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TRUTH AND LIBERTY.

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### LOCAL NEWS.

FROM TUESDAY'S DAILY, MAR 18

**Mining Company.**—A new incorporation, under title of the Salmon River Mining Company, has been organized. The capital stock of \$2,500,000 is divided into shares of \$10 each, of which 200,000 shares have already been subscribed, the remaining 50,000 being held as stock of the company.

**First District.**—In the First District Court yesterday, George Shurtliff was arraigned on an indictment charging him with rape, and pleaded not guilty.

Edward Olsen pleaded not guilty to a charge of murder in the first degree.

William Grant, against whom two judgments for unlawful cohabitation have been found, pleaded not guilty, and the cases were set for trial tomorrow.

Wm. Bromley, similarly charged, pleaded not guilty. His trial is set for the 18th.

In the case of Russell & Co., vs. A. Van Valkenburg, judgment was given for the plaintiffs.

Fred. W. Cox, vs. Chas. Patten; judgment for plaintiff.

Three petit jurors were excused from further service.

Fred. Otterson, Andrew Anderson, Hans E. Larsen, J. A. Bartleson and J. C. Jensen were admitted to citizenship.

**A Child Witness.**—Yesterday afternoon the grand jury filed into the court room, bringing with them Mary Smith, a child about fourteen years of age, who had refused to answer some of the questions asked her.

The jury reported that they were engaged in inquiring into a charge of unlawful cohabitation against President Joseph F. Smith, and that they had reason to believe that Mrs. Juliana Smith would be a material witness if she could be found. They had inquired of her daughter Mary as to where she thought her mother was, but the child persistently refused to answer.

For this purpose she was ushered into the presence of Judge Zane, where the question, "Where do you have an idea your mother was when you last wrote to her?" was held to be proper, and was repeated three times to the recalcitrant witness. The child, without the slightest hesitation, and with an expression of quiet determination upon her young face, replied, "I will not answer."

Mrs. Edna L. Smith, who was present, then informed the District Attorney that if she were permitted a few words with the witness, in the attorney's presence, she could probably induce her to answer. This was granted, and Mrs. Smith stated to the child that, as she had an idea her mother was in the Sandwich Islands, it would be better for her to answer. The grand jury then retired, and as the witness was shortly afterwards released, it is probable that she gave the required information.

**Those "Deputies' Doings."**—The charge having been made that there were some inaccuracies in the News account of the seizure and detention of Mrs. Edna L. Smith on Saturday last, the lady was seen, and her statement agrees with that given by us in every particular. Some further facts were elicited, which it might perhaps be well to publish, to show the "humane" and "gentlemanly" spirit that characterizes some of the "officers of the court" in their unhallored persecution of the people of Utah.

Mrs. Smith, after being brought to the Marshal's office in the manner related on Saturday, at about 11 a.m., was taken before the grand jury, from where, after a time, she was again placed in the office, and informed that she could not go at liberty without giving bail in the sum of \$2,500. She was not permitted to go out to look for sureties, but the telephone was brought into requisition,

by one of the office attaches, and, it was afterwards learned, in such a bungling manner that the parties applied to could obtain no idea of what was wanted.

Finally Mrs. Smith was allowed to come up to the Tithing Office, in company with a deputy, and upon her return was informed that bonds for her appearance would not be filed until 2 p.m. She objected to being thus unnecessarily delayed, but was placed in charge of the "virtuous" Vandercook, of unsavory repute, who walked around the room, carrying a gun and guarding a defenseless woman! This same Vandercook then attempted to enter into a conversation with Mrs. Smith, who informed him that she did not wish to have anything to say to him. He still persisted, and was again requested to stop. He then began taunting her by jeering at and abusing a number of those most highly esteemed by her, among them being her own husband. The lady still further objected to being thus insulted, but the offensive conduct and language was continued, until at last she declared that she would no longer remain in the room. At this juncture someone called Vandercook outside, and Deputy Smith took his place, without the gun.

At 2 p.m. Mrs. Smith again went before the grand inquirers, and after answering the interrogatories propounded there was released on bail shortly after 3 o'clock, having been detained over four hours.

**The "Copper" Act.**—Under the provisions of the new "copper" act, Aurelius Miner was entitled to be released from the penitentiary to-day, but this the Marshal, it is understood under advice from Mr. Dickson, refused to do. This afternoon Le Grande Young, Esq., applied for Mr. Miner's release under the provisions of law, both of the Territory and the United States. Mr. Young cited a number of authorities in support of his position and the validity of the Territorial statute, as referring to those imprisoned in the penitentiary. He argued that retroactive laws which did not infringe on individual rights were common law, and were not unconstitutional.

Mr. Dickson, in his argument, said the question was one of great importance to the United States, as it affected a large number of prisoners. It had evidently been the intention of the Legislature to do as claimed, but that body had no power to commute sentences already pronounced, as by that means they could shorten imprisonment to five hours, and defeat the object of punishment. Congress had placed upon the Court the power to fix sentence, and the Legislature could not interfere with the judicial power in reducing the penalty inflicted; to commute sentences already inflicted would be to impair the judicial action.

He cited a decision made under a State constitution forbidding a retroactive law, in support of his position.

Mr. Rawlins argued that the decision referred to by Mr. Dickson was based on a provision in a state constitution which did not exist in this case, and therefore could not be made to apply. Mr. Dickson contended that Congress could pass the act in question, but the legislature could not; it was beyond the power of that body to shorten the term of imprisonment of either Territorial or United States prisoners, after the sentence was passed.

Mr. Richards argued that the law of Congress commuting sentence of prisoners was in precisely the same spirit as the Territorial law. The matter was one of great importance, especially to Territorial prisoners confined for long terms.

The matter was taken under advisement.

**FROM WEDNESDAY'S DAILY, MAR 17**

**Acquitted.**—The following special was received at 4:15 p.m. to-day:  
BRAVER, Utah, March 17, 1886.

**Editor Deseret News:**  
A week has been spent in getting a jury to try M. L. Shepherd, charged with unlawful cohabitation. After the evidence was all in, the jury gave a verdict of "Not guilty" without leaving the box. More anon.

MOONSHINE.

**Deseret Hospital.**—Since the founding of this worthy institution in this city, great benefit has been derived from its existence, and a very large number of patients have been the recipients of that care and attention which they would otherwise have been deprived of. Though at first the building occupied would accommodate but few patients, and the funds at command were limited, yet from this small beginning has developed the present progressive and successful institution. A large proportion of the most enterprising of our citizens have donated freely to the hospital in cash and various necessary articles, and members have contributed largely to the fund, which has been judiciously expended in the proper directions. A marked improvement has been made

within the past few months in the furnishing, conduct and arrangement of things generally in the building at present occupied. The affairs of the hospital are under the control of a board of directors, Bishop H. B. Clawson being president, and the conducting of the internal affairs and caring for the patients are under the immediate supervision of Mrs. Whipple, the matron, a lady of considerable experience.

There are at the present time in the hospital, to be treated for various afflictions, twenty patients, the majority of whom are females. The wards or rooms in which these patients are placed are kept in apple-pie order, the beds are clean and comfortable, and everything appears "neat as a pin." The food used is prepared with scrupulous cleanliness, and is wholesome, such as is best suited for those under treatment. The best surgical and medical attendance is provided, all medicines being compounded with the utmost care, and everything is done to make the time pass pleasantly to the sufferers so long as they remain there. Of the care and attention bestowed upon the patients, day and night, it can be said that it is not surpassed in any institution, and in conversation with a number of the present inmates and some who have recently become convalescent, all of these expressed themselves in the highest terms of praise regarding the treatment they had received and the uniform kindness and patience exhibited, and award well deserved credit to the officers of the hospital, toward whom they have feelings of deep gratitude.

Of course, notwithstanding the progress made by this institution, and its efficient management, there still remains much to be done before it is placed on a desirable footing. The building now occupied, while it serves the present purpose, is unsuitable in many respects, and there are a great many articles still lacking for convenience in the working departments. To supply some of these wants the generosity of the public is relied on, and it is to be hoped that those who have exhibited such kindness in the past as well as others, will not forget what is needful. We wish the Deseret Hospital the unqualified success it deserves.

### KICKED OUT.

**Gov. Murray, the Nullifier, Asked to Resign.**

The following was received yesterday, by Governor Murray, from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, D. C.,  
March 16th, 1886.

Gov. Eli H. Murray, Salt Lake City, Utah Territory:

Referring to your message to me, delivered by Justice Harlan soon after I became Secretary of this Department, to the effect that your resignation would be tendered whenever the President desired, the President directs me to say that he will be pleased now to have your resignation as Governor of Utah Territory.

L. Q. C. LAMAR, Secretary.

To this His Excellency replied:

SALT LAKE CITY,  
March 16, 1886.

Hon. L. Q. C. Lamar, Secretary of the Interior, Washington, D. C.:

Your communication of to-day just received. Hon. R. N. Baskin, delegate chosen by the non-Mormons of Utah on yesterday, will proceed to Washington immediately, and will on arrival place my resignation in the hands of the President.

ELI H. MURRAY.

### ACCIDENTAL FRATRICIDE.

**A SEVEN-YEAR-OLD BOY KILLS HIS BROTHER.**

A most sickening fatality occurred at the Pettit farm near the Jordan River yesterday. Three little children of Ethan Pettit were playing in a bedroom, when Ethan, the eldest, a boy 9 years of age, took up one of two shotguns which stood in the room and removed the shells from it. After playing about the room for a few moments he picked up one of the guns, supposing it to be the one he had just unloaded, and handing to his brother Ira, two years younger than himself, invited him to snap it at him. The little fellow did as requested, with the result that both barrels were discharged and a frightful hole torn in Ethan's body, a foot in length, commencing just above the left hip, from which his bowels protruded. The walls were also bespattered with blood and a hole blown through the window at the rear of where he stood. The wounded boy lived two and a half hours and was able to relate how the frightful accident occurred. Dr. Benedict was summoned but was unable to do anything more than ease his pain by administering chloroform. It would be cruel to reproach the grief-stricken

parents for leaving the guns within the reach of the children, but the sad result of their having done so ought to be a warning to all other parents to be more careful in this respect.

The funeral service will be held at the residence of Thos. E. Jeremy, Jr., in the 16th Ward, on Thursday, commencing at 11 a.m.

### A. H. CANNON SENTENCED.

**He Makes a Manly Speech—The Chief Justice gives an Angry, Wisby-washy Reply.**

#### The Full Penalty Imposed.

This morning was the time set for passing judgment upon President Abram H. Cannon, who was convicted of the offense of living with and acknowledging his wives, "as interpreted by the courts." The court room was densely packed with people, and when his name was called the defendant stepped forward to the clerk's desk. Throughout the entire proceedings, Brother Cannon, who is just twenty-seven years of age, stood calmly facing the Judge, the expression of his countenance indicating that he felt a perfect consciousness of doing his duty, and was not disturbed in the least.

The Court commenced by saying—You are aware, Mr. Cannon, that you were indicted and convicted of the crime of unlawful cohabitation. This morning was appointed for sentence against you. Is it your intention, Mr. Cannon, hereafter, to obey the law against polygamy and unlawful cohabitation?

Mr. Cannon—May I be permitted to define my position, sir?

Court—I don't care about a speech. You might make a few remarks.

Mr. Cannon then spoke as follows, in a clear, distinct tone of voice—I would like to state, your honor, that I have always endeavored to keep the laws of the United States, because I have been taught by my parents that the Constitution was a sacred instrument. That I have failed in this respect, and now stand before you convicted of the crime of unlawful cohabitation, is due to the fact that I acknowledge a higher law than that of man, which is the law of God; and that law being a part of my religion, sir, I have attempted to obey it.

When I embraced this religion, I promised to place all that I had, even life itself, upon the altar, and I expect to abide by that covenant which I made. And, sir, I hope the day will never come when I must sacrifice principle, even to procure life or liberty. Honor, sir, to me, is higher than anything else upon the earth; and my religion is dearer to me than anything else that I have yet seen. I am prepared, sir, for the judgment of the Court.

The Court then spoke as follows, at first quietly, then growing more vehement, until he finally got into his usual angry mood, and thumped the desk with his fist—In this class of cases where the offense is a continuing one, I usually give the defendant the liberty of stating any fact that might seem to mitigate punishment. The discretion of the Court is quite extensive in these cases. It may be imprisonment simply, it may be fine simply, or both; for that reason I gave you the liberty to state if it was your intention hereafter to be a law-abiding citizen. This you decline, upon the ground you state, that you acknowledge a higher law than the laws of the United States. This of course, cannot be considered in your favor. It would seem rather to aggravate the offense. The government of the United States exists in her laws; and in their enforcement those laws are vindicated.

The source of political and municipal power is in the people, and they determine, in the mode pointed out by the Constitution, what rules of conduct shall be laid down for the government of the citizens, with respect to society and to each other; and that no man, or any set of men professing to believe in another law from some unseen, unknown source—they say these laws must be determined by the conscience, the reason, and the intelligence of the people; and this is what is termed the sovereignty of the people. And no man has a right to set up his opinion, his belief, and act contrary to the laws of his country. If he does, he must take the consequences.

If every man had a right to say that he would not obey any law because he believed there was some higher law—because some other authority—some church authority, church organization—had laid down rules, the government would amount to nothing. One sect might say that one class of crimes was religion; another class might say another class was. One sect might say human sacrifice was right, as they do claim in many countries; and hence all manner of crimes could be enacted and perpetrated under the guise of religion. Hence, it won't do.

This religion that you believe in is one of the barbarisms that have been

cast away by humanity. Wherever it has been adopted and practiced, it has dragged woman down to the condition of a slave in all ages and all lands where it has been practiced for any considerable length of time. [At this Mr. Cannon shook his head in the negative.] It is said that in primitive times it was not so. But practices then were indulged in that the experiences of mankind have thrown away. Even Abraham, we are told, went in unto his bond woman, had children by her, and then drove her and her child out into the wilderness to starve. He took his little boy, with a knife and a pile, and bound him and laid him on the pile to burn him. In the name of religion he practiced this, and there was no law against it at that time. The patriarchal system won't do here. It has been thrown away in these days. We are told that Jacob earned his wife by seven years' labor, and then the man with whom he had made the bargain palmed off another woman on him, without his consent or without her's. Then he labored seven years more. So it was in ancient times, even in Dneetronomy, that women captured in war were treated as slaves—pared their nails and did penance for a time, that their captors might go in unto them and be there as their wives; but if they did not suit them, they would drive them out into the wilderness and drive them away. These practices might have been proper in a barbarous and primitive time—in crude times—but they won't do now. Civilization has thrown them away. It won't do to gather up these old customs and practices out of the rubbish of by-gone barbarism and by-gone ages and attempt to palm them upon a free and intelligent and civilized people in these days. Humanity has traveled across thousands of years, and it must not retrace its steps to adopt an institution now that drags woman down. When this people ascended upon the Declaration of Independence, man and woman went there hand in hand together, and there they will stand forever, as we believe. She cannot be dragged down by any sect or brought to the condition of a slave. She is man's equal in every respect, excepting those physical conditions which distinguish the two sexes. It is true that all men and women are not equal in their physical strength or physical power and intellectual capacity; but so far as their rights before the law are concerned, they are all equal, and woman is the equal of man in those respects, and she will continue to be the equal. No sect or creed can withstand the onward march of civilization, which will not only carry her, but carry humanity to higher planes of human progress and human action than it ever yet has reached, we trust. It cannot be retarded; it cannot be stopped and turned back by the adoption of a barbarous institution which was thrown away in the march of civilization. This system is practiced in some countries, it is true, at this time, but they are barbarous or semi-barbarous people wherever it is practiced.

I do not regard your reasons as entitling you to the least leniency in this regard. It seems you have wilfully, as you state, violated the law, knowing that it was a violation of the law, and you won't agree not to violate it in the future. The Constitution don't protect overt acts against the laws of the country. It relates to beliefs, to man's spiritual nature and to worship. Whenever the acts are contrary to the laws of the country, the law does not protect them. This was the belief of Jefferson, Adams and Madison—men who framed this Constitution. The Supreme Court of the United States has so interpreted it, and it stands as the law of the land to-day, and is as well settled as any other; and if any man undertakes to set it at defiance and violate its law, he must suffer the consequences.

You are sentenced to imprisonment in the penitentiary for the term of six months, to pay a fine of \$300 and costs of the prosecution, and to stand committed until the term of your imprisonment, and the fine and the costs are paid.

Mr. Cannon—Thank you.

—On Tuesday evening, at Logan, Miss Luella Parkinson, of Franklin, Idaho, accidentally shot herself through the hand.

In view of a threatened epidemic of coughs like that of a year ago in Philadelphia, the Health Commissioner of Maryland officially recommends Red Star Cough Cure for throat troubles, as being free from opiates, safe and sure, and having none of the harmful features of other cough mixtures. Only 25 cents.

**Dr. Henley's Popular Remedy, Colic, Diarrhea and Fever.**

Has the largest sale, and has relieved and cured more persons afflicted with nervous troubles than any one known remedy.

For sale by Z. C. M. I. Drug Store, and all Druggists.