DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY - March 3, 1886

ANOTHER TURN OF THE KALEIDOSCOPE.

"The glorious uncertainty of the law" was never illustrated since the world began as vividly as during the raid upon the "Mormons" of the last year and a half. The law against "unlawful cohabitation" has been twisted and distorted and construed in so many different ways, that no one can give it an interpretation that will hold good for a day. The Courts, after giving it a definition in order to secure a conviction in one case, will depart from it and give an essentially different meaning to the law to secure conviction in another case. After explaining what it takes to constitute the offense, if the stated elements are lacking in a new case, the Court, following the dictates of the prosecuting officer, will decide that those elements are unnecessary, and a fresh construction is given, to be changed again when it does not cover ground enough to convict the defendant.

The term "unlawful cohabitation" as manipulated by the courts here, is made so elastic that it will fit the case of every "Mormon" who has married more wives than one, even if he does not cohabit with either of them, and to shrink up so closely that it will not cover a "Gentile," no matter how many women he may cohabit with outside of the marriage relation or how much he may practice consecutive polygamy, mistress keeping and unbridled debauchery.

There is no telling how many new constructions will yet be put upon the term. Judging by experience they will vary with every case containing new features, and will be stretched or shrunk as the circumstances may require, conviction being the object, irrespective of actual guilt. That this is calculated to inspire the people with profound respect for the law, and with adoration for the persons who pose as its expounders and administrators, must be clear to every reflecting mind.

The case of Solomon Edwards, reported in Tuesday's Evening News, shows one more turn of the judicial kaleidoscope. The facts are, as disclosed by the evidence, that the defendant, shortly after marrying Jane, a plural wife, in 1880, was divorced from his first wife. In 1883 he married again. The third wife, Emma, became, of course, his legal wife, and a charge of polygamy preferred against the defendant had to be abandoned. In order to sustain a charge of unlawful cohabitation it had to be shown that the defendant had lived with the two women, Jane and Emma. They were both called as witnesses for the prosecution. It was shown that on his proposition to marry Emma, his plural wife Jane announced her determination not to live with him any more, and an arrangement was made that he should have one of their two children and she the other. After his marriage with Emma, he called with her on his way to Pleasant Valley and stayed at Jane's house, going there to get the child. The evidence was positive that he had not lived with Jane as his wife since marrying the other.

The Prosecuting Attorney contended that this visit constituted the crime of cohabiting with more than one woman. "The Court instructed the jury that if they believed the defendant *associated* with the two women as his wives, if only for one day, their verdict should be guilty." Of course the defendant was convicted. With a jury selected for the purpose, and virtual instructions to convict, what else could be expected.

According to the ruling of the Supreme Court of the United States, unlawful cohabitation consists of "holding out to the world and living with more than one woman at the same time as wives." In this case neither of these essential elements were present. It was not shown that the defendant had, since his marriage with Emma, ever held out to the world the woman Jane as his wife. Neither was it shown that since that time he had lived with her as a wife. She said she "made it too hot for him." The relationship with her ceased from the time of his marriage with Emma. This was the evidence for the prosecution. Was not the verdict in conflict with the evidence? We think every sane mind will answer in the affirmative.

But the jury were instructed by the Court in such a way that they could scarcely have decided differently without going against the judicial dictate. The definition of unlawful cohabitation this time was "to associate with two women as wives." On this ruling whenever you associate with a woman you cohabit with her. Therefore if any gentleman becomes acquainted with Judge Zane's wife and associates with her, he cohabits with her. How does Judge Zane like his own definition? If association means cohabitation, every woman who has a circle of male acquaintances cohabits with several men. How do the wives of the court officials and the jurymen like the term? They ought to feel under great obligations to Judge Zane for its application.

There was no need for the defendant to obtain a divorce from his plural wife. Their relations were not recognized by the secular law. They had separated, their relations had ceased, and when they "associated," if calling at the house to get his child and visiting there can be so described, they did not associate as man and wife, the witness Jane testifying that she did not consider the defendant at the time as her husband.

Now what do the promoters of this kind of pettifoggery expect to accomplish by it? They may secure the imprisonment of a few victims to their malice, but how much will that affect the situation here? It only serves to increase the profound contempt with which the people are animated, both for a so-called law which is made capable of such gerrymandering and of the persons who perpetrate these outrages on justice and travesties on law. Those who believe in the rightfulness of the family relations they have religiously formed will not be impressed to their disfavor by these unrighteous rulings, and the general public will not be imposed upon by these absurd and unlawful verdicts.

The sense of injustice and oppression under which the "Mormon" people are now smarting, is made more intense and abiding by the course pursued to fasten conviction on those who have not really broken the law. That the third section of the Edmunds Act has been disregarded by many men who have entered into plural family relations before its enactment, is not denied. Their prosecution and conviction by fair means, reflects no discredit on the public prosecutor, the courts or the juries. But when the facts elicited in the prosecutions show that some men have actually lived without violating the law, have taken measures to comply with its provisions, have made such arrangements to this end as are known and recognized by their families and the public, and they are yet convicted and punished with as much animus and severity as those who have made no pretense of keeping the law, respect for all who are engaged in the legal infamy must cease if it ever existed, and the law itself is necessarily brought into scorn and contempt.

The Edwards case is another on the list of perversions of the law and violations of justice, which will appear in the history of the unholy war upon the "Mormons," and the whole crusade will be viewed with wonder and denounced with disgust by the future readers of American history. But who can paint the features of those who have promoted and waged this shameful warfare as they will appear when "the books are opened and men are judged out of the things written in the books," before that Tribunal where truth shines undimmed, and falsehood, trickery and malice will stand unveiled and receive their just deserts!

MORE "CONSPIRACY."

Another conspiracy to trump up a charge of conspiracy is developed in the latest attempt to bring Frank Treseder into the clutches of the law. His reputation has not been of the best, and therefore he appears to have been selected as one not likely to find many defenders. The particulars of his arrest without a warrant, and of the vain attempt to thrust him into the penitentiary, where it was supposed he could be made to "squeal" about something or somebody to suit the purposes of the conspirators show that events are not occurring with sufficient rapidity and in the proper direction to suit the ring of plotters against the peace of Utah.

If some hair-brained youth or angry "Mormon" who, forgetful of good advice, seeks to avenge a wrong by violence, cannot be found to give color to an accusation of "conspiracy," and a peg on which to hang sensational dispatches to be sent to the country, a scheme has to be worked up to manufacture something to give an excuse for a rousing rumor. The tap under the eye that Dickson received from a boy, was worked for all it was worth and a great deal more. But the actual proportions of that awful "conspiracy to murder," dwindled down into such insignificance that the manipulators of the sensation became ashamed of their nefarious work. The present attempt is still more ridiculous and baseless, and shows that the conspirators are reduced to extremities to work up a sensation.

Certain officers engaged in the anti-"Mormon" crusade want to keep up their names before the country, and to gain a heroic reputation that will serve them well in the future. They wish to make it appear that they are in constant jeopardy, and are bravely standing up for the enforcement of law in the midst of desperate and lawless people. While the facts are that they know they are as safe in the streets of Salt Lake as if in the seclusion of a private drawing room or under the protection of a garrisoned fort.

If unprincipled tools and convicted felons are relied upon to concoct schemes and swear to falsehoods, in order to manufacture charges that will serve to impress the country with the idea that the officers are in danger and the "Mormons" are in rebellion, the conspiracy may not pan out as intended. Such things have been attempted before with the result of shame, and loss and defeat to the projectors. There will no doubt be sensations enough to satisfy the most eager appetite. Better not seek to make them out of nothing. Wait for at least a thread of fact on which to weave yards of fiction. The whole-cloth lying business is a little too transparent for great success. And a plot to murder three or four government officials made up for a lying press dispatch may answer for a day, but it will not accomplish the end desired, but only make the defeated conspirators look like a set of consummate fools.

AN EGREGIOUS BLUNDER.

Mr. Dickson has discovered another mare's nest. He does not conceal his great anxiety to fasten something upon President George Q. Cannon that will sentence him to protracted imprisonment. The vindictiveness exhibited in every stage of the proceedings against that gentleman is shameful in any public officer, and it is likely to lead to many mistakes. This time a lady has been brought all the way from Pleasant Grove as a witness against President Cannon, under the notion that she is a plural wife whom he has wedded since the passage of the Edmunds law. No secret has been made of the intention, if possible, to convict the gentleman on a charge of polygamy. But though juries can be had who will bring in the required verdict on the most infinitesimal point of evidence, there must be some semblance of proof, some shadow of excuse on which to predicate conviction. The arrest of Miss Winters and her conveyance to this city were accomplished in the hope that the slender thread of evidence required might be obtained. And the placing of the lady under the enormous bonds of $5,000 shows the importance attached by the Attorney to her expected testimony, and the animus he has displayed throughout this prosecution. But we are gratified to know that he has in this instance made an egregious blunder and will have nothing but his labor for his pains.

THE LATEST ATTEMPT AT LEGISLATIVE ROBBERY.

The spirit in which Utah is assailed by certain members of Congress, egged on by the ring of conspirators who are endeavoring to bring about a crisis in this Territory, is indicated by the movement of Senator Cullom, reported in our Washington dispatches. He first introduced a resolution calling for a report of the amount due from Utah to the United States Treasury on account of money advanced for the expenses of the courts. This was adopted. He then introduced a bill to prohibit payment to the members and officers of the Utah Legislature, until all the money due to the United States is reimbursed.

It has been known, from the opening of this session of the Legislative Assembly, that officials here were desirous of stopping the salaries of the members and officers. But it was also known that they had not the power to accomplish their nefarious purpose. The money was duly appropriated by Congress and cannot be diverted from its legitimate purpose, except by special Act of the same body that appropriated the amount. It seems that they have succeeded in getting a measure introduced for the purpose, and that they selected Cullom, a bitter and unreasoning anti-"Mormon" bigot, to effect their ends.

The question of the liability of this Territory for certain amounts that have been paid out of the United States Treasury and charged up to Utah, has been several times brought up in the U. S. House of Representatives. But in every instance it has been decided that the Government could not compel payment. If the Government appoints officers and prescribes their duties, and gives the people no voice in the matter, the Government must pay the bills. This is well understood, and we believe the previous attempts to force an issue on this matter have not proceeded further than the committees to whom they were referred.

It is sprung again at this juncture, and in the Senate, because of the prejudice that exists, and the known disposition of the majority of the Senate to pass anything however extraordinary and unjust which is likely to injure the "Mormon" people. The bill is very likely to pass the Senate, for there is a vast amount of ignorance in that body in reference to Utah affairs, and scarcely any disposition to receive correct information, but it will meet with better scrutiny and perhaps fairer consideration in the House.

Against any bills which the Government may consider it has to present against Utah, there is an unsettled account of considerably over a million dollars owing to this Territory for expenses in repelling Indian raids. If the Government will settle that little bill, perhaps Utah might consent to the payment of the comparatively small amount which is held against this Territory, though that is not by any means a settled conclusion, seeing that the payment of the debt we hold against the Government would be meeting a just obligation, while the settlement of the account against Utah would not be really proper, legally or otherwise.

But whatever may be the conclusion arrived at in the matter of disputed accounts between Utah and the General Government, it must be clear to every unprejudiced mind that the attempt to make the members and officers of the Legislature pay bills which they did not contract, and for which they are in nowise personally responsible, is, to say the least, a very questionable proceeding, and one that is neither honest nor justifiable under any circumstances.

Those gentlemen were elected to office, and have performed the services required of them under the Organic Act and every other law which relates to their duties. Their meagre salaries belong to them. They have earned their pay. To withhold their money would be to rob them. It would be just as much of a theft as if a number of masons were employed to build a house, and their employer refused to pay them when they had finished their work, on the ground that money was owing to him by some society of which they were members. It is attempted in the same spirit as that which suggested the confiscation of Church property. It would be the power of might over right. It would be confiscation, plunder and usurpation.

What have the *officers* of the Legislature to do with paying the debts of the Territory, if there be any? They have no voice in the making of laws. They could do nothing towards voting any Territorial funds. They are simply servants who have performed their labors and are entitled to their pay. There is not the ghost of an excuse for depriving them of their hard-earned wages. They have nothing to do with the dispute between the Treasury Department and the Territory of Utah.

If the Government had a bill against the Territory, why has it not been presented in the proper way, to be met in a legal manner, by explanation from the Territorial authorities, by acknowledgment of the debt and arrangements for its liquidation, or by producing an offset or proving the illegality of the claim? The reference made by the Governor in his insulting message to the Assembly, was viewed like the rest of his buncombe. It was an ebullition of his spleen not a claim presented by authority.

As to the supposed punishment to the legislators because they represent the hated "Mormons," that will not accomplish the end desired. It is not the first time that a Utah Legislature has been robbed of its just earnings. It is not the first time that its members have served without payment. They can live and flourish without it. This pressure will not force them to do anything that they know or believe to be wrong or impolitic, and they will be in a much better position than the thieves who stole their pay, or plotted to deprive them of that which lawfully, morally and justly belongs to them.

We believe that ultimately the members and officers of this Assembly will receive their salaries. For the present they may be deprived of their money. The trick that has been played upon them is a contemptible one. Those who have planned it and fouled their fingers with it in this Territory, are too mean to describe in proper language. But we think it will not succeed. The wrong of it, the inconsistency of it, whatever may be thought about the validity of the claim against Utah, are too palpable to be smothered by the prejudice against the people of this Territory, and when the matter has been properly investigated, the money, we believe, will be paid, while the infamy of this attempt at robbery will be stamped indelibly on the souls of its authors.

DEPUTIES' DOINGS IN BEAVER COUNTY.

They enter houses in the night and carry things with a high hand.

Messrs. Gleason and Thompson made a raid upon the quiet and unpretentious burg of Greenville, commonly known as Pancake, in this county, on Tuesday morning. They visited the house of Mr. Wm. Barton, and subpœnaed what persons they wanted to appear before Commissioner J. R. Wilkins. They likewise visited the house of Edward Thomas. This gentleman had already, some months ago, been before the Commissioner and his case was discharged. Here the deputies also obtained their prey. It is stated that their raid upon these places was so early in the morning that the people had not yet risen from their beds, and the door of the Thomas house being fastened they made a big noise by hammering on the doors. Mr. Thomas arose and partly opened the door. The deputies were rather loud and uncommonly pretentious until a young man sleeping in the backroom mentioned pistols, then they didn't talk so loud.

Mr. Barton's case was examined by the U. S. Commissioner. The evidence was of such a nature as to not warrant the holding of the gentleman and he was released. From lack of some important factor in the Thomas case, it was postponed until to-day.

The residence of Robert Easton was also invaded by the deputies, but luckily no one was at home and they were compelled to retire without accomplishing the object of their visit. Mr. Easton was, however, subsequently taken by the deputies and brought before the Commissioner and bound over to await the action of the Grand Jury. Further developments of these cases are looked for, as also the bringing up of other cases, according to the rumored boasting of certain officials hereabouts.

Worse than the outrageous proceedings enacted at the Thomas house, were those carried out at Mr. Easton's place. Here the minions of the law entered through windows and—there being no men at home—played sad havoc. The women were compelled to rise from their beds in their night clothes and stand before these men(?) and listen to the reading of subpœnas. One young girl being very much abashed rose, at their *command* from one bed and fled to another, but again she was made to rise and stand before the law protected pirates until they had served the subpœna upon her. It has developed that these outrages were carried out without even a warrant giving the perpetrators the authority. A search was instituted when it was known that Mr. Easton was not at home. Small drawers to bureaus, washstands, etc., were hauled out and their contents emptied upon the floor. One could readily imagine it was not so much Mr. Easton as his money they were after.—*Southern Utonian.*

LOCAL NEWS.

FROM THURSDAY'S DAILY, MAR. 4

Looking for Witnesses. — Yesterday deputies appeared at the house of Mrs. Caroline Young Croxall, and inquired for the lady and her two daughters. Upon being informed that they were not in, the deputies subpœnaed Mr. and Mrs. Don Carlos Young, who reside in the house, to appear before the grand jury. The crusaders are evidently determined to hunt up a wife for President Cannon.

Garden Seeds.—D. M. Ferry & Co., of Detroit, Mich., send us a few samples of the flower and garden seeds which are grown and put up by them. We can say nothing as to the quality of the seeds, but from the attractive manner in which they are put up, with pictorial illustrations on the covers of the packets, we should imagine they ought to sell readily. The illustrated and descriptive catalogue of the firm is sent on application.

Pool Arrangements.— This morning, Receiver W. H. Bancroft and Gen. Pass. Agent S. W. Eccles, of the D. & R. G. W., and Gen. Supt. John Sharp, Asst. Supt. James Sharp, and Gen. Pass. Agent Francis Cope, of the Utah Central, held a meeting, at which matters pertaining to the local Utah pool were considered. Some slight changes in existing arrangements were made, and an agreement entered into by which the pool will continue until March 31st, 1887.

Contempt.—Last evening James H. Raddon was sent to the penitentiary for contempt, in refusing to pay alimony allowed Mrs. Raddon by the court. Proceedings for a divorce were instituted by Mrs. Raddon some time since, and $20 per month alimony allowed the applicant. About a year ago a temporary suspension of the alimony was granted by Judge Zane, and recently Judge Boreman ordered that the accumulated alimony be paid by the 2d inst. Failing to do this, Mr. Raddon was placed in durance vile.

Fatal Snowslide.—A dispatch from Monroe, Sevier County, says that on Saturday afternoon three men were coming down Cottonwood Cañon, Marysvale, when a snowslide took place, burying one man named Ole Allison. The other two escaped by holding to trees. Allison's age was 36 years; he has no relatives nearer than Iowa. The body was not found until Monday afternoon, about 2 o'clock. It was under snow about four feet. It is not bruised, and he is supposed to have smothered to death. The body was frozen stiff when found.

Wellsville City Officers.—At the municipal election held in Wellsville, Cache County, on Monday last, the following officers were elected, and today certificates of election were issued by the Utah Commission: Mayor, Joseph Howell; Councilors, Evan Owens, Wm. Haslam, Samuel Perkins, David Murray, Thos. Kerr, Peter M. Maughan; Justices of the Peace, Thos. Leishman, C. C. Hackett; Recorder, Wm. H. Maughan, Jr.; Treasurer, John H. Maughan; Assessor and Collector, Samuel Miller, Jr.; Marshal, Joseph B. Woodward. There were 224 votes polled, no opposition.

Honor to a Worthy Man.—By correspondence from Heber City we learn that John Duke, of that place, left there on Monday morning to go to Provo and stand his trial before Judge Powers on an indictment charging him with unlawfully cohabitating with his wives. On the evening of the 26th ult., a host of friends and relatives assembled at his house as a surprise