharged soldier, was taken into custody yesterday on the charge of vagrancy, but will have to answer for a more serious offense before he has done with it. Some time since Eckert was fined for petty larceny, having stolen a saddle, and the chief complaint against him

now is that of making counterfeit silver dollars. The whole stock of implements was captured, and consist of some lead and zinc, a large spoon, a copper kettle, and some plaster of paris. Molds were taken in the plaster from a genuine silver dollar, and into these were poured the baser metal, the product being a dull, lead-colored coin, easily detected by either appearance or sound. Whenever Eckert and his partner became short of cash, they would take a walk into City Creek Cañon and manufacture a few dollars, and, notwithstanding the poor imitation have been able to pass quite a number. The defendant, this afternoon, waived an examination and was held in \$1,000 bail to await the action of the grand jury. The offense is one against the United States Statutes, and should be prosecuted thereunder, that is, if the District Attorney can find time sufficient to devote to it outside of "Mormon" cases.

Success at Home and Abroad.—One of the missionaries who returned with the last company of immigrants was Elder Wm. H. Corbridge, whose home is in the northern part of Kaysville. He left here in October, 1883, and labored during his absence in the Birmingham Conference, from which country he emigrated thirty-three years since as a little boy. He greatly enjoyed his missionary labors, and acknowledges that the experience gained while abroad has done him good whether his labors have resulted in much benefit to others or not; and we are of the opinion that he has been tolerably successful.

We were reminded, too, of the fact that the experience which a man's family here at home gain during his absence upon a mission is also enriching to them, by hearing Brother Corbridge relate the circumstances of his own case.

He is rather an extensive farmer, and on starting upon his mission left his wife and eldest boy, who was only 12 years of age, to look after his business in that line, which they did so successfully that they raised 2,015 bushels of grain last year. In addition to this the boy mentioned summer-fallowed forty acres and plowed twenty acres more in the fall—making sixty acres in all—using for the purpose a suiky plow, and then last fall planted the whole of it with grain with a drill.

And now Brother Corbridge comes home to find everything about his homestead prosperous with a probability of a still heavier yield of grain than he had last year, and of course rejoices, as he has good reason to.

A SOUND POSITION.

The Democratic Journal, of Winamac, Indiana, makes the following clear and pertinent statement:

"The three 'Mormon' Elders, placed in jail in Tennessee, under the law making it a misdemeanor to preach 'Mormonism' will take the case to the Supreme Court."

We believe that the law is unconstitutional and will be so decided by the Supreme Court. The legislature of Tennessee have no more right to make laws against 'Mormonism' than it has to imprison and fine a son of Abraham or a Christian for his religious views. If the legislature of Tennessee can constitutionally enact laws against Mormons, they have the same power to prohibit the worship of any other professed religious body.

The way to meet Mormonism is to show that it is inconsistent with the teachings of the Bible. We never want to see the day when any legislature can say what religion shall be tolerated, and what shall be suppressed by the strong arm of the law.

The strictures of the Journal not only apply to the Tennessee anti-'Mormon' statute, but to similar laws in Idaho, and those in the same line passed by the National Congress, including the Edmunds act, and the raid conducted under its cover. It has long since been demonstrated, however, that all attempts to show that the 'Mormon' religion is inconsistent with the Bible must necessarily be futile.

If Your Cough is Growing More Troublesome, if you are losing flesh and strength, and are beginning to have night-sweats or any of the well-known and alarming symptoms that indicate pulmonary trouble, write to Drs. STARKY & PALEN, 1109 and 1111 Girard St., Philadelphia, stating your case clearly, and ask their opinion as to your condition, and whether they have treated similar cases with their Compound Oxygen. It will cost you nothing, as they make no charge for consultations. They will, at the same time that they reply to your inquiries, furnish you with such documents and reports of cases as will enable you to determine whether in your own case a cure is possible.

Orders for the Compound Oxygen Home Treatment will be filed by R. E. Mathews, 621 Powell St., between Bush and Pine streets, San Francisco.

A Chicago dispatch says: The mills of the Brighton Cotton Manufacturing company burned to-night. Loss, \$100,000; insurance, \$95,000.