

The law provides that envelopes of the same size, color and shape shall be provided, into which the voter may put what ballot he pleases, and on which he may write or print what he chooses. When it is put into the envelope no one can tell how or for whom his vote is cast, and in the new bill new provisions are made to protect the vote from identification, so that it cannot be claimed by any one that it is other than a perfectly secret ballot.

If the ballots as well as the envelopes were required to be furnished by the county authorities, and be of uniform color, size, etc., the voters would have to take such as would be furnished them. Now they can make their own ballot, as it now they please, vote for whom they like, and when it is put in the envelope provided, every enclosed ballot will appear the same and no difference can be detected.

The oath formulated for voters is the same as that now in use under the officials appointed by the Commissioners, so no objection can be taken to that. The bill, carefully examined, discloses no provisions that can be reasonably excepted to, and if it does not become a law the Governor will be puzzled to give reasons for its rejection.

Perhaps it is useless to expect that anything will be done which will terminate the offices of the useless and expensive incumbents called the Utah Commissioners. But if this bill does not become a law, it will be only because of a determination not to carry out the plain intent of the Edmunds law while the Governor can help to keep in office five gentlemen friends, who have the fattest and softest sinecure in the gift of the Government of the United States.

COLLAPSE OF THE "CONSPIRACY."

The examination into the "conspiracy to murder" case has resulted in the discharge of Mr. Kenner, and the commitment of Frank and Angus Cannon to await the action of the grand jury. Those who have followed the testimony can see upon what shallow grounds a case of "conspiracy" of any kind was predicated. The arrest of Mr. Kenner was totally unjustifiable. He was not present at the assault, neither was there any evidence that he had anything to do with the Cannon boys, except having met them during the day and defended them as a lawyer in the Police Court; the latter was, no doubt, viewed by the conductors of the "conspiracy" charge as a very grave offense.

The charge of conspiracy to murder is abandoned. It was both absurd and malicious. Absurd because the facts all precluded such a notion, and malicious because it was started with a view to induce public opinion. And there is no direct evidence whatever to support the theory of "conspiracy" for any purpose. It is all surmised from circumstances that might, perhaps, be construed as suspicious. The testimony concerning the drinking by the two Cannon boys (cousins) however, it may reflect upon their conduct, does not support the "conspiracy" notion. Young Angus had no hand in the assault, but came up after the blows were struck and the assailant had escaped. Frank was with Hugh when the latter struck Dickson, but did not participate in the assault. His presence though, as a companion of the assailant, justified Mr. Dickson in believing that he was a confederate and in seizing him to prevent a further assault. But the evidence is too slight to criminally connect him with the offense.

Set aside the opinions which people may entertain and the theories which may be spun, and coming down to the cold facts of the testimony before the Commissioner, what is there to be found to justify holding the two Cannons on a charge of conspiracy? Next to nothing at all. We do not believe that if they had not been connected with "Mormon" families, they would have been held on the charge of "conspiracy," and it is "extremely doubtful, even with the bitter anti-"Mormon" feelings prevailing, that the grand jury will find an indictment on the charge preferred.

As to the assault, it was nothing more than what we have stated from the beginning. A sixteen years' old boy struck Attorney Dickson under the eye with his fist. No one else assaulted him. The bad language, said to have been used by Frank Cannon after Mr. Dickson seized him by the throat, was but a repetition of the foul epithet which Dickson himself first applied to Frank. No one justifies the latter in its use; but let the facts stand, without further prejudice against the young man whose conduct was thought so reprehensible that, even his friends would not go upon his bonds. Young Angus meets with the same treatment, but he committed no assault on Mr. Dickson, and his belligerence and bad language followed the attack made upon him by Mr. Erb.

There was one error in our remarks as to the boy Hugh, who alone committed the assault, and for which he has been fined \$35, an ample penalty for his offense. It would have been considered excessive in the extreme if the individual assaulted had not occupied a prominent Federal position. Our error was in stating that Hugh was the son of the lady who was plied with indelicate questions by the Dis-

trict Attorney. We fully understood that Hugh was the son of Mrs. Martha Cannon. And that was the general impression. It was confirmed by the remarks made by Hugh to a *Herald* reporter. He had lived with her a great part of his life and was in the habit of calling her "mother." He regarded her as such and we fully believed that it was so.

The lady who considered herself insulted and who was compelled, under threats of imprisonment, to answer questions about her expected maternity and its author, put in the bluntest manner, is the wife of Hugh Cannon's father. Every member of the family naturally resented the indignity. Hugh took upon himself to resent it. And if it had been right, it would stand just as highly to his credit as if the lady had been his own mother. The enemies of the "Mormons" do not understand the close affection with which the children of honorable "Mormon" parents regard their father's wives, and their brothers and sisters of the same father if not of the same mother. The acts of kindness that have been bestowed upon them in childhood by women whom they honor, make an indelible impression and bring forth fruits of love and veneration that rival the feelings that bind the son to the mother. Hugh undertook to vindicate the cause of one who was as dear to him as a mother, in the absence of a son old enough to resent the insult.

Now, let it be understood that we have not at any time attempted to justify the assault. We declared it to be wrong at the first. We say the same to-day. But we gave the reasons alleged for the offense, and endeavored to divest it of the exaggerations and additions and unlighted tomfoolery with which it was surrounded by the friends of the assaulted attorney. The evidence at the examination demonstrated the fact we stated at the start, namely, that it was nothing but a couple of blows in the face from the fist of a sixteen-years-old boy. And the attempt to manufacture out of it for outside use a huge "Mormon" conspiracy and a blood-and-thunder "rebellion" was a piece of nonsensical lying that no one else but fanatical and utterly conscienceless anti-"Mormons" would begin to undertake.

THE LATEST VETO.

ONE has only to read carefully Governor Murray's message in vetoing the latest jury bill, to learn how little he is able to compose a simple letter without "putting his foot in it." The bill, it is true, is not as good a measure as that which he vetoed at first, but its defects are due to his own objections to the other jury bill. In attempting to meet the silly objections offered by the Governor, the Legislature could not produce a perfect bill. The very faults he attempts to point out in the latter part of his message are the result of trying to suit his Muddleness.

The message is chiefly occupied with an attack upon a law of Congress. The Utah Legislature did not enact the Poland law, they are not responsible for its imperfections. And it is not true that it was in any way the work of the "Mormons." The Governor is as reckless in assertion as he is ridiculous in argument. How very likely it is that "Mormons," comprising more than eight-tenths of the population, should "invent and urge a plan upon Congress" to give their enemies—a very small minority, one-half of the jury list. Why does Governor Murray almost invariably attempt to bolster up his crude notions with a transparent falsehood?

At the opening of the session he ridiculed and protested against the idea that the Legislature could not and should not legislate upon the same subjects which had been legislated upon by Congress. Now he takes the very ground he derided and denied. He will not sign the bill because it is supplementary to an act of Congress, and other bills he will not sign because the Legislature will not supplement other Acts of Congress. What a mighty intellect swells the head of our great Executive!

He harps upon the decision of the Supreme Court sustaining the open venire method resorted to by the District Court in an emergency. But he does not notice the fact that it was only because of that emergency that the resort to that method was sustained, and that the bill was to prevent such an emergency in future by an enlargement of the method devised by Congress.

His argument that jurors incompetent to try United States cases "are and of right ought to be incompetent to try Territorial cases," he does not seem to have sense enough to see is an arraignment of the Edmunds Act. That law does in effect lay down the proposition that some jurors are and shall be deemed competent to try ordinary cases, and yet be deemed incompetent to try cases of bigamy, polygamy and unlawful cohabitation under the laws of the United States.

But why pursue the subject further? Governor Murray likes the system by which a Marshal, full of bias and prejudice against a defendant, may go into the street and pick up any scallawag who will suit his purpose, and any pliant tool who will do as he wishes, and pack a jury sure to convict no matter what the evidence.

The bill was so framed that no one charged with violation of the Ed-

munds law would gain its benefits, so it could not be justly charged that it was a bill favorable to that class of "Mormons." But it was a just bill and therefore the public might expect it to be vetoed. If there is no money for jurors during the next two years, the unpaid servants of their common country will have to thank the boss nullifier and vetoer of the century.

LOCAL NEWS.

FROM FRIDAY'S DAILY, FEB. 20

Acquitted.—Frank Raymond was tried in the Third District Court to-day, on a charge of forging the name of J. H. Stay to an order for \$15. The jury returned a verdict of not guilty.

Grand Larceny.—This morning Leander Wright, who was jointly indicted with Andrew Pettit, convicted yesterday, for stealing horses, was tried in the Third District Court, and a verdict of guilty returned by the jury. He will receive sentence on Wednesday.

Passed Away.—As will be seen by notice published elsewhere, the aged father of Elder John Nicholson died this morning without having the privilege of seeing his son ere death closed his eyes—that simple boon having been denied by U. S. Marshal Ireland on the plea that the law did not provide for convicts to be brought from the penitentiary on any such pretext.

Arraigned.—Brother Ambrose Greenwell, of Ogden, was yesterday arraigned before Judge Powers of the First District Court, to answer to two indictments charging him with having cohabited with his wives during 1834-5. He was allowed until this afternoon to plead to the indictments. He is the father of C. H. Greenwell, who was to-day sent to the Penitentiary on a similar charge.

Glass Making.—The glass factory recently erected near the Warm Springs has commenced operations, the first run being made this morning. The master workman pronounces the glass made first-class in quality, and it certainly looks very clear, and the fires of it appear to be quite flexible. The capacity of the works when fully under way will be about 1,600 bottles per day, or other articles in proportion, but they will probably not be run to their full capacity for a while.

Gone to the "Pen."—Charles Henry Greenwell, and Helen H. Tracy, who have recently been convicted in the First District Court on a charge of unlawful cohabitation with their wives, came down from Ogden by the D. & R. G. railroad this morning, en route for the penitentiary, which will be their place of residence for six months hence, less the time that may be credited by the copper act.

These brethren look well, and feel as cheerful as can be expected under the circumstances, and honored at the privilege of suffering imprisonment for the Gospel and Christ's sake.

Brother Greenwell is 29 years of age, and Brother Tracy was 37 yesterday. They have hosts of friends from whom they received many expressions of sympathy, good will, encouragement and substantial aid after their conviction and just previous to their departure for their place of incarceration.

They were taken to the penitentiary this afternoon, where they will swell the already great number of noble men of God who have thus demonstrated to the whole world that there is no punishment nor privation they are not willing to endure in support and in defense of their honest religious convictions. God bless and give them strength to endure it all.

THREE SENTENCES.

The Full Penalty in Each Instance—No Promises Made.

The Chief Justice finds no "Conquered Mormons."

In the Third District Court this morning,

PREST. HUGH S. GOWANS,

of Tooele, was the first called to receive sentence from Judge Zane, for having lived with and acknowledged his wives.

The Court asked the usual question in regard to the future conduct of the defendant, and Brother Gowans replied, "I have nothing to say as to the future."

The full penalty of the law, six months' imprisonment in the penitentiary and a fine of \$300 and costs, was imposed. The next to receive judicial "clemency" was

WM. H. LEE,

also of Tooele. His reply to the Judge's inquiry was the same as that made by Brother Gowans, and he received the same penalty for spurning to be a coward and traitor. After him came

HERBERT J. FOULGER,

of the Twenty-first Ward, and first counselor to the Bishop of that Ward. To the Court's question he replied similarly to the other brethren.

Court—You do not know what you will do in the future?

Brother Foulger said he had no statement to make of his intention in

that regard. In the past he had striven to do right, and to maintain a conscience void of offense toward God and toward all men. He had injured no one that he knew of, had lived as a good citizen, but as to the future, he did not know what he would do.

Court—Is it your intention to steal in the future?

Mr. Foulger—I am not here on trial for stealing.

Court—You do not know what you will do?

Mr. Foulger—I do not. When the witnesses in my case went before the grand jury, I told them to tell the truth, and they did so. At the trial I was sworn and told the truth.

The Court then repeated its well-worn remarks about a man setting up his judgment as to what laws he would obey, etc., and closed with sentencing Brother Foulger to the full penalty of the law.

The three brethren thus sentenced to suffer for conscience' sake were taken out to the penitentiary to-day.

THAT AWFUL "CONSPIRACY."

Lots of Witnesses, but no Testimony of any Conspirator.

Mr. Varian says it was not Conspiracy to Murder, but only No Assault Mr. Dickson.

After we went to press yesterday afternoon, the examination of Mr. Erb by Mr. Varian was continued. He testified that when Dickson wanted to know who hit him, Frank Cannon said he would not tell him; there was considerable bad language used; Angus Cannon claimed that he had "nothing to do with it," heard Frank Cannon say he would get away with his man; he said, "I'll get away with my man yet," did not see anything thrown; do not know what the young man in the hall-way was getting out of his pockets; but it was because of his movements that I followed them.

Cross-examined.—The small man had his hand in his coat pocket, trying to get something out; it was he who opened the door; he went out first, Dickson second and Frank Cannon last; they were all three very close together; I did not see anything in Hugh's hand—and would not swear that he took anything out of his pocket; Hugh Cannon went first, Dickson second and Frank Cannon last; I did not see the two blows aimed at Dickson, but I watched off the third blow that was intended for him; the abrasion on my hand might have been caused by a ring on the hand of the striker; I did not see Frank Cannon do any striking—he might have had hold of Mr. Dickson's left arm at the time Hugh did the striking; I may be mistaken about Frank having hold of Dickson, but I do not believe I am; I took hold of Frank Cannon before Dickson did—I do not know whether Frank remembers it or not; about the first words I heard were: "I want to know who hit me;" somebody said: "I won't tell;" I suppose it was Frank Cannon, but do not know—I am not certain; Angus had no weapon as far as I know, and made no threats that I heard; he did say "I had nothing to do with it;" meaning, of course, as I understood it, that he had nothing to do with striking Dickson; Angus was not particularly excitable nor angry; did not see Angus inside the house before the fracas occurred; the expression emitted by Frank Cannon was, "I'll get away with my man yet!" and it was addressed to Dickson in a loud and distinct tone of voice; I do not know, of course, what Frank had reference to; the expression might have been used by someone in the crowd, but I am inclined to think it was used by Frank; it might have been someone else; I heard no expression but this one; there was a window broken in the hotel that night, but I believe it was done during the scuffle between Angus and myself; a rock was picked up on the hotel porch that evening, but I do not know where it is.

Re-direct.—Dickson was close to Cannon when the expression was made; I do not know whether Dickson heard it or not.

Peter Porter was called and said—I saw part of the fracas; I was called out of the dining room by the screams of Mrs. Dickson, and when I came out I saw Erb and Angus were entangled in a heap on the sidewalk near the ditch; a revolver and some papers were taken from Angus Cannon in the hotel office; I heard nothing said except some swearing.

James M. Porter said—When I came out of the dining room, saw Erb and Angus Cannon scuffling; Erb turned Angus over to me, and said "Hold him; we will want him;" I saw Angus and two or three others around the hotel during the afternoon; I knew Angus Cannon by sight, as he had been previously pointed out to me; I do not know Kenner.

Cross-examined.—Heard Angus say: "I haven't done anything; what are you holding me for?" I heard Dickson say: "Who struck me?" but did not hear any answer to that; I never saw Angus at the hotel until the afternoon of the 22d; saw no weapons on anyone.

James J. Jennings, of the Continental Hotel: Saw some of the fracas; I heard a child scream, and when I ran out I saw Dickson holding Frank Cannon by the throat; Dickson said to Cannon: "Who are you?" I and others said: "It is Frank Cannon." Dickson said: "Whose son are you?"

Somebody in the crowd replied: "George Q. Cannon's." Dickson shook him and called him a hard name; saw Angus Cannon in the yard back of the hotel about 6 o'clock in the evening; he said: "Boys, I'm strapped; I want to get \$5 on this watch;" he didn't get it; Frank and Angus came into the bar soon after; and were soon joined by Hugh Cannon, to whom Angus leaned over and said something in a very earnest manner; my attention was attracted to Hugh Cannon because he was a stranger around the house; as Hugh passed through the bar-room Angus wanted him to have something, but he refused; Angus and Frank followed him in a few minutes; Angus came back and wanted to borrow some money; saw Frank and Angus first about 5 o'clock; heard no conversation; they were drinking at the bar; saw no weapons during the day or evening; I did not see them the day before.

Cross-examined.—Dickson called Frank Cannon a son of a b—h, and I think Frank returned the compliment; Frank and Angus drank at the bar four or five times; the first time, at a little after 6 o'clock; do not know what they drank; Angus made no demonstration that I know of—no any threats; I saw no weapons; I believe Frank said to Dickson, "Don't hurt me," and Dickson replied, "Nobody intends to hurt you, but you will tell me who struck me;" I saw Frank with his hand in his left hand pocket; I glanced down to see if he had a weapon, but saw none; I did not hear any of the conversation between Hugh and Angus. Angus frequently came to the bar for a drink—several times during a day, perhaps; I never saw Frank there before; Angus did not come there every day.

J. H. Winslow, manager of the Continental Hotel, testified that Hugh and Frank Cannon came in a few minutes before the fracas occurred, and Hugh asked for Mr. Dickson; I told them he was in the dining hall, and that if they would wait a few moments, he would be out; Dickson came out a few minutes later, and started down the hall; I called after him, saying, "Here is a man who wants to talk to you." Hugh said to Dickson, "Come outside. I have some information for you." They went out, and the next thing I heard was some glass being smashed and a woman screaming; I did not see the fighting.

Frank Allen, the head waiter, said he was at the dining-room door when Frank and Hugh Cannon came towards it; saw Dickson and the boys walking toward the outside door; when I got there Erb was on top of Angus on the ground.

Cross-examined.—I was trying to separate Frank Cannon and Mr. Erb when Angus Cannon jumped on to Erb's back and said: "What in hell are you doing?" I did not see any blow struck; Erb had a struggle with both Angus and Frank Cannon; I do not think Erb knew whether he had a fight with both of them or not.

C. V. Whiting called—I know Frank and Angus; saw Angus on the 22d, and had some conversation with him; he wanted to borrow a dollar from me. It was about 4:30 when he wanted to borrow the money; I was sitting on Jones' bank steps when he approached me.

Silas Smith said—I know the defendants (Cannon); I saw them near the City liquor store on the 22d—Frank and Angus together; it was between 6 and 7 o'clock; I went into the saloon with them and had a drink with them; they left before I did; I did not hear them say anything as to what they proposed to do; I saw no weapons; know Kenner; I believe I saw him during the day; Tom McClellan is the bar-keeper.

Tom McClellan was called for, when Don C. Tufts arose and said, "I am here in his place; he is on duty and could not come."

Mr. Tufts was proprietor of the City liquor store; was not in the saloon when the Cannon boys were there; saw Angus there at about 1 o'clock.

Elmer Ellsworth said, I know the Cannon boys; I saw Angus Cannon and Mr. Kenner together on the 22d; they were standing on Godbo's corner; I did not see Frank Cannon.

An adjournment was then taken until 10 a.m. to-day.

When proceedings were resumed this morning, Marshal E. A. Ireland was the first witness sworn. He was at the Continental Hotel on the 22d instant, and arrested Angus Cannon, Jr.; he was in Judge Powers' custody; took from him a loaded Smith & Wesson 32-calibre revolver, with one empty and four loaded shells in the cylinder; the weapon was a new one, and had been recently discharged.

Mr. Rawlins objected to this evidence, as it cut no figure in the case.

Marshal Ireland resumed—I arrested Frank Cannon when he was released on bail from police custody; that was the next morning.

Cross-examined.—Thought the pistol was a new one; thought it had not been used much.

Mr. Rawlins—You see by the trigger that it has been worn?

Ireland—Yes; that is a little worn there. I could not tell how long it has been carried; if it had been for six months it would have shown more wear; nothing else was found; it was in his hip pocket.

Harry H. Shafer was sworn. Was at the Continental Hotel shortly after the occurrence; saw Angus Cannon there; witness came up on the 'bus, and ran

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