

LOCAL NEWS.

FROM SATURDAY'S DAILY, OCT. 24.

Last Company.—By telegram from Elder James H. Hart, New York, we learn that the fifth and last company of this season's emigration from Great Britain, sailed from Liverpool to-day, on board the S. S. Nevada. They number 313 souls.

\$5,000 Damages.—The jury in the suit of B. B. Bither against the Utah Central railway, last evening returned a verdict of \$5,000 damages for plaintiff. The suit was originally planted for \$10,000. It will probably go to the Supreme Court.

Assigned to their Fields.—By private letters from Elders Josiah Burrows and Wm. A. Cewan, who started on the 14th inst. from this city to fill missions in the Southern States, we learn that they reached Chattanooga in safety and were assigned to their fields of labor—the former to Virginia and the latter to Mississippi.

Marriage Bells.—The brilliantly illuminated residence of our respected townsman David James, Esq., on the evening of Wednesday last, was an evidence of something unusual. By the time the train arrived from Logan a large company of friends and family connections were prepared to greet the young bride and bridegroom who had been made one in the sacred ordinances of Logan Temple. The bride, Miss Jeannette James, or "Nettie," as her friends delight to call her, is the youngest daughter of Brother David James, by his wife Jane, lately deceased, and the bridegroom is Mark, the eldest son, by his wife Sarah Jane Gray, of the revered Daniel Spencer, in his time a trusted, leading man of the Church, and for many years President of this Stake of Zion.

The young couple seem admirably suited to each other, and the consummation comes after many years of devoted interest and companionship. Surely we may prophesy good from the union of two worthy representatives of such highly respected and well-known families.

This, while not what fashion would call a "society" arrangement, being mainly family, exhibited that quietude and unostentation which seems more befitting the assumption of responsibility. The marriage having been solemnized the same day, prevented some things at the reception which have been arranged, consequently the programme of songs and speeches, embodying words of welcome, sympathy and hope, were necessarily deferred, but many warm hearts, as in all united family and friendly circles, whispered, God bless the newly wedded pair!

MINER AGAIN IN COURT.

ARGUMENTS HEARD FOR AND AGAINST HIS DISBARMENT.

At the opening of Court this morning, shortly after 10 o'clock, Mr. Aurelius Miner came in, attended by a deputy marshal, and was seated directly in front of the bench, where Judge Zane could obtain an unobstructed view of the prisoner's beardless face. The change in Mr. Miner's appearance is not so complete as to be a disguise—almost anyone who ever knew him would readily have recognized him, though the change in his countenance was of course marked. After a few minutes' silence the Court informed the prisoner that the time fixed for showing cause why he should not be disbarred had arrived and ordered that the proceedings go ahead, whereupon Thomas Marshall, Esq., on behalf of the bar association, presented informally the charges against Mr. Miner, they being that he had been convicted of a misdemeanor, that he had said that he would not obey the laws, that said conviction involved moral turpitude within the meaning of the Statute (Laws of Utah, 1884, p. 180, Sec. 154), from which he read; he argued the merits of the association's position in the premises briefly, concluding with the motion that an order of disbarment be made.

Mr. Miner then took the floor to reply, speaking as follows:

It is usual, I believe, if the Court please, when a charge is preferred against an individual, that he be entitled to the specifications of that charge, which has not been done in this case. The order was served upon me, and of which only I was bound to take cognizance, on Thursday evening at 6 o'clock, to appear before this court to-day at 10 to show cause why I should not be disbarred. I have but little to say about this matter. I simply say that the statements made by my (at present) brother, are not true. The record does not disclose the fact and the remarks which he made that I said I would not obey the laws of the United States or of this Territory. No man ever heard me say it, either in court or out of court. I stated, and the record discloses the fact that I did say this: That there were certain laws of the United States which I once said I would not obey; and I never did obey them; and referred to that specifically. I further said that I reserved to myself the right to determine for myself what laws were constitutional and what were unconstitutional. That is a right exercised, I believe, by every citizen, and a right which I have never surrendered and never purpose to; if I did I should voluntarily retire from the bar. I could not obey a law which was laid down by the legislature of that kind; if I purposed such an act I should com-

mit perjury in my own conscience to do it. No question of constitutional law could ever be raised if that was enforced; no question could ever be brought before the Court testing the constitutionality of an act if an attorney advised his client in particular instances to submit to it, if I rightly apprehend the matter. An individual brought before a court charged with an offense or a violation of a statute—an act of the legislative authority of the State—comes and advises with his counsel in the matter and is counseled that that act is void because it may contravene some part of the Constitution, and he fights it on the ground of its being unconstitutional. The party comes to his counsel and desires information whether he may do a certain thing with impunity or not—of a civil character—which contemplates a violation of some principle of a statute enacted. He gives the matter careful attention and he says to his client "that act, in my judgment, is void because of being unconstitutional," and advises the party upon his judgment to proceed upon the matter, and he should follow that, and say that that act, until after it had passed inspection as to whether it was constitutional or not—could the question ever be raised if such was not the case?

If the gentleman will refer to my remarks in these matters he will find that I specifically referred to certain laws that I would not obey—that the great political party for the last twenty-five years has said it would not obey, and refused to obey, and continued its resistance until it was wiped from the statute books—practically at least—became dormant because nothing exists upon which it could operate. That is what I said. I further said that I reserved to myself the right to judge for myself whether an act was constitutional or not; and that is a right which no law, no court, no tribunal can deprive me of exercising. It is a matter of judgment. I said that if a law was passed and my judgment upon that law was in error and the law was pronounced constitutional, I must submit myself of course to its consequences. That is what I said, I hold that position to-day and I expect ever to hold that position.

So far as the other matter is concerned, I confess, in my judgment, this matter is entirely premature. If the Court acts upon it, it will act upon it prematurely. In the case which was disposed of in this Court, preparations are being made to review the action of this Court in a higher tribunal. Suppose your honor should carry this matter to its final conclusion and enter a judgment of disbarment on the conviction in this court which the gentleman says involves moral turpitude, and the judgment in that case shall be reversed; then where stands the judgment of this Court? An action without foundation. It is, in my judgment, premature. If the determination of this court was final, then there could be no question raised as to the propriety of the Court investigating this matter.

There is another question in this case. The statute was passed in 1884. The offense charged in the indictment covers a period of nearly three years. What portion of the time, or when during that period of three years, did the offense cover? Admitting the fact that the verdict upon the evidence was correct, did it specify any particular time? Or were the jury bound to find any time? Did it specify any time when the offense was committed? If it had, as your honor has heretofore held, it might be committed at any date or within any period designated by a week or a month, and the offense was complete. Suppose that had been in the first year of the time alleged in that indictment, and the evidence was sufficient, the verdict was correct upon that indictment, because it was within the period in which the prosecution for the offense was not barred by the statute; but did it appear that it was committed at any time subsequent to the passage of that act and to which that act could apply? If it was subsequent to the act then the act might apply; if it was before the passage of that act then this act must be retroactive in its nature or *ex post facto* in its character; one of the two. If the period of time when this offense was committed was prior to the passage of this act; then this act would not apply unless retroactively, and I discover no provision in the act for its retroaction. Must the presumptions in every case be against the accused, or are they supposed to be the presumptions in his favor? If the rule applies that the presumptions are against the defendant, and that is the law, why then there can be no objection to the court presuming that fact and rendering its decision accordingly; if that be in favor of the defendant, as I understand the law to be, then a different judgment would be necessary to be rendered.

There is no law upon the statute book in active operation to-day that I have ever said that I would disobey, or that I would counsel others to disobey. I have said nothing upon that subject one way or the other; and I am at the defiance of the whole world to prove a single sentence ever dropped from my lips upon that matter. But I did say that there were certain laws of the United States, and referred to those specifically, that I said I would not obey, I said that I would not convert myself into a nigger catcher for the slave-holders of the South for any statute, and I say so to-day. That law is, however, practically inoperative to-day, because the

cause for which it was passed and intended to operate upon has been wiped out in the process of political events operating against obedience to it. The other laws to which I referred have long since been repealed, and there is not to-day an active statute in active operation upon the statute books that I have ever said that I would disobey. The record of the Court don't show it, and I state emphatically that I never did say it. I am at the defiance of any man or any set of men to prove that I ever said such a thing in my life other than what I expressed in Court.

I am to-day the oldest practitioner of this bar or any court in this Territory, and I defy any member of the bar ever having heard me make such a declaration as my brother has made here, unintentionally, however. I do not wish to make any insinuation that he purposely misstated the language of the record; but it was a misstatement of the fact which men are liable to, and no intimation of dishonesty or uncharitableness by reason of that could be attributed to the remarks. It is one of the mistakes which men are liable to. The Court can see the language, I presume; it was taken down by the reporter, though he admitted here before the Court that he did probably make a mistake in taking down the testimony or in the charge of the Court, and, as other men, is liable to mistakes, not purposely committed, however.

If I violate a statute of the United States or of the Territory, I expect to take the consequences of that violation and not complain about it either, anywhere or to anybody. I will say further, I believe this is the first time in my life that any charge has ever been carried to a judgment against me in any tribunal.

I don't know that I have anything further to say. I have no authority to quote upon this matter for I have not examined it.

So far as questions of morals are concerned I stated before your honor the other day, and I say to-day: I question the authority of any tribunal to determine and fix in my mind and judgment a question of morals; they are beyond human determination—that is, so far as to enforce them to the conviction of the mind of the individual is concerned. For doing that which is generally recognized as immoral there may perhaps be some punishment, so far as it affects the public, perhaps legitimately, but so far as altering the status of the individual, it is beyond the domain of law, beyond the jurisdiction of the courts. Men who propose to act upon reason and judgment, their status is only changed by correction of that judgment. I have learned that to govern is not to use the force of brutes; but that if men are taught correct principles and appreciate them, they will then govern themselves by reason of those correct principles which are instilled into their own mind, operating as a controlling influence and power over their judgments. I don't believe theology as it is taught by some professed religious denominations of the day, that men are totally depraved, or that they place themselves in a condition as described by a Congressman "that it would require the fiat of the Almighty to raise him to the level of total depravity." Although there may be a penalty for us to-day, yet they may think they may escape that penalty and be benefited by the act. These are all the matters I desire to present before the Court—the statement which I have made. Thanking you for your attention.

Judge Hoge concluded for the association, reiterating the substantial portions of his associate's argument, and claiming that because the prisoner was a native-born citizen, that was no shield; the fact that his nativity had made it unnecessary to take the oath that is administered to a foreigner upon being naturalized, did not absolve the prisoner from obedience to and recognition of the laws the same as though he had taken the oath. Counsel here endeavored to make a point on the matter of Mr. Miner's having said there were laws of the United States which he would not obey, but as the latter had forestalled him and explained his position throughout and satisfactorily, Judge Hoge's sally was simply firing a blank cartridge. A ripple of laughter ran through the audience when he read that part of the record in which Judge Zane said, "If you follow all the teachings of Solomon you will become a pretty hard customer," but otherwise there were no demonstrations.

The Court at this point announced that he would take the matter under advisement and deliver a written opinion on the subject as soon as he could get it ready.

Mr. Miner was then taken in charge by the deputy and returned to the Penitentiary.

FROM MONDAY'S DAILY, OCT. 26

Carp.—A special fish car will leave Washington this evening, coming via St. Louis to Ogden, with a supply of carp for various localities, including Utah. Those who have made application for carp will please take notice.

Bishop Leatham Dead.—A message received in this city this morning, by Brother James Leatham, brought the sad tidings of the death of his brother Robert Leatham, Bishop of Providence, Cache County. The deceased was about sixty years of age, and was a highly respected citizen.

Canal Co. Meeting.—The stockholders of the Surplus Water Canal Company, and all others in any way interested, are requested to attend a meeting to be held in the Nineteenth Ward school house, Saturday, October 31st, at 2 p. m., to transact business in the interest of said company.

Arrested.—On Saturday Joseph Sisom, who resides just this side of Sandy, was arrested on a charge of unlawful cohabitation, Andrew Poulson, brother of the alleged plural wife, being the complaining witness. Mr. Sisom was taken before Commissioner Gilchrist and waived examination. He was held in \$1,500 to await the action of the grand jury.

Burglary.—By letter from Thomas E. Bassett, of Rexburg, Bingham County, Idaho, we learn that the Co-operative Store at that place was broken into by unknown burglars on the night of the 21st, and merchandise to the value of about \$500—consisting of furs, groceries, etc., stolen. Efforts are being made to track up the thieves, and it is thought they will be successful.

Going to Ogden.—The Ogden Herald says that Prof. W. H. Jones, of that city, who has for some time acted as principal of the Ogden Central School, has tendered his resignation, to take effect Nov. 16th, and that the trustees have secured the services of Prof. T. B. Lewis, of this city, to fill the vacancy. It is understood that Prof. Lewis will assume the duties of his new office November 9th.

Convalescent.—We were pleased to-day at receiving a brief visit from Bishop A. A. Kimball, of Kanosh, who has had such a long spell of sickness, and who went north to Logan about three weeks since to attend to some work in the Temple, etc. He looks much improved and now feels encouraged with the hope of living—whereas before leaving home he and his friends, too, despaired of his life. We are sure all his acquaintances will feel to join with us in wishing that he may live yet many years.

Diphtheria Ravages.—We regret to learn that the little girl of Brother Charles M. Evans, of the 11th Ward, whom we mentioned a few days since as having been stricken with diphtheria, succumbed to that dreadful disease on Saturday evening, but it is consolation to know that none of the other members of the household have shown any indications of contracting the malady.

By letter from Edward Hemsley, of Sugar House Ward, we learn that this disease has broken out in his family, and that he, instead of waiting upon others who are sick, is now required to attend to the patients in his own household.

Change of Name.—No. 1, volume I, of the Southern Idaho Independent, dated October 23d, is received. The Bear Lake Democrat has ceased publication and the Independent fills the place vacated, being managed by the same editor, R. S. Spence, Esq. Its opening editorial makes the following declaration, and we wish our brother success in his struggle for the right:

"We have chosen the name Independent as more appropriate to express our sentiments than any other; thinking that we can better serve the people and subserve the interest of truth and justice than by being entangled in the web of any party. Our aim will be to do justice to all, and all we ask of our friends, or enemies, is simple justice.

"To the people of Southern Idaho we say our cause is yours and yours is ours, 'united we stand, divided we fall.' Our position is a most serious one. Deprived of the right of the elective franchise—the dearest and most sacred right of American citizenship—by open and avowed enemies; by men who have stained their hands in guilt in order that they might rob you; who have secretly plotted and perpetrated crime in order to enslave you, that they might the more easily appropriate your property and liberties. To-day they boast of what they have accomplished, and in their drunken orgies the truth comes to light, how ballot-boxes were stuffed, how traitors were bought and sold, and how our rights were bartered and our liberties taken away. Under such circumstances, and in the position we are placed, is it not full time that our rights are vindicated, fraud prevented, and the doings of the wicked exposed? To accomplish these things in particular, and many others in general, will be the aim and object of the Independent."

"We hereby announce our Independence—socially, politically and religiously. Socially, because we desire the greatest good to the greatest number; politically, because we reserve the right and privilege of sustaining only those whom we deem worthy, be they Democrat, Republican, or anything else, and we will endeavor to use our energy and ability in exposing fraud, and uncovering deception, in whatever party it may be found; religiously, because we claim the inalienable right of worshipping God according to the dictates of our own conscience, and we freely accord to every human being the same privilege, without let or hindrance, and we deem all men who oppose these principles as enemies to the Constitution, and enemies to all religious liberty, and the most dangerous class with which freemen have to cope. In the words of the great statesman 'give us liberty or give us death,' and to enslave the mind or prevent the free exercise of religion—so long as that religion

does not curtail or interfere with the rights of others—is tenfold worse than African slavery in its most horrid form."

A QUERY.

SALT LAKE CITY, October 26th, 1885.

Editor Deseret News:

Is it true, and if true, has it any significance beyond a coincidence?

A local paper says the Edmunds act prisoners in the penitentiary smoke neither cigar, pipe, nor cigarette, and that those who rejected Zane & Co.'s hospitable invitation to board and lodge in the pen. at dear old Uncle Sam's expense smoke tobacco freely.

DUNDERLICK.

So far as our information extends as to the status of the penitentiary inmates convicted under the Edmunds law, they are non-users of the noxious weed, and with possibly one exception, those whose modesty (?) when brought before the Court forbade them accepting the generous offer of free board and lodging, all indulge. We cannot think, however, that the excessive modesty on the part of the latter is due to such indulgence. The chief significance that can be attached to the abstinence of the former in this particular is that it is an evidence of greater self-respect and self-denial than the others possess—an evidence, by the way, which those acquainted with the parties do not require to convince them of that fact.

A GOOD WOMAN GONE TO HER REST.

The news of the death of Mrs. MARGARET HOLDING YOUNG, wife of Brother E. R. Young, of Wanship, Summit County, at one o'clock on the morning of Monday, October 19th, 1885, came very unexpectedly to all her friends. Though she had reached the ripe age of seventy-two years, there was no apparent reason why she might not have lived much longer; but she was suddenly attacked with pneumonia, and in three days she succumbed to the disease and passed away peacefully from this mortal condition to that rest which is promised to the faithful. Sister Young was a loving and devoted wife, an affectionate and indulgent mother, a kind and agreeable neighbor, remarkable for her hospitality and charity. She was a woman of an unobtrusive disposition, not given to display or talk, but possessed of fine feelings and a genial disposition and was much beloved by her husband and family and by all who had the pleasure of her acquaintance.

At the time her husband and herself joined the Church in Paterson, New Jersey, which they did in October 1840, they were in good circumstances, he being the owner of the Star Cotton Mills, at Paterson, New Jersey, and they made their house the home of all the Elders who visited that region. The deceased took great pleasure in caring for their wants and in making them welcome to her board, and in every possible way showing her interest in the prosperity of the work of God which she had espoused and in the welfare of those who were its ministers. She exhibited the same disposition afterwards in Connecticut, to which State her husband and herself and family removed from New Jersey. She leaves behind her seven children, twenty-two grandchildren and seven great-grandchildren—a goodly posterity, to whom she has ever been an exemplar and guide, and for whose correct training and conduct she has ever been most anxious. It has been a pleasing subject of contemplation to her to see her posterity increasing around her, and that her children and posterity might have the benefit which Zion offered to the Saints, she gladly forsook the comforts and conveniences of life in the East, and endured the privations and hardships of crossing the plains, and patiently encountered and submitted to all the difficulties incident to making a new home in this wilderness Territory.

Sister Young has gone to reap the reward of the just. Her earthly life has been one of usefulness and integrity. She leaves a beautiful example in that life for her numerous posterity to imitate. Her husband and children have our sympathy, and we trust that He who orders all things well, will visit them with the consolations of His Holy Spirit in this, their hour of affliction and trial.

AN ANSWER WANTED.

Can any one bring us a case of Kidney or Liver Complaint that Electric Bitters will not speedily cure? We say they can not, as thousands of cases already permanently cured and who are daily recommending Electric Bitters, will prove. Bright's Disease, Diabetes, Weak Back, or any urinary complaint quickly cured. They purify the blood, regulate the bowels, and act directly on the diseased parts. Every bottle guaranteed.

For sale at 50c. a bottle at at Z. C. M. I. Drug Store.

If your complaint is want of appetite, try half a wine-glass of Angostura Bitters half an hour before dinner. Beware of counterfeits. Ask your grocer or druggist for the genuine article, manufactured by Dr. J. G. B. Siegert & Sons.