

CONVICTED BY EVIDENCE OR
REPUTATION?

WHEN the jury, composed entirely of persons hostile to the faith and views of the defendant in the Miles case, was empanelled, every one who admitted belief in "Mormon" doctrines having been rejected, we expressed the hope that the case would not be tried by "common fame" but on the evidence adduced. This perhaps was too much to expect; it was at best a "forlorn hope." Scarcely a person in the Territory outside of the

Church to which the defendant belonged, had not discussed the matter and expressed a decided opinion against him. The affair had become notorious. The tongue of scandal had been wagging freely for many months in regard to it, and exaggeration had come to the stage of rumor, and manufactured such a strong public feeling that an unbiased jury, especially of non-Mo-

The accused, who is not spending any time in deliberation after the case was submitted. But upon how much real evidence was that verdict based? Let us see. The defendant was charged with having married Emily Spencer and Caroline Owen Male on the same day, and in the order here named. The marriage with Miss Owen was not disputed but the union with the other was denied. The chief witness was alleged second wife, and her testimony was not direct, for he could testify that he had witnessed the ceremony, or give any definite or positive evidence that such a marriage had been celebrated or consummated. The evidence adduced, such as it was, proved to be only circumstantial, and the chain was broken and incomplete.

It was shown that President Wells had prescribed the order in which the proposed marriage should take place if they were solemnized; that is by priority of age. Emily Spencer being the older, Miss Owen testified that after she was married she saw Emily Spencer in the Endowment House clothed in a certain manner which she attempted to describe; that Miles afterwards informed her that Emily was his wife; that he called Emily his wife at the reception the evening; that he had informed the witnesses she was only his second wife. Kate Connelly stated that Miles called Emily Spencer his wife at the reception, and the best man, Leo Dykes said he heard the same when he was looking through the window from the outside. President D. H. Wells when examined would not say that he did not marry Miss Spencer to Mr. Miles, but did not remember having done so nor ever seeing that lady.

Considerable stress was put by the prosecution upon the counsel of President Taylor, which the attorney tried to make appear was imperative upon the defendant and which he dared not disobey. This was all fudge; but supposing it to be true, the fact remains that President Taylor also testified that he released all the parties from their engagements, so far as the Church was concerned, and informed them that whatever they might do would be entirely on their own responsibility.

Other witnesses present at the reception heard the alleged first witness introduced as Emily Spencer but not as Miles' wife. Kate Conway's testimony was contradicted by her own brother, she was evidently an ardent supporter of Carrie Owen's cause and animated with spite toward the accused. It was shown that Carrie Owen had threatened revenge against the defendant, and her testimony was contradicted by her own published statements, sworn to by herself before a notary public. Much of the evidence she gave would have been discredited by Mrs. Sarah Ann Campbell, who would have been called by the court; her testimony was not permitted although it was in relation to points which the witness

Owen was allowed to speak upon the supposed evidence of the dress worn by Emily Spencer in the Endowment House was no evidence at all, as it was shown that it was used for other purposes than marriage, and was therefore not a distinctive sign or badge of matrimony. No one but Carrie Owen pretended to have seen the lady in the Endowment House, and her presence there was entirely dependent on the word of that unreliable witness. The supper party as was testified by several persons was arranged as a reception for Miles and Carrie Owen, and the latter assisted in the preparation of the bridal chamber where she passed the night with the defendant. She admitted having taken an oath not to tell what took place in the Endowment House, and yet was willing and anxious to "tell it all." She stated that she had a good memory for what suited her, and that her memory depended upon the kind of things she desired to remember. Her animus against the defendant was unconcealed and showed itself throughout the case.

Now weigh the testimony apart from rumor, opinion, gossip and public impressions, and what evidence was there before the jury? We maintain that there was not anything like sufficient to have established a civil suit, let alone a criminal prosecution. In order to convict the defendant the prosecution was required to produce proof beyond a reasonable doubt that Miles married Emily Spencer, and that while she was still living he married Carrie Owsen. Will any unprejudiced person claim that these facts were thus established on the trial? It is quite likely that the jury believed

were persuaded beyond a reasonable doubt that Miles was guilty. But was this condition of mind produced by the evidence? Was it not principally effected by extraneous matter and the current popular thought [freely expressed]?

We consider that Miles has been tried and convicted on; general reputation rather than by valid evidence; that the jury was not such a body as is contemplated in the law; that evidence was permitted that should have been excluded; that evidence was excluded that should have been admitted; that the rulings of the Court were partial to the prosecution; that instructions to the jury desired by the defense were unfairly omitted; and that the whole trial was a determined effort to make an example of the defendant, and strike a blow at the "Mormon" Church, which the Assistant District Attorney had the impudence to admit was the real

pendant at bar.

Under these circumstances we hope the case will be fully contested. We do not anticipate that a new trial will be granted. But the law is clear for an appeal until it reaches the court of last resort. By all means let it be carried up. And if it is to be an established rule of jurisprudence in Utah that competent jurors may be rejected because of their belief in certain religious views; that a man who is placed in legal jeopardy before a body of men selected specially because they are opposed to him in faith and sentiment; and that an unorthodox Church can be tried in the person of one of its members, and be made to suffer from a verdict found by its open enemies; let it be known throughout the whole world, and then let Americans cease to boast of their free institutions, and never more declaim about the civil and religious liberty which the Stars and Stripes are supposed to protect, and which the Constitution guarantees to the poor and oppressed of all nations.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE

Forty Sixth Congress.
EXTRA SESSION.
SENATE.
WASHINGTON, 9.—The House bill, providing for the payment of money heretofore appropriated to James B. Eads and his associates for the construction of jetties and other works at the south pass of the Mississippi, was passed with an amendment.
Consideration of the bill prohibiting military interference at elections was then resumed.

EASTERN.

The Reverend Talmage Vindicated.
New York, 9.—In the Brooklyn Presbytery, yesterday, the final vote was taken on the charges against Dr. Talmage. The secretary announced that 43 votes had been cast, 25 of which were against the charges, 16 in favor of sustaining them as they stood, and four for sustaining them in part.

Rev. Dr. Rockwell offered a resolution that all the evidence be read.

was clearly disproven or fully explained, as to any guilty purpose or intent of deceit, that the charges be dismissed and the Presbyteries thereby express to Dr. Talmage its confidence in him as a minister of Christ and his church and that he and his church may share abundantly in the divine blessing.

Dr. Vandyk at once gave notice of a complaint to the syned in regard to the manner in which the trial had been conducted. There were several various charges made, one of which was that the moderator had secretly brought Dr. Talmage and Rev. J. W. Hathaway together, thereby they entered into a

governed not to testify at the examination of the character of the Moderator Ludlow denied this suggestion so emphatically that Dr. Van Dyke withdrew it.

After the examination of the witness he made a few remarks, and said he felt happy and was thankful to the counsel who had defended him so ably, thankful to his brethren and friends for their presence, and for their generosity with which they had reported the case. He should go out of this with an increased hatred against the Presbyterianism, and for he had the sympathy of the Presbytery of New York, a handful of his brethren excepted. He also felt the sympathy of the Methodist Episcopal Church, and of the Reformed Episcopal and Catholic Churches. Though he was Protestant, in one respect he would prefer to be in the Catholic Church, for he felt that the Catholic Church was the Protestant denomination they

a hundred. But he pronounced his benediction on all the committee who formulated these charges, who would not let the Greeks in gathering up all the venom of his enemies, and the action of that committee had been most important for the cause. He will ever be able to make Christ's will ever be able to make Christ's will. He thought the senior members of this committee would have been very careful about making any statement without the proper experience. Some of their brethren said they did not like his preaching. He just as much delighted in their criticism as he did in their praise. He thought they were poor enough but he knew they would never save the world. In conclusion he prayed for the members of the presbytery and their wives and commended them to God.

Dr. Talmage then left, and as he was going out Rev. Mr. Green, who was one of the committee, jumped up and said that he was not responsible of another falsehood in what he had said in reference to the committee. The presbytery then adjourned until Monday.

Indian Territory Note from Equatorial Africa.

The Times says, editorially, "The commissioner who is investigating the raid into Indian territory has not yet found anything of that kind of very dangerous proportions."

These persons have crossed the line, and their intention to remain seems to be doubted. At Coffeeville, a lieutenant and a dozen soldiers are holding the line and doing their best to keep the mob out. One of the big expeditions that has been talked of as already collapsed.

The advertiser **GOING INTO Warm Water.**

COHASSET, Mass., 9.—An Advent inist, **Charles Brown,** is announced to address the Foremost Society at Cohasset. The preacher threatens to tar and feather him and ride him on a rail.

Davis, another great preacher, has told a young man in the road near his house yesterday, drew his knife out upon their necks and forbade them to go near his house. The people are excited.

Millard Game

ASTON, 9.—In a game of French men 600 points, between Randolph Hooper, of this city, and George H. Ravert, of the latter city, played at the latter city, Ravert was allowed 150 points, Hooper 100. His largest run was 476, the best on record. Hooper's average was 187.

THE EXPRESS ROBBERY.

When Williams was asked yesterday how he reconciled the mania which his letters to Shurtliff were written with the latter's confession of the robbery, he answered that Shurtliff was suspected of complicity with him, he wrote in the papers to show that he was not against a married letter.

After recess, Williams' cross-examination was resumed, and another letter to Shurtliff was introduced. Shurtliff dated July 20, 1873, was in evidence, in which Williams stated that he had been sent to prison for one year, and urged his friends to help him out.

Williams reacted, on pain of divulging the whole affair of the robbery. The following sentences occur: "The robbery was committed by Shurtliff and myself."

had made me divulge long but for your sake." "If we had thought it would have come to this we would never have committed this crime," he said and showed it to any one."

Witness then stated that this letter was written in the Penitentiary at San Francisco. The letter's heads were used in order to deceive Shurtliff into answering in a way to commit himself. It was written at the instance of Mr. Tolson. While in the Penitentiary, Tolson told of Shurtliff. In answer to the question if he had ever stated that he had been offered \$2,000 and a pass to San Francisco it was stated that he would not do so. The convict Shurtliff, witness said he had stated at Mr. Marshall had offered him \$2,000 and a pass to San Francisco.

"If you succeed in convicting Mr. Shurtliff, do you expect a reward?" "No, sir; I am doing this out of revenge."

Witness then stated that the motive for his revenge was that Shurtliff had not kept his word about helping him nor his family, and his testimony given at the trial was a lie, he did not then wish to help him.

Witness told the truth out of revenge.

Z. Jacobs, conductor on the Union central, testified that two days before the robbery, as she said to stay there, four or six days, and return the night of the robbery. Although she did not know the amount of money there was, she said that there was there six weeks or two months before the robbery, and that she had often spoken to Shorttill of the advisability of robbing the train. She said that she was the first head of this robbery at a party after reaching Salt Lake. Did you see any one get on at Shorttill's place that night? "The coming of the train was a surprise. I went down and examined the express car. The lock appeared perfectly sound, though the door was somewhat defaced. George Jacobs, the expressman, told me, however, testified that on the arrival of the train in Salt Lake the night of the robbery, he found the express

received answer. He then went to the car and called again. Heard groan and noise. Felt around and found Williams tied to the side of the car with cotton strips, two inches wide, some over his mouth and nose. His hands were apart and tied above his head. A number of unbroken packages were found on the floor.

R. Bert Bult, engineer, certified that the train stopped at Shurtliff's ranch the night of the robbery. There was a platform there which had been put up perhaps four weeks previous. The night after the plat-

He was quite Mr. Shurtliff had been asked to meet about stopping at his place, and he said if it would accommodate him by doing so. Shurtliff sent half a beef and time and a half another time. Mr. Shurtliff shortly after the robbery. Talked with him before he left before he went back to life and illness he thought Billy was innocent. Witness also thought he asked him to notice if his (Shurtliff's) name was mentioned by the grand jury, and let him know. Witness next Shurtliff told the ladies what happened where the ladies asked him if his name had been mentioned. Witness told him he was sworn to secrecy. Again he

and, saying he had heard that Coley had offered the grand jury \$500 to fix the case, he told the witness he would send him down another half of a beef. He did so afterward. Witness had another beef with Williams, a week afterward. He wanted witness to see Williams and tell him they were going to kidnap him.

On the robbery witness saw Shurtliff at Centerville. He got of the baggage car into the press car. He got off at his ranch the afternoon.

Court adjourned till this morning.

PROCEEDINGS THIS MORNING.

ROBERT BULL

continued his testimony. When Shurtliff sent word to Williams to come to the house, he kidnapped him and took him to the latter across the street in Gray's saloon.

[illegible]

It should tell him. After I
I been before the grand jury I
conversation with him in the
watch East and asked him
corner of the Temple and
South street. He asked me
had seen Williams and asked
to take a message to him, tell-
ing him that he had been in
a previous conversation he told
he thought Williams was innoc-
ent. When I gave the message to
Williams he was mad, but seemed
to be in a state of confusion and
excitation. It became dark the
night of the robbery when we were
at the K. K. K. headquarters
from Shurtliff's farm, so at
the latter place it was quite
dark. I noticed no person
from Shurtliff's farm. I re-
turned some with Mr. Dooley

his case, and with some persons. Mr. Hume spoke to the subject after I had been released. He said that Hume was a detective for Wells, & Co., and was looking up me; he talked with me about the case, and I told him and said my evidence would be fatal. Cannot tell when my father was with him took it. It was not within my power. Knew that Shurtliff at his ranch up to the time was robbery.

Q. The next day Judge Van's testimony as given by the was under cross-examination and by a court reporter, which the witness underwent direct examination.

A. I do not think I can always look around to get signal. In that instance the was on my side of the car. The conductor has entire of the train. On the U. C. trains will very often stop to cross-examination: the stopping is a matter of accommodation.

MR. THOMAS DAVIS.

Q. At the time of the robbery

the premier on the distinctive of Mr. Salt in engineer. I Mr. Shurliff at that time, and member the platform at his place, as put up I believe about a month or six weeks before the robbery of the stranded jury. I had no conversation with Mr. Shurliff. I receive the signal from Ogdén this way. The train was unfit of inch lumber. I was not on the train after the robbery, and break-through the platform. The platform examination. The platform and out of repair when he through.

MR. W. S. McCONNICK testified: Live in Salt Lake. Am a banker and was at the time of the robbery. I was a partner of McConnell & Co, known as \$10,000 being shipped from the National Bank. It was my duty.

Examination. Know of it by advice from our correspondent.

My argument here took place on the admissibility of McConnell's testimony. It was charged by the defense that it was merely hearsay. The prosecution desired simply to prove that McConnell was advised of the shipment.

Direct. The \$10,000 was char-

to my account in the Omaha case. I was objected to but the objection was overruled. I was then cross-examined. I had nothing to say on deposit in Omaha at that time.

MR. MULLOY:

For: Am engaged in the livery and horse business and was in the same business in 1878. Am acquainted with William Williams and his wife. He got a horse at my stable on the 4th of August, 1876. Do not remember the time of day or place. Witness produced the horse in which he made entries of the horses which he had. It was after the arrival of William Williams. On the 4th of this horse to Williams. The animal was a bay pony. I was not

He remained stable when he returned it, which must have been after 9 or 10 o'clock.

MR. A. MCGOWN
Testified: Live in Salt Lake City. He is in charge of the books of Mr. McGown, who kept a livery stable, is since dead. Know his handwriting. (Was shown a book, the handwriting in which he recognizes as being that of the foreman of Brown's stable. This was an entry on the 4th of August.)

Cross-examination — Mr. Brown
May or June, 1876. He is dead when the entry was

He took was not allowed
evidence). The stable was on
South Street and after his
ack was for a while conducted
is name.

MR. J. E. DOOLEY

again put upon the stand: I
the agent of W. F. & Co., for
Lake City at the time of the
the money. I received all the
dollar bills, except the money,
package of deeds, one of bonds,
assigned to the Deerset National
bank, and some other valuable
things. The packages gathered up
the office of the receiver, and
placed at the disposal of the

to and some opened letter. I went to the desk in the car and the collections there undisturbed. I was not to go to any one but the company. I should not have been in the car, but if placed in the usual way, I would have checked and found it in the safe. Having been convinced with Mr. Shurtliff about the money, I went to the office of the Farmers' bank, after the consent of William B. Smith, who wanted the money and the safe, and he said he did not have it. He also said at one time, "I would have been glad to have turned with him on the day that Williams was sentenced, the latter telling me to who was the guilty party."

When the examiner, Dave Hayes, Fargo's agent since May, Mr. Shurtliff and the Wells Fargo Co. have had some difficulty,

"I was in the bank," said Williams, "for the robbery. We took jacks for \$3,000 against him more or less. We were entitled to (and the press here explained this transaction) no feeling was evinced against me. I was a hard-striking man, and I was in the company with the robbery within a day or two of the event. It was after the robbery that this judgment was made against me. I was guilty because of it. On one occasion I called him perjurer, this was the robbery. I did not hear anything about it until I was connected with this matter until I came to the penitentiary. Did not intend to induce a party of men to go up Mr. Shurtliff and strike him over the head with a cane. I saw him, the man to whom this (a note produced by Judge Williams) was addressed, but cannot say that told him whom we were to go after. I was told to go and offered a reward of \$500 for the recovery of the bonds stolen. I thought that no questions would be asked. I am signed J. E. Dooley." Williams has been in the penitentiary since Shurtliff's complicity in the robbery, though until Williams' confession I never believed it. At the time of the conversation with me I was on guard duty with Shurtliff. I sent a letter a day before bringing suit that I had the money and bonds recovered. I told him that I had proof against him.

to our attorneys and heard
Koye advise him to give up
valuable. I sent for Mrs. Shurt-
tuff and told her to tell him
that letters were alleged to
have been written which would
great source of scandal, and
told him to persuade his brother-
in-law to return the valuable
papers. He was the first detective sent
Fargo & Co. Mr. Stone
came, staying only a few days.
He needed no money, but
own responsibility. I knew
others than Mr. Shurtliff
suspected. I did not state to
Shurtliff that I suspected him
down as a suspected man
the very first night of the
trial. I have never given
William money nor pames
the railroad. I have requested

Harry that she might go
 and she has received them.
 to see Williams, and
 him in the city. It was
 understood by me that Wil-
 liams to receive a new trial
 in order to prosecute some
 persons. Have not tried to
 Shurtliff in his business
 Have conversation with
 & Young about Shurtliff's
 Do not know that the por-
 tion of the latter's firm
 to Mr. Shurtliff's only
 circumstances. The part in
 's name I did not consider
 actively useless. I have not
 and made a proposition to Wil-
 liams to give \$1,000 or \$2-
 000 state where were his
 losses.
 A direct examination of this
 was postponed until after

LAKE THEATRE!
 open at 7.15, commence at 8.
5 NIGHTS ONLY.

SUNDAY AND FRIDAY,
May 8th and 9th.
Matinee Saturday afternoon
 Commencing at 2 o'clock.
 Present of the Favorite Salt Lake
SS A. ADAMS,
 The Wonderful Child Actress
LITTLE MAUDE.
 Assisted by
 T. C. Crable Mr. C. W. Sutton
 Foster Action Mr. Earl Wilton
 And a
D R A M A T I C C O M P A N Y .
Thursday Evening, May 8th, 1870.
 Performance will commence with the very
 successful 1 act drama, entitled
THE WOMAN OF THE PEOPLE
 to conclude with the Laughable Farce,
 Harbided
TITLE SUSIE
Friday Evening, May 8th, 1870.
 and
STEPMOTHER !
Matinee Saturday afternoon
 Box Office now open.

LOST.
 LUT five weeks ago a speckled COW, years old, branded S on the hip, will give information for her about the whereabouts of the Ward, will be suitably rewarded.
 J. A. DAVIS

NOTICE TO CREDITORS.
 ———
 OF LOUISIA WALLACE deceased.
 NOTICE is hereby given by the undersigned, administrator of the estate of LOUISIA WALLACE deceased, to the creditors of all persons having claims against the estate of said deceased, to call on and present their claims, with the necessary vouchers, within four months after the date of the publication of this notice, to the undersigned, at Salt Lake City, Utah County, Utah Territory, Main and opposite the War Store.

ANNIE HYNNMAN,
 Administrator.

VALUABLE INFORMATION
Persons interested. I wish to inform
Cool Growers that I am prepared to
arrange contracts for buying and will
pay the highest market price in CASH
FOR WOOL
Sheeps, Twine and a No. 1 article
Deep Shears furnished. I also
collect in the States of Utah, Purr-
for which I paid liberal prices.
of South and East Temple
Utah, Salt Lake City: H. B. CLAWSON.

PIPE ORGAN.

GEORGE CARELESS

has just received a splendid
PIPE and REED ORGAN,
by the celebrated GEO.
's ORGAN CO.
of great power and sweetness of
tone, which exceeds any Organ ever seen
in this city.

There has also a very beautiful
's UPRIGHT PIANO.

is also agent for the
"ARION" "HARDMAN"
WATER'S Piano.
I most respectfully invites his
and the public to give him
at his NEW STORE on *First*
Street, two doors east of Din-
y's Furniture House, and ex-
his splendid stock of all
of Instruments, SHEET
C, Strings, &c, &c.

PURE TEA!

of the Tea that is brought to market is highly colored - avoid getting a tea that is adulterated, purchased

A W I S,

CELEBRATED

A W D

BRAND

up in half pound packages.

A PURE

UNCOLORED JAPAN.

RY IT.

You will say it is

Best Packet Tea

IN MARKET.

W. DAVIS.

The business heretofore co

L. C. M. I.
Are displaying the Finest Stock of
DOLMANS!
LINEN DUSTERS & SUITS
To be found in the city.
OUR STOCK OF
CORSETS AND HOSIERY,
Is unquestionably the Most Complete in the Market.
H. S. ELDREDGE, Supt.

SUITABLE FOR LAUNDRY OR BATH

UTAH SOAP MANUFACTURING CO.

PIONEER SOAP FACTORY.

19th Ward.

TRADE MARK.

UNITED ORDER

PALE SAVON.

EXCELLED BY NONE.

SIXTY BARS IN EACH BOX.

ALL ORDERS ADDRESS TO R. V. MORRIS,
P. O. Box, 1073.

PALE SAPONE

TRADE MARK

A HOUSEHOLD SOAP
FOR GENERAL USE.

HENRY SNELL, MANUFACTURER OF
TOILET, BATH & LAUNDRY SOAP.

are your symptoms, Sufferers?
 Suffered long, distressing, and
 many stomach, oppression after
 between the shoulders, consti-
 as you are dyspeptic and bilious,
 will meet your case as soon

Effervescent Seltzer Aperient,
 BY ALL DRUGGISTS.

P. DISINFECTANT!

A. PASCOE will supply the
 most Quick Lime, suitable for
 cesspools, and neutralising all
 organic substances for TWO
 PER TON, in large or small
 at his Pioneer Perpetual Lime
 North of Warrs Springs, Ark.

Building and Plastering Lime
 always on hand.

F. A. PASCOE.

Has been transferred to Zion's Co-operative Mercantile Institution,
 to
 A Full Line of All Styles and Best Qualities of
HOME-MADE BOOTS & SHOES,
 At Lowest Prices, will always be found in Stock at
Z. C. M. I.
 H. S. ELDREDGE, Supt.

DRESS GOODS.
SHAWLS.
PARASOLS.
CORSETS.
AND
FLOWERS.

NEW STYLES DAILY AT TEASDEL'S.

MEN'S
AND
BOYS'
COATS,
PANTS
AND
VESTS.

IN NEWEST STYLES AT TEASDEL'S.

LADIES'
CHILDREN'S
AND
MISSSES'
SUMMER
SHOES
AND
SLIPPERS.

SPECIE PRICES AT TEASDEL'S.

HARDWARE.
CUTLERY.
FARMING
TOOLS,
HATS,
CARPETS
AND
SATCHELS.

Specialty Selected from
BEST MARKETS AND LOWEST PRICES at
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