

# DESERET NEWS:

## WEEKLY.

TRUTH AND LIBERTY.

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### MARITAL RIGHTS IN OHIO.

The bill establishing the property rights of married women, which became a law in Ohio on the 19th of March, has already been commented upon in these columns. Married women have enjoyed similar rights as to holding property in Utah ever since 1872. Ohio is ahead of several of the States but following in the wake of this Territory in that particular. There are some provisions in the Ohio act that are not common in statutory law and are worthy of consideration. We therefore append here a number of sections which other States might adopt with profit.

"Section 3108. Husband and wife contract toward each other obligations of mutual respect, fidelity and support."

"Sec. 3109. The husband is the head of the family. He may choose any reasonable place or mode of living, and the wife must conform thereto."

"Sec. 3110. The husband must support himself, his wife and his minor children out of his property or by his labor. If he is unable to do so, the wife must assist him so far as she is able."

"Sec. 3111. Neither husband nor wife has any interest in the property of the other, except as mentioned in Sections 3110 and 3112, but neither can be excluded from the other's dwelling."

"Sec. 3112. A husband or wife may enter into any engagement or transaction with the other, or with any other person, which either might if unmarried, subject, in transactions between themselves, to the general rules which control the actions of persons occupying confidential relations with each other."

"Sec. 3113. A husband and wife can not, by any contract, with each other, alter their legal relations, except that they may agree to an immediate separation, and may make provision for the support of either of them and their children during the separation."

"Sec. 3114. A married person may take, hold and dispose of property, real or personal, the same as if unmarried."

"Sec. 3115. Neither husband nor wife, as such, is answerable for the acts of the other."

"Sec. 3116. If the husband neglects to make adequate provision for the support of his wife, any other person may, in good faith, supply her with necessities for her support, and recover the reasonable value thereof from her husband."

"Sec. 3117. If the wife abandons the husband, he is not liable for her support until she offers to return, unless she was justified, by his misconduct, in abandoning him."

### ELECTRICITY AND STEAM.

ON March 30th the Boston express train entered New York in a novel condition—lighted by electricity and heated by steam. It was a signal triumph of science, and an exemplification of the marvelous strides taken in the development of those processes by which the elements are made subject to man peculiar to the latter times. The following on the subject appeared in the Sun:

The cars themselves are worthy of description, though fine woodwork and cabinet-work are not novelties. The baggage car, smoker, two passenger coaches and two drawing-room cars all have the Roman arch roof, which gives an imposing exterior and interior effect. The dark mahogany finish that is uniform in the passenger cars would be, in the gloom of ordinary kerosene oil lamp lighting, too sombre. But there is no oil burning except in the headlight, and the twenty incandescent electric lamps that are ranged in double rows along the high ceiling of the cars effectively light up the beautiful markings of the natural wood. Each light is of sixteen-candle power, and the steady glow is fed from the storage batteries of the Julien system. Newspapers may be read with ease, and the cars are cheerful and pleasant. There are sixty storage cells to each car placed under the floor between the trucks, and they may be recharged with electricity while the train is laid up on a side track in Boston. They will hold twelve hours' supply of electric fluid so as to make the round trip to New York and return, and with time to spare.

The steam-heating device, is what is known as the Martin system, and consists of an arrangement of pipes which

take live dry steam from the dome of the locomotive and conduct it through the car so as to distribute the heat thoroughly. The distinctive features of the system are an automatic pressure regulating valve on the engine, and controlling valves for each car from a main pipe below the car, so that the different cars may be kept at varying temperatures. The water of condensation is carried off by an automatic drip and does not return to the boiler. The live dry steam is thus enabled to do its perfect work.

The cars were warmed yesterday on a very low pressure, despite the March winds, and yet there was no fire on the train back of the heating furnace under the locomotive boiler. The result in pure air, absence of coal gas and smell of oil was greatly enjoyed by the passengers.

Great importance is placed upon the safety of these appliances in case of accident. There are neither lamps nor stoves to set fire to the wreck, and the travelling public is alive to the necessity for these improvements by reason of recent lessons, and of a long series of terrible accidents.

George W. Blodgett, the electrical engineer of the B. and A., and Charles H. Barnes of the Superintendent's office, ran the train through yesterday to instruct the train hands, and will take it back to-day. Crowds gathered at all the stations to wonder and admire the new train with a meteor effect bisected lower New England.

### TREATY WITH NORTHERN INDIANS.

An Idaho Journal contains the following:

"John V. Wright, of Tennessee, J. W. Daniels, of Minnesota, and H. W. Andrews, of New York, commissioners appointed to visit the Indians of the north and adjust terms with them, for a permanent treaty, to be ratified by the government, have performed their mission and effected the terms of a treaty, which have been approved by the Spokane and Coeur d'Alenes, and signed by their chiefs and head men in the presence of the great body of the Indians after being fully explained to the Indians. The Indians relinquish to the whites about 400,000 acres of land outside of the present reservation of the Coeur d'Alenes and the Spokanes with the full consent of the Coeur d'Alenes agree to go and live upon the reservation of the latter, and this reservation is to be theirs forever for joint occupancy, unless they agree to part with it. One hundred and fifty thousand dollars is to be paid to them by the government, \$30,000 the first year and \$5,000 per year for the period of fifteen years subsequent thereto. It also provides that no white man can come upon this reservation and marry one of the women of their tribe without first producing evidence of good character, which shall be approved by the agent in charge, the head chief and minister in charge."

### MODERN SUPERSTITIONS.

The ghost business is being revived in this country. Indeed it may be said that it is receiving a "boom." "Haunted houses" are common in the States. Spooks are seen in all kinds of places and under a variety of circumstances. Ghost stories find their way into reputable papers and dissertations on mysterious manifestations are published in magazines of respectability. Spiritualism, so-called, is largely answerable for this revival of old superstitions, and the table-tapping, cabinet-trickery and bogus materializations which are so often exposed but still continue, contribute to the craze for the marvelous which crops up in all grades of society.

Witchcraft, too, is being revived, and it is astonishing how much credence is given to tales of conjurations, spells, incantations, Voodooism, the black art, and sundry kinds of superstitious intimidations, that are used to work upon the fears of the timid and bring money to the pockets of charlatans. Drowning and burning are not resorted to as in former times, but the reputation of a witch is exceedingly damaging to any unfortunate crone in many a village and town, whose appearance and habits appear to give color to suspicious started by the breath of scandal.

Some of the ghost stories that go the rounds appear to be inexplicable at first, but when they are traced up, divested of the trappings of imagination, and exaggeration and grasped with the force of good common sense, they either totally disappear or are proven to be the result of villainy or that idiotic pastime called practical joking.

Sparkill, a New York village, has recently been disturbed from centre to circumference by the nightly visitations of a ghost which walked the earth and scared folks out of their wits to such an alarming extent that several inhabitants began to make arrangements to move away. But at length the "frightful spectre encountered a man of nerve and sense who proved more than a match for the terror-inspiring spook. While crossing the bridge which spans the Sparkill creek, this gentleman encountered the ghost on its nightly round of horror. He picked up a good-sized stone and let the spectre have it hard.

The spook was hurt and angry, and clinched with the stone-thrower, who proved to be more muscular than the "spirit," and grasping it by the throat soon brought it to its knees and to terms. His ghostship collapsed, begged for mercy and was allowed to go, on promise of ceasing the imposture which he had been carrying on for fun. His identity was concealed as part of the bargain. Sparkill people can now travel around at night in peace, though timid people will still glance hastily round and look stealthily over their shoulders when hurrying home at a late hour.

We are satisfied that most if not all the supernatural tales that are going the rounds about haunted houses, barns and roadways, could be as thoroughly exploded as the Sparkill "mystery" if resolution and good sense were brought to bear upon them. Like the so-called materializations of the professional mediums, these spirits prove to be things of flesh and blood when laid hold of with sufficient force to detain them and demonstrate their real character.

There may be something at the back of spiritualism, as it is called, which cannot be accounted for by ordinary and known laws of nature and methods of investigation. Deceptive spirits play strange pranks with credulous humanity. The powers of darkness acquire great influence upon those who give themselves up to their "strong delusions." And in what is known as witchcraft the same influences may operate, by means of earthly agents, to the detriment of all engaged in the unholy work and their frightened victims. But it will be found that these evils can only operate through the fears and credulity of the unwise. Let them be looked upon as superstitions exploded by the dynamite of positive disbelief, and they will very soon cease to trouble the public. It is only in quarters where doubt and terror or foolish faith prepare the way, that society is disturbed with this species of diabolism and deception.

The best course to pursue is to let all such unsatisfactory and disquieting things severely alone. They are of no real profit. They only breed trouble, confusion, disorder and disaster. There is no need to dread them. They are largely illusions or impositions, and what there is of substance in them is not of any value to mankind. The Spirit of Truth, which comes through obedience and devotion to duty, is light in the midst of all such darkness, and by its aid useful knowledge may be obtained from the source of all truth, and this will dissipate the errors of superstition, fortify the soul against malignant influences, and establish that perfect love and faith which cast out all fear.

### A HORRIBLE PHANTASY.

EDWARD UNGER, the murderer, is said to be now suffering all the torments of the damned. A prominent Journal says he was sent to Sing Sing for life, for the murder of August Bohl. His physical strength before the trial was great, and his steadiness of nerve in court was surprising, but his stamina is all gone and he has become a miserable, cowering wreck. On the first morning in the prison he told a keeper that he had been visited during the night by his dismembered victim who had preceded to reconstruct himself in the terrified prisoner's presence. This dream he could not be disabused of. He seemed to believe it was a reality. Every night it came to him, and the end of a week he was much broken down. In the hospital it has been the same with him, except when he is kept very soundly asleep under narcotic influence. He dreams that the mangled pieces of his friend are strewn about the room where they lie awhile inanimate as they were before he packed the body in the trunk and threw the head into the river. Then the fragments begin to quiver. Soon they move slowly toward each other until they are in a heap. Next they adjust themselves into a human form. But the head is missing. At length that too comes into the room with its hair dripping with the water of the river in which it has lain. With a horrible smile on its face, it places itself on the shoulders of the figure and menaces the murderer. Unger shrieks out at this point, and the apparition vanishes from his imagination. All efforts have failed to relieve him of these visions, and the prison physician advises his removal to the state asylum for lunatic criminals.

### PECULIAR CAUSE OF PERSECUTION.

A few days ago a dispatch came over the wires to the effect that Elders who had been proselyting near Raleigh, N. C., had been severely whipped by a mob and driven over the State line into Georgia. No details have yet reached us regarding the brutal outrage. A private letter has been received, however, from Elder William N. Anderson, who had a short time previously been laboring in North Carolina. His communication was dated the day previous to the dispatch

and stated that the brethren expected trouble in that State from a peculiar cause—the excommunication of a couple of local members of the Church for adultery. The friends (non-Mormons) of the guilty parties objected to their being dealt with for their fellowship, owing to the scandal that would ensue. The Elders on the other hand held it to be their duty to take action in the matter, and feeling was running high against them in consequence. It is a singular inconsistency that the hand of persecution should be raised against the Elders on such grounds. They are falsely accused of all kinds of immorality, and when they repudiate such practices by excommunicating those guilty of them, their enemies insist that such characters shall be retained in fellowship by them. If the late dispatch from Raleigh was truthful it is almost certain that the outrage upon the Elders grew out of this peculiar cause.

### EVARTS AND THE INTER-STATE COMMERCE LAW.

SENATOR EVARTS, it is said, has a case in hand in which he proposes to test the Constitutional sufficiency of the inter-state commerce law, it being understood that he has all along inclined to the opinion that it is a worthless enactment. Just what particular point or points the Senator will bring to the consideration of the courts is not yet disclosed, but it is more than probable that one of them will be the clauses in the law which directly or indirectly impair the validity of contracts, and that this will figure extensively. Mr. Evarts' mere opinion on such a subject is significant, for he is not only a thorough politician and legal practitioner, but a legal philosopher as well, and the analytical and thorough consideration he gives to all his subjects before proceeding to a test of them is a matter of public notoriety. If he has decided that the law is unconstitutional, the courts are very apt to take the same view.

### WORTHY OF SUPPORT.

The movement for a library and free reading room in this city has seemed to lag a little, but from the minutes of a meeting in its support to be found in another part of this paper, it will be seen that an organized effort is in process to carry it forward to completion. We think the object in view very laudable and that it should receive the support of our active men and women in every Ward. As it is to be under strict supervision and to be protected against improper associations and influences, if it is carried on according to its spirit and design it cannot fail to be of great benefit to the community.

Anything that will draw our young people from idle pursuits and evil company and tend to elevate them in the scale of intelligence and promote good behavior, good taste and good morals, should be hailed with delight by older persons and receive the help that is needed from those who have means and influence.

It is to be hoped that every Ward will take interest in the institution and that contributions of money and books will flow in through the channels that have been opened, so that the library may be well stocked in the start, that the free reading room may be calculated to attract our youth, and that the institution may become permanent and thoroughly adapted to the end in view.

Will our live and progressive brethren and sisters take notice of the measures set forth in the minutes of the meeting, and come forward with a will to support so praiseworthy and useful a movement?

### A JURISDICTIONAL QUESTION.

MR. J. K. REID, writing from Orangeville, Utah, asks for information as follows:

In looking over the News of March 15, I find an editorial in relation to the duties of Probate Judges under the Edmunds-Tucker bill, just made law in this Territory. I find your opinion is that a Judge of Probate has the right to enter and as a townsit in behalf of the people, but has he also the right under the law to sit and adjudicate contested claims on said townsit entry and give out deeds for said parcels of land? This is a matter that is of considerable importance to the people of this county, as there are three townsites just proved up and the time is about up for them to lay in their claims to lots on the same, and as there is some dubiety in the minds of some here in regard to the legality of the Probate Judge sitting to adjudicate such claims, you will confer a favor and benefit other portions of the country as well by answering."

Probate Judges can only act in matters involving judicial authority in the cases of estates of decedents, the guardianship, persons and property of infants and of insane persons; they are not forbidden

to exercise any merely clerical or ministerial duty that they performed before, so that the question resolves itself into this: Is the reception of the testimony of witnesses when there are cases of contest brought before a Probate Judge and rendering a decision thereupon, the exercise of judicial functions? We certainly think that it would be so held, and that the Probate Judge is debarred by law from acting in the proceedings.

It is a great hardship to settlers of a townsit to have to go before the District Court, which may be in some instances hundreds of miles away, and only slow methods of travel available, with the attendant expense, loss of time, etc.; but that is not the only hardship in this and other laws, and until repealed or declared unconstitutional there is no legal way of avoiding or refusing to be bound by them.

### WE WILL HAVE NO GAG.

"ARE you willing to take an oath that you will not hereafter, under any circumstances, preach or teach polygamy or plural marriage?"

"No, I am not willing to do that,"

Challenged and excused.

The foregoing is taken from a verbatim report of proceedings in the Third District Court on Monday. The question was asked by United States District Attorney Dickson, just removed from office, but acting until the qualification of his successor; the person who made the answer was Edward Snelgrove, a citizen summoned to serve as petit juror for the April term; the Judge on the bench who sustained the challenge and dismissed the juror for this cause, was Chief Justice Charles S. Zane.

These proceedings ought to be published in every paper in the United States that professes any regard for right, justice and the liberty of law. In answer to another question the juror said: "I am willing to take the oath prescribed in the Edmunds-Tucker bill." That is the only oath which the law requires of a juror after examination on his voir dire. There was no other oath presented to any juror. But the gentleman named and about twenty others "Mormons" were excluded from jury service, though all willing to take the lawful oath, because they would not say they were willing to take an oath for which there is no provision in law, and which was not and could not be required in fact of any juror. The only oath presented to those who were accepted as jurors, was the oath that all who were rejected expressed their willingness to take. Does not that of itself demonstrate the illegality of the interrogations of the District Attorney and of the rejection of the jurors by Judge Zane?

We need not tell any one acquainted with the Constitution and laws of the United States and familiar with the genius of our national institutions, that there is no warrant under them for such a test as that imposed by arbitrary authority on "Mormon" jurors on Monday. Everybody should know that there is neither law nor precedent for it. Neither is there any excuse. "Mormon" jurors were not wanted on the panel for this term, and the means adopted were viewed as the most feasible to effect the desired purpose. Is it likely that such proceedings will increase the respect of the "Mormon" people for those individuals who are supposed to represent the majesty of the law in Utah?

The right to believe in any theory or doctrine, no matter how foolish or obnoxious it may be to others, is sacred to every American citizen. Correlative with it is the right of free speech; that is, no advocate, defend and promulgate that belief so long as the law is not broken or any other person's rights are not infringed thereby. A citizen called to serve his country as a juror does not forfeit these liberties, guaranteed by the highest law of the land. If he is possessed of the statutory qualifications and is ready to take such oath or oaths as the law prescribes, there cannot be any question of the fact that other tests are not required and are positively unlawful and unconstitutional.

A citizen, a juror or an office holder may subscribe to a stringent obligation to obey laws that he considers wrong, and may actually obey them, feeling their injustice and inexpediency. His views as to those laws have nothing to do with his obligation, so long as he lives by his agreement or obeys the laws without such agreement. It is his right to labor for the repeal of those enactments, to expose their error, to explain their effects, to denounce them and their tendency and to advocate and defend theories the practice of which they assail. This is done by officials of various grades in regard to different laws, which they are bound to obey but which they have the right to speak against on principle.

The Inter-State Commerce law has occasioned much discontent. It is condemned by many official persons outside of railroad company connections. Men who are bound to obey it while it is in force may oppose it by tongue and pen and advocate a policy that is now unlawful. It is their right to do this, even if they have to assist in the enforcement of the law. Any citizen or any official is at liberty un-