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WEEKLY.

TRUTH AND LIBERTY.

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MR. CANNON COMMITTED ON ACCOUNT OF HIS OPPOR- TUNITIES.

WE commend to the consideration of our readers the findings of the U. S. Commissioner McKay, in the case against Mr. Angus M. Cannon. They will be found elsewhere in this issue. It is unusual for a committing magistrate to elaborate in that fashion, and give to a wondering world the results of his learning in the simple act of either holding or discharging a person—after hearing the evidence—brought before him upon a complaint of his having infringed the law of the land. We have always understood that the action of a magistrate while sitting in that capacity should be based almost exclusively upon the evidence presented. The consultation of authorities more or less voluminous, for the purpose of fishing out an excuse to hold the accused—which sticks out as large as the side of a house in this instance—is foreign to the character of a Commissioner's office. It will be observed that Mr. McKay makes no mention of the evidence at all, yet the question before him was in regard to whether the testimony adduced was sufficient to warrant the opinion that a grand jury would find a true bill of indictment.

The legal definition of "cohabitation" is, as a matter of course, what ought to govern in all proceedings under a charge of having committed that offense. Mr. McKay says, in his findings—"In all criminal statutes, the term cohabitation is used in reference to persons of opposite sex, and implying the practice, or the opportunity to practice, unlawful sexual intercourse." Taking this learned magistrate's position as a guide, he held Mr. Cannon to answer because he had committed the horrible offense of having within his reach the "opportunity to practice unlawful cohabitation." There was not a particle of evidence to show that he had committed the alleged offense. According to the Commissioner's logic, that he was committed because the opportunity was within his reach, is inevitable.

It does not appear sensible, fair, nor legal, if good sense is good law, and good law good sense, to place unlawful cohabitation on different ground from any other offense, so far as proof of its commission is concerned. This would be unjust discrimination with a vengeance. This being the case, according to Commissioner McKay's luminous "findings," every human soul who has come to an age of responsibility should be presumed guilty of nearly if not altogether every crime in the catalogue. The "opportunity" to commit offenses is everywhere present except in cases where people are prevented by circumstances over which they have no control. Any clerk in any store on Main street against whom complaint might be entered, would, according to the learned Commissioner's position, be able to be held to answer to the grand jury because he possessed the opportunity of practicing the pilferer's art by purloining his employer's goods.

But even if it were the proper thing to confine this "opportunity" theory to the matter of unlawful cohabitation, what a commotion would be created in society by its application. It would cause a veritable upheaval. Really this idea of Commissioner McKay's is alarming, but as his "findings" are not likely to govern general judicial procedure to any appreciable extent, the anti-"Mormon" crusaders can allay any fears that may have been awakened in their virtuous breasts. Any way he is not likely to hold any of them over to the grand jury on account of certain "opportunities" within their reach; no, not even when they take advantage of them, as many of them notoriously do.

The ponderous wisdom of these "findings" crops out in every line. "The offense is made out according to decisions of courts," etc., says Mr. McKay, "if there be shown a living or dwelling together. When this is plain, the law at once presumes other concomitants follow, and excludes proof of particular acts." Surely the Commissioner should be known hereafter as the legal heavy weight of this western interior. He is a regular Iconoclast. A smasher of legal idols. Heretofore it has been generally understood that a man should be presumed innocent until proved guilty. He not only reverses the rule, but holds that the law presumes the commission of acts not proved.

One of the chief points which the Commissioner appeared in his "findings" to demonstrate was that the accused in the case under consideration

had an opportunity of practicing unlawful cohabitation, and, therefore, there was reasonable cause for supposing that he was guilty, as charged. This ridiculous theory was resorted to as a thin subterfuge, because of the total absence of any evidence sustaining the accusation. The Commissioner had, in this case an opportunity to be consistent, but he was not guilty of taking advantage of it. He might have stated in his "findings," that the accused was held in the absence of sufficient evidence, on the sole grounds that he is a "Mormon," and that there is a probability that, on that account, an indictment would be found by a grand jury, packed by open venire process, for the same reason he was held to answer to it.

THE LONDON OUTRAGES.

THE sensational vibrations produced by the dynamite outrages perpetrated in London on Saturday extended to the uttermost bounds of the civilized portions of the globe. The denunciation of the deeds was unmeasured everywhere, and calls for vengeance were intense and deep, but on whom to wreak it was the question. Alas! unless the guilty wretches are discovered, the punishment will fall upon the devoted heads of the innocent, and its administration be of the same character as the deeds that are sootered. The atrocities of last Sunday will result in the semi-ostracism in England of many Irish people who neither took part in or sympathize with the diabolical dynamiters. Thus, as when the explosions bruised, crushed and mutilated offending people of all ages, so will innocent persons receive punishment at the hands of an alarmed public who had no hand in the crimes, either in sentiment or otherwise. The English people will be driven to the extremity of regarding the Irish generally with suspicion, and act accordingly, as a policy of safety.

The question of the organization of secret societies to oppose the dynamiters is being agitated, but that is a questionable method of meeting this matter of overwhelming importance. The safest of all plans is that upon which Great Britain's greatness has rested thus far—the effective administration of the law by the properly constituted authorities. The moment that important task is either confided to or undertaken by other organizations, then will the disintegrating era fairly set in. That can be put down as a fact. The only mode that could be adopted by an anti-dynamiter's secret association, would be to "fight fire with fire," for no insipid measures would count. The result would probably be an illustration of the Kilkenny cat story.

In all the comments we have perused on the phenomenal growth of the spirit of anarchism we have not observed the offer of any adequate remedy. Thus far the inadequacy of the means of extirpation has been proved to a demonstration by the unchecked development of the hideous condition. It is like a cancer in the body politic of the whole world, that is eating its way into the vitals of the nations. It looks as if the late Lord Beaconsfield's head was clear when, in referring to it, he stated that it was a question with which the strongest governments on earth would eventually find themselves utterly unable to cope.

The way it occurs to us is that, being an outgrowth of sentiments in the human heart, it is beyond the reach of eradication, except by the extirpation of those who are imbued with its spirit. Even if this were decided upon as a policy of the governments, it would be impossible of execution, because discovery is in most cases impracticable. So the cancer eating at the roots of social and political organization must proceed and do its dreadful work.

It is not uninteresting for the thinker to take a mental glance at the world. Is not passing through a terrible phase when crowned heads of nations have to be guarded every moment against the bullet, knife, dynamite mine or machine of the assassin and when government officials of prominence cannot step outside of their public offices and dwellings without running the risk of being murdered? Even in their private places of abode and business, the bloodthirsty anarchists sometimes reach and strike them down. Does it not look, considering this question combined with other ominous situations, as if "perilous times had come?"

The explosions that occurred in London do not alarm Great Britain alone. The sensation of fear communicates to every other land, for every nation is liable to similar scenes. Preventive and repressive measures will be increased in Europe to make their recurrence as near as possible impracticable. This more rigorous regime toward anarchists will drive many more to seek refuge in this country. Steps will be taken to prevent the development of plots in the United States against European governments. If such steps are in any degree successful, then the anarchists will seek and find a more or less open field of operations in the heart of this Republic. This is the view we have always taken on this subject, and the truth of it begins to dawn upon the minds of those who have felt as if this country was secure from the devilish doings of the dynamiters.

In support of this anticipation let

the reader carefully scan the report of the rabid mouthings of the Chicago Socialists, given in the dispatches. Allowing 90 per cent. discount for hyperbole, it must be admitted that there is some fire behind so dense a volume of smoke, and there is danger of real fire, smoke, blood and destruction being the ultimate result of the horrible agitation.

FINDINGS OF U. S. COM- MISSIONER MCKAY.

IN THE CASE AGAINST MR. ANGUS M.
CANNON.The United States vs. Angus M. Cannon
—Polygamy and unlawful Cohabitation.

1. There is not probable cause to believe the defendant guilty on the first count—and as to that he is discharged.
2. In respect to the second count in the complaint, the statutes relating to criminal or unlawful cohabitation are so numerous and divergent that to draw from them a uniform definition of the offense is difficult. No legal definition of what constitutes cohabitation is given in the Edmunds bill, so called. It is under the 3d sections of that act, that the second count in this complaint is drawn. The indelicacy of the subject has been said to forbid legislatures and courts to state what particular conduct will constitute the offense of criminal cohabitation, and that the common sense of any well regulated community, as well as the sense, propriety and morality which most people entertain, is sufficient to apply the statute to each particular case, and point out what conduct is rendered criminal by it.

The pernicious influence of an evil example is plain to every reflecting mind, and the powerful influence of this particular vice upon society, not only in its effects upon the relations in private life, but as being the origin of much public crime, suggests what the law has made it—a crime against society.

In criminal statutes, the term "cohabitation" is used in reference to persons of opposite sex, and implying the practice, or the opportunity to practice unlawful sexual intercourse. There must be the same habitation, that where one dwells, there the other dwells, but that they occupy the same bed is not a necessary ingredient of the crime, and proof of that fact need not be made. The current of authority as laid down by text writers, and the decisions of courts of last resort, hold that the offense is made out if there be shown a living or dwelling together.

Where this is plain, the law at once presumes other concomitants follow, and in effect excludes proof of particular acts.

In Commonwealth vs. Hall, 121, Mass. 61, it was held upon an indictment for adultery, that when a man speaks of a woman living with him, as his wife, it is sufficient evidence of the fact of their cohabitation.

One important object of the law is to prevent evil and indecent examples which tend to the corruption of public morals, and if the acts complained of and covered by the statute are done in such manner, or under such circumstances as necessarily become public, or generally known in the neighborhood, as being notoriously against public decency and good morals, they come within the scope of the law. It follows from this view of the law, and the evidence in the case, that there is probable cause to believe the defendant guilty under the second count of the complaint, and it is ordered that he give bail in the sum of \$1,500 for his appearance before the February term of the Third District Court, with two good and sufficient sureties each in the like sum, to answer to this complaint, or whatever else may be then and there objected against him, and that he stand committed until said order is complied with.

ANOTHER OF THE SAME.

WE place another anti-"Mormon" measure introduced into the Idaho Legislature, before our readers to-day. It is not so generally absurd as some of its predecessors in the same line, but the cloven foot sticks out sufficiently to cause it to be plainly in sight.

The first section is professedly aimed at unlawful cohabitation in a general way, but its sting is intended exclusively for "Mormons," as with every other portion of the bill. While it is not likely that non-"Mormon" offenders would be pursued at all, in case they should an escape is provided for a certain class of them that "Mormons" would not have the benefit of.

The 3rd, 4th and 5th sections provide inducements for members of "Mormon" families to enter legal proceedings against their heads and break up the organizations.

The 6th is the master stroke of the measure. It provides that a legal wife shall be a competent witness against her husband. Thus, as the husband and wife are one, it is rendered, in that sense, obligatory upon a man accused of an offense to testify against himself. But one may well expect any kind of a measure to be introduced into a body which does not appear to have self-respect, and therefore is not in a position to attract the confidence or respect of anybody outside of itself.

A PERPLEXING SITUATION.

PROBABLY a subject of grave importance is weighing upon the minds of many of the people of Utah. They are placed in a quandary, and may yet have to poignantly regret that such a measure as the anti-Chinese immigration bill ever passed the Congress of our beloved country. A difficulty has arisen through the operations of the gentlemanly anti-"Mormon" crusaders. It is a matter that interests all classes of the male gender, because it is to be "presumed," however unsubstantial the presumption may be, that the United States executive and judicial officials propose to pursue with relentless impetuosity non-"Mormons," as well as the Saints. Professedly they are fair-minded men, and it should therefore be "presumed" that they will deal some sturdy legal blows all around, and endeavor with all the power they possess and usurp to tear out the slender rootlets of the Presbyterian, Baptist, Congregational and Methodist Churches, as well as the strong foundation of the "Mormon" religious organization, for the ministers and members of all are now alike liable, according to the position taken by Commissioner McKay, whose learned "findings" in the Cannon case appeared in last night's News.

But it may be asked what reference can this have to the anti-Chinese immigration act? We answer emphatically, much. Our astute Commissioner "finds" that in criminal statutes the term "cohabitation" is used in reference to persons of opposite sex, and implying the practice, or the opportunity to practice unlawful sexual intercourse. It may be asked who, according to this "finding" is exempt from the operations of the Edmunds law? Echo answers not a male soul who has reached the age of maturity and is of capable physique. Then why should there not be an instantaneous and simultaneous discharge from many households of female domestics, that the heads of families where they are employed may no longer be guilty before the law of possessing opportunities? Otherwise there is "The same habitation. Where one dwells there the other dwells." It is time that every head of a household considered the important "finding." "That the offense is made out if there be shown a living or dwelling together." This being the case, is there any reason why responsible men of all shades of opinion should not only see that their opportunities are extinguished by the discharge of female domestics, but why also should they not be seen hurrying to and fro with their hair streaming in the wind hunting for male Chinese help. It is not clear, in view of the terrible situation into which an entire community has been plunged by the ostentatious "findings" of a committing magistrate, that the anti-Chinese immigration act is likely to lead to a most unlooked-for local complication, by creating a scarcity of natives of the celestial empire in a moment of supreme emergency.

TURNED TO RIDICULE.

THE anti-"Mormon" law-making furor has been carried to such an extreme in the Idaho Legislature, that some of the members of that body are manifesting their contempt for the crusade. This feeling is expressed in the form of ridicule, the method adopted being the introduction of absurd measures in relation to polygamy, etc.

One of those documents consists of what purports to be a bill for the punishment of railroad companies and other purposes. It provides that when any railroad engine runs on to and kills and maims any live stock, the railroad company owning said engine shall be deemed guilty of bigamy, polygamy and unlawful cohabitation, and shall be punished either by fine or imprisonment, or both, at the discretion of the court.

A similar alleged bill has been introduced to the effect that if, at certain specified seasons of the year, any owner of hogs shall permit said animals to run at large, said proprietor of the promiscuously perigrinating porcines shall be deemed guilty of polygamy, and, on conviction, be subjected to certain specific punishment.

While such foolishness detracts from the dignity of a law-making body, the burlesque measures are scarcely less ridiculous than those upon which they are intended as satires. And perhaps a less pronounced method of exhibiting contempt would not adequately express the sentiment entertained toward the anti-"Mormon" measures, their authors and formulators.

A SIGNIFICANT MOVEMENT AMONG JEWS.

A short time ago we made mention of a new sect of Jews that had arisen in the province of Bessarabia, in Russia. The chief tenet of their faith is that Jesus of Nazareth was the true Messiah, and that He will shortly make His second advent to redeem His people.

It will be learned by a dispatch that the innovating ideas of this sect, calling themselves New Israel, have caused a great commotion among the Hebrews of Bessarabia, where the race

is very numerous. The hatred of the orthodox Jews has been so awakened against the new religion, that they have murdered the leader, who was described in our former article as an intelligent, educated and reputable lawyer.

If the old and well authenticated idea that "The blood of the martyrs is the seed of the Church," holds good in this instance, large additions to the ranks of New Israel, including branches of the organization in various other parts of the world besides Bessarabia, may be looked for.

The Latter-day Saints will be particularly interested in this movement among the Jews of Eastern Europe. It constitutes one of the signs of times of much significance, and is a preparatory step to the gathering of the remnant of the ancient people of God to the land of their fathers. After predicting the opening of the work of God among the Lamanites, the Book of Mormon, on 122 page says: "And it shall come to pass that the Jews which are scattered, also shall begin to believe in Christ, and they shall begin to gather in upon the face of the land." It is not unreasonable to believe that this movement will prepare the way for the introduction of the Gospel to the Jews, as it already incorporates its fundamental doctrine of belief in a risen Redeemer who is soon to re-appear, the glad tidings being "to the Gentile first and then to the Jew."

The New Israel devotees are receiving at the hands of those who belong to their own House, the treatment accorded to all people who introduce necessary innovations upon existing faiths and customs. Their progress will be observed with interest from this quarter of the globe.

THE "MORMONS" ARE NOT GONE YET.

THE following has been going the round of our exchanges of late;

"The Mormons are working out their destiny, as it was, as it is, and as it always will be. Their destiny is to move on and out. They moved on from Nauvoo, out of Illinois into Missouri, and on from Missouri to Utah, where they have culminated; and they are now moving on to Sonora, Mexico, where they will meet with the Latin race, which is not inclined to polygamy."

Unkind as it may seem in us to destroy the illusion which so many people have fallen into, and which seems to afford them so much pleasure, our regard for the truth compels us to announce that the "Mormons" are neither gone nor likely to go from Utah, whatever precedents their history may afford to favor such a policy. And we see no reason why they should leave. They are the original settlers of the country. They came here before this region belonged to the United States, and helped to secure it to the Union by conquest. They struggled to maintain an existence here when no other people would have had the country as a gift, and they have made the country what it is today, barring the evils which their enemies have foisted upon it. They have purchased the land, too, from the government, and hold titles that cannot be disputed. They know the value of the country they inhabit as well as those who do who envy them of their possessions, and they do not propose to gratify the cupidity of the hungry horde who are so anxious for them to do so by abandoning their homes for them to enjoy. They have rights, whether other people choose to acknowledge it or not, and they mean to maintain them, and those who have been anticipating their removal to Sonora or any other place may just as well chalk it down as a settled fact, as time will prove it to be, that the Latter-day Saints are in Utah to stay.

ORDER OF BANISHMENT.

By courtesy of A. M. Musser, Esq., we are enabled to publish the following copy of an order of banishment:

MUNICH, Oct. 5th, 1884.

K. B. States, Administration of the Interior:

Statement—Banishment of the Mormon missionary, Francis Marion Lyman, Jr., from the Kingdom of Bavaria.

After a review of all evidences in the report of Sept. 24th, present year, sufficient proof has been obtained that there is at present residing at Nurnberg one Francis Marion Lyman, Jr., born Sept. 25th, 1863, hailing from Provo, North America, Territory of Utah, evidently with an object of spreading Mormonism in Bavaria. The efforts and designs of this sect being contrary to the existing state and social order, it is in the interest and public welfare, based upon article 50 of the law of April 16th, 1868, also Feb. 23d, 1872, that the so-called Francis Marion Lyman, Jr., be herewith banished from the Kingdom of Bavaria.

(Signed) BARON VON FEILITZSCH.
To the Royal Government of the Interior of Middlefranken.

"ROUGH ON RATS."

Cleats out rats, mice, roaches, flies, ants, bed-bugs, skunks, chipmunks, gophers 15c. Druggists