

LETTER FROM PRESIDENT ANGUS M. CANNON.

HE FEELS RESIGNED TO THE SITUATION, AND APPRECIATES THE KINDNESS EXHIBITED TOWARD HIM AND HIS ASSOCIATE BRETHREN.

UTAH PENITENTIARY,
May 16th, 1885.

Elder John Nicholson:

Dear Brother—It is one week ago to-day since I arrived in this place in company with Elders A. M. Musser and James C. Watson, under sentence of six months' imprisonment for having continued to treat our children impartially, honoring their mothers, and refusing to turn them out of our houses.

It was a source of joy and a great pleasure to meet our dear brethren, Elders Rudger Clawson, Joseph H. Evans and P. P. Pratt, enduring imprisonment for adhering to their faith. The first night we were placed in quarters where I slept comfortably and felt refreshed, in the company of men charged with every species of crime and of every hue and color, some of whom were heavily ironed. We were made to feel as comfortable as these poor souls could make us, in that they each refrained from smoking in our presence, and were careful to say nothing to offend us in any particular. I must acknowledge I cannot feel otherwise than to take off my hat to them for their kind treatment of us. It is evident that the officers of this establishment have treated us as kindly as their prison discipline would permit, as they are now situated.

I ate nothing but bread and drank nothing but cold water until the close of the second day, when a fellow-prisoner who observed that I did not eat meat nor drink tea nor coffee, brought me a little milk that had been kindly sent him by a friend. How could I help appreciating such kindness at the hands of one who desired to promote my comfort?

I desire to say that, having been here now long enough to witness the feelings of the worst criminals towards us, none have manifested less sympathy than that which was exhibited towards us before we came here, for we could not give a pledge that we would treat with unkindness the mothers of our loved children in the future, as the price of our liberty.

The feelings of transport that filled my soul when undergoing sentence, and the joy I feel in communing with my God and the gratitude I feel to Him because He has inclined these condemned men to be kind to us, could only have been equalled by that of the three Hebrews who were protected and comforted by His almighty power.

If I was conscious that this imprisonment would end in death, I should rejoice far beyond what our enemies can.

I know I have the confidence of my God and my brethren and sisters, as well as the assurance that I shall have my wives and children forever, with a consciousness that I have never denied liberty to any mortal being who was willing to content him or herself with that liberty God designed they should enjoy, to the end that they might exhibit their feelings and exercise their will so long as they do not molest others in their individual rights.

Our brethren join me in kind love to our dear brethren and sisters in the Gospel of the Lord Jesus.

ANGUS M. CANNON,
By the grace of God, President of the Salt Lake Stake of Zion.

THE CRUSADE IN IDAHO.

PEACEFUL CITIZENS RAIDED IN THE NIGHT TIME BY DEPUTY MARSHALS, AND MEN ARRESTED ON CHARGES OF POLYGAMY.

A Rextrup correspondent of the Utah Journal writes as follows of recent proceedings in Snake River Valley:

The Inquisition has fairly begun in Bingham county. A party of eight, thoroughly armed and mounted on fleet horses, surrounded the house of William J. Pratt, in Wilford, at midnight on Sunday, the 10th inst. Finding the door neither bolted nor locked, and Mr. Pratt and family sleeping soundly in bed, no formalities were entered into. The officers, as though on the trail of an escaped criminal, rushed into the house, surrounded the beds of Brother Pratt and family, and demanded a surrender, which was of course complied with. The party made their way to Rextrup, under cover of darkness, and before daylight fairly set in. A knock was heard at the door of John L. Roberts' house. Mr. Roberts, upon answering the call, was presented with a paper asking his attendance at Blackfoot forthwith. He then dressed and went. While waiting for Mr. Roberts, four of the horsemen raided another part of town, and on being asked their business, told what it was; they were informed that their errand was fruitless as far as that house was concerned. Not satisfied, they threatened to break into the house and search it without any legal authority. It was well they did not carry their threats into execution. The usual polygamy charges are the cause of these arrests. The party left for Blackfoot before day had fairly dawned. But one subpoena had been issued that we know of, viz., for Mary A. Roberts, who was re-

quested to be at Blackfoot, a distance of 60 miles, for Wednesday's court. We feel we have just cause to complain of the treatment of the officers of the law. The parties arrested, who were aroused out of their slumbers, have been attending to their daily labors regularly. No effort has been made by them to evade proper authority, properly served. But to be hunted under cover of darkness, and the aid of noted criminals called in to assist the majesty of the law, is more than this people is entitled to. We say, shame on the representatives of the law, who resort to such cowardly acts as were indulged in on Sabbath evening against a non-resisting people. A man's home should be his castle. The law provides for a course to be pursued in carrying out its provisions. If these officious officials, with their associates, were to receive their dues under the law, one half of them would be in prisons provided for others.

JUDGE BOREMAN'S CHARGE TO THE JURY

IN THE FOTHERINGHAM COHABITATION CASE.

In the District Court for the Second Judicial District of the Territory of Utah, County of Beaver.

The United States, vs. William Fotheringham.

CHARGE.

Gentlemen of the Jury:—The evidence being now closed and the arguments of counsel ended, it becomes my duty to give you in charge the law of the case. The statute of the Territory requires me to inform you, and I do accordingly inform you, that you are the sole judges of the credibility of the witnesses, of the weight of the evidence and of the facts.

The defendant is presumed to be innocent until the contrary is proved, and in case you have a reasonable doubt whether his guilt is satisfactorily shown by the evidence, he is entitled to an acquittal. Proof beyond reasonable doubt is such as will produce an abiding conviction in the mind, to a moral certainty, that the fact exists that is claimed to exist, so that you feel certain that it does exist. A balance of proof is not sufficient. A juror in a criminal case ought not to condemn unless the evidence excludes from his mind all reasonable doubt. Unless he be so convinced by the evidence, no matter what the class of the evidence, of the defendant's guilt, that a prudent man would feel safe to act upon that conviction in matters of the highest concern and importance to his own dearest personal interests.

If you believe from the evidence beyond a reasonable doubt, that the defendant between the dates mentioned in the indictment, made a practice of living, eating and sleeping a portion of the time at the house of Elizabeth Fotheringham and treated her as a wife and holding her out as such, and was at the same time in the habit of living, eating and sleeping portions of the time at the houses of Mary Wardrobe and Harriet Hales, or at the house of either of them, and treated them as wives, and held them out as such, you should find the defendant guilty.

If you believe from the evidence beyond a reasonable doubt that the defendant cohabited at the same time, during the period mentioned in the indictment, with any two of the women mentioned, you should find him guilty.

INSTRUCTIONS GIVEN AT DEFENDANT'S REQUEST.

The indictment charges that the defendant Wm. Fotheringham, on the first day of January, 1883, at the County of Beaver, Territory of Utah, and continuously from said time until the first day of March, 1885, unlawfully, did cohabit with Elizabeth Fotheringham, Mary Wardrobe and Harriet Hales. Now, if you find from the evidence that the defendant did not cohabit with Elizabeth Fotheringham during said time, then you will not consider her as one of the women with whom defendant has cohabited, and as to the other two women mentioned in the indictment, if you find he did not cohabit with both of them during said time, though he may have cohabited with one of them, then you will find the defendant not guilty.

If the jury fail to find from the evidence beyond a reasonable doubt, that the defendant between the dates named in the indictment, that is to say, between January 1st, 1885, held out to the world as his wives more than one woman, they should find a verdict of not guilty.

The law presumes all persons charged with a criminal offense to be innocent until the presumption is overcome by proof; therefore, it presumes that all persons who were living with two or more women as wives prior to March 22nd, 1882, have since that date ceased to cohabit. This presumption of innocence continues throughout the trial for the offense defined in said third section, except as removed by evidence which satisfies the jury, beyond a reasonable doubt, that the defendant is guilty as charged.

Neither the marriage between the accused and the women mentioned in the indictment prior to the passage of the Edmunds act, nor any cohabitation with them, or birth of children to him as the fruit of such cohabitation at that time, can be considered by the

jury as evidence of cohabitation since said act, or as affecting the said presumption of innocence.

As all children of polygamous marriages, begotten before March 22d, 1882, are legitimated, and no cohabitation before that date was unlawful, no criminal inference can be drawn by the jury from the defendant's later acknowledgment of his paternity of such children by the women mentioned in the indictment, nor from later recognition of such women as their mothers, and as women whom he had before said date, taken into the polygamous relation with him.

If the jury find that the defendant since the passage of the Edmunds act, and within the dates named in the indictment, has not held out to the world and announced more than one of the women named in the indictment as his wife, they should acquit the defendant.

It is not necessary that the parties to a polygamous marriage should divorce themselves in order to entitle themselves to the presumption of innocence of the offense of cohabitation.

The existence at the time of the passage of the Edmunds act of a polygamous relation between the defendant and the women mentioned in the indictment, is not evidence of any fact necessary or tending to a conviction for violating the third section thereof, against unlawful cohabitation.

The law presumes innocence, and therefore, that all persons who were cohabiting when the Edmunds Act took effect, contrary to the provisions of that act, then ceased to do so.

Prior to March 22d, 1882, cohabitation with more than one woman was not unlawful.

INSTRUCTIONS GIVEN AT REQUEST OF PROSECUTION.

It is a presumption of law that every man obeys the law, and it is therefore presumed that the defendant, at the time of the passage of the Edmunds law, March 22d, 1882, ceased to cohabit with more than one woman, but this presumption may be rebutted by proof to the contrary, and, if you find from the evidence that after that date, and after the 1st day of January, 1883, he lived in the practice of cohabitation with all or any of these women, you should find him guilty as charged in the indictment.

The term "cohabitation" as used in this indictment, does not necessarily include the elements of sexual intercourse. If you find that the defendant lived with these women as men ordinarily live with their wives, under the same roof, eating at the same table, and by language or conduct, or both, holding out to the world these women as his wives, recognizing them as such, and allowing them to recognize him as their husband, you should find him guilty as charged in the indictment.

I hereby certify that the foregoing is a full, true and correct transcript of the charge to the jury in the above entitled case.

A. H. WINN,

Reporter pro tem. Second District Court of Utah.
Dated May 19th, 1885.

ANOTHER OF THE WEAK-KNEED.

J. D. JONES SAVES HIMSELF FROM IMPRISONMENT BY REPUDIATING HIS PLURAL WIFE AND MAKING PROMISES FOR THE FUTURE.

The Idaho Herald of the 15th contains the following article:

"On Wednesday afternoon J. D. Jones, having previously entered a plea of guilty to the charge of unlawful cohabitation, was brought before the Court for sentence. Judge Morgan asked the defendant if he had anything to say or any legal excuse to offer why sentence should not be pronounced upon him. The defendant replied that H. W. Smith, Esq., one of his attorneys, would address the Court in his behalf.

Mr. Smith arose, and after assuring the Court, members of the bar, and all present, that he was not in sympathy with the Mormon doctrine of polygamy, yet he believed that many members of that Church were entitled to the leniency of the courts; that the United States government and its officials were accused of maintaining a spirit of persecution and vindictiveness towards that people, but such was far from being the truth; that the only object of the government or its officials was to mete out such punishment to this class of offenders of the law as it would to any other class of criminals; that Mr. Jones, it appears, was married in 1856, six years before there was any law or statute against polygamy, or making the practice of it a crime; that after the passage of the Edmunds Act, in 1882, the defendant had, as he supposed, been living within the law, as he had not actually been living with but one of his two, so-called, wives, at least, so far as the true relationship of man and wife existed, or in other words having sexual intercourse with but one of them, though he did visit them both and held them out to the world as his wives, but only until the late ruling of Judge Zane, of Utah, had he considered that an offense against the law under the spirit and meaning of the act itself. But under that ruling, recognizing that even these relations made him amenable, he determined to and did surrender himself to the proper authorities, and assert his intention to live within the law in every particular, and would henceforth, notwithstanding any counsels of

the Church authorities to the contrary, abide by the law.

These were the kind of men, said Mr. Smith, that he considered entitled to the sympathy of the people, and so far as consistent, the mercy and clemency of the courts; that excessive fines and long terms of imprisonment would not in his mind, in such cases, be subversive of the best good, but on the contrary, a manifestation of a spirit of kindness to all those who made such promises.

U. S. District Attorney White, in a short but very able speech, said that he had malice towards none; was not actuated by any spirit of vindictiveness;—that all he wished was to do his duty as an officer and see the laws of our country obeyed, but thought in some instances the penalty for such offenses was inadequate to the crime. His remarks were delivered in a spirit of kindness, but in that firm and decided manner that would leave no doubt in the minds of all who heard it, that he would not dally with that class of offenders.

His Honor, Judge Morgan, then addressed the defendant substantially as follows: That he would not be governed by any spirit of fear or favor in pronouncing sentence upon any one of the class of offenders of the character of the one now before him for that purpose; that he considered that class of crimes as he would all others of like magnitude. It had been stated by Mr. White, United States District Attorney, that the punishment for such offenses was inadequate to the crime; as to that he had nothing to say, except that the United States Congress had fixed the maximum penalty for such offenses, and had left it discretionary with the courts to impose that or a less punishment upon those convicted of the offense; that he did not look upon that class of crimes differently to any others of like magnitude. But that it was clear to his mind that some were deserving of more severe punishment for the offense than others; that the object of the Court was, and would, regardless of public opinion, which he cares nothing for, mete out such punishment to each individual convicted as seemed to him, in his best judgment, right and proper in the several cases as they were presented. All must be made to recognize the laws of our government as paramount to all others.

Before pronouncing sentence, Judge Morgan said to the defendant:

"Is it your intention in the future to obey the law in good faith?"

Defendant—"It is."

Judge Morgan—"What will you do if anyone asks you your advice as to obedience to the law in the future?"

Defendant—"I shall advise them to obey the law, and I intend to do the same myself."

The Court then sentenced the defendant to pay a fine of \$300 and costs.

THE FOTHERINGHAM CASE.

BEAVER, May 14, 1885.

Editor Deseret News:

The religious inquisition has again opened its doors and commenced operations, evidently with the determination to carry out all the laws enacted for the purpose of suppressing the belief in plural marriage, and in fact any belief in the Lord at all that does not correspond with the views entertained by his Honor Judge Boreman.

In the case of the United States vs. Wm. Fotheringham, indicted for unlawful cohabitation, the case was set for hearing on the 13th inst., at 10 a. m., but the defendant's attorneys, not being present at that hour, the trial was postponed until 2 p. m. of the same day, at which time the defendant's attorneys asked till Thursday morning to prepare themselves, having only just arrived in town. Thursday, at 10 a. m., the case was again called, and all parties being present, together with their witnesses, the jury were called, numbering 21, nine of whom being non-Mormons, and expressing themselves as being in sympathy with the prosecution and in favor of convicting, were left in the box. The remaining twelve expressed themselves in favor of justice, and as being determined to uphold the laws of our country, and to render a verdict according to the evidence presented. They were accordingly excused by his Honor, Judge Boreman, for want of bias against this class of cases.

His Honor, not content with the examination of jurors by the prosecuting attorney, must needs examine them himself, in order to find out whether they believe in God and His commandments, and, bang answered in the affirmative, he invariably rules them out.

The attorneys for the defense, in comparing the various classes of crimes, said that plural marriage was only made so by the statutes, and that a man's belief regarding it being right before it was made a crime, could not prevent him from acting as a juror, and especially is this so in this case, where no one is injured, as all parties have willingly and voluntarily entered into the contract. They illustrated the case by citing the liquor law, which prohibits the sale of liquor in some States, and saying that whatever a man may have thought previous to that law being passed, he was not disqualified from acting as a juror after the law was passed, making the sale of liquor a crime.

In reply, his honor said, "There might be some force to their argument if the offense was not what it is—it being an offense against all good persons and good morals and wrong in and of itself and in the sight of God (accord-

ing to his profound wisdom) and all civilization—but (said the judge) if I believed it right I would not fight against it for a moment" and he therefore sustained the challenge of the prosecuting attorney on the ground that the juror believed that the Lord had given such a revelation.

More anon, MOONSHINE.

A PROLIFIC REGION.

Early Maturity and Wonderful Increase of Animal and Vegetable Species in Arizona—Court Doings.

TEMPE, A. T., May 9, 1885.

Editor Deseret News:

Not seeing anything in the News of late from this place, I thought a line might perhaps be interesting to some few of your readers, especially that class who are interested in and anxiously observing the maneuvers of that faithful little worker, the bee. This spring my brother, B. Farland Johnson, had 39 stands of bees, some in a very weak condition, owing to there being but a nucleus at the close of the honey season and not a full store; however, he has increased his apiary to 51 stands, and taken out by extracting, since the 23d day of last month, 100 gallons of honey, and considerably yet in the hives. He says that if the season continues favorable he will make 100 gallons more and increase his apiary to 100 stands. There are many bees in the country, and increasing, practically, a land of milk and honey. Honey is now selling at 10 cents per pound, and but little more at that, and as for milk, our common scrub cows give on an average of four gallons per day. The same in Utah did well to survive the winter, raise a buttermilk calf, and give a gallon of milk a day. Here, where all grows so spontaneously and rank, can keep our stock beef fat all the year round with one quarter the expense that we could in Utah. In fact everything grows so much more rapidly, matures so much earlier in this country than it does in Utah, that one would scarcely believe the difference with seeing it.

Cows will calve at eighteen months old; hens will lay eggs at five months old; and in our nurseries we have large number of peach trees with on which are one year old from the seed, besides many other things which are too numerous to mention are equal forward and prolific.

Notwithstanding the disadvantages of this being a comparatively new country, there is no place that I know of where so great a harvest can be reaped from so little labor, and a country where a greater variety of good things of the earth can be had than here. A more beautiful climate nine months in a year never was in a country, and during the other three months in the heat of summer a cautious man can lay under his own fig tree and enjoy the luxuries of the earth.

The health of the people is very good and I believe all feel the necessity of living in union and peace, which are striving to do, remembering that God has in all ages, and more especially in our own day, sustained his people in their trials and afflictions. I present crusade against us in this we feel to acknowledge the hand of God, although we feel the absence of our brethren who are in prison and elsewhere severely. We are discouraged by any means, and I believe that the words of Joshua would peep the united sentiment of the people: "As for me and my house we serve the Lord."

At our last term of court, there were six indictments found against brethren, three here and three at Mesa, but none have as yet been put under bonds. The spirit of persecution seems to have quieted down a little, and some that took part in the proceedings openly state that they are ashamed of the outrage. However, the case is not yet settled. The table will turn in sweet by and by.

May God help us to continue in His cause.

Yours truly,
JOS. F. JOHNSON

BY TELEGRAPH.

THE WESTERN UNION TELEGRAPH.

AMERICAN.

CINCINNATI, 21.—At a fire this afternoon in Sullivan's printing establishment, No. 19 Sixth Street, five girls and women jumped from the fifth story to the sidewalk. Four of them are dead.

Later—The fire on Sixth street this afternoon caused the death of persons. It was at first thought that the women who jumped from the fifth story window were killed when the fire was subdued so that the firemen could enter, it was found that 15 dead bodies lay in a heap on the fifth floor and one on the fourth. There were six who jumped from the window and were killed, and one man after saving the lives of two women by letting down a rope from the roof was himself killed by the burning of the same rope before he reached the ground. This was Mr. Sullivan, brother of the proprietor of the printing works.

The fire originated by the explosion of a gasoline stove on the ground floor. The flames entered the elevator shaft