## EVENING NEWS.

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. May 14, 1886 Friday

## OBEDIENCE TO LAW AS CON-STRUED BY THE COURTS.

THE visit paid by Governor West on

conversed on the subject. The proposition was this: If who are now suffering im- in the tender mercies of the court as prisonment under the Edmunds Act will promise to obey the President to pardon them, and in this viction under the present crusade. request he will be joined by Chief When Mr. Arnold was accused before, Justice Zane and District Attorney he Dickson. The response of the prison- and promised to obey the ers who had an opportunity to reply law was not favorable to the proposal. But watch the proceedings. The law There are obstacles in the way winch is now construed by the court in a the Governor cannot fail to appreciate manner entirely different to its conwhen he takes a square look at them. Before a truthful man can make a placed in jeopardy. Under its first promise, he must know definitely what construction he could not now be conit signifies. Can any one explain the victed. The inverted ruling will be meaning of the phrase, "obedience to brought into use. He will find himself the law as construed by the courts?" in a trap. No matter how closely he Governor West could not answer the may have observed the law as conquestion when propounded to him by strued by the court in his first case, he the prisoners. One court intercan be convicted under a new conprets the law in one way, an- struction in this case, and the penalother court in another way. In ties can be inflicted upon him threethe case of Apostle Lorenzo Snow fold. Suppose the Court asks him if he Judge Zane differed from Judge will obey the law in the future, as con-Powers. Which was right? Whose strued by the Court. Would the question rendering are the prisoners to promise be anything but a snare? Apply this to obey? In the Third Judicial Dis- to the prisoners now in the penitentrict the same Judge has given at least tiary and the Governor will see where half a dozen different and conflicting they stand and the uncertainty and unrulings as to the meaning of the law. Men who have conformed strictly to future freedom.

one construction have been put in the penitentiary under a fresh construction made to cover their case. When this new interpretation of the law has not met the conditions another has been manufactured, the object being to imprison the accused whether he had live within the law as he under- with. He only cohabited with one

and as he had the light

enforced and extorted testimony of vir- | ligious system, and the supporters of tuous wives and children, the law has that system are enduring wrongs on been shrunken and contracted almost that account. No other offense out of sight, and in some but that which has been made one cases thrown away defiantly, to relieve by a law against their religion, is the debauchee; the resorter to vile pursued with the bitterness, anihouses, the destroyer of chastity and mosity and legal vengeance that the depraved and guilty libertine. are exhibited towards this. When men Each construction of the courts un- are actuated by religious enthusiasm ter the prompting and manipulation of and religious coavictions, any propothe Prosecuting Attorney, has proved sition which they are asked to consider a trap for the feet of the defendants must have some reference to their rewho followed. The courts, left to do as they please or as directed by the of-meet the issue. We have some reference to their re-hearts and we are willing to suffer as the ancients did. We have not the issue was an improper question, and that he the ancients did. We have not the issue was an improper question, and that he told the judge so. Governor West then said that Mr. as they please or as directed by the of- meet the issue.

ficer for the [prosecution, with juries] packed to convict, can now have things their own way for a season. They have proven to the people that they have no animosity of Marshal Ireland from re-The visit paid by Governor West on people that they have no animosity of Marshall Ireland from it. the justice to say that they are not to blame for their own rulings. Ceiving the DESERET NEWS, we would blame for this state of affairs; that wednesday to the perintentary and the overtures he made to the prisoners confined therein for alleged infraction f the Edmunds iaw, in our opioin,do honor to his head and heart. We be-lleve his efforts were made in good faith and with a desire to relieve the to obey the law as at present con-people of this Territory and the Gov-strued by the courts. Governor West We are satisfied , what would infiny or to cause this suffering; be-cause type and purpose people of this Territory and the Gov-ernment of the United States from a grave difficulty. That he was not suc-cessful is due to the situation. He is not to be blamed, neither are the in-carcerated gentlemen with whom he can we reason from but what we can such as the price of dis-cancerated gentlemen with whom he

trial sgain. He has three counts in honor.

one indictment to meet. That means, Obedience to the law as construed by the courts may seem, at first sight, a prompted by the District Attorney, simple and proper thing to promise. eighteen months imprisonment and But when that involves treachery to law in future, as construed by the nine hundred dollars fine, besides loving women, breach of contract with courts, the Governor will petition the costs. Accusation usually means con- dependent and trusting wives and children, and violation of the most sacred covenants with Almighty God, where is acknowledged the offense the being deserving of the name of man, who can make such a promise either with or without intention to preserve as construed by the court.

it inviolate? GOVERNOR WEST AT THE struction when Mr. Arnold was first PENITENTIARY.

He Holds an Interview with the Brethren

## He Makes Overtures that are not Accepted-Religious Convictions

retary Thomas, Mr. Adam Patterson (court reporter), Mr. W. C. Hall and Mr. Webb, drove out to the Penitentireliability of any assurance to them of Upon arrival at the Penitentiary the

party were received by Warden Dow and conducted into one of the apart-The Governor's principal conversation was with Apostle Lorenzo Snow. ments of the building outside the wall, His case illustrates our argument. The and Apostle Lorenzo Snow, at the request of Governor West, was brought into the room, when the following conevidence for the prosecution showed conclusively that he had only lived versation occurred: Governor West-Mr. Snow, I supwith one wife for several years. By obeyed the law as previously con-strued by the court or not. The evi-dent intention of the defendant to

dent intention of the defendant to others he provided for but did not live concluded they have no jurisdiction in my case.

Snow-Yes, I presume so; but my lation, which the Governor Was views are eatirely different from thatnot disposed to discus views are eatirely different from that— right directly opposite—the result will not be the one that you anticipate. 1 speak with knowledge, and you speak with your opinion. I speak in refer-ence to knowledge and am perfectly convinced that the result will be wide-ly different from that which you state. No doubt there will be a great deal of suffering, but I, as one—and I presume it is so with the great majority of this people—am ready to take the conse-Snow then repeated what he had formerly said in the court at Ogden in people-am ready to take the consequences. We believe in a certain prinregard to his intention to obey the law

ciple, and that principle is dear to our

eventually, but how much suffering

quire you not to say and not to publish to the world that you are being perse-cuted, hounded, maliciously and vin-dictively pursued by the Federal offi-cials who are entrusted with the ad-ministration of the large ministration of the laws. Snow.-Oh, no more so than Jesus similar sentences.

Christ and the Apostles. They had to them in relation to it, but should these same things to suffer and pracleave it to the individual judgment of ticed the same gospel; and we expect that inasmuch as we have espoused the same religion and the same principles that they proclaimed, and for which they lost their lives, that we will have each person The party then entered the enclosure and found the prisoners confined who were not charged with cohabitation

to suffer, and we are willing to do it. Governor-You are not being prosecuted for opinion's sake. Suow-On, no more than the Roman

room near the southwest corner of the Empire prosecuted the apostles for opinion's sake. They rendered themenclosure. The Governor then spoke o them as follows: selves in obedience to the laws of the country they were in. It was the laws nned them to death, and it was the Jewish law that condemned Jesus.

Governor-You are getting off the question and getting upon a question that is so wide that we would have to lengthen our lives to discuss it. I came here with simply one purpose and desire, which was if L could nose Governor-You are getting off the came here with simply one purpose and desire, which was, if I could pos-

Cannot be Surrendered. Yesterday afternoon Governor West, accompanied by Marshal Ireland, Secthis matter just as it stands. The gested itself to my mind for your relief. courts have construed this law, and their construction of it is the law, and their construction of it is the law, and we have no right to say anything else. Mr. Dickson and it is, that we would And when you get out, if you continue all concur, in a petition to the Presiary. The object of the visit and what occurred at the prison are fully ex-plained by the following account of the matter, from the pen of Mr. Patterson: Now-I expect so. I presume that Snow-I expect so. I presume that art concur, in a pention to the fresh-dent to relieve you from the effect of the sentences which you are now suffer-ing for disobeliance of the law if you would, in good faith and sincerity, agree to respect and obey the laws as

vould be the case. Governor-Well, now you are sufferng and you are causing others to suffer, and you are mjuring the prosper- law of the land now beyond question ty of the Territory, and all for no good and beyond controversy, is that if you purpose. You cannot accomplish any-thing by it. That will not repeal the course of life that brought you here. thing by it. That will not repeal the laws nor will it benefit you in any way; because in prison here you don't en-joy the liberty that is guaranteed by the laws to every law ablding man; the desire of the Federal officials here, you cannot have the pleasures of home if possible, to relieve you from past you are suffering here without benefit. Snow-Exactly. But I have no con-that is all I came for, and I came with

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H. S. ELDREDGE, President, FERAMORZ LITTLE, Vice Prest n the future, that he thought that it JOHN SHARP, WM. W. RITER, DIRECTORS J. A. GROESBECK, L. S. HILLS, Cashier, JAS. T. LATTLE, Aset. Cashier. Governor West then said that Mr. Snow's responsibility, on account of

the position he held was much greater than that of many others convicted of RECEIVES DEPOSITS PAYABLE ON DEMAND. the same offense; that by his conduct many a heart would ache and many s

tear would flow that he would be res-ponsible for, which hight be saved if Buys and Sells Exchange on Net York, San Francisco, Chicago, St he would obey the law and use his in-duence and control among the people Louis, Omaha, London, and princi**pal Continental Cities.** Mr. Snow said they had an object in

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to understand it from the deflnition of the court, has never been taken into account, but he has been punished to the full extent of the law, just the same as though he had be the meaning of his promise to obey wilfully violated it with full intent. First, (unlawful' cohabitation was He had done so, strictly, as construed construed by Judge Zane as "treating by Judge Zane in the Musser case. more than one woman as a man's wives without going through the forms of marriage." This was understood to Powers in his own case. How can he signify sexual intercourse. Next, when a defendant offered to prove that he had not thus cohabited with his wives, but that after the passage of the Edmunds Act all such relations had ceased, the same court refused to receive the testimony, ruling that sexual he can be entrapped again. If he lives intercourse was in no way essential to with Sarah only he can be caught on the offense. It was declared to be the holding out to the world as wives [and | If he lives with Adeline he can be enliving with the women that constituted the offence. Later still, when it was first wife. And under the ruling of shown that the parties had separated, that they did not live together, the same court ruled that if they associated together, 3 the man holding the women out as wives the offense was committed. At present the "holding out" is not essential. When West will study the Snow case he will no evidence is adduced that the man has introduced the plural wife as such, or that he has treated her as a wife in the general sense of the term, he is convicted all the same if the relationship is not denied. In the latest case, one visit to a wife in her illness when the defendant was living with another and her only, was construed to consti-

tute unlawful cohabitation. How, then, can men who find themconsistently promise to obey the law as construed by the courts? Judge the law to many-hued and various constructions. In one case he ruled that when the defendant had served his term of imprisonment, in order to ebserve the law he might choose which wife he pleased and live with her alone. Then when a case came for trial in which this rule had been adopted and lived by in good faith, the court ruled that cohabitation with the legal wife was implied-although the evidence proved the implication wrong -and so the defendant was convicted of cohabiting with more than woman, when he had one cohabited with one, and had only kept [the laws as construed by the courts. There are men now in the At first the court admitted that it was penitentiary who, during the time covered by the indictments against them, wives and families depending upon have neither lived, with nor held out to him. Now the fact of his so supporttheir wives, and yet these two elements

The inducement held out to the them in no way as connected with would not know, to begin with, what He the promise comprehends, and if they he

were formerly and for a long time pro-

claimed by the courts as essential to

the offense.

woman but was convicted for cehabiting with more, the court ruling that it was to be implied that he cohabited with his first wife though the evidence showed that he had not. What would the law as construed by the courts? But suppose he is required to keep the law as construed by Judge Powers in his own case. How can he and the people of the Territory that do that? He must not wive with any they are mistaken in believing that but his first wife. But in one indictment it was ruled that Sarah Snow was his first wife, and in another indictment that Adeline Snow was his dirst wife. Must he live with both? If so the ruling that Adeline is his first wife. snared on the ruling that Sarah is his Judge Zane in the latest case, if he lives with one and should step in to see another when dangerously ill, he could be sent again to the penitentiary, notwithstanding his pardon or any amnesty that might be extended. If Governor see one very urgent reason why the prisoners cannot consistently agree to obey he law as construed by the sentenced

courts. Then take the Naisbitt case. He had kept the law as construed by the question courts according to the best of his understanding. He had lived with but one wife. His first and second wives being dead he lived with the third, whom he considered his first living selves in prison, associating together, wife. But Judge Zane ruled that anhaving been convicted under totally other wife, with whom he had not different constructions of the law, lived, but from whom he had separated, was the first wife, and he had by her request called to see her once when Zane-himself has used the word cha- she was confined to her bed with sickmeleon to illustrate the capabilities of ness, and so he was convicted of cohabiting with more than one woman. when it was proved that he had only cohabited with one. Now how is he to agree to obey the law as construed by the court? If he should live alone and one of his wives should need his presence in some dire extremity, he must ence in some dire extremity, he must refuse to visit her or be in danger of imprisonment. What profit would there be in making a promise that no one but a brute would intend to keep one but a brute would intend to keep or could keep? The law is now interpreted in such

a way that it is impossible for a man who has more than one wife and a spark of humanity in his composition to obey it as construed by the courts. At first the court admitted that it was a man's duty to support his plural wives and families depending upon the world more than one woman as ing them is adduced as evidence of his in this land, and that punishment will infraction of the law. If a man agrees to obey the law as now construed, he virtually promises to cast off those who are depending upon him, to have fy to that. no association with them, to recognize

prisoners is therefore a delusion. They him, to have nothing to do with them. may not treat them as would a friend or ac-

Governor-Of course, you are aware that that determination by that court makes final the decision of that case by the Supreme Court here?

Snow-I suppose so. Governor-Under those circumstances, of course, that is now the law, be-cause it is the decision of the highest individual opinion, that the laws are not administered correctly. Snow-1s it your individual opinion judicial tribunal to which it could be submitted, and I conceived that it would be a very opportune time to call that they are? and submit to you a proposition, which, in conjunction with Judge Zane

and Mr. Dickson, we have thought advisable to make, in order to show you the laws are; on the contrary, 1 am taking the decision of the courts. I can take the legislative acts and read them and I may think I know what the law is, and go into court and the court says that is not the law. Therefore, I must take the law as decided by the courts, and so must every law abiding man. It seems those charged with the execution of the laws in the Territory are animated by any spirit of malice or vindictive ness towards the people who are in the majority in the Territory; that on the contrary their only wish and only de-sire, one which is nearest to their hearts, is to have the people of the Territory obey and respect the law. Upon consultation with Judge Zane and Mr. Dickson, and they supporting the view that L have supporting must every law abiding man. It seems to me you cannot say that you have no 

the view that I have suggested, I have ver. Governor-You ought not to say that you have no confidence in the protec-tion of the courts and the officials uncome to say to you and your people here that we would unite in a petition to the Executive to issue his pardon in less you believe that I have come here these cases upon a promise, in good faith, that you will obey and respect under false pretenses and that Judge the laws, and that you will continue no longer to live in violation of them. Snow-Oh, no. Governor-That Judge Zane and Mr.

Snow-Well, Governor, so far as Dickson, who have concurred with me, am concerned personally, I am not in conflict with any of the laws of the are not doing it in good faith; that is country. I have obeyed the law as faithfully and conscientiously as I can the only way you can say that, because must believe we are not acting in good as interpreted by the courts. thus far, and I am not here because of disobedience of any law. I am here fai wrongfully convicted and wrongfully You know it is a very unusual to see officials who are charged is execution of the laws, coming to connon remarked that the interpre-tations of the courts were various and so conflicting that he would like to be Governor-Yes, but that is from your standpoint. Of course, that is a as I have done, and with the concur-rence of those men, to say that if you

will give your promise, in good faith, that you will observe that law, that we Snow-No, no. Perhaps you misunwill unite to have you relieved from the derstand me I don't mean particu-larly and exclusively the Edmunds law, I mean the law of the land that I convictions against you. Ordinarily

offenders have suffered for the offenses they have committed and have no chance to promise reformation with the chance of being relieved from pun-isiment, so you must have confidence consider supreme-Governor-The law is actually what the court says it is. If you are here under a conviction of that kind, and if you believe in our sincerity. Snow-I certainly believe in your

your intention was to obey the law, as you say you have done it, then you can sacrifice nothing if you promise and agree to obey the law in the future; you then rid yourself of a conviction which you say is wrongful, and you sincerity, but you are not the court. As to Dickson and as to Zane, I have no confidence in them at all. Governor-Mr. Snow, I think you are very unjust in that opinion, because I know that this suggestion that I

protect yourself from a future prose-cution if you obey the laws. Snow — Well, but Governor, why make Snow-If you had suffered you would

should this be required of me, inas-

think differently. Governor-But you are charging the suffering to them wrongfully, I think. They do not make the laws; they exe-cute them, and the suffering occurs from your disobedience of the laws. much as I certainly have not as yet disobeyed the law. The law has been wrongfully and illegally administered in the cases of many of us in the Pen. Governor—But we have to submit to the law as administered by its agents You are responsible for the suffering, not Judge Zane nor Mr. Dickson, and I tell you you do them great injustice; because from all the conversations I have had with them and in all their conduct during the short time I have been here. I am sure those men are court gives. We cannot adopt our own construction and follow that, because animated by a good purpose, an ear-nest desire simply that the people of this Territory obey the law, and they take no pleasure in the suffering which the decisions of the courts constitute what the law is. You are too intelligent a man to have asked me the quesis caused by the disobedience of the laws.

Snow-They send us here without a particle of evidence. It is through the counsel given to the jury by the judge -by Judge Zane, who is influenced by Dickson. I have not a particle of con-fidence in those men. If you had come and not only that it is not right, but that such practices cannot be tolerated entirely alone, without the names of those men, we would have more confidence in the propositions. Governor-You can have confidence

follow a violation of it. Snow-I defy any man to come, for-ward and testify I have taught any person to disobey the laws. There is in the propositions, whether I tell you or they, because they are made in en-tire good faith. no person can come forward and testi-Snow-What did I tell you in the Governor-That has been the teach-

talk we had the other day in reference ing of the body that you belong to. Snow-It has been in the past, but it

to the Supreme Court? Governor—That Supreme Court has a duty to perform. Of course, it could not take jurisdiction of the case, which has not been with me in the present. Governor-I am not talking about the past. Of course, I don't care to dis-

nat is all I came for, and I came wit fidence in the courts, even if I was to the honest, earnest and sincere desire make a promise I have no idea in the that as many of you as will accept of world that the courts would adminis-ter us justice. Let them first admin-ister us justice and administer the in the future. This is all I have to say, laws correctly, and then we will see. Governor-Yes, but that is your own with all earnestness and sincerity, and with a great desire that some, if not all, will avail themselves of it. It is a matter for you to determine, however, but it is submitted to you in that way Governor-I beg your pardon. We I hope you will take it into considera-must not be too egotistical. I did not tion, and think about it. I hope that make the laws and I do not say what in good faith and sincerity you will try the laws are; on the contrary, I am to avail yourselves of our efforts in

tion as is proper to have you speedily released. Snow-Would you wish to take a vote

"I have simply come to announce to

on it? Governor-No, sir. I don't care for any expression now, except that if any parties are willing they can say so now, and if not, I prefer to let it pass until they are willing. Abram H. Cannon asked the question

what they were allowed to do with their wives, and such questions were continued at considerable length and very informally after they were all outside the building.

dress, or

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-OF THE-

The Governor said he was not there to expound the law-the only advice you must have confidence in us or you he could give them was to obey the law

> informed how they were to know what the law was. The Governor replied that he thought

with Mr. Cannon's education and intelligence, if he went about it earnestly, he would have very little difficulty in ascertaining what the law was.

The Governor and party then took leave of the brethren and returned to the city.

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