

THE ARGUMENTS IN THE FIRST SNOW TRIAL.

We publish to-day, in full, the arguments of Judge Harkness and Hon. F. S. Richards on the first trial of Apostle Lorenzo Snow. They ought to go on record as part of the history of the iniquitous crusade against the Latter-day Saints, and therefore we give place to them in our columns. We think no one can read them thoughtfully without the assurance that there was no case against the defendant, and that in justice and in law he ought to have been acquitted. That he was not, was no discredit to the able counsel who pleaded his cause with so much logic and eloquence.

It will be perceived that neither Brother Snow nor his counsel deny his relationship to the ladies named in the indictment. He recognizes them as his wives. But he denies that he has lived with more than one of them during the time named in the indictment. The evidence bore out this denial. Nothing was adduced tending to prove that he had done so, but on the contrary, to demonstrate that he had not. All this is clearly set forth in the pleas of his counsel. The terse, striking and perspicuous presentation of the case by Judge Harkness, was amplified and sustained by the eloquent and illustrative speech of Mr. Richards, which could not have failed to impress the jury and to have led to acquittal, but for one thing; that was the charge of Judge Powers, which followed the final argument, and was virtually a judgment against the defendant.

That charge has already been published and, as we have shown, in direct opposition to the rulings of the Supreme Courts of Utah and of the United States makes unlawful cohabitation to exist when a man has more wives than one and does not live under the same roof with them, or either of them. In other words, the jury were to convict Lorenzo Snow of cohabiting with more than one woman, although the evidence proved, as set forth by his counsel, that he had only cohabited with one.

The same idea was conveyed in the argument of the Prosecuting Attorney, whose most urgent plea for conviction was that the defendant was a high official in the "Mormon" Church, and that it was therefore expedient in the warfare against that Church that he should be made a victim. And this is the kind of law and justice dealt out in the nineteenth century, in a Territory of the free and enlightened republic called the United States!

ARGUMENTS IN THE SECOND SNOW TRIAL.

We give to the readers of the News to-day, the arguments of counsel in the second Snow trial. They make very interesting reading. The injustice, to say nothing of the illegality, of giving the special interpretation of the term "cohabit" a retro-active application to "Mormons" accused in the courts, and the popular understanding of the signification of that term, are well put by Mr. Kirkpatrick in his strong and logical address to the jury. And the essentiality of the two elements of the offense, without both of which it can have no existence, even under the strained rendering of the term "cohabit" by the courts, is presented by Mr. Richards in a manner that no common-sense person can mistake. His fervid appeal to the jury, too, is as convincing as it is eloquent, and the whole plea is touching and powerful.

The reason that the venerable defendant was convicted, in direct opposition to the evidence, was not because the arguments and appeals of his counsel had no effect upon the jury, but because they were afterwards directly charged by Judge Powers to find the accused guilty on a principle sprung then by the court for the first time during the trial. It was a presumption that had already been disproved by the evidence, but was thrust before the jury in a manner that was equivalent in spirit to a judgment against the defendant.

These speeches which we have published present the weak points of the prosecution and the strong case of the defense, in a way that will reach the understanding even of the ordinary reader, and we commend them to the careful perusal of thinking people of all opinions.

THE PROPERTY RIGHTS OF CHURCH CORPORATIONS.

SENATOR MORGAN does not propose to allow the new Edmunds monstrosity to slide along into actual life without an exposure of its insidious and reptilian composition. He has introduced a resolution, which was laid over, at his request, for future consideration, the object of which is to bring the unconstitutionalality of a measure giving the President authority to appoint officers for any church organization, prominently before the attention of Congress. The resolution is not likely to pass. Mr. Morgan is an advocate of the de-

struction of "Mormonism," root and branch, but he is right on the question he has sprung upon the Senate. The proposition to give the Government control in any way over church property or church affairs, is more of an infraction of constitutional provisions than the much-dreaded union of Church and State.

The Constitution of the United States forbids the passage of laws restricting the free exercise of religion. In the spirit of that provision, the State is forbidden to interfere with the Church. There is nothing in the supreme law of the land which declares the Church shall have no influence over the State. We are not contending for Church control of State affairs, any more than for State control of Church affairs. We merely state a fact, and our statement cannot be disproved.

Every church exercises a certain amount of influence in governmental affairs. Congress has been controlled more by sectarian influences than any other in the passage of laws against the "Mormons." The preachers who have urged that legislation and demanded it in a way that was equal to a serious threat, violated no clause of the Constitution in doing so. But Congress does violate that sacred instrument when it passes a law that relates to any religious establishment, or hinders the free exercise of religion.

All religious organizations have ways and means by which their financial affairs are regulated. Church property is a means by which religious worship is maintained. The State, in this country, has no legal control over that property. It is not public but private property. It belongs only to the body of individuals associated for religious purposes who have appropriated it or acquired it for those purposes. Some religious bodies, in order to maintain a legal status for the better disposition and control of their property, become incorporated under the law. This is done all over the Union. There are a number of such corporate bodies in this Territory, including several religious denominations. It is doubtful if there is a State in the Union without them. By incorporating under the secular law they do not become public corporations. Neither does their property become public property. They are private corporations and their property is private property.

Congress has no more right to interfere with the personal or real estate of a religious corporation, than of a banking, mining, manufacturing, stock-raising or agricultural corporation. Apart from the express provision of the Constitution protecting religious establishments from congressional interference, the common rights of all persons or associations of persons to the control of their own property, are such that they cannot be infringed without trampling upon those constitutional safeguards which surround societies as well as individuals. Property rights are placed on the same level as the rights of life and liberty. The property of a corporation is as private as the property of a man. The law guards it from intrusion just as much in one case as in the other. Congress may just as rightly assume control of a merchant's business as to take charge of the property concerns of a church.

The Church of Jesus Christ of Latter-day Saints was incorporated by special act of the Legislature before any general act of incorporation was passed. It gave no special or extraordinary powers to that Church over any other. It simply gave the Church a legal status, to sue and be sued, defend and be defended, and to elect trustees to transact its own business, and recognized its authority, in common with all civil and religious communities, to make its own rules for the benefit of its own members.

Mr. Edmunds claimed in his contention for the bill, that it was only intended to control or interfere with this corporation in its appropriation of moneys to propagate polygamy. The law of 1862 abolished all portions of the act of incorporation in any way relating to polygamy. The framers of that law were just about as ignorant as Mr. Edmunds of the scope of the act of incorporation. There is nothing in it which refers to polygamy, or recognizes any right of the Church except what is in common with other similar bodies.

Mr. Morgan prefaced his resolution with a disquisition on the union of Church and State, which all congressional disputants assume, in handling the "Mormon" question, to exist in this Territory and to be established by this act of incorporation. That is one more mark of the surface knowledge of our national legislators. They take too much for granted. They do not seem to question a number of popular fallacies about Utah. As a matter of fact the Church and the State here are as separate and distinct as any two organizations can be in any country. And the act of incorporation does not tend to unite them in the remotest degree. It only affects the members of the Church as Church members. And the whole powers recognized as belonging to the Church are distinctly limited to "solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker, inasmuch as the doctrines, principles, practices or performances support virtue and increase morality, and are not inconsistent with, or repugnant to the Constitution of the United States, etc.

If members of Congress could be induced to investigate the "Mormon" question we do not believe they would

be so ready to pass or countenance measures pressed upon them by designing persons. If it be objected that they have neither time nor inclination to study such a subject, then, we reply, they ought not to legislate upon it. The ignorance displayed during all the debates upon this question in both houses is a disgrace to the Congress of the United States.

Candidly, we care very little about the passage of those sections of the new Edmunds scheme that relate to Church property, except their shameful attempt at the violation of property rights and religious freedom. Their actual effects upon "Mormonism" will be in the opposite direction to that intended. They are framed in the spirit of spoliation and robbery. They will not spoliator worth a cent. Their results will be a fizzle. But the wicked purpose of their promoters will be exposed and some further difficulties will be created.

These we are prepared for. The Latter-day Saints expect obstacles, and have been forewarned of the course that would be pursued against them. They are ready, if needful, like the Saints of old, to "take joyfully the spoiling of their goods." But they will not submit without the necessity appears. Their resistance will be lawful, but it will be persistent and patient and determined, and will be sustained by the certainty that they are right. The issue will be in the hands of Omnipotence, and in Him, while doing their own part with vigor, they put their everlasting trust.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

CHATTANOOGA, 11.—The minimum temperature at the signal office this morning was seven below zero. Dispatches from the towns throughout East Tennessee, North Georgia and North Alabama say that last night was the coldest ever known. Stock is suffering greatly.

Mobile, 11.—The coldest weather ever known in the South has prevailed since last Friday night. This morning the mercury registered 12 degrees above.

Washington, 11.—The signal corps station at Fort Macomb, N. C., reports the schooner *Laconia Thomas* as being reported ashore at Rough Point, near Cape Lookout. Boats have gone to gain particulars. It is reported some lives are lost.

Syracuse, N. Y., 11.—The ice gorge in the Oswego River becomes firmer and larger every hour, as immense quantities of ice are constantly coming down the river. The water has risen more than two feet since last night, and is rising several inches an hour. The damage already done cannot be estimated. Fully 75 families have been driven from their homes, and others are constantly moving out. The families are poor, and as fast as they are rescued are turned over to the poor authorities. All the teams available are being used to remove flour and other goods from the mills and manufacturing. The grain in the mills is wet, and should the water recede, the mills and factories will be filled with ice, and as many of them have large contracts on hand the damage will be very great. Hundreds of people are thrown out of employment. Professor Boynton, of this city, was telegraphed for this morning to consult with the authorities about removing the gorge. He visited the place and says it cannot be done, and he fears that the worst is to come. The gorge is now two miles long and increasing.

Kansas City, 11.—The condition of the Western railroads is little better than for several days past. Another snowstorm was reported to-day from Western Kansas, impeding the work of clearing the tracks. There are no through trains on the lines west from here in or out to-night.

Baltimore, 11.—The schooner *Orlasie Wright*, Capt. Clark, which sailed from Baltimore for Savannah Dec. 30th last, was lost at sea off Beaufort, N. C., on Sunday. Only one man of her crew of eight was saved. The captain's body was recovered.

New York, 11.—The schooner *S. F. Kirsch*, Captain Martineau, hence for Baltimore, was sunk off Sewell's Point on Saturday morning. The captain, mate and crew were in the rigging during Saturday night, and were rescued Sunday morning and brought here all severely frost-bitten.

Fire Island, 11.—The British steamer *Hylton Castle*, Captain Calvin, from New York on January 9th for Rouen, France, foundered twelve miles south of Fire Island light at 10 o'clock this morning. One boat, in charge of the first mate, with a crew of nine men, effected a landing a few miles east of here. The second boat, with seven men, under command of the captain, left the steamer at the same time. When last seen all but three of their oars were broken.

New Haven, Conn., 11.—The schooner *Doretta Kahn*, of Greenport, is missing and it is supposed this is the vessel that went down on West Charles Island during the storm Friday night.

New York, 11.—The steamer *State of Nevada*, from Glasgow, which arrived here yesterday reports having been within 100 miles of this city for the last three days with a terrific hurricane from E. S. E., then going all round the compass, during which the vessel was badly iced up.

HUNTER'S POINT, I. I., 12.—The ten

shipwrecked sailors from the steamer *Hylton Castle* arrived here this afternoon. The names of the saved are John Marshall, of Shields; Chief Mate Hector Bellucia, of Malta; Frank Morris, second engineer; Fred Reese, third engineer; Walter Howard, steward; Edward Kure, cook; David L. Davis, George Nefant and James Anderson, seamen. The men had nothing but the clothing which they wore, having been unable to save anything from the vessel. The chief mate told the following story of the wreck and the sufferings of the officers and crew. Before telling the story, however, himself and companions eagerly inquired whether any news had been received of Captain Calvin and those who were with him in the other boat, and upon being told that nothing had yet been seen or heard of them he expressed regret, and said he was afraid if they had not reached land last night they must have been frozen to death.

The Chief Mate said: "We left New York Friday morning. The *Hylton Castle*, which is a tramp steamer, was loaded with corn for Rouen, France. There were 23 persons on board, including the Captain. About 8 o'clock in the evening, when we were 50 miles east of Sandy Hook, we encountered a terrible snow storm. The wind blew a hurricane and the big waves washed over the steamer's deck and tossed her about like a raft for several hours. We did not know where we were and the vessel was straining badly. The storm grew worse and the vessel became unmanageable, refusing to answer the rudder. Every movement we expected to be engulfed by the sea. The Captain remained on the bridge, but he and the wheelman had to be tied to their posts. When the storm was at its height the steamer sprung a leak and the water began pouring into the hold. The pumps were set to work, but failed to keep the water from rising, and Captain Calvin, as best he could, headed his ship towards New York. The men were half frozen, the rigging was covered with ice and every movable thing on deck was washed away. The tarpaulins on two of the hatches had been carried off and the water was steadily gaining in the hold. All day Sunday the pumps were kept working while the wheelmen tried to keep the vessel headed for New York. As night drew on, the water reached the engine room, and by 9 o'clock fires were extinguished. Those on board gave up all hope of ever seeing another day. A night of suspense was spent. At 6 o'clock, Monday morning, the Island was sighted. As near as could be guessed the vessel was 12 or 15 miles southeast of the light. At 9 o'clock, seeing there was no hope of the steamer, Captain Calvin piped all the hands and ordered the lifeboat and launch to be lowered. Half an hour later I and my companions took to the launch and were immediately followed by the rest of the officers and crew who took the lifeboat. We rowed away from the steamer, and about 10 o'clock, when we had gone about two miles toward the shore we saw her go down bow first, and in a few seconds not a spar nor a topmast could be seen. We kept company with the captain's boat for several hours, until about six or seven miles from land, when it took a more easterly course and we soon lost sight of it. Myself and men were greatly exhausted and many of us had our hands and ears frozen. We made but slow progress. About four in the afternoon, when we were about a mile off shore, a boat from the life-saving station came to our assistance. We were landed and provided with dry, warm clothing and plenty of food, which we greatly needed, having had nothing to eat for nearly 10 hours. The men in the missing life-boat were Captain Calvin, of Shields; Chief Engineer John Amies, of Jarro; John Scott, of London, second mate; Elijah Stephenson, carpenter; James Healy, fireman; Thos. Lovell, fireman; John Black, fireman; Fred Fisher, fireman; Theodore Larson and John Rees, seamen. All the men praised the conduct of Captain Calvin, who stuck to the sinking vessel to the last."

All the crews of the life-saving stations between Fire Island and Southampton are on the lookout for the missing boat. Dispatches received from Brook Haven, Patchogue Bay, Shore and Babylon say that no news of the missing Captain Calvin and the remainder of the crew of the steamer have been received at any of those points, although the men may have landed on the beach. Communication between the life-saving station and the mainland is now impossible. The great South Bay is frozen over. A party of reporters and wrecking agents started from here for Fire Island on an iceboat this morning. They expected to return this evening with full particulars.

New York, 12.—The Maritime Exchange this afternoon had advices from Fire Island that a fishing smack had been sighted off the Island, sailing westward with a white boat in tow. The name of the smack was not given. The owner of the *Hylton Castle* thinks the boat in tow of the smack is the second boat that left the *Hylton Castle* when she foundered and that the men who were reported to have made their escape in her, were taken aboard the smack.

The Star of Hope; Red Star Cough Cure, only 25 cents. Safe, prompt, sure.

SANDY HOOK, 13.—The fishing smack seen last night towing a white boat, which was thought to be the missing boat from the foundered steamer *Hylton Castle*, arrived off Sandy Hook this morning. She proved to be the

Stephen Woolsey, and was boarded by the life-saving crew who ascertained that the remainder of the crew of the unfortunate steamer had been picked up off Fire Island and all were on board and were doing well, some of them being a little frost bitten.

TORONTO, 13.—A special to the *Globe* from London says: The Privy Council has agreed to rescind the new rule in relation to the landing of live cattle in the United Kingdom. The regulation was that no cattle could be landed alive from a vessel which had touched at scheduled ports within 30 days. Various representations have been made to the authorities here and the first Canadian cargo coming within the operation of the rule was treated exceptionally and the cattle were allowed to be landed.

SUMMONS.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

Anna Almgreen, Plaintiff,

vs.

Lars E. Almgreen, Defendant.

The People of the Territory of Utah send Greeting:

To Lars E. Almgreen, Defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you by the above-named plaintiff in the Probate Court, of the County of Salt Lake, Territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of summons — if served within this county; or, if served out of this county, but in this district, within twenty days; otherwise within forty days.

The said action is brought to obtain a decree from this court dissolving the marriage contract existing between said plaintiff and you, on the ground of wilful desertion of plaintiff by defendant for more than one year last past. And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to this court for the relief prayed for and cost of suit.

Witness the Hon. Elias A. Smith, Judge, and the seal of the Probate Court of Salt Lake County.

[SEAL.] Territory of Utah, this 5th day of November, in the year of our Lord one thousand eight hundred and eighty-five.

JOHN C. OUTLER, Clerk.

W41 5W

[2151.]

NOTICE FOR PUBLICATION.

LAND OFFICE AT SALT LAKE CITY, U. T., December 2nd, 1885.

NOTICE IS HEREBY GIVEN THAT the following named settler has filed notice of her intention to make final proof in support of her claim, and that said proof will be made before the Hon. Register or Receiver of the U. S. Land Office at Salt Lake City, U. T., on Saturday, January 23rd, 1886, viz: Emma Lym, H. E. No. 4797, for the E. 1/2, S. E. 1/4, Sec. 32, and W. 1/2 S. W. 1/4, Sec. 33, T. 2, S. R. 1 E.

She names the following witnesses to prove her continuous residence upon, and cultivation of, said land, viz:

Marion H. Brady, of Union, S. L. Co., U. T.
Timothy Marriot, of " " "
John T. Smart, of " " "
Thos. H. Smart, of " " "

H. McMASTER, Register.

STAYNER & SIMMONS.

Attorneys.

W47 6W

FORFEITURE NOTICE.

TO J. K. PARDEE.

YOU ARE HEREBY NOTIFIED THAT you are indebted in the sum of One Hundred and Fifty Dollars, for money expended and labor performed upon the Vulcan Mine, situated in Rush Valley District, Tooele County, Utah, said indebtedness being your just and proper proportion of an assessment duly incurred by reason of expenditures and outlay necessary to the proper working and development of said Vulcan Mine, in which you are part owner. This is therefore to notify you, that unless your said assessment of One Hundred and Fifty Dollars be paid on or before the Tenth day of March, 1886, to the undersigned, your interest in said Mine will be forfeited and become my property as provided by law.

CHAS. AYER.

Salt Lake City, Utah, Dec. 2, 1885.

W48 90d

CHICAGO SCALE CO.

151 S. Jefferson St., Chicago.
2 Ton Wagon Scale, \$40. 3 Ton, \$50.
4 Ton \$60. Beam Box included
240 lb. Farmer's Scale, 65.
"Little Detective" 4oz. to 25 lb., \$3.
FORGES, TOOLS, Etc.
Best Forge Made for Light Work, \$10
40 lb. Anvil and Kit of Tools, \$10
Farmers save time and money doing odd jobs.
Pliers, Anvils, Vices and other articles. List Free.

FREE TO P.A.M. Fine Colored Engraving of the Old San Tavern in Philadelphia in which the Red Lodge in N. America was originally built. Also large illustrated Catalogue of Masonic books and goods with bottom prices. Also offer of first-class business to P. A. M. REDDING & CO. Masonic Publishers and Manufacturers, 131 Broadway, New York.

PATENTS

MUNN & CO., of the SCIENTIFIC AMERICAN, continue to act as Solicitors for Patents, Caveats, Trade Marks, Copyrights, for the United States, Canada, England, France, Germany, etc. Hand Book about Patents sent free. Thirty-seven years' experience. Patents obtained through MUNN & CO. are noticed in the SCIENTIFIC AMERICAN, the largest, best, and most widely circulated scientific paper. \$3.20 a year. Weekly. Splendid engravings and interesting information. Specimen copy of the Scientific American sent free. Address MUNN & CO., SCIENTIFIC AMERICAN Office, 231 Broadway, New York.