

THE MARSHAL AND THE MILITARY.

The Marshal's organ exerts itself vehemently to shelter him from the censure that falls upon him for the cowardly course he pursued in relation to the military usurpation in the Cannon case. It says that the statements about the soldiers in charge of a captain and lieutenant taking control of a prisoner out of the hands of a United States Marshal, etc., are "emphatically denied." Well, who "emphatically denies" them? Does the Marshal utter the denial? If it is only the *Tribune* denial, it counts for exactly nothing.

The evidence is complete that the soldiers took charge of the prisoner, surrounded his couch, drove his friends out of the car, removed him before the time the Marshal had agreed upon, refused passage to the press reporters from Ogden to this city, and assumed entire control. Also that the Marshal, when appealed to, said he had nothing to do with it. He denied having sent for the troops, yet he yielded up his prisoner to their custody and had, or pretended to have, no more authority in the matter than a stranger. When asked by President Cannon if the military power had taken precedence of the civil, he would give no satisfactory answer.

Against the *Tribune's* reckless denial we give the *Tribune's* own account of the usurpation:

"A comfortable couch was arranged for the prisoner in the *salon* of Superintendent Sharp's car, to which he was transferred just before the train started. The train was then

TURNED OVER TO CAPTAIN PINNEY, who had absolute control and assumed the responsibility of landing the prisoner safely in Salt Lake, and for the remainder of the journey those on board were brought to a rather painful realization of the rigors of military regulations. All persons except the officers and Frank J. Cannon were excluded from the car in which the prisoner was confined and marched into the other coach, at each end of which a sergeant was stationed with orders to permit no one to enter or leave. Six soldiers then filed into the apartment in which Cannon was lying, and were stationed around him."

The account goes on to describe the position of the gentleman in custody, bruised and disfigured, "whose terrified gaze met nothing but grim soldiers and loaded muskets." Then follows an account of the refusal of the Captain to allow the reporters to proceed on the train, although they had passes from the railroad manager. It says: "Marshal Ireland declared his inability to help them," and when on the request of the Marshal to the Captain to allow them to ride he at length consented.

"They were then marched into the car containing soldiers, and for the remainder of the journey were not allowed to leave the car or to speak to anyone outside."

What is all this but complete control? The civil power was made subordinate to the military. Not only the prisoner was in custody of the soldiers, but the press reporters were made prisoners, and the Marshal, whom the *Tribune* claims did "at no time surrender possession of the prisoner," repeatedly declared his inability to help them, and was as completely abhor of his authority as though his successor had been appointed and qualified.

It he had not yielded up his authority to the military why did he forfeit his pledged word to the prisoner that he should not be annoyed by the presence of soldiers and that he should not be removed till the morning express came? Why did he declare repeatedly he had no power in the matter? Why did he allow soldiers to surround his prisoner and drive out those gentlemen who were allowed to be with him while the Marshal was in charge? It was a piece of poltroonery and unlawful surrender of the civil authority to the military, was an outrage on the prisoner and on the community, and is a disgrace to the officer that permitted it and knuckled down to it.

The soldiers acted under orders. We are not finding fault with them. The blame rests upon the Marshal to the extent that he squatted down and wilted in the presence of martial power, and chiefly upon the official who, for theatrical effect and with a desire to menace and malign the "Mormons" by implication, made that demand for the troops without which they would not have been provided, and which in any other community would have been the occasion for the prompt removal of the official that made it. All the wiggling in the world will not change the facts, and they ought to be presented in their true light at the seat of Government.

ON FIRM GROUND.

The case of Henry Dinwoodey has now assumed something like a definite shape. He intends to stand by his faith, maintain his liberty of action when freed from legal restraint, and bear the penalty which the Court may inflict for his admitted infraction of the law. His statement in explanation of his position appears in another col-

umn. It is evident that if he did not make the promise claimed by Mr. Dickson, that gentleman was given to understand that he intended to act in the future as he says he has been doing for the last year and a half, during which he says he has obeyed the law.

It is generally known that Mr. Dinwoodey is afflicted with deafness, and it is quite probable that when the District Attorney made his statement in court, the defendant did not catch the full purport of his words. There has been a misunderstanding in the matter, which Mr. Dinwoodey's latest action sets at rest. He will receive his sentence and serve his term, and will feel a great deal better than if he had bound himself to obey something that no man knows the meaning of, one day from another.

Such a promise as Mr. Dickson attempts to extort, according to his own admission, no one with a plural family can make who has the slightest regard for the wives and children whom common decency and ordinary morality require him to provide for and cherish, even if the sacred covenants he has made with them and his God are placed entirely out of the question.

The case of the People vs. Henry Dalton, indicted for grand larceny, was tried in the Third District Court today, and Dalton acquitted.

The sureties for Henry Dinwoodey and witnesses in his case, were today exonerated from further responsibility, on motion of Mr. Dinwoodey's attorney, Mr. Brown.

LOCAL NEWS.

FROM WEDNESDAY'S DAILY, FEB. 17

A Good Showing.—Our traveling agent informs us that among the 40 families who reside at Minersville there are 31 copies of the *Deseret News* subscribed for. A very good showing.

Thos. Burningham Sentenced.—The pronouncement of sentence in the case of Thomas Burningham, of Bountiful, having been set for to-day, the defendant presented himself at 10 a.m. The usual question was asked by the Court, to which Mr. Burningham replied that he had no promises to make, and the Court inflicted the full penalty of the law, six months in the Penitentiary and a fine of \$300 and costs, the prisoner to be committed until the fine and costs are paid.

JUDGMENT SUSPENDED.

THE PROSECUTING ATTORNEY SAYS DINWOODEY HAS OBEYED THE "LAW."

When the case of the United States vs. Henry Dinwoodey, for cohabitation with his wives, was called up in court to-day, the defendant's attorney, Mr. Arthur Brown, arose and said: "If it please your honor, I wish to state that Mr. Dinwoodey desires to change his plea in this case. I think he has been guilty in a small period of that time. I understand that that makes no difference under the rulings of the court, but that it is only a question of executive clemency."

Court—Is Mr. Dinwoodey present? Clerk (to Mr. Dinwoodey)—Do you desire to withdraw your plea, heretofore entered, of not guilty?

Mr. Dinwoodey—Yes, sir. Clerk—What is your plea now to this indictment?

Mr. Dinwoodey—Guilty. Mr. Dickson—If your honor please, I ask that judgment be suspended in this case, for the present. The reason I ask it is, I am assured that for upwards of a year and a half past he has been living in obedience with the law. From information that I have from other sources, I have reason to believe that his statement is true. I have reason to believe also that it is Mr. Dinwoodey's intention to live within the law in the future, and for this reason I ask that judgment be suspended during his good behavior.

Court—Let the judgment be suspended for the present.

Later in the day Mr. Dinwoodey called on the News and stated that he wished it distinctly understood that he had made no promise or entered into any agreement, and referred to Mr. Dickson and Mr. Brown in support of his assertion. To be satisfied of the facts in the case, the following question was written and handed to the District Attorney:

"Mr. Dickson, have you been assured that Mr. Dinwoodey will obey, or live within the law, in the future?"

To this the prosecuting officer made no direct reply, but said he had made the statement in Court as it here appears, that he had reason to believe Mr. Dinwoodey would obey the law.

Mr. Brown was then called on, and said, in Mr. Dinwoodey's presence, that the substance of his statement to Mr. Dickson was as follows:

"Mr. Dinwoodey has quit his polygamous relations, and has been living within the law for a year and a half, or two years past; there is reason to believe he will obey the law in the future; why disturb him when he is keeping the law?"

On this the matter was submitted to the court, with the result stated.

The general impression prevailed on the streets that Mr. Dinwoodey had "crawled." This he emphatically

denied, and efforts were made to find Mr. Dickson, but it was impossible to obtain an interview with him, as he was engaged in the grand jury room when we went to press.

THE GREAT PRISONER.

Brought to the City Under Military Guard.

Bailed Out in the Sum of \$45,000.

HIS INJURIES.

At the time the News went to press last evening it was expected that President George Q. Cannon would be brought to the city on the regular morning train of the D & R. G., but later in the evening it was learned that troops had been dispatched on a special train which left here over the U. C. Railway at 6:20 for the Promontory. When the suspicion became prevalent that the intention was to bring the prisoner to the city during the night. The arrangements for sending the troops were made so quietly that but few persons knew of the intention until they had started. Apostle John Henry Smith and a couple of newspaper reporters were the only civilians on the train with the exception of the train hands. After this special reached the Promontory was sent back here, however, that it would not start on the return journey until 4 o'clock this morning, and as it was expected that the journey would occupy nearly five hours, but few of those who knew of this arrangement were at the depot at 7:45, when

THE TRAIN ARRIVED.

On reaching the depot the soldiers first alighted from the cars and filed along the platform as if there was apprehension of resistance, which, however, was an unnecessary precaution, for no such thing was contemplated by the prisoner's friends.

Brother Cannon was placed in a hack, accompanied by Marshal Ireland and Deputy Greenman also ex-Mayor Sharp and F. J. Cannon, which was preceded by a carriage in which Mayor Armstrong and Marshal Phillips rode. They proceeded immediately to the Wasatch Building, where the prisoner ascended the stairs to the Marshal's office with considerable difficulty, owing to his severe injuries, and was there allowed to recline upon a mattress upon the floor.

Judge Zane was immediately sent for and after a while arrived, as did also Mr. Dickson, when

NEGOTIATIONS AS TO BAIL.

were entered upon. Mr. Dickson asked that bail be fixed at \$25,000, stating as his reasons for this extraordinary demand that the prisoner had attempted to bribe an officer at Winnemucca, and subsequently to escape from the custody of Marshal Ireland; also that he was a high Church dignitary and had an immense influence among the people.

F. S. Richards, Esq., attorney for the prisoner, argued against the demand for such excessive bail, saying that it was in violation of the Constitution, and amounted to an outrage.

Judge Zane, however, acted upon the suggestion of the District Attorney and named \$25,000 as the amount, whereupon Mr. Richards raised his ire by remarking ironically that he might just as well say \$100,000 or even \$500,000 while he was about it, and explained that his reason for objecting to excessive bail was not from any inability to procure the security, but from principle.

Hons. John Sharp and Feramorz Little were accepted as the sureties after a rigid examination as to their financial fitness.

As soon as these bonds were filed

TWO MORE WARRANTS.

issued by Commissioner E. B. Critchelow, on complaints made by Mr. Dickson, charging the prisoner with unlawfully cohabiting with his wives, were read to the prisoner by Deputy Smith, who got down upon his knees and whispered in his ear to do so.

The first of these covered a period from March 24, 1885, (the termination of the time covered by the indictment) to July, 1885, and the second from July 1, 1885, to Dec. 31, 1885.

Commissioner Critchelow named \$10,000 as the bail required on each of these warrants, and Mayor Armstrong and Gen. H. S. Eldredge were accepted as sureties.

A request was then made by Marshal Phillips for President Cannon's removal to some place where he could be cared for, but even this was not allowed until the bonds were filed three-quarters of an hour later. The prisoner was then conveyed in a hack to his home, where he will receive careful treatment and probably soon recover from his injuries.

We have taken care to obtain full particulars of the journey from Winnemucca to this city, and for this purpose interviewed Messrs. A. E. Hyde and F. J. Cannon.

Brother Hyde left this city on Sunday evening, on the same train which conveyed Marshal Ireland and Deputy Greenman northward, and from Ogden to Winnemucca they occupied the same sleeper.

They arrived at Winnemucca about 2 p. m. Monday and there met the eastward bound passenger train, on which they were to return ten minutes later. O. P. Arnold was met at the train ready to proceed on westward and on going

into the hotel President Cannon was found in the custody of Sheriff Fellows with overcoat and hat on, all ready to start on

THE RETURN JOURNEY.

He was feeling and looking quite poorly, having been suffering from an attack of diabetes for some weeks. Marshal Ireland engaged a stateroom on the east-bound train for himself and his prisoner, and where also Messrs. Hyde, Greenman and Fellows sat during the afternoon and until 11 p. m., engaged in conversation, after which the beds were made and the Marshal and President Cannon retired to rest. The latter, however, owing to his illness, was under the necessity of getting up every hour.

On reaching Lusine, which is located about on the State line a westward bound train was met, and here Sheriff Fellows left the party and returned to his home.

Here also they were met by Mr. F. J. Cannon, who had run out from Ogden to meet his father, but did not see him owing to his having retired for the night. The Promontory was reached between 6 and 7 o'clock yesterday morning, and shortly after passing that station President Cannon had occasion to go to the closet, which was in the front end of the car of which he occupied the rear stateroom. On returning to the stateroom the air felt so oppressive that he opened the door and stepped out on the platform. Scarcely had he done so when a sudden lurch, probably caused by passing a curve on the track, threw him off his balance and, failing to catch the handrail, he

FELL OFF THE TRAIN.

alighting at full length on the frozen ground. The train was going at the rate of about 12 miles per hour and the fall was a severe one. His nose was broken and a jagged gash about an inch and a half in length cut to the skull just above his left eye and extending through his eyebrow. The whole of the left side of his head was badly bruised and his face skinned. His left arm was hurt so badly as to disable it and his left thigh also severely bruised.

The prisoner was missed by Marshal Ireland almost as soon as he fell and a search was immediately instituted through all the train for him, which was kept up until a distance of about four miles had been traversed, when the train was stopped and Deputy Greenman got off and started back.

Mr. Hyde, who had up to this moment been kept in the dark as to what had occurred, asked a brakeman why Mr. Greenman was leaving the train. The reply was "You ought to know," but on Mr. Hyde assuring him that he did not, he was informed that the prisoner was missing. The brakeman also stated that he saw him standing upon the platform of the car, and his opinion was that he had jumped off.

The run from that point to Blue Creek, the next station—10 miles east of the Promontory—was made in the midst of the deepest anxiety on the part of Marshal Ireland and the friends of the prisoner, the first evidently believing his prisoner had purposely attempted to escape, while the others were sure that he must have accidentally fallen off the train, and feared the worst results. That they were right in their conjecture was soon confirmed when a telegraphic dispatch from the Promontory was received, stating that Mr. Greenman had arrived there with the prisoner, who had accidentally fallen from the train.

Mr. Hyde remained at Blue Creek with the Marshal, but F. J. Cannon, in despair of not being able to obtain a conveyance at that station to return, continued on to Corinne, where he hired a horse and rode back.

Mr. Ireland found on telegraphing to the Promontory that an engine could be obtained there, and it was sent for. After waiting an hour and a half it arrived, and Messrs. Ireland, Hyde and two deputy marshals who had been sworn in at Blue Creek returned by it.

ARRIVAL AT THE PROMONTORY.

they found the prisoner on a lounge in the hotel with his head bandaged, and Mr. Greenman waiting upon him.

Captain Greenman had found the prisoner wandering listlessly around, near where he had fallen, apparently in a dazed condition from the effects of his injuries, his overcoat and pants badly torn and almost covered with blood.

Mr. John W. Taylor, a correspondent of the *San Francisco Chronicle*, who resides in that vicinity and is largely interested in stock-raising, met them before they arrived at the Promontory station, accompanied them thither and afterwards did all he could both to relieve the suffering of President Cannon and to send a correct statement of the accident to this city and elsewhere.

No one there believed there had been any attempt at escape on the part of the prisoner, the manner of his alighting on the ground being conclusive proof that it was an accidental fall and not a leap for liberty as stated. It was evident too, that if he had wanted to, escape he had many better chances of doing so before, especially while coming slowly into the Promontory station and while darkness prevailed, instead of waiting for open daylight and then jumping off in a desert country, where there was no possibility of help.

It has been mentioned as a reason for the belief entertained by some that he did attempt to escape, that he had a quantity of bread and a half-pint flask of water in the pockets of his overcoat when found, but the presence of these is easily explained.

Fearing there might be an effort made on the journey to this city to exhibit him to the gaze of the curious at eating houses where stoppages were made for meals, he requested Mr. Arnold to purchase some bread for him before leaving Winnemucca, which he could eat in his stateroom, and save the necessity of leaving the train. This he had in his coat pocket, as anyone might have seen when he started. The small bottle of water was used in taking medicine, and he filled it on the train two or three times in the presence of Marshal Ireland.

Other proofs might also be cited of the absurdity of the plea that he attempted to escape.

From Mr. F. J. Cannon other particulars were obtained. Early in the evening they heard that

SOLDIERS WERE COMING.

This was discredited because Marshal Ireland had pledged his word that President Cannon would not be brought down earlier than this morning, as he was in a very critical condition. It had been rumored that he was to be taken down on the engine, and that Judge Powers had several times demanded that such an inhuman course should be followed. Marshal Ireland admitted that this would be infamous, and informed President Cannon's attendants that if they would guarantee his safety to Salt Lake, he would not be moved. At 10:30 p. m., the troops arrived, and a demand was made that the return be made at once. The clamor for this became so loud, that Marshal Ireland was reminded of his promise. A surgeon—Dr. Carnahan—was telegraphed for from Ogden, and came upon the regular train. Dr. Potter came up with the troops, and the Marshal replied that it would depend on what the physicians said of Prest. Cannon's condition as to what would be done. Finally it was arranged to wait until 4 a. m. before starting. President Cannon was carried to the special car—Hon. John Sharp's car—and the whole party got aboard. Shortly after starting, Captain Penny and eight or ten soldiers entered the car in which the distinguished prisoner had been placed on a couch. These were stationed around him, and in various places in the car. The Marshal then

ORDERED OUT.

all persons except the soldiers, deputies, and F. J. Cannon. A physician was to be allowed to enter when called for. As Ireland had agreed that President Cannon should not be annoyed by the presence of soldiers, and should be permitted to have his attendants with him, he was appealed to, and replied that Capt. Penny had charge of the train; that it was his work, and it was with difficulty F. J. Cannon had been allowed to stay. Captain Penny was applied to, and said another attendant could enter if Marshal Ireland would give his consent. When Ireland was again spoken to he reiterated that he had nothing to do with the train. With the military display everything was conducted as though it was a time of war and the troops were in an enemy's country, nobody being allowed to go in or out of the car, except officers. The U. S. Marshal had

YIELDED HIS AUTHORITY.

to a military company whose presence he said he had not requested, and for whom he claimed to have seen no necessity. Deputy Vandercook said Marshal Ireland had requested the troops, but this the latter denied. We have good reason to believe that Judge Powers was responsible for their presence there, and also that he used his utmost endeavor to have President Cannon brought to Ogden on the engine. After leaving Promontory, the car

WINDOW BLINDS WERE TIGHTLY CLOSED.

no one being permitted to look out, and the car from the outside presented a dead appearance until it reached this city. President Cannon asked the Marshal if he

MILITARY POWER HAD TAKEN PRECEDENCE.

over the civil, but received no satisfactory answer. When nearing Ogden F. J. Cannon attempted to go into the other car to send a message to his family in Ogden, that he was going on to Salt Lake. He was stopped by the soldiers, who finally allowed Mr. Whitney, of the *Herald*, to come and receive the message. Just before getting to Ogden the troops, about thirty in number, were ordered to

LOAD THEIR GUNS.

and did so. The ostentatious demeanor of the troops gave the impression that they desired to convey an idea of their great power and importance. When leaving Promontory, it was with great difficulty that a few minutes' delay was secured to obtain President Cannon something to eat, but at Ogden there was a delay of about half an hour, while the captain went to get a cup of coffee. Here everybody except the soldiers, officers, physicians and F. J. Cannon, were required to leave the train, which came on to this city.