CASADY SENTENCED TODAY.

Judge Zane Commits Him to the Penitentiary for Six Months.

DEFENDANT AND HIS ACCUSERS.

The Chief Justice Has No Doubt that the Jury Did their Duty in Convicting Him.

A few moments after Chief Justice Zane had taken his seat in the Third district court this morning, Judge Powers called the Court's attention to the fact that W. H. Casady (convicted on Friday afternoon of adultery) was present, ready for sentence. Counsel said he desired, however, to introduce a formal motion for a new trial, on the statutory grounds—particularly on the ground that the evidence was not sufficient to sustain the verdict. He did not care to argue the motion, but wanted simply to submit it, that it might be overruled and the rights of the defendant protected on appeal.

District Attorney Varian did not offer any remark either; whereupon the judge said—The motion is overruled, then.

Mr. Varian—I move for judgment.

The Judge—"Stand up, Mr. Casady!" and the defendant obeyed the call.

Judge Powers—Your honor, Mr. Casady informs me that he desires to make a statement to the court previous to the passing of sentence.

The judge then asked the defendant the usual question—if he had anything further to say.

The defendant, whose face was deathly pale, advanced to the front of the attorneys' table, looked straight at the judge, and with a trembling voice, occasionally broken by inward emotion, said—If your honor please, I have a word that I would like to say, if you will hear me for a moment.

Judge Zane—Proceed.

The defendant—Not that I expect I would be able to say anything that would mitigate my sentence, or change what your honor has now in mind; but I feel that a wrong has been done me, and I desire to correct that if I can. I reckon it of little consequence to me whether my sentence may be a few months more or less—if I am to wear a felon's stain upon my brow, and go to a felon's prison cell. If all the aspirations, hopes and ambitions of my life are to be blasted in this way, I reckon it of little consequence whether it will be a few months more or less. I have been convicted of committing adultery with Mrs. Sharp, while I was living as a boarder in her own home—a thing that seems to me as preposterous—not with her little children, but with a family of children that has grown up to years of discretion, who were able to have observed if any acts had been committed that were overt; yet each and every one of them came upon the stand and testified that they saw not that even raised their suspicions. But the jury found that there was not even ground for a reasonable doubt on their part. If I has so far forgotten myself as a man and if I had done a thing of that kind—if she had so far forgotten her duty as a mother as to have committed such an act in the bosom of her own family—it seems to me that the children themselves would have observed it and demanded that I be driven from the home. But they did not do it. They each and everyone swore, or testified in my behalf, as my friends. But I have been convicted, and I presume that I have to bear the sentence. The district attorney, in his argument to the jury, quoted very extensively from the words of that arch traitor and villain—the blackest one ever painted in the English language—Iago, the villain of Othello; but he did not tell the jury that the very words which he quoted led the noble-hearted Moor to suspect the innocence of his wife, though those very words led to his taking her life. It was well, perhaps, that he did not quote from such a villain in this case—because there was a Iago in this case. The Iago here was L. E. Casady. It was he who first wrote to my wife and sent her letters and telegrams that first planted the seeds of suspicion and distrust in her mind and heart. They did not dare bring him upon the stand, because they knew that he had testimony which would show the venom and malice of this prosecution. If your honor would allow me I would like to read the letters which you ruled out of this case.

Judge Zane saw no occasion for this; he failed to see what purpose it could serve now, remarking that he did not wish to listen to a long argument.

The defendant—I do not wish to argue the case at all, except that that was all I could say why the sentence should be mitigated—why I should not have been prosecuted—my belief that I have been maliciously prosecuted, if it were the last word I had to utter to mortal man, if I were this morning standing on the scaffold kissing my little baby's lips for the last time, if I were going in the next moment to make my peace with my Maker, I would say it am innocent of the crime of which I have been convicted, and I believe Mrs. Sharp—with whom I have been accused—I believe that she is a devoted mother, a faithful friend, and that she is an honorable, virtuous and innocent woman. That is all I care to say. I now submit to your Honor.

Judge Zane—Mr. Casady, you have been tried on this charge of adultery with Mrs. Sharp, and there was much evidence given in the case. The jury have undoubtedly acted impartially in the matter on the examination which took place. They stated in the outset that they were prepared to try the case impartially, and having heard the evidence they have come to the conclusion that you were guilty of the offense charged. Your wife, under the law, was not a competent witness, but your sister testified and appeared to be a very truthful and a very candid witness. She may possibly be mistaken in some facts, but she evidently intended to speak the truth. Her conduct and statements on the witness stand show her to be a woman whom any man might be proud to call sister.

The Defendant (in a low voice)—I think so.

Judge Zane—And from her statements your conduct was here to explain from any hypothesis consistent with your innocence. After she had made all the efforts that it seems she could make—and such as very few sisters would make—to induce you to live with your wife in connection with Mrs. Sharp, and while your wife also seems to have done so and wanted you to go back to Iowa, proposing to enter the profession of a school teacher again in order to help you along, you still continued to go on associating with this woman. It further appeared that on one occasion you took her out to Koreka and stayed with her there three days. When all these circumstances were examined and you knew they were against you (regardless of your wife and sister, and of disgracing your children) you chose to go out there. I am of the opinion, in the light of all the evidence, that that conduct and that act cannot be explained upon any hypothesis consistent with your innocence, by reasonable men. Again, while there was some conversation about it, I am of the opinion that you were out at the cemetery, according to the evidence; and your association with her at different times was such as to lead me to the conclusion that the jury were correct in finding you guilty. Of course it is to be regretted that a man who had hitherto established a good character—a reasonable man, belonging to a family that is very highly respected, as I infer from the evidence—appears now before the court for sentence to imprisonment in the penitentiary. The crime is, of course, more particularly injurious to your wife, but it is also injurious to society; and while some of the courts in some of the states have required the prosecution to be commenced by the wife, under the law of the United States, under which you are convicted, it is regarded as a crime against society. It is a crime against the institution of marriage; because if married men are to disregard the obligations of the marriage contract and associate with other women as well as their wife, and commit adultery, that institution of marriage is brought into contempt and society scandalized. It is a public offense; it is an offense against society. I regard this case, in the light of all the evidence, in view of your standing in the community, your experience and your associations, as rather an aggravated one, and I will fix your punishment at confinement in the penitentiary for a term of six months. I also order you to pay a fine of $100 and costs of the prosecution.

His Honor discharge the jury, however, a moment or two later, that he had not the power under the statute to impose a fine for adultery, withdrew that portion of the judgment pronounced.

District Attorney Varian—Your Honor can impose the payment of costs under the general statute.

Judge Zane—The territorial statute—ones not authorize costs unless there is a fine, and I will not impose any now. It is a question in my mind whether, when there is no fine, the Court has a right to order costs.

Judge Powers applied for thirty days in which to prepare a bill of exceptions and serve notice of appeal. Pending that appeal he asked that the defendant be admitted to bail.

Mr. Varian—We object to the bail part of it.

The Court denied the application.

Judge Powers explained to the court that he was not the defendant's original attorney, but appeared for Mrs. Sharp. Casady had expected to be defended by C. A. Montgomery of Denver, who, however, could not be here. If an appeal were now taken it would be impossible for him (the judge), owing to business engagements, to carry the case to the Supreme court. To protect Casady's rights, therefore, he desired at this time to withdraw from the case. Mr. McCallum, who had assisted him in this trial, also felt compelled to follow suit.

Judge Zane—I have fixed this defendant's term at six months because I understand that he has hitherto borne a good character and that this is his first offense. If it were the second offense I should have imposed a heavier punishment.

The defendant was then removed to the custody of a deputy marshal and during the afternoon was driven up to the penitentiary.

It is still to be doubtful whether an appeal will be taken, looking at the light sentence imposed.

THIRD DISTRICT COURT.

Monday Morning in the Courts of Judges Zane and Bartch.

The trial of D. V. Diamond, charged with a fraudulent use of the mails, was resumed in Judge Zane's court this morning, and will probably run into tomorrow, as all the witnesses had not been examined when the court adjourned at noon.

George L. Douglas et al. vs George A. Alder et al. By consent, dismissed as to the Union National bank.

Hutchinson, Reiss & Co. vs. Wm. Grossbeck et al. Answer of the defendant Wm. Grossbeck withdrawn.

Newburger, Reiss & Co. vs. Wm. Grossbeck et al. Answer of Wm. Grossbeck withdrawn in this case also.

Scott Edison vs. Whitlemore. Referred to J. H. Harris, as referee, to try all issues and report findings of fact and conclusions.

In the civil suit of Leon Lasen, the ex-deputy sheriff, vs. A. J. Burt, the ex-county sheriff, three days more were given to answer the complaint.

BEFORE JUDGE BARTCH.

The legal arguments in the mining suit of Martin McGrath et al. vs. D. D. Erwin et al. on an order calling upon the defendants to show cause why a receiver should not be appointed, were resumed at 10 o'clock this morning before Judge Bartch and occupied until 12:30, when the case was submitted to the court. The action was mentioned in Saturday's NEWS. Plaintiffs claim that there is a large sum due them as proceeds from a lease of the properties; May flower claims Nos. 4, 5 and 7, from June, 1888, to January, 1891, and further that the defendants, conspiring to cheat and defraud plaintiffs, induced them to sell their interests in the property for $10,000 in December, 1889, when it was worth at the time $2,000,000. They ask for a cancellation of the deed and that an accounting be had in addition to the prayer for the appointment of a receiver.

Rawlins and Critchlow are counsel for the plaintiffs and Brown & Henderson and Dickson & Shaw for the defense.

The further hearing of the divorce suit of Kathinka Frisch vs. Francis Frisch was taken up this afternoon. The trial began a week or more ago, but had to be postponed owing to Judge Bartch going to Beaver.

SUNDAY SERVICES.

Elder Orson F. Whitney the Speaker at the Tabernacle Yesterday.

Religious services were held in the Tabernacle, Salt Lake City, Sunday Feburary 12th, 1893, Elder Angus M. Cannon, President of the Stake, presiding.

The choir and congregation sang the hymn commencing:

Redeemer of Israel,
Our only delight.

Prayer by Elder George Goddard.

The choir next sang the hymn commencing:

Thousands sleeping souls demand your war,
Press on, press on, ye saints of God!

The President of the Fifth Ward officiated in the administration of the Sacrament.

ELDER ORSON F. WHITNEY

was the speaker. He quoted the words of the Prophet Jeremiah when called by the Lord to fulfil the duties of his mission—"Ah! Lord God, I cannot speak, for I am a child." And the Lord said unto him, "Say not I am a child, for thou shalt go to those to whomsoever I will send thee, and thou shalt speak unto them. Be not dismayed by their faces, for I have made thee this day a defensive city," etc.

Some of the feelings which Jeremiah felt and some of the trepidation which he experienced were doubtless the experience of any Elder who was called upon suddenly, without premeditation, to address a congregation like the one present. His only consolation would be in the thought that if God called him to perform a duty He would also equip him for that duty. One could only speak truth by the spirit of truth, which leadeth unto truth. But the spirit was promised to the disciples of Christ. We understood that the light of God was in every soul that cometh into the world, that all men live, move and have their being because they have the Spirit of the Lord. The promise of our savior referred to a special gift of the Spirit; it did not refer merely to "that light which lighteth every man that cometh into the world;" for these disciples He had chosen out of the world, and He was to give them another Comforter, something that would take His place, that would comfort and guide them when He should be absent in person from them. The endowment which was to qualify His disciples to go forth and preach the word of power was the gift of the Holy Ghost, without which their words would have been spoken in vain.

The speaker gave instances of the heroism of whom men are capable when transformed by the power of the Holy Ghost, and of which they would have been incapable if left to themselves. Some might ask, "What need have we for such a Spirit? Is not the intelligence which man naturally possesses sufficient in this life?" And many, supposing this, trusted in their own judgment and intelligence, and acknowledged no higher power—nothing superior to themselves. Such men of such women were deceived every day in their lives by hollow shows, by vanities and appearances, by falsecoming that appeared to be true. We were too prone to judge men by the number of dollars they possessed, by their houses and lands, by the size of their bank accounts. But God did not do so. His Spirit penetrated beneath the outside crust. We had need of this Spirit to show us the things of this life, to reveal to us the truth, to give us warning messages, lest we run into traps and pitfalls and make fatal blunders and mistakes. Those who ascended the heights of the Spirit were above the mists and clouds, and saw further and more clearly things that stretched even beyond the bosom of time. Why then should mankind seriously regard the claim of one or more men who had made a study of religion, who by godliness of life and by fasting and prayer, and by struggling to conquer self, had gained ascendancy over him and stood upon the mountain height, looking down upon the world? These things were promised unto those who became the disciples of the Lord, who believed and did not doubt. "He that doubteth is damned." The men who had believed, from the creation down, were those who had turned the world under God Himself, they who had been persecuted and despised, and whose names had been cast out as evil. God had been with brave men from the beginning, and because they believed they had moved the world. The ordinance of baptism which was required of us was symbolical of death and resurrection; when we were immersed in the water we typified the death of the past, the death of sin, and were buried with Christ in baptism. The Latter-day Saints did not claim that they could grasp infinity, for, as the Apostle said, "We now see through a glass darkly;" but we knew the truth in part, and it was something even to know a part instead of guessing at it and having a mere opinion.

The spirit of truth told the Latter-day Saints, among other things, that they came from the presence of their Father in heaven, that they were begotten sons and daughters unto God in the spirit world, and had been sent down here to undergo and pass through certain experiences of pain and sorrow, notwithstanding the belief of some that God is not in these things. The speaker marveled how such people, calling themselves Christians and believers in Jesus Christ, could think and teach thus. We knew we would meet calamity when we came here. Some persons were always murmuring and complaining because this life was not an endless scene of joy; they wanted all the sweets and none of the bitters. They sought pleasure and gave themselves up to the worship of it, because they received themselves with the idea that God had no use for suffering; and so they thought it was their duty to shrink every trial and sacrifice. If a thing gave them pain they thought it came from below, and if it gave them pleasure they accepted it as a blessing from God. But God was in every human sorrow and pain, and in the trials and vicissitudes which we undergo in this mortal life. As we came forth from God so we would return unto Him. We would yet blossom into divine beings, for we are of the same species as our Father and our mother in heaven. The reason we came here was to learn what they had learned, to become intelligent as they are intelligent; for intelligence was the glory of God.

Mormonism was not, as the world believed, a friend of ignorance. It was a friend to the ignorant, to the unlearned, to the humble and the poor; but it did not believe in ignorance; it did not seek to keep the disciples in ignorance, but develop them and lead them forward to heights upon heights of knowledge.

The choir sang the anthem "The God of Israel."

Benediction by Elder A. H. Cannon.

THE BLAINE MEMORIAL.

Eloquent Addresses, Beautiful Music and a Fine Meeting.

A NEWS representative asked Mr. Ellis at 7:30 last night if he expected a large audience. The reply was that he had serious doubts of the coming of even those who were announced to address the meeting. The statement was based upon the very unfavorable condition of the heavens and the earth at that time, the sidewalks being heavily covered with snow and the air full of it. But the fame of the great American who was the subject of the evening drew out about 400 people, and had the evening been favorable the house would probably have been packed.

The exercises were opened by a song, "The Vacant Chair," by Messrs. Squires, Hayes, Ainsworth and Pederson. The old familiar piece was received in a very effective and impressive manner, and for an encore "Soldier's Farewell" was given. Mr. Ellis acted as chairman and introduced Chief Justice Zane, who gave a discriminating estimate of Mr. Blaine's character and worth and issues upon his later work as prophesie of the time to come when the world should realize a Brotherhood of Man. Next came a mandolin solo by Miss Cameron Smith, with guitar accompaniment by Mr. Schettler. The chair then introduced Hon. F. S. Richards with a remark to the effect that the subject was too broadly American to be treated of as merely Republican. Mr. Richards, as a Democrat, made a very fine address, conceding to Blaine all the high merits that his party friends could justly claim for him. Then came Judge Goodwin. The chairman said, "The great French Cardinal declared that the pen is mightier than the sword. I introduce to you the pen in the person of Hon. C. C. Goodwin." Mr. Goodwin made a speech that was classic in its diction and was received with applause. The Neapolitan Quintette club, Messrs. Carpenter, Grange, Schettler, Clifton and Amos, were received with applause that became enthusiastic. The encore was recalled. Hon. John Henry Smith told of his personal acquaintance with Mr. Blaine and gave some very interesting reminiscences. Mr. Angus M. Cannon, Sr., said "Washington gave liberty to the colonies; Lincoln gave freedom to the colored race, but it remained for Blaine to dignify the labor of his country men, give protection to our manufactories and place a premium on our productions. He has been dishonored by the masses of the people so far in the future will appreciate his labors."

Mr. Ellis said that the Star Course of lectures had thus far been by men and of men entirely, which made them one-sided. There were great American men and next Sunday night the evening would be given to "Eminent American Women" in a popular talk by Dr. Ellen B. Ferguson.

Ancient Irrigation.

The Polytechnic society is preparing for a most interesting meeting on the 20th inst. Among the matters which will be discussed will be a paper from the pen of Admiral Selwyn on Ancient Irrigation on the Nile. The admiral gave this question a good deal of study, he says, when he was in that country as commander of an English expedition.

County Association Meeting.

The regular meeting of the Salt Lake County Week's Fair association will be held Tuesday, February 14, at 3 p.m., in the old Federal court room, Wasatch building. A good attendance is desired of all the ladies of the county. Members of all the different committees are urgently requested to be present, as the time for finishing our work is drawing very near.

E. B. WELLS, President.
MARGARET A. CAINE, Secretary.

Painful Accident.

Bishop James Jenson of Sandy met with an accident last Saturday whereby he lost the thumb and the first two fingers on the right hand. He was working in the planing mill running the rip saw, when his attention was diverted from the work by somebody talking to him. His hand was then caught by the teeth of the saw with the above mentioned result. A physician was immediately called. The wound was dressed and the Bishop is doing as well as can be expected under the circumstances.

The Tate & Co. Failure.

The Salt Lake unpreferred creditors of John W. Tate & Co., merchants, of Tooele, have assigned twenty-nine claims to George T. Odell, of this city, who has begun attachment proceedings in the Third District court. These claims aggregate $6887. It was erroneously stated in Saturday's NEWS that the suit was at the instance of the Coop. Wagon & Machine Co.

Sudden Death.

On Saturday morning last a seven-year-old son of an Italian named Rose, who lives on State street, opposite the County Infirmary, arose from his bed feeling rather peevish and unwell. At 4 o'clock he was compelled to take to his bed. Four hours later he was dead. Coroner Taylor and Dr. Ewing viewed the remains today, but decided that an inquest was not necessary.

The cause of death, says Dr. Ewing, was membranous croup.

Weak Painful Kidneys

Back ache, side aches, sharp shooting pains in the muscles, cough, colds, chest pains and palpitation relieved in one minute by the CONMEE ANTI-PAIN PILLS, the fast and only pain-killing pills. It reduces vascular excitability, and hence is most powerful in the treatment of nervous pains, weakness, nervousness and paralysis.

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A LADY CANVASSER, TEACHER AND school student preferred. Address with references, A 15, this office.

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WANT TO EXCHANGE DESIRABLE PROperty in Provo for business property in Salt Lake. Apply to NEFF & UREN, 31 east, First South Street.

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100 tonnes of Brighton N. P. Coal (lately sold at Garrison Smelting Plant) on Gardo Block, 160 South Main. W. J. Montgomery.

2 x 10 WITH FOUR ROOM COTTAGE, Third East between Fourth and Fifth South, $800. Easy Terms. W. E. Hubbard, 41 west, Second south.

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700 ACRES OF FARMING LAND near Bingham City. Under Cache Canal. It will all take water with 7 per cent interest, or exchange for Salt Lake real estate, in tracts to suit purchaser. A. E. Mills, Brigham City, Utah. 242

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