EVENING NEWS Published Daily, Sunday's Excepted, AT FOUR O'CLOCK. and the second statement PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES .W. PENROSE, EDITOR. Thursday . May 27, 1886 A NEW-FANGLED CONSTRUCT

TION OF THE LAW.

ONE of the resons, why "Mormons" that attends the meaning of that time and again, that "obedience to the dictum of a Court. We affirm, and is to proceed, what are to be the reis different to its meaning in the the law, but to be subject to the whims. woman. of Judges who change their interpretations at will, and who differ from

tions. To meet this objection, Judge Pow- may proclaim from the pulpit or the the relentless hand of persecution. ers has attempted to explain his latest housetops, "I have marrie i these woviews on the subject of unlawful co- men by a divine law, and I propose to must do in order to obey the law, them he does not break the law against is triumphantly waved before the unlawful cohabitation. Any man with world as proof that when, the "Mormons" complain of the indefiniteness of these constructions, they do deserving only of merciless and perpetual punishment. That is the subthe conspirators to-day. Let us see what it is worth.

The judicial manifesto of Orlando The prisoners in the penitentiary who The words "bigamist or polygamist" declined to make promises for one nounced as "a false plea?" How can vorced cannot vote, but he cannot be sought. an ordection as to indefiniteness, prosecuted ander Section Three of the "atterly false," because of an attempt of them. Thus he is not compelled to Judicial District will hold good in the or more of them, he is not amen- crease of such sanguinary feelings leads Third, when the opinions of the able to the law. Under one construct to appropriate action as they spread. Judges in the two Districts have pre- tion of the Utah courts, conabitation The local efforts to precipitate an issue

any man to live with a wile, legal or to which the Latter-day Saints are an declined and was believed to be a trap one in the east in exchange for six illegal. But this the Court assumes to enforced party. The prisoners assert do further on. He says. "All that is that incarceration for life; or death necessary is that a man shall live with itself would be welcome in preference to testify again should it be found that his legal wife." There is nothing in to a course that to their conscientious any important point had been omitted. The prosecution then took the witsuch requirement. A man can live point of despicable particly. This alone if he chooses and the law cannot is no boastful assertion, because the touch him, unless it should be admin- statement-which embodies the sentiistered by a Judge who legislates, as ment of the community as a wholeistered by a Judge who legislates, as ment of the community as a whole- after leaving Liverpool, but that was Utah Judges frequently do when the comes from neu who probably love not his name. I assumed the name allaw cannot be stretched far enough to liberty more than life. They are decover the ground they mark out with- prived of their freedom, being shut up in a foul prison, therefore they do notout authority. What else? The defendant, by the speak from the standpoint of mere

wish of the Court and by this latest in- theorists. They know what imprisonterpretation of the law, in order to es- ment means, and being willing to accape punishment must say: "I will cept of it for life rather than discard not hold out my unlawful wife to the their families and renounce any princiwho go to prison and remain in prison, world as a wife." And further, "This ple of their religion, it needs no stretch for their religion, will not make a is my wife; I have no other." Now we of the imagination to believe that the promise which the Utah courts seek to ask any lawyer who is willing to tell conditional relinquishment of life extort from them, is the uncertainty the truth, to say whether this require- would be almost as readily accepted. Suppose that the cruel erusping proment of Judge Powers is in the Edpromise. It has been demonstrated, munds law, or whether it is simply the cess applied to the Latter-day Saints

law as construed by the courts" has defy a refutation, that the Edmunds sults. It must be a perpetual process no settled signigcation. The courts law makes no such demand upon any of imprisonment on a gigantic' scale, have changed the meaning of the law man. It imposes a penalty for polyg- with failure as the inevitable effect. more than half a dozen different times. amy, and another for cohabiting with Therefore all the expense, of the A promise to obey the law as construed more than one woman. There is noth- inquisitorial and disgraceful coerby the courts, given a year ago has a to- ing ine it about repudiating wives cive methods will be usetally different signification to-day. And whether lawful or unlawful. All less. All the heartburnings, sorrow, the meaning of it in the Third District that it prohibits is marrying more suffering and sickness piled upon an wives for husbands, while the legal honest people will be thrown away for First District. Thus a defendant is wife or husband is living, and cohabit- the very means of intended extirpation not only required to promise to obey ing, that is living with, more than 'one will cause the roots of their religion to go down deeper and deeper into the

The polygamist is not required to hearts of the martyrs, their children say of his plural wives, "These are not and their children's children. As the each other in their arbitrary construc- my wives;" he is simply prohibited Lord lives, the honest convictions of from living with them as his wives. He this people cannot be crushed out by

The only means by which religious opinions, which will slways find achabitation, and his dictum as to acknowledge them as my wives for tive expression, can be crushed out of what a "Mormon" with plural wives ever;" if he does not cohabit with a community, is, to slay those who are impregnated with them. If, when bloodless methods fall, as they surely common sense can see that Judge will, resort should be had to wholsald Powers' edict is not isustained by the murder foul, and a mammoth slaughter Edmunds law, but we will now show should be ordered, in accordance with so without a cause and are therefore that it is contrary to that law as in - the theory of Mr. Maury, the governterpreted by the Supreme Court of the ment prosecutor before the United United States, which Judge Powers is States Supreme Court, and the stance of an argument lin the organ of bound to recognize as a final authority. old time barbarous business In the case of Murphy against the of wiping out unpopular religions in Utah Commission, the court of last blood be employed, the effect would be. resort decided that the status of a pono more efficacious, for the principles W. Powers was issued on Wednesday, lygamist is not necessarily criminal. for which the imartyrs suffered would still live. "Truth crushed to earth"

were construed to mead "any one who would "rise again." So plentiful reason on account of the indefiniteness in past time has been, and who still is a sowing of the seed of religion would of the law's construction, were all in those relations," and while such a not be in vain. Out of it would arise incarcerated before the promulgation person cannot vote, his status does not a condition that would be a thousandof the Powers ultimatum. How, then, even imply criminality. A man who fold more potent and unassailable than can their statement be properly de- has several wives living and undi- the one whose extinguishment was Let those who scoff at the bare idea

made on Tuesday, be classed as Edmunds Act unless he lives with two of a resort to bloody methods for the obliteration of the "Mormon" religion, at a definition on Wednesday? and live with any, and he is not debarred consider the savage sentiments of further, what assurance have we from acknowledging all. So long some men in influential places on this that a construction made in the First as he does not live with two subject, and remember that the in-

about 8 o'clock, the stage coach was attacked near Meirose, Montana, by robbers, and the driver, Geo. Ferguviously disagreed. And seeing that with the first wife is presumed-even that would cause "Mormonism" to be chant, of the first of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first of the first of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause "Mormonism" to be chant, of the first wife is presumed-even that would cause the first wife is presumed-even that would cause the first wife is presumed-even that would cause the first wife is presumed with the first wife is presumed-even that would cause the first wife is presumed with the first wife is presumed-even that would cause the first wife is presumed with the first

gourd seeds which were "warranted" of the prosecution to tproduce gourds of a capacity of forty gallons. The seeds did not sprout though carefully tended, and finally examination showed that they had been artistically carved out of basswood. authation. In reply to a question the prisoner stated that he introduced himself as W. H. Lenox Maxwell to Preller on board the Cephalonia soon At Ravenna, Cal., May 21, George Balley, an engineer, was under his en-gine oiling it, when it suddenly started was injured so that the lower part of his body is paralyzed. He was engineer of the express train which see lower lower with the lower part of With Was HARP, and went about 75 feet. most immediately after leaving Hyde. I never told any one why I left, not even my father and mother, for I

n these branches of science.

neaning men.'

FOREIGN.

PATCHES.

TERRITORIAL ITEMS.

through a mineral country very rich in

copper, silver, coal, etc.

construction train at Havenna, on the 18th inst., and killed John Eames. wanted to come to America and I knew they would oppose my goanatomy, chemistry and medicine, when At Grass Valley, Cal., May 20, the sheriff and police made a raid on the Chinese opium dens, and one keeper. I was about twelve years of age, and Ab Wod, who was placed in jail. Next morning the Chinaman was found dead, he having hanged himself by passing his queue around his neck and attended lectures at one of the hospi-tals in London and became proficient

through a staple in the wall; then kicking a stick of wood from beneath him he accomplished his purpose. His hands were cleached at his side and his toes rested on the floor. LATEST TRANS-ATLANTIC DIS-

One of

di sl

A few days ago Dudley Bennett, an old resident, of Buchanan, Cal., met purgoon on Home Rule with a singular and probably fatal ac-LONDON, 27.—Rev. Spurgeon pub-lishes an attack on Gladstone's Home Rule bill. The preacher asks: "What has Dister done to be cast off?" and adds: "The whole scheme is full of dengers and absorbition as if concident. He was carrying a scythe on his arm, when a squirrel ran by and he struck at it with his cane. His foot slipped on the high grass and he feli dangers and absurdities, as if con-ceived by a madman, yet, I am sure Gladstone belleves he is only doing justice and acting for the good of cill of was amputated by a physician fication set in. On Monday the hand was amputated by a physician at Madera, but with httle hopes of saving ustice and acting for the good of all. consider he is insking one of those his life. mistakes only made by great and well

> Decoration, Day at Washington Square.

The Athletic Association will give an exhibition of athletic sports on Wash-ington Square on Decoration Day, con-CULLED FROM LATEST EXCHANGES. sisting of base ball between Nationals -Tues Apache outrages in Arizona and Stars, bicycle races for gold and still continue. Gen. Miles is making silver medal, cricket match between desperate forts to capture the hos-the Sait Lake and Wasatch Cricket tiles, who have thus far eraded the Clubs. Loo yards loot races for silver

Clubs. 100 yards loot races for silver cup. The tickets for the cricket match are good for sti day. -A new line of railroad is being built from Tac on to Globe, Arizona, The new road is 100 miles long and runs dSt

DEATHF

-Frank and Peter Burke killed the Mexican stage driver from Nogales to BLONQUIST .-- In the Thirteenth Ward of this city, May 26th, 1896, from milk fever-Tucson, Arizona, in a quarrel on May 22. The complet's jury gave a verdict Mrs. Matilda Blonquist, aged 43 years. Funeral at the Thirteenth Ward school house at 19 o'clock to morrow. Friends in--Four horse thieves were lynched by

vited. vigilantes near Assotin, Washington Territory, on May 21st. One was an KING-Edward James King, son of Ed-Indian, one a half-breed and the two

ward King and Elizabeth Nicol, at 3 a. m., of others were named John Grimes and Joseph O'Neil. heart disease and dropsy, after a lingering sickness of 10 months; was born March 18 -A courier in from Manzano, a small Mexican settlement in the east 1863, at Millwall, London, England. Died in

ern part of Valencia county, New Mex-16th Ward. ico, says two suspicious characters appeared at Manzano the other day, Funeral at the 16th Ward meeting house, at 12 o'clock on Sunday. Friends invited.

house, Greeting:

and after loitering around over hight disappeared. Several horses in the neighborhood disappeared also, and a party was organized to apprehend the thieves. When they returned they NOTICE: brought back the horses and portion To all the Descendants of my Father's

of the clothing of the thieves. In time the bodies of the two men may be found, as they were undoubtedly hanged or shot to death. The mes-senger is very reticent about the mat-THE ANNUAL YOUNG FAMILY RE union will be held in the Salt Lake ter, though it is conclusive that the horse thieves got no mercy.

Theatre on the Eighty-Fifth Anniversary of the Birthday of President Brigham Young. -On Saturday evening (May 22d),







FOR SALE.

isiness center; lot 5x10 rods; good bar

there have been so many variations up if the facts show to the contrary, a uncertainty is not removed by a new edict from the bench. There is noththis definition will not be withdrawa bered, has not been withdrawn. But at some not distant period, as the what does Judge Powers care about opinion in the Cannon case was with- anything of that kind? drawn by a lar higher court?

But let us examine this wonderful or whatever it may be called: The held to be essential to the offense of case was that of Ambrose Greenwell, unlawful cohabitation. This held good the well known butcher of Ogden City. in the First as well as the Third He was indicted twice for unlawful District. Judge Powers now throws connortation. He plead guilty to both, that definition down and stamps upon intictments, although they were for the same offense: When asked to make the required promise he declined say- and living with his plural wives, must ing anything about the future. Pressed say "these are not my wives; I have by the 'Court to further remarks, he only one wife." A man with plural said he married his wives twenty-seven | wives must not only abstain from even years ago and they had borne him the appearance of levil, but he must twenty-seven children; he could not come out and repudiate, in some public agree to reputhate them now. He was manner not clearly defined, any matriready to receive whatever might be monial connection with his wives passed upon him. Judge Powers then, whom he has married under an eternal as reported in the organ aforesaid, proceeded to remark as follows:

"If you were to receive what the Judge wishes personally, it would be, upon receiving from you assurance what you would obey the law, to suspend sentence in your cases. The Court is aware that in most things you have been a most excel-tent man. The Court is aware that in say this community you have a large circle of friends. At the same time that has this demand of Judge Powers hand of Omnipotence. your neighbors, and the people would say: 'It so good a man as Greenwell can violate the law, why cannot others?' You continued this violation of the law after you were aware that the law was being enforced by the Government. You have, in other words, determined by your conduct, not withstanding what the law says, notwithstanding what your country may say, to be your own judge and do as you please; that you can continue to violate it, and you cannot make a promise to the Court this morning whether you will live within the law or not. I wish you might. /I wish you would say to the Court: "Henceforth I will live with my legal wife. I will not hold out my uniawful wife to the world as a wife." I see by a statement from those now in the penitentiary that they say they are not aware what is necessary in order to live within the law; that the courts have failed to instruct them. Now, that you may be fully aware of go there feeling that you cannot tell his covenants with his wives and with go there feeling that you cannot tell what the law requires you to do, I would say to you what I have said to two or three others: The law is simple and plata. The principle upon which this government is founded is the Christian idea of home—one wife, one mother and one home. All that is necessary is that a man shall live with his legal wife. He should cleave unto his legal wife, he should cleave this his lawful wife and he should say to the world: "This is my wife; I have no other." He should not hold out to the world the example of the plural household; he should not hold out to the world other ladies as wives. That is not permitted by law: It does not say he should not aid in their support, nor see that their children are educated. All this he cannot legally be forced to do. yet it is a moral duty he is bound to attend to.

tend to. Of course, if you are permit-ted to live with one of your plural wives, and choose which one, it would lead to confusion. You could live with one this year and with another the You may consider this matter hard. but a man sometimes has to do many things which seem hard; it is a duty, i is a duty you owe to your country, and

riege.

I hope you will reflect upon it, so that after you have undergone the sentence of the court you will be a true, laws

annihilated in blood are well San Fran to date, how do we know that the latest singular treak of judicial eccentricity, known. It is quite understood count of the affair: Just before we started from Melrose, the driver of Power's manifesto will last any longer, but even then unless he lives with that the leading local anti-"Mormon" than till the time when a case with another, his recognized status as a agitators have murder in their hearts. some new features is developed? Tue polygamist, his acknowledgment that It is not difficult to prove this assermore than one woman are his wives is tion. It is not long since their chief not criminal, if the Supreme Court of newspaper organ in this city threatened ing to blad it as a settlement of the the United States is competent to de- a recourse to blood and nurder, presquestion. Who can say for certain that cide, and that decision, be it remem- viding other means should fail in the attainment of the result nearest their hearts. This was, according to the statement of that source, to be the

A very short time ago, "holding out dernier resort. It serves to show that to the world more than one woman as no more bitter hatred ever inspired the explanation, definition, interpretation wives" as well as living with them was crueltles of any crusades which furnish the blacker pages of history. But, as already asserted, force will not destroy religious conviction, and it can no more be prevented from finding active expression by that means it. To keep the law, he says, a man than a thunderbolt can be imprisoned besides abstaining from "holdingfout" by tying it with a cotton thread. The situation is clearly and unmistakeably expect glory from applying the torturing process to so noble a people as the Latter - day Saints, are welcome to all the happiness or fame they can obtain from that source. They will find in time that they have been pursuing something more fruitless of satisfaction than a shadow. For peace contract. This, he well understands, is some

they will obtain misery, and instead of thing that a true Latter-day Saint will never do. The law does not require it, and his religious obligations forbid it. Every plural wife is a wife in the sight of heaven and of his co-religionists, whatever man and the law may of the relation. And

so as to render it impossible for a conscientious "Mormon" to make the promise which would save him from a prison. Its utterance is a piece of consummate hyprocrisy and it is arbitrary and lawless. In attempting to enforce it he violates the law just as much, though in a different way, as the defendant on whom he vents his vindictiveness while pretending friendship and admiration. The Powers fulminition, then, af-

fords no basis for a settlement of the pending question. It does not give a final definition of the phrase that has not even a democratic officeholder so final definition of the phrase that has poor as to do him reverance. What has become of the noble phal-anx of republican Senators who met in been so twisted and distorted in order to put good men in "prison, and it does solemn conclave and bound themselv not formulate a promise that is justiby the most carnest asservations to follow the lead of the Varmont Senaded by law, or could be taken by any what is required, and that you may not man who respects his own honor and tor, and never, no never, confirm the his God.

WHAT IT INDICATES.

THE response of the "Mormon" prissubject of derision and laughter. oners in the Penitentiary to the condi-To add to his crushing sense of lone-liness his visions of a boom increasing tional tender of freedom by Governor in dimensions by the unquestioning acquiescence in his leadership have faded away, and he has not even the solace of certain retention in his posi-West is a characteristic document. The position taken by the signers is a grand one. Were it not for the bitter prejudice existing against them they would tion as senator. A powerful opposibe viewed with universal admiration tion is building up in the Green Moun because of the conscientious stand they take, indicating a willingness to forego even earthly prospect for the sake of conscience and "Well may he exclaim with Wolseley, "Farewell, a long farewell to all my greatness principle. It is, in this age of groveling selfishness, a wonderful spectacle of self-abnegation to

BY TELEGRAPH present to the world, and will have a strong effect now and hereafter. PER WESTERN UNION TELEGRAPH LINE. We do not hesitate to assert that the AMERICAN. .

the wagon requested me to sit by his side, as he wished to chat with me. The other occupants of the vehicle were two ladics and a little girl who filled the seat be-hind the driver and myself, and two men who occupied the rear seat. We had proceeded about two miles from Melrose, and were passing at moderate speed between a bluff and a creek, when a man suddenly jumped from the willows on the side of the road nearest to me, and, ranning over to the wagon, shouted 'Stop1' At the same instant he raised a shotgun and fired, and some of the shot passed through my hat, knocking it off. The driver, who was a little more elevated than . was, received several shot in the right cheek, and fell forward. I grasped him in time to prevent his falling to the ground, dragged him back to the seat, and raised my head just in time to see the rober take deliberate aim at me with, his weapon, 'Don't shoot! I shouted, but he pulled the triggerd situation is clearly and unmistakeably Fortunately for me the gun missey defined. Those who find pleasure or fire, and I yelled to the horses. They fire, and I yelled to the horses. They started in a gallop, and one of the men ochind me jumped forward, grasped the flying reins and drove the animals, into Glendale. The ladies screamed, but bore up bravely until all danger was past. The deriver died ljust as we reached Glendale, and Sheriff Jones and a posse of mounted men immediately started out to scour the construction the assassin. Next morucountry for the assassin. Next morn I accompanied the coroner and jury to they will obtain misery, and instead of glory, execration will cleave forever to their memories. Though Justice may be tardy in her movements, she moves steadily and noiselessly towards her mightful victims, and when she seizes their throats it is with an iron grip that can only be unclasped by the hand of Omnipotence. EDMUNDS WANING. The Omaha Herald treats thus upon what it considers to be the waning political prospect of Senator Edmunds, and its causes: "It has become painfully evident to even the most casual observer that Senator George F. Edmunds has "fiz-zled out of the little end of the horn." A few short weeks ago and he was the willows. I believe they intended to stop the wagon and rob the passen-gers and mall begs, and that their preparations were not completed when the wagon reached their place of con-ceatment. The man who shot the driver was unmasked. He was a tall man, dressed in a duck suit, and had a smooth face. I should know him again if I saw him." A reward of \$525 is offered for the arrest and conviction of the murderer. Of this sum \$300 is subscribed by the Territory, \$200 by the stage company, and \$25 by Mr. Mer-chant.

A few short weeks ago and he was the dashing leader of the armed and malled bosts who were tilting fiercely PACIFIC CUAST NOTES CULLED FROM WESTERN EXCHANGES

The body of James F. Joy, of Texas, was found floating in San Francisco Bay on Friday last.

Chas. L. Johnson, a woodchopper, was killed near Santa Cruz, Cal., last week, by a falling tree.

successor of any poor, persecuted re-publican who had lost his job? Where is that all-powerful cabal which was to pass with inquisitorial powers upon every wish of the President as regards the personnel of his administration? Alas! there has been dire mutiny, and the plans of the Vermont obstration Joseph Faull, a miner, was fatally injured by a cave in the Quartz Moun-tain mine, Sonora, Cal, last week. At Oroville, California, May 21, a Chinaman who had been working in a mine was killed by a cave in the tunthe plans of the Vermont obstructor have fallen into disgrace, become the

The board of health at Napa, Cali-fornia, have discovered a Chinese laper in the town, and are taking steps to have him removed.

Last Friday, Mrs. Annie Riley of San Francisco, dislocated her right shoulder while reaching up to hang clothes in the yard at her home.

"Au Indian committed spicide at Carson, Nevada, recently, by eating wild, parsnips because his squaw would not give him some money, with which to play poker.

W. T. Eckholm, an old-miner, was found dead near Placerville, Cal., a few days ago, with three rifle-bullet holes in his body. - There is no clue to the murderer.

Last week George Anderson left Winters' ranch. Cal., for the Iber mines, as 1 on the way died of thirst. He was found within half a mile of a method of water

and the second s

EXECUTED PROMPTLY

