

held in \$1,000 bonds to appear at the May term of the Third District Court in Salt Lake.

From the above telegraphic dispatch from Beaver, it will be seen that Associate Justice Boreman of the Second Judicial District has, at last yielded to the importunities of District Attorney Wheedon and granted permission to enter a *nolle prosequi* in the case of Fotheringham. At the same time he has again exposed his utter ignorance of all law and of the Constitution of the U. S., and even out-done McKean, in his wildest theories. Article 6 of the Constitution provides, "In all criminal prosecutions the accused shall enjoy the right to a speedy public trial by an impartial jury of the State (or Territory) and District wherein the crime shall have been committed, which District shall have been previously ascertained by law;" and yet this Dogberry unblushingly tells the U. S. District Attorney that the offence of bigamy, committed in Salt Lake more than a dozen years since, can be tried in Beaver on an indictment found in September, 1874! *Oh tempora! Oh mores!*

The United States statute of 1862, which first made polygamy a crime in this Territory, reads, "If any person being married, shall, within a Territory of the United States, MARRY ANOTHER PERSON, the former husband or wife then being undivorced, such person shall be guilty of bigamy and punished," etc. Now, by the very letter of this statute, it is the CEREMONY of the second marriage which makes the offence, and Hawkins in his Plea to the Crown says, "It is the latter marriage which makes the offence." Bishop on Statutory Crimes, pars. 585, 586.

Fotheringham's second marriage, which made the crime, was consummated in Salt Lake many years ago. Yet this judicial luminary tells the grand jury to indict him for an offence committed in another district a long time ago. Now the Statute of Limitations of the U. S. (Revised Statutes U. S.) provides "that prosecution for all crimes (except treason, murder, etc.) must be prosecuted and indictment found within two years after their commission, or they are forever barred." The alleged crime of Fotheringham was committed more than a dozen years ago, yet this "second Daniel come to judgment" disregards the statute and tells the district attorney to expend the judiciary fund in finding worthless indictments, for this crime of polygamy, committed even before the passage of the act of 1862, which first made it a crime. And this is a U. S. judge. Thus the United States have been put to the expense of hundreds of dollars to indict a man, whose offence was barred years ago, in a district where he could never be legally tried, and the defendant compelled to expend many hundreds of dollars to defend himself against a prosecution which on its very face is worthless. Congress has frequently complained, of most wasteful prodigality in expending millions of the people's money in the Department of Justice, and when the bills are examined by Congress from Utah, made by McKean and his worthy brother Boreman, in finding and prosecuting indictments like these, punishment may come for not removing them earlier.

In this connection we state that the Second Judicial District Court is *enormous* and has been for months; that the jurors, witnesses, attorney, marshal, and all others connected therewith have nothing but *certificates* signed by the clerk for their services; that even the illegal transportation of Major Dame to Salt Lake in November last is still not paid for and, as stated by district attorney Wheedon himself, the charge of Murder at Mountain Meadows cannot be tried, and innocent men are left to rot in prison because the government money is squandered in cases, and this by a judge who, like necessity, seems to know no law.

A. LAWYER.

Salt Lake City, April 20, 1875.

South Temple Street Railroad.

SALT LAKE CITY,

April 20, 1875.

Editor Deseret News:

Is the change of route of the South Temple Street Railroad a well advised movement? The route runs straight along that street from the Twentieth Ward Store to the

Depot, and it appears to me that this is its chief utility to many of the citizens, of which utility it will be deprived when the rails are taken up along the Temple Block, and laid down East Temple Street, as passengers will have to lose time by going two blocks out of their way and transferring themselves to another carriage at the Emporium corner, to say nothing of the probable double fare to and from the Depot.

In preference to going round about and transferring, many passengers will be likely to alight at the Temple Block and walk the remainder of the way to the Depot, thus losing a ride of four blocks, or half a mile. This half mile or four blocks lost will have for counter-balance on the gain side to the public one block, or one-eighth of a mile, from the Temple Block to the Emporium corner. It seems to me that the public generally would rather walk the one block than the four, or rather ride the four blocks than the one, if it was at their option.

[Our correspondent is in error on this subject, as the demand has been made on the company to change the route so as to take the citizens down East Temple St. to market. The traffic heretofore has scarcely paid teamster's wages.—Ed. D. N.]

Sunday - Schools - Progress - Credit-able Examination.

OGDEN CITY, April 18, 1875.

Editor Deseret News:

Knowing that you are ever ready to foster the cause of education in our Territory, I send you a few notes of the progress of our Sunday schools, and of an examination held to-day, in the First District School-house.

Before entering into details, however, I wish to observe that I do not write this article with the object of flattering any individual or school, but simply to set forth our plans, and thereby endeavor to encourage others to do the same, that we may learn by each other's experience; if we have anything good the teachers and children of the Territory are welcome to it; on the other hand we shall be pleased to peruse articles from others, engaged in this cause, and profit by their experience. There is no enterprise of greater moment and which more affects our prosperity in the present and future, socially and financially, than the proper training and culture of our youth; hence no subject should be more thoroughly ventilated through the press and pulpit, than the one before us. Napoleon justly said, "Public instruction should be the first object of government."

It is pleasing to note the change and progress which have of late been exhibited in our Sunday schools. Only a few years ago our young men and ladies considered it beneath their dignity to be found in a Sabbath-school; to-day we find them quietly wending their way to that blessed abode, thirsting for knowledge and the principles of truth, while those who are not there are generally found with bar-room associates, and have already chosen the path of vice. In past winters some of our Sunday schools, notwithstanding the day schools were crowded full, were dismissed, in consequence of a lack of interest to continue them; this winter, the houses held for that purpose have been filled to overflowing, while many of the districts have been compelled to seek elsewhere for more room.

The plan adopted by our principal, Superintendent Ballantyne, and his assistants, was as follows:

Their Sundays, during the past winter, were entirely devoted, with but two or three exceptions, I believe, to visiting the various schools in the county; exhorting the children, in the morning, to continue in the good cause, and counseling the Saints in the afternoon, on the same subject. These visits were always received with crowded houses and smiling faces, by the children, and in the same manner by the adults; and always closed with a determination that the future should find them "farther on the way." One school, in particular, where the attendance was rather below par, he advised the superintendent of the school to appoint his teachers, as a committee, to visit those not in attendance, and invite them to the school; the result was, that the

next Sunday found the school crowded full; in a short time a teachers' association was organized, and to-day the school closed with one of the best examinations witnessed in the Territory, of which the following is a short synopsis:

"Song of Praises," by the whole school. Prayer. Song—"Zion is Growing," by school, after which the several classes were examined on the definition, power and efficacy of faith. The books used as authority were the Bible, Book of Mormon, and the Pearl of Great Price. The students of the various classes were required to recite, separately and in concert, passages, verses and sometimes chapters from the above named books, after which the teachers thoroughly questioned them on the subject matter recited. Much credit is due to the teachers for asking these questions in a clear, concise and comprehensive way, inspiring the students with a happy familiarity and banishing, as much as possible, that awkward bashfulness, so prevalent in our schools. It was truly wonderful to hear some of the little children, only from six to eight years of age, repeating verses from the Bible. The following teachers officiated: Prof. John Fowler, A. C. Brown, Roseltha Canfield, Hattie Brown, Mary Farby, M. Myers, Mattie Brown, Harriet Nye, Amelia Farby, L. S. Scoville, Mary Scoville, Mariett Farby, William Lewis, and Ephraim Myers. All deserve praise for their efforts. Prof. Fowler, teacher of music, deserves special praise for the excellent manner in which his part was executed. Superintendent Ballantyne, D. M. Stuart, Thomas Wallace, and L. J. Monch, followed with complimentary remarks to Superintendents Stowell and teachers, for the excellent results accomplished in so short a time.

The whole closed with the significant song, "Work Away," which was executed with a vim that spoke, with actions and words, that the future would not find them idlers on the way.

Very respectfully,

L. J. MONCH,

Sec. of Union.

By Telegraph.

AMERICAN.

OMAHA, 19.—With the present favorable prospects General Superintendent Clark of the U. P. R. R. hopes to be able to start delayed trains to the breaks and make the transfer by teams in about 24 hours. The water continues to fall in small streams, and everything looks very favorable to an early opening of the road. A large number of teams have been brought to the breaks, and are ready to transfer passengers as soon as trains reach there. The weather continues clear and warm along the entire road, and the passengers seem to appreciate the situation of affairs, knowing that everything is being done within human power to get them through.

CHARLESTON, S. C., 19.—There was a heavy frost here last evening, which caused great damage to the cotton and other crops; the loss is estimated at \$500,000.

GALVESTON, Tex., 19.—A special dispatch from Corpus Christi says that a band of thirty-five or forty Mexicans are reported to be robbing and burning houses between Brownsville and Santa Gertrude. All communication by telegraph is cut off from Brownsville. Firing was heard at Bares last night, eight miles beyond Santa Gertrude. A courier reached here last night calling for help, and alarm bells were rung. Captains Clark and Culver have started to meet the raiders.

EUFLA, Ala., 19.—A heavy frost prevailed here yesterday, and continues to-day. About one-half of the cotton crop is up, and has been killed. There is considerable ice in this section.

DANVILLE, Va., 19.—The cold spell has destroyed nearly all the fruit and damaged the tobacco considerably.

RICHMOND, Va., 19.—Reports have been received from all the fruit growing sections between here and Greensboro; fruits of all kinds have been killed by the cold spell, and the tobacco crop has suffered severely.

NEW YORK, 21.—It is now authoritatively stated that the ceremony of imposing the Beretta upon Cardinal McCloskey will take place in the cathedral in this city on

Tuesday next; in addition to some forty archbishops and bishops and about 1,200 priests, it is expected that the President and cabinet, Governor Tilden and staff, and the municipal officers of the city will be present.

Judge Blatchford, U. S. court, gave a decision to-day in the case of Chas. T. Dana, arrested upon an attachment from the Supreme Court of the District of Columbia; the Judge discharged Dana from custody.

NEW ORLEANS, 21.—The House, this morning, adopted, by a vote of 73 to 21, a resolution for the impeachment of State Auditor Clinton, for malfeasance in office.

CHICAGO, 21.—Remarkably cold weather for the season of the year still prevails throughout the west, and reports from every section bring accounts of damage to fruit crops, and in some instances to winter wheat; it is hardly probable, however, that the wheat has been seriously injured by the recent cold snaps.

WASHINGTON, 21.—The Secretary of the Treasury, to-day, issued a call for 5,000,000 of the 5-20 bonds on which the interest ceases on the 20th of July, as the treasurers throughout the country are ordered to begin the payment of the May interest to-morrow, without rebate.

There is a report that the President has requested Secretary of the Interior, Delano, to resign.

NEW YORK, 21.—The *Graphic's* Washington correspondent says the President is not a candidate for reelection for a third term, and never has been; and never suggested the idea himself, and never gave any one the slightest warrant for supposing that he would take the nomination if offered him, and it is understood in Washington that if he had ever been asked by any authoritative body he would have declined to be considered a candidate under any circumstances.

COLUMBIA, S. C., 21.—Ex-Treasurer Parker was arrested to-day, on a charge of embezzling \$28,000 of the State sinking fund; he has not procured bail.

NEW ORLEANS, 21.—The democratic majority in the House having unseated four republicans, Marshal Packard telegraphed the fact to congressman Frye, and asked if by the award the democrats were not pledged not to disturb any members of the House but those included in the award; Frye replied that they were so pledged, and had violated the good faith of their pledged honor in this outrageous action. Congressman Wheeler telegraphed Governor Kellogg that while still of the opinion expressed to him and Packard he does not feel at liberty to give a written opinion without concurrence in his associates' opinion expressed to the Governor and Packard; they state that that was that the four members unseated were to be left undisturbed.

SAN FRANCISCO, 21.—Meetings were held on Monday last, in this city and Sacramento, to organize bureaus of information and labor exchanges, for the benefit of the present great immigration. Committees were appointed to collect funds, and print addresses to immigrants, and communicate with Granges and editors in the interior, with the view of establishing reliable bureaus of information concerning lands and their prices, and the demand for labor.

The weather and crop reports, received this evening from the coast counties and the southern portion of the State represent the grain in a fair condition. Advices from the San Joaquin valley are less favorable, the crops are suffering for want of rain.

WASHINGTON, 19.—The great suit brought by the Union Pacific Railway against the government to recover half the cost of transporting mails and public supplies is set for to-day, in the court of claims; it is for half a million dollars, but several millions will be involved in the decision.

NEW YORK, 22.—The steamer *W. H. Scholler*, from Rotterdam, has arrived with her propeller damaged, her starboard bow stove, and her fore compartment filled with water, having encountered several fields of icebergs, and at one time being completely surrounded by them.

A dispatch from London, Canada, says that the Mormon apostles laboring there are making numerous proselytes.

FOREIGN.

LONDON, 19.—In the House of

Commons to-night, in reply to a question by Mr. O'Reilly, member for Longford county, Disraeli said that Prince Bismarck, as long ago as Jan., 1874, made a suggestion that England should join Prussia in the strong remonstrance the latter was compelled to make to Belgium, against what he (Bismarck) described as a conspiracy of the Ultramontanes and Jesuit refugees, against the peace of Germany. Earl Granville, then minister of foreign affairs, replied that he hoped Bismarck would not press Belgium to go beyond the limits of her constitutional institutions.

In the House of Lords Earl Russell asked Lord Derby whether the Prussian-Belgian correspondence was terminated, and whether there was any reason to fear that the peace of Europe would be endangered thereby. Derby replied that the text of Prussia's first note fully justified Disraeli in pronouncing it not a menace but a remonstrance. He had the assurance of the German ambassador, which a hasty examination had given no reason to doubt, that the second Prussian note was conceived in a very friendly spirit, and it would be premature to express an opinion on the merits of the question, as England had not been applied to at present. He anticipated the result of the controversy without uneasiness. The British government values the independence of Belgium and the peace of Europe, and was happy to think that neither was in danger.

The select committee on foreign relations has reported to the House of Commons, that the documents which appeared in the *Times* and *News* were published by permission of the chairman.

The second German note to Belgium will be published to-morrow. It expresses regret at Belgium's refusal to comply with Germany's wishes, and continues that the Belgian government is best aware of parliamentary difficulties in the way of compliance, but it must at the same time be convinced that the first thing to be done is to recognize the necessity of affording more redress, whereas an examination into the difficulties is of secondary importance, the consideration of means to prevent intrigues against neighboring states interests equally all the powers that strive for general peace and good relations; and it is to be hoped that Belgium will follow the example of Germany, and obtain an alteration of her laws, thus giving fresh proof of the value she attaches to good relations with Germany. Should this effort fail, the public view of the question will nevertheless be declared, and an understanding will be brought about between all interested states. Germany has not sought to interfere with Belgium's international affairs, her object has been to prevent foreign interference in her own. The note concludes with reference to the special obligations Belgium is under to neighboring powers on account of her neutral position.

LONDON, 20.—Cardinal Manning is very ill, his nervous system being prostrated; his physicians consider his illness serious.

BERLIN, 20.—The *National Gazette* asserts that Austria and Russia will support Germany in her demands on Belgium.

The lower house of the Prussian Diet has passed the bill abrogating those clauses of the constitution which allow the independent administration of ecclesiastical affairs, the unimpeded intercourse of religious societies with their superiors, and the freedom of clerical appointments.

LONDON, 21.—Dr. Kenelly appeared in the Guild Hall justice room, in response to a summons at the instance of Wright, editor of the *Advertiser*, charging him with libel. The room was filled with the friends of the Dr., and there was a dense crowd in the street. After a hearing the summons was dismissed, the result being greeted with immense cheering by the people in the room, which was caught up outside. Kenelly was escorted from the building by thousands of people.

At Epsom, to-day, the great Metropolitan stakes were won by Hampton, Temple Bar 2nd, Rose Bush 3rd.

MEXICO, 12.—Ten natives of Ixtacalco are on trial, charged with the horrible crime of burying three men alive, leaving their heads above ground and despatching them with machetes after prolonged torture.