# EVENING NEWS. Published Dally, Sundays Excepted, AT FOUR O'CLOCE. the state of the s PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Saturday. 0.0 May 9, 1883

THE SENTENCE TO-DAY.

IT would not perhaps be proper to refer at any great length to the decisions Third District Court to-day, at this case it should have its due weight. time. That three persons, held to be reputable citizens, have been consigned to the ignominy of a felon's cell for a belief and practice which they firmly acknowledged and positively declared to be an indispensable article of their faith, is before the morality (as the world construes it), took occasion to announce what his opinions in regard to how a man should mildly-"deplored by the Gentlies." do to escape the wrath now before us, The concomitants of the monogamic were; he stated that a man could select fabric are eating at the supports of the out of any number of wives he might so cial structure, threatening its ultihave which one he would acknowledge, inate crumbling about the ears of its live with, and "hold out" to the world devotees. as his conjugal companion, but the rest must be discarded, not acknowledged, recognized or introduced as persons having any claims upon him duty, to maintain these plural wives and their offspring and do whatever they could toward making the latter good citizens by educating, advising and directing them. He grew eloquent and, in a certain strained way, pathetic, on this subject, and put forth more solecisms in the same period than any person on or off the bench we have listened to for a long time. How is a man to give his children the benefit of his instructions and example when the court construes the one to be wrong and the other criminal, and make "good citizens" of them? How is he to be protected from persecution for "unlawful cohabitation" when the court decides, first, that he may not live with more than one woman; second, that he may visit his extra wives for the purpose of supporting, advising and directing: thifd, that acknowledging and commingling with them is what the law defines as unlawful; ernment, whose plain duty is to shield fourth, that such unlawful proceed- him from every species of malticatings are punishable; and fith, that ment.] he is absolutely in such a position, as relates to the courts, that he cannot tell at any time whether he is doing right or wrong?

The remarks made to the Court by Court-to thinking; for he gave his re-

cause, the tumbling process is kicely to be indefinitely postponed, and the heads of enthusiastic monoganists will remain sate for a little season. The argument enunciated by the Judge is a somewhat sad commentary on the boastedly progressive character high this statement, I should be very was not to prevent you using your of the age. If the world is advancing, why not let it stride onward without injecting an ingredient of force to prerent a fair and square intellectual and gard it. The best men that have ever to make good citizens of them by propmoral struggle. The result of a pacific lived in this country have been proud

outest for supremacy would be the the country. They gloried-thousands of brave men who died-to vindicate survival of the fittest. To the patriarchal institution Judge Zane has given the prospective paim of victory, prothe prospective palm of victory, prothe privilege to do so, I don't wish you to understand that I desire to viding the repressive influence of force arrived at and the sentences imposed be not exercised. Of course this was press you, or humiliate you in the upon those who suffer thereby, in the done by him unwittingly, but in any least, but I would love to know that you could conform to the law.

Mr. Cannon-If your honor please, it The fact is tolerably clear, however, that the social fabric is more or less make my acts the evidence of my good claim that as a matter of religion. faith. It has been the rule of my life, I wish here to correct an error-that is, liable to tumble about the heads of the people aside from the alleged gigantic in the presence of my children, to in-influence of plural marriage. It is vite their scrutiny of my conduct as which you have fallen right there. The troubled with an inward consumption, consisting, among other causes, of world. Judge Zane, in his lecture on those "sexual sins" which are, in the have sworn allegiance, to make my conduct an evidence of loyalty. I have scanned closely the evidence prowords of District Attorney Dickson, "condemned by the 'Mormons, and"fuced before the jury that found a verdict of guilty ; Ulistened to Clara C.Cannon, in answer to the prosecution, state ions of the prosecution. I was anx-

## NEVER SHOULD HAVE BEEN ALLOWED

the penitentiary were the victims by against it. I was debarred from lutrothe immured inmates. Each new comer number of alternatives. He was compelled to sing a song, dance a jig, exerise with some burly ruffian, with the guilty. repeatedly from a blanket. In one extreme instance a hapless victim was even hung up by the neck in such a way as to furnish the spectacle of a mock execution. These inhuman proceedings should never have hurled from office in disgrace. A which he may have been convicted, is under the protection of the gov-

### A SPECIMEN WOULD-BE "SPOTTER."

YESTERDAY we published a letter from Prest. Angus M. Cannon and the ques- Marshal Ireland to Stephen Moss, the the God who created me: and the rectiformer and "spotter." The thievingrecord of the Moss brothers is before the public, but the following corres-nondence forther manifests the utter expressions that I might have used, pondence further manifests the utter were those that should enter into convileness and depravity of the infamous wretch to whom the Marshal's com-passed. As I have been debarred munication was directed: SALT LAKE CITY, my heart is made glad that your honor has said he would take into considera-May 9th, 1885. tion these things. Hence 1 now sub-

much disinclined to impose upon him imprisonment in the Penitentiary. Some persons regard this as an imposition by the Court; I don't so re- no one denies; it is your duty to assist erly training them so far as you can. to declare that tasybelieve in the laws of The law don't forbid that; but it will permit you to live with but one woman as your wite. To live with more than one woman as your wife is a crime, Whatever your religious belief may be about it, the laws of the United States have defined it as a crime. From the fenor of your communication, 1 infer that you do not so consider itthat you will not consider it a crime for a man to have more than one wile, and to live and cohabit with them. And I infer that you

evidence of my love It has been a rule Church has its sphere, and the State of my life, in a country that has be-come my adopted home, to which I States says that Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof. The Supreme Court of the United States has given an interpretation of that passage; Congress has given an interpretation of it in this that she had been my wife, before the Act; the Chlef Executive of the passage of the Edmunds Act. As to nation has given an interpretation ny conduct since that time, she was of it; and it is this; that so debarred from answering, by the objec- long as your religion consists of belief and worship it is protected by the ious to have the Court made familiar (Constitution; but when acts, overt with my conduct. The only evidence acts, occur, the State has the right to that I have heard that would imply control. And as there seems to be so that I have acknowledged one wife, or much misunderstanding on this point, more than one wile, was from a son, 1 wish to impress upon you the distinc whatever, he also stated that the de-fendants might, in fact it was their the abuses to which fresh prisoners in married wives when there was no law in the Reynolds case, relating to reducing any evidence to prove my good ligious belief.) This was the statethe immured inmates. Each new comer faith, as evinced by fur conduct ment of Thomas Jefferson, who was subjected to the selection of a from the time the Eduands Act became a statute to the present. I have no knowledge that there was any evi-This coming from the acknowledge. dence given to justify a vertict of leader and advocate of the measure, it guilty. It was said by your honor may be accepted as authority. Conboxing-gloves or be thrown upward that if the evidence were that I had gress was deprived of all power over held out to the world, as my wives, mere opinion, but was left free to legtwo women, a verdict of guilty must islate over actions. Laws are made be returned. I reposed in calmness and serenity, and was happy in that thought. For me to state what I will do in the future-give assurance oppose polygamous practice, and unthat I will do that which hu an hour I lawful consbitation, also a practice may find impossible-1 cannot. I love And this must necessarily be so, for been permitted, and had they not been the country, and I love its institutions, if any man or any church has a right to promptly suppressed their existence and I have become a citizen. When I hay down a rule of conduct for its for promptly suppressed their existence and continuance would have been suf-ficient cause for a demand, in the name of humanity, that the Marshal be hurled from office in disgrace. A of my power to honor my God, my may lay down conduct for its follow prisoner in the peaitentiary, no matter family, and my country. I have loved ers, contrary to the State, others may what may be the nature of the offense my children, and I was gratified in and there will be a great conflict amount with which he may be charged, or of hearing your honor say that the law these different religions, as to certain had made my children equal heirs, classes of conduct, without any com-From this I interred that had I died mon arbiter. Hence, it is necessary intestate, my children would have been in the nature of things, that the state equal heirs before the law, And in eating with my children day by day, tions of its citizens so far as it is necesand showing an impartiality in meet- sary for the protection of life, liberty ing with them around the board, with property, and for the protection of society. I make these remarks because the mother who was wont to wait upon them, I was unconscious of any crime. I did not think I would be made a ou do not think that the state has riminal for having eaten with them. the power to regulate this institution My record is before my country the of marriage, and to prohibit polygamy consciousness of my heart is visible to and unlawful cohabitation.

Mr. Musser.-Your Honor's explatude that marked my life and conduct nations are certainly very lucid, logical tions subsequently propounded by latter having applied to that official for with this people, bears me up to re- and conclusive. I would like to ask Elder A. M. Musser must have set the employment as an anti-"Mormon" in- ceive such a sentence as your honor you, am I allowed to choose which shall see fit to impose upon me. I was pleased also at the statement to the with? members of the court, that my conduct Court .- You may live with either one, provided you live with her as your Unlawful cohabitation consists rife. Derves.



A

Froches" acts directly on the organs of the voice. They have an extraordinary effect in all disorders of the throat.

II. J. Hill, No. 26 s. West Temple St Teacher of piano and organ.

At J. C. Sandberg's Furniture Factory, 08 W. South Temple Street.

If you want anything in the Furniiture Line or any repairing or jobbing lone, call at my old place of business and oblige, yours,

10: W.,South Temple Street, opposite

plies and opinions in a more halting, hesitating and thoughtful manner than usual, being evidently somewhat embarrassed by the home-thrusts put forth by both these geutlemen, and was undoubtedly, once at least, confronted by a position which his fund of langunge and artfuiness in depicting were unequal to for the time being.

Too much can scarcely be said in praise of the manly bearing of Eiders Cannon, Musser and Watson in and out of court to-day. Without renouncing one jot or tittle of their religious principles; without endeavoring to be unduly conspicuous; while merely asserting and declaring what they believed to be their rights under the laws; they received the sentence of the Court re spectfully and with submission, and at the conclusion of the proceedings were delivered to the custody of the Marshal to be imprisoned for half a year. The Judge announced that the penalty imposed was not for punishment, but simply as a protection to society. What "protection" society can need against such men as A. M. Cannon, A. M. Musser and J. C. Watson is a question easier to ask than answer. So far as has been learned, neither of them has ever killed auybody, never destroyed anybody's home, never burglarized any person's premises, never robbed nor pillaged, never seduced the wife ordaughter of anyone; never turned their own flesh and blood out of doors; never committed arson; never got drunk; never profaned the name of God. To talk about "protection" against such persons is going further in the direction of Dorberryism than a man of Judge Zane's legal attainments, ought to be guilty of, even by reference or enforced implication. It is not this class of men against whom society needs protection; it is the class who compose at least a part of the panel which has pronounced Cannon and Muser guilty, that the solid walls of a protective law should exclude from respectable society, as belonging to a class who look unc- one marriage ceremony as a show piece of mumwife and child in a sacred tie as a mere matter of convenience or regularity, and the indulgence in absolute salacity as a thing not to be questioned because "outside the marriage relation." Is not this true? We submit the question candidly and fairly to all right-minded men who are or may hereafter be at all conversant with the facts. The brethren who were sentenced to-day will endure their punishment

without unlawful resistance or complaint; will doubtless serve out their terms of imprisonment and pay their tines. It must need be that such offenses come, but it is better to not be rendering obedience to the laws of one of those from whom they come. To use a homely but very apt phrase "It is a long lane that has no turning."

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LET THE FITTEST SURVIVE.

ONE special idea connected with the attack upon the Latter-day Saints was protected conspicuously in the ruling given by JudgeZane on Wednesday, April 29th. In which he evolved the "revised version" of the definition of what con-

makes no difference which. Respectfully yours, STEPHEN Moss. Levan, Juah Co., Utah." Salt Lake, May 9, 1885. THE HEROES. ING TO-DAY.

BOBS UP AND BOWS.

THE JUDGE S DEFINITION OF "COHAB-

EACH CASE.

The Third District Court room has never before been crowded to such an extent as it was this morning, at the hour appointed for sentencing Presi-dont A. M. Cannon and Elders A. M. and other regards has not had the wardent A. M. Cannon and Elders A. M. Musser and Jas. C. Watson, for unlawful consbitation. A deputy marshal great number of applicants to enter, as' the hail was not large enough to hold one-fourth of those who desired ad-

The accused were in their places promptly, their countenances cheerful, and they showed by their conduct that they were conscious of having done no wrong, and evidently appeared ready God

THE CANNON CASE.

of Mr. Brown, of the defense, who lesired to move for a new trial. The motion for a new trial was made on the ground of errors by the Court, the ineligibility of juror A. M. John-

conviction.

Editor Deservet, News: I wish to add a word to your article in last evening's issue in reference to the character of Stephen Moss, of

seemed to greatly annoy the Judge). Levan. From the following letter, now in my possession, written by the above Coart-I infer from your remarks that you have nothing further to say? named "purifier of Mormon morals," his damnable character and criminal Mr. Cannon-No. Court-You decline, 1 see, to make disposition are plainly manifest:

LEVAN, Utah, Jan. 10, 1885.

declined on all occasions to make promises, lest I fall. The Court then stated that as the defendant had declined to promise to obey the law and advise others Sirs:-I am a married man and my desire is to have no childnen. If you have the drugs that will do the work, I should be pleased if you would send ne some, with full directions. Send it to do so, the Court could not show O. D., or send me the price of it-lt leniency, and imposed a penalty of \$300 tine and imprisonment for six months

in the Penitentiary. Judge Sutherland then asked that the defendant be admitted to bail, pending an appeal to the Supreme

any promise, as to the luture.

Territory.

Further comment is unnecessary Court to wonder his pure (?) and holy (?) and was so uncasy about the marital spleen by opposing the application, and asking that the defendant be remanded elations of his neighbors that he volintered his services to send men to prison whose lives have been and are nore pure and saintly than had ever to the custody of the Marshal. the prosecution (of course), and re-fused ball, and ordered that the deentered into this scoundrel's heart to conceive of. CSBJO. fendant be committed.

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THERE WAS NO CRINGING AND COWER-

WHEN THE PROSECUTING ATTORNEY PULLS THE STRING, THE COURT

MOTIONS FOR NEW TRIALS OVERBUILD -BAIL PENDING APPEAR MEFUSED.

ITATION" CLEAR AS MUD. THE FULL PENALTY INFLICTED IN

mission.

After the opening of Court, there was a short delay while awaiting the arrival

son, who had been a bigamist, and the insufficiency of the evidence to justify

in living with more than one woman as your wives. Mr. Musser .- May I ask the Judge

from giving evidence of my intention how intimate may my relations be with to maintain the laws of my country, the other ladies with whom I have made covenants, all of them alikemean, outside of illicit relations? What must be my conduct and deportmit and humbly bow to the decrees of ment in relation to the other two? ] this court, trusting that I shall be able want to do what is right in these matters. I thought I had been to bear up under the same. (The audience here burst into applause, which iving pretty circumspectly, but it does seen that the most insignificant evi-lence will be sufficient, and I don't want to be entrapped again. I desire a keep out of this difficulty If the Court please to define with a little more minuteness than you have done respecting my future course, I will be exceedingly Mr. Cannon-I have never been in the habit of making promises; I have pleased and gratified. I mean no disespect whatever to the Court in ask-ng these questions. Court-1 undertook to state, but

probably did not state it quite plainly, that you could live with one of them as your wife. Mr Musser-May I visit the others, and be on familliar and fraternal terms

with them? Court-You may treat your other wives as friends.

Mr. Musser-Would you suggest that divorce them? The ladies The prosecution exhibited their divorce them? The ladles are married to me have who nade covenants with me, and I with them, and they are, as I have stated in this communication of a very sacred character. Now, if I am not permitted The Court acceded to the demand of be a husband to them in everything hat that implies, they, in turn, may proceed against me for violation of

THE MUSSER CASE. that contract. The case of Mr. Musser was then Court-Any covenants that you have called, and Mr. Brown moved for a made with your wives, that are poly-gamons, or that will require you to new trial, which motion was opposed by Mr. Varian. The Court overruled the motion, and then asked the defendant-Have you violate the law forbidding un-lawful cohabitation, are not bind-ing. And I will state, to be a little anything to say? Mr. Musser-I have a communication more specific, that you cannot live in the same house with two or more which, please the Court, Mr. Stayner, of your wives, and treat them apparone of my counsel, will read. ently to the world as your wives. That Mr. Stayner then read the followinti: s to say, it would be almost impossi-SALT LAKE CITY, May 9th, 1885. ple for you to live in the same house with them, and occupy the middle room, with one on either side, and an open door-I do not think that would To His Honor, Chief Justice Charles S. Zane, Third Judicial District, Utah be possible without cohabitation. Live with your wife, and let those other women live by themselves, as all others Dear Sir-In view of my having done do, and if you have any means that n the past, according to my best unyou wish to assist them with, why, derstanding, all that I thought was reyou could assist them; but cannot associate with them and live in quired of me as a law-abiding citizen y conveying to my wives and to their the same house with them as your heirs and assigns, respectively, their wives.

separate homes and homesteads, and Mr. Musser-Can I attend these ladies to the theatre, divine service or any public celebration? Court-if you were living with them

rant of your Honor's endorsement, I feel that I am justified in asking the Court for the personal peace and safein the same house a portion of the time, the fact that you had taken them had been placed at the outer door and ty of myself and my dear family, to the theatre would be pretty stron definitely and specifically define what line of conduct will be the correct one Mr. Musser-It is this strong chi to the theatre would be pretty strong Mr. Musser-It is this strong circumstantial evidence that I want to for me to follow when I am released from the Penitentiary, where I cheer-fully go for the inestimable privilege I ture, and it is for these reasons that avoid appearing against me in the fuhave heretofore enjoyed in "holding respectfully submit the questions. out" my several wives before the pubdon't clearly and definitely understand lic, without the least attempt to con- my duties in reference to these ladies, ceal the holy relations. I would also cail your Honor's attention to the as I nave already been, and for which noonday fact that my wives and chil- expect to be fined and imprisoned, for dren, individually and collectively, are doing what I supposed to be strictly

to meet an uniawful punishment for as dear to me as your Honor's wife right, I ask these questions. and children can possibly be to you, and that they have equal claims upon me, under the holy covenant I have made, to love, cherish, honor, and ten-Court-There are an infinite number of examples. You must treat them as though they were not your wives. Mr: Musser-That I could not do derly care for them; all of which I have I do not wish to be defiant nor do 1 one to the best of my ability, and, as wish to say in a threatening or osten-

far as I know, to their entire satisfactatious manner, what I will do in retion; also that my obligations to each and all of them are of the most sacred, too dear to me to expect anything of and all ofsthem are of the most sacred, the character that your Honor suggests. It would be impossible for me to com-ply with such demands. If a gentle-man were to meet me on the street, and binding, and, as they and I firmly believe, eternal character.

I now desire to have it clearly de-fined what course will be the safe and proper one for me to pursue to keep ask me to make a concession of that Prosecuting Attorney Dickson held my contracts honorably with them, character, I would tell him it was inter- personal insult-I mean no disre-





presented, purporting to be the last Will and Testament of Abraham Coon, deceased, when and where all persons interested may appear and oppose the probate of said will, or the granting of letters testamentary to James D. Coon and Isaac Coon, as prayed for in said petition.

Dated at Salt Lake City, April 27, 1885. JOHN C. CUTLER, diff. Probate Clerk, Salt Lake Co.



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