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"EASIER ONES" WANTED.

A CORRESPONDENCE to be found in to-day's issue ought to be respectfully dedicated to His Honor Judge Zane, District Attorney Dickson and his right hand man—Mr. Varian. The picture presented by the writer is one of the most vivid pen-drawings ever placed on paper. It places the truth in such perspicuous light, and incorporates such exquisite irony and biting sarcasm, combined with irresistible humor, that the intelligent reader can scarcely refrain [occasional outburst of his risibilities.

There is no avenue of escape for "No Retreat" out of his labyrintn of perplexity. In the present situation of things judicial it is only possible to state what the arguments and tactics of the prosecution and the decisions of the court have been. Like the colors of the chameleon, they are many hued, and ever varying according to circumstances. What they may be in the future is, in the language of Dundreary, "One of those things that no fellow can find out." If "No Retreat" will inform us of any particular case in which a "Mormon" is accused of cohabitation and will give us an idea of the line of defense that will be set up, we may with a considerable degree of certainty, be able to tell what the character of the rulings will be in that particular instance. They will be so constructed as to act as an extinguisher upon any defensive position assumed by the accused. The elasticity of judicial procedure in the Third District Court is one of its chief features, and in that particular is in admirable harmony with the consciences of the three geniuses who are running the anti-"Mormon" legal and judicial machine.

It should not be forgotten, however, that these remarkable men are supplying the public with phraseology that is strikingly original in application, if not intrinsically fresh. The "holding out of more than one woman" is an addition to the local wealth of expression, for which a grateful public are indebted to Messrs. Dickson and Varian. It also received the seal of the court by incorporation into the judicial ruling embodying the learned definition of cohabitation—in the case of Mr. Angus M. Cannon. This specimen of elegance in diction has recently been surpassed, however, in the case of the fellow Ames, who was pronounced by the Court innocent of cohabitation, as he had only engaged in "two *single* acts of sexual intercourse with his sister-in-law," the birth of a child being the result.

The perplexing interrogatories put by "No Retreat" are not susceptible of answer from us. We are in as much of a quandary as he upon the questions on which he treats. The whole subject is therefore respectfully referred to a committee of three—Messrs. Zane, Dickson and Varian—with instructions to report at the earliest practicable date.

WHAT WILL THEY DO NOW.

IT will be interesting to note the base on which the religious wing of the anti-"Mormon" attacking force will in future rely. Heretofore the sectarian clergymen have depended upon the most infamous fabrications about the immorality of the "Mormons" as an excuse for their efforts against the Saints. Such a position has always been untenable, because utterly false, but its true character is now more manifest than ever. This is one good result of the developments that have been going on of late in the courts of this Territory. The U. S. District Attorney has unqualifiedly complimented the "Mormon" community upon their exemplary sexual morality. He has proclaimed the fact that their intimate relations in that connection are not engaged in outside of their marriage contracts. Sexual sins are, he said, "condemned" by them, while they were simply "deplored" by the "Gentiles." What particular form this deploration assumes, however, does not appear. It was merely the fact of marrying more than one woman and honoring them as wives that constituted the object of attack. Indeed, the whole purport was to exhibit the superior morality of the "Mormons" as compared with that of the other portion of the population.

This exhibit of the status of the sexual morality part of the question cannot be otherwise than accepted by the clergy—especially by the sectarian representatives resident here. It comes from an authority that they have strongly endorsed. So much are they in harmony with it that they have asked President Cleveland to retain the officials in position who have thus truthfully delineated the comparative morality of "Mormons" and non-"Mormons." All that is claimed now to be the object sought to be demolished is the form and "repute" of marriage sustained by the Bible, independent of any relation to sexual commerce. The talk about immoral practice is thrown overboard by the legal and judicial wing of the crusade. This has been made necessary by the demand for the protection of the "non-"Mormon" debauchee, who, by the tactics of the officials recommended by the clergy for retention in office, is allowed to run loose and find fresh victims to his brutal passions. The priestly portion of the crusaders' army has thus been flanked by the other wing of the forces, They ought to be left now to the alternative of keeping discreetly quiet and smothering their religious hate, or be called upon, in the name of consistency, to abolish the Bible and give up their profession.

Referring to the petition of the resident clergy asking President Cleveland to use his endeavors to extinguish or "stamp out" the "Mormon" religion, what has become of it? Several weeks ago we were informed that a response was expected from the Chief Magistrate, "when the whole affair would be made public." Has the President sat down on it, treating it with the contempt it deserves, as having emanated from opposition religionists who considered their crafts endangered by the existence of the object of their animosity? Or has the action of Mr. Cleveland been consigned, like the initiatory proceedings, to the tomb of secresy. Anyway, it there has been any reply to the attempt of the sectarian churches to interfere with the affairs of the State, it has, in all probability, been in the form of a snub. Had it been of a favorable character, doubtless a shout of triumph would have escaped from quite a number of clerical throats.

A DANIEL COME TO JUDGMENT.

PUZZLING PERPLEXITIES OF A PROSPECTIVE CANDIDATE FOR MATRIMONY. HE IS ANXIOUS TO SEE THE JUDICIAL FOG DISPELLED.

May 4th, 1885.

Editor Deseret News:

I am perplexed. The various rulings of Judge Zane are the cause. As I grow older I may desire to take some wives, and yet I have no wish to go to the penitentiary; the question that presses upon me is, how can I do the first and avoid the latter? You already know my sentiments concerning Judge Zane's horrible catechism. I do not propose to submit to that indignity; and I hope the Lord will help me to resist both the blandishments and the threats of the devil and his agents who act officially for him in our Third District Court.

Permit me to quote from Judge Zane's rulings, and you will then perceive the cause of my perplexity. Perhaps you will be able to help me.

In charging the jury in Angus M. Cannon's case, Judge Zane said:

"That if * * * defendant occupied the same house and took his meals, or a portion of them, with the two women mentioned in the indictment, and that he held them out and treated them as his wives, although he had not slept in the same bed or had sexual intercourse with them, he was guilty under the indictment."

In the Claudius V. Spencer case Judge Zane said: "This offense of unlawful cohabitation consists in living with a woman as your wife—in holding her out to the world as your wife. It is not necessary that you should have sexual intercourse with her, or sleep in the same room with her. If you live with her, and hold her out by your conduct or by your expressions and representations, you are guilty of unlawful cohabitation."

In the case of A. M. Musser Judge Zane said to the jury: "That if the defendant had lived in the habit and repute of marriage with the women named, or with any two of them, to bring in a verdict of guilty."

There is still another case and another ruling.

Rudolph Ames seduced his sister-in-law and had a child by her. A United States Commissioner committed him for unlawful Cohabitation to await the action of the grand jury. Ames was consigned to the penitentiary. But Ames had a lawyer who discovered that, according to the evidence, his client had only been guilty of two single acts of intercourse with his sister-in-law, and these had occurred at two different places. On these grounds he applied to Judge Zane for a writ of *habeas corpus*, contending that no unlawful cohabitation had been committed. Varian, whose soul is so vexed at Mormon cohabitations, was present. This case suited him. It was the kind of a case which appealed to his sympathies. Had he not declared that the Edmunds law did not strike at sexual sin? Had he not said that adultery and fornication were not the crimes he was prosecuting? Naturally enough, therefore, *par nobile fratrum*, he agreed with Ames' lawyer. It is also evident that the case enlisted the full sympathy of Judge Zane; for he granted the writ, and Ames emerged from the penitentiary, cleansed from stain, and doubtless thankful at heart that he was not such a fool as the "Mormons," who marry and give honorable names to the mothers of their children. By this action Zane exhibited himself in bad colors—a punisher of virtue and an abettor and encourager of vice. I have been inclined to defend Zane. I thought him ignorant and mistaken, but sincere. His action in this Ames case has disappointed me. I question his sincerity, and ask myself, is he not a hypocrite?

Revenous a nos moutons. It appears from these rulings that if a man does not occupy the same house, and does not take his meals, or a portion of them, with a woman, and does not hold her out by his expressions or representations as his wife, or live with her in the habit and repute of marriage, he is not guilty of unlawful cohabitation. Am I right in this conclusion? I am anxious to get these points clear in my mind for reasons which I will explain.

The crime seems to be, as stated by the learned Judge, in "holding out" a woman, and not in sexual intercourse. Now if some way can be found to avoid "holding out" a woman as a wife, is a man not safe? One point is clear, is it not, that the birth of a child, with "two single acts of intercourse," is no evidence of unlawful cohabitation? Arrived at this point my perplexity commences. As I have said, it appears that if a man does not "hold out" a woman as his wife, though she have a baby of which he is the indisputed father, he can not be punished for unlawful cohabitation. But, right here, the question arises: suppose there should be more than "two acts of intercourse?" It is evident that Ames was safe in not going beyond two. How many acts are necessary to constitute the crime, or are there no limits? Can you relieve my perplexity hy inducing some learned pundit to ask Judge Zane? It is important that the public should know.

Permit me now to ask some questions about the "holding out" of women as wives. Suppose a man ceases to "hold out" a woman as his wife, and he and she tell their neighbors that they no longer hold that relationship to each other, what then? If they do this, and the man refrains from all acts that are made, by Judge Zane's rulings, unlawful cohabitation, am I to conclude that this dissolves the relationship, or must Judge Zane have a finger in the pie? Must he step in and dissolve a marriage which he declares has no element of legality connected with it? Such an assumption would be farcical in the extreme, yet no one can tell to what length of folly and tyranny Zane and his fuglemen, Dick- and Varian, will not go. Already the latter, who is distinguished for his asinine traits, has announced that "the marriage contracts, whether legal or illegal, must be anulled." Anulled by whom? In this drivel the impudent assumption of this would-be tyrant is apparent. But let that pass. It is Zane's rulings I am after.

Now, suppose a man should have a wife whom he has secretly married, whom he has never "held out" as a wife, and she should have a child as a result of visits no more numerous than the man released by Judge Zane made to his sister-in-law, have you any idea what the Judge's ruling would be? If his decision in the Ames case were followed, and there should be no proof of marriage, of course the father of the child could not be held to answer the charge of unlawful cohabitation. But then, I almost forgot that Ames was not a "Mormon." Even Dickson and Varian, or Zane himself, would not think for a moment that a "Mormon" child could come into the world outside of "the marriage relation." The poor mother would be brought before the grand jury; the infernal inquisitors would proceed with their torture. She would be squeezed to reveal the name of the father of her babe, and whether she was married or not. If she were to hesitate, she would be dragged before Zane, and he would threaten her with heavier tortures. She would have to reveal all she knew or go to the penitentiary. You know in the Clawson case, the witness Lydia Spencer was frightened in this way by threats of years of incarceration in the Detroit prison.

Again, suppose a man and his plural wife should refrain from all the acts interdicted by Zane, and he should cease to "hold her out" as his wife, and the public should accept the marriage relations as dissolved; but afterwards he should visit her, as Ames did his sister-in-law, no more, no less, and with the same result, would it be unlawful cohabitation?

Let me illustrate by a case in point. At least one man has made this announcement in court. Zane accepted his statement and expressed his pleasure at his action. Suppose this man should avoid all the acts described by Zane as unlawful cohabitation, and only visit his ex-wife twice, would the birth of a child in such a case be viewed by the Judge as unlawful cohabitation? Or is he prohibited from taking such liberties with his ex-wife; but at liberty to visit all his first wife's female relatives, if he confines his intimacy with each to "two single acts?" I would like to know in this connection whether the fact of its being Ames' sister-in-law had any influence in the mind of the Judge when he made the decision; or would Ames have been equally innocent in the Judge's estimation if the mother of his bastard had been somebody else's sister-in-law or sister? I consider these questions pertinent at the present time; the public should be informed as to the privileges Judge Zane is willing they should enjoy. If sisters-in-law are lawful prey, then heaven pity the sisters-in-law—I mean those who have non-"Mormons" for brothers-in-law; for it is a question in my mind (perhaps you can get the answer from Judge Zane) whether "Mormons" can have the liberty from him to have their sisters-in-law become the mothers of their children, even though they keep within Ames' limit of "two single acts." Perhaps such action on their part would be construed as "holding the women out." You may do whatever you please with women, I imagine from Judge Zane's ruling, if you do not "hold them out." That is the great crime to be punished. It is lucky for Ames that he did not commit this crime; for if such a result followed "two single acts," what might not have been expected if he had "held out" his sister-in-law?

But I have troubled you enough with my perplexities for this time.

NO RETREAT.

THE HEROES.

THERE WAS NO CRINGING AND COWERING TO-DAY.

WHEN THE PROSECUTING ATTORNEY PULLS THE STRING, THE COURT BOBS UP AND BOWS.

MOTIONS FOR NEW TRIALS OVERRULED —BAIL PENDING APPEAL REFUSED.

THE JUDGE'S DEFINITION OF "COHABITATION" CLEAR AS MUD.

THE FULL PENALTY INFLICTED IN 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 President A. M. Cannon and Elders A. M. Musser and Jas. C. Watson, for unlawful cohabitation. A deputy marshal had been placed at the outer door and permitted only a small part of the great number of applicants to enter, as the hall was not large enough to hold one-fourth of those who desired admission.

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 to meet an unlawful punishment for rendering obedience to the laws of God.

THE CANNON CASE.

After the opening of Court, there was a short delay while awaiting the arrival of Mr. Brown, of the defense, who desired 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. Johnson, who had been a bigamist, and the insufficiency of the evidence to justify conviction.

Prosecuting Attorney Dickson held that having been a polygamist was not a disqualification, but only a ground of challenge, and that the evidence was sufficient, as, by the defendant's conduct, he had led the community to believe the women who lived in the house were his wives.

After some further discussion the Court ruled in accordance with the views of the Prosecuting Attorney, and overruled the motion for a new trial.

The Court then said—Mr. Cannon, you are aware that the jury who tried the charge against you brought in a verdict of guilty; and the motion for a new trial having been overruled, it is the duty of the Court to pronounce the judgment of law. Have you anything further that you desire to say? If so, say it.

Mr. Cannon—Nothing.

Court—As you are aware the law gives the Court discretion in the punishment imposed for this offense. The difference of punishment provided in the national law between this offense and polygamy is very great, considering the offense. The penalty may be a fine not exceeding $300, and imprisonment not exceeding six months, or both. So that the Court has the discretion of imposing a nominal fine, or a fine of $300 and six month's imprisonment. That being the case, I would be very glad if you can suggest anything that will enable the Court to exercise any discretion in the light of all the facts that the Court has to take into consideration. The Court is of the opinion, particularly where the offense is a continuing one, as unlawful conabitation, that the Court may inquire of the defendant as to what his purposes are, respecting the obeying of the law in the future, and respecting the using of his influence on the side of the law. I don't ask, as I wish you to understand, for the purpose of humiliation, or of extorting from you anything. You are at liberty to answer just as you please. Of course, if a man charged with a crime and convicted by the jury, says that he intends to obey the law in the future, and that he intends to use his influence on the side of the law, it should be taken in his favor by the Court, I think. And if any man, satisfies me that he is in good faith in making this statement, I should be very much disinclined to impose upon him imprisonment in the Penitentiary. Some persons regard this as an imposition by the Court; I don't so regard it. The best men that have ever lived in this country have been proud to declare that they believe in the laws of the country. They gloried—thousands of brave men who died—to vindicate its laws. Now, if you desire to make any statement on that point, you have the privilege to do so. I don't wish you to understand that I desire to press you, or humiliate you in the least, but I would love to know that you could conform to the law.

Mr. Cannon—If your honor please, it has been the rule of my life, since I have had knowledge, especially to make my acts the evidence of my good faith. It has been the rule of my life, in the presence of my children, to invite their scrutiny of my conduct as evidence of my love. It has been a rule of my life, in a country that has become my adopted home, to which I have sworn allegiance, to make my conduct an evidence of loyalty. I have scanned closely the evidence produced before the jury that found a verdict of guilty; I listened to Clara C. Cannon, in answer to the prosecution, state that she had been my wife, before the passage of the Edmunds Act. As to my conduct since that time, she was debarred from answering, by the objections of the prosecution. I was anxious to have the Court made familiar with my conduct. The only evidence that I have heard that would imply that I have acknowledged one wife, or more than one wife, was from a son, my son George M. Cannon, who stated that he had heard me say that I had married wives when there was no law against it. I was debarred from introducing any evidence to prove my good faith, as evinced by my conduct from the time the Edmunds Act became a statute to the present. I have no knowledge that there was any evidence given to justify a verdict of guilty. It was said by your honor that if the evidence were that I had held out to the world, as my wives, two women, a verdict of guilty must 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 that I will do that which in an hour I may find impossible—I cannot. I love the country, and I love its institutions, and I have become a citizen. When I did so, I had no idea that a statute would be passed making my faith and religion a crime; but, having made that allegiance, I can only say that I have used the utmost of my power to honor my God, my family, and my country. I have loved my children, and I was gratified in hearing your honor say that the law had made my children equal heirs. From this I inferred that had I died intestate, my children would have been equal heirs before the law. And in eating with my children day by day, and showing an impartiality in meeting with them around the board, with the mother who was wont to wait upon them, I was unconscious of any crime. I did not think I would be made a criminal for having eaten with them. My record is before my country; the consciousness of my heart is visible to the God who created me; and the rectitude that marked my life and conduct with this people, bears me up to receive such a sentence as your honor shall see fit to impose upon me. I was pleased also at the statement to the members of the court, that my conduct toward my respective wives, and the expressions that I might have used, were those that should enter into consideration when sentence was being passed. As I have been debarred from giving evidence of my intention to maintain the laws of my country, my heart is made glad that your honor has said he would take into consideration these things. Hence I now submit and humbly bow to the decrees of this court, trusting that I shall be able to bear up under the same. (The audience here burst into applause, which seemed to greatly annoy the Judge).

Court—I infer from your remarks that you have nothing further to say?

Mr. Cannon—No.

Court—You decline, I see, to make any promise, as to the future.

Mr. Cannon—I have never been in the habit of making promises; I have declined on all occasions to make promises, lest I fail.

The Court then stated that as the defendant had declined to promise to obey the law and advise others to do so, the Court could not show leniency, and imposed a penalty of $300 fine 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 Court.

The prosecution exhibited their spleen by opposing the application, and asking that the defendant be remanded to the custody of the Marshal.

The Court acceded to the demand of the prosecution (of course), and refused bail, and ordered that the defendant be committed.

THE MUSSER CASE.

The case of Mr. Musser was then called, and Mr. Brown moved for a new trial, which motion was opposed by Mr. Varian.

The Court overruled the motion, and then asked the defendant—Have you anything to say?

Mr. Musser—I have a communication which, please the Court, Mr. Stayner, one of my counsel, will read.

Mr. Stayner then read the following:

SALT LAKE CITY,
May 9th, 1885.

To His Honor, Chief Justice Charles S. Zane, Third Judicial District, Utah Territory.

Dear Sir—In view of my having done in the past, according to my best un-