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TRUTH AND LIBERTY.

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THE ACQUITTAL OF THE MURDERER.

THE shameful proceedings in the sham trial of Wm. Thompson, who killed Edward M. Dalton at Parowan without provocation and without excuse, came to the expected conclusion on Saturday at Beaver. Thompson was acquitted and red-handed murder goes unpunished.

It was not believed by the public that there was any intention to bring the slayer of E. M. Dalton to justice. Every step in the pretended prosecution gave evidence to the contrary. When his case was handed over to the grand jury whom the defendant had selected, and the majority of whom went out to take him from the officers who had arrested him, it was understood that the purpose was to let the assassin go free. The indictment for simple manslaughter when the testimony proved deliberate and malicious intent to kill, indicated that the proceedings were to be a mere pretence. And when the character of the jury was learned, and it was told that one of the very grand jury that found the shameful indictment and went out to rescue the prisoner from the regular officials, was actually put on the jury that was to try him, public predictions as to the outcome were expressed without dubiety.

The alleged prosecution was conducted by District Attorney Dickson's chief assistant—C. S. Varian, the U. S. official who, in open court, refused to proceed against the filthy and debauched persons who had been caught by the police in acts of the most flagrant and criminal indecency in vile resorts in this city. Notwithstanding the direct and unmistakable evidence against the accused, which was similar to the testimony before the coroner's jury and contained in the affidavits published in this paper, Mr. Varian took the side of the defendant, and, practically, the pleas of the prosecution and the defense were in the same direction and with the same object—the acquittal of the prisoner. The murdered man was a "Mormon," his assassin a "Gentile." Need any more be said? Yes, there is another feature in this tragedy that needs pointing out. The murderer was a deputy Marshal and his victim was charged with infraction of the third section of the Edmunds law. The impression sought to be conveyed is that a deputy has the right to shoot and kill a "Mormon," whom he supposes or pretends to suppose is attempting to avoid or escape from arrest. The claim is false, and is in direct conflict with law and precedent.

The only ground on which the attorney who should have prosecuted proceeded to defend the accused deputy, was that he fired the fatal shot when attempting to arrest a person charged with felony. Let us examine this a little and see how untenable it is: The law provides that homicide is justifiable when necessarily committed by an officer in retaking felons who have escaped, or when necessarily committed in arresting persons charged with felony and who are fleeing from justice or resisting such arrest. We will not stop to discuss the question whether Mr. Dalton was fleeing from justice or resisting arrest, though the evidence was clearly to the contrary, nor whether the shooting of the person to be arrested was "*necessarily* committed," though the entire testimony showed it was not. We will take up the word "felony" on which the argument mainly turns.

That Mr. Dalton was not a felon need not be debated; he has not been convicted of any crime and was not therefore, in fact or in the eyes of the law, either a felon or a misdemeanant. But is the offence with which it is alleged he was charged a felony. Mr. Varian says it is, we say it is not. Let the law decide. The third section of the Edmunds law, for alleged violation of which Mr. Dalton was to be arrested, provides:

"That if any male person in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court."

Mr. Varian is an officer of the United States. Yet he denies the definition given in the statute of the United States which he is chiefly engaged in enforcing. A misdemeanor is not a felony. The Edmunds law says unlawful cohabitation is a misdemeanor. It matters not what Mr. Varian may say, whether in pleading for a defendant whom he was sworn to prosecute or for any other purpose. The United States statute is above either Mr. Varian or Mr. Dickson his principal. It also supersedes any definition that may be woven from the fabric of a territorial statute. The law that creates the crime defines it as a misdemeanor and that virtually settles the controversy. If Mr. Varian is right the Edmunds law is wrong and *vice versa*.

But the penal code of Utah provides that

"A felony is a crime which is or may be punishable with death or by imprisonment in the penitentiary. Every other crime is a misdemeanor."

Now note the pettifogging to shield a criminal! Persons convicted of unlawful cohabitation are confined in the penitentiary, therefore, argues the public prosecutor, pleading for the defense, that which the law says is a misdemeanor may, for the purpose of this case, be deemed a felony! A misdemeanor, under the laws of the Territory, is an offense punishable by imprisonment for six months and a fine of three hundred dollars. In exceptional cases, where special penalties are affixed, the imprisonment for misdemeanor may reach one year's imprisonment. But under the territorial laws, persons guilty of the offenses that come under the head of misdemeanor are to be imprisoned in the county jail, and only to be put in the penitentiary for the higher grades called felony.

But the offense of unlawful cohabitation is one created and punished by a law of the United States, and is therein, as we have shown, designated by name as a misdemeanor, and therefore not a felony, although offenders under it are placed in the penitentiary because the U. S. Marshal has no other place of confinement under his control. The county jail, under the Territorial laws, is the place of imprisonment for all whose offense is punishable by the penalty prescribed for unlawful cohabitation. Therefore, neither under the laws of the Territory nor of the United States nor of any country on earth, is the offence for which E. M. Dalton was to be arrested anything more or less than a misdemeanor.

The specious subterfuge, then, on which Thompson's felonious act was claimed to be justifiable, disappears in the light of the law, and nothing remains but a transparent endeavor to save a bloodstained criminal from the legal consequences of his cowardly deed. That such an effort was made by the prosecuting officer proclaims the farcical character of the proceedings, and would remove any cause for wonder if a shadow of it remained at the verdict of acquittal by a jury "in sympathy with the prosecution."

Thompson has been acquitted by one tribunal, but there is another which pronounces a different judgment. Before the bar of the public he stands convicted on a flood of direct evidence of the crime of wilful, deliberate and cowardly murder. The blood of innocence stains his soul. No sophistry or pettifogging will take it away and no lying verdict will blot it out. It will show up red and gory through all the official and judicial whitewash that may be applied. The sound of that murderous bullet will ring in his ears, and the dying looks of his victim will not pass from his vision through life. The brand of Cain is upon his brow, and it is recorded on high, "He has shed innocent blood."

There is still another tribunal before which William Thompson will yet stand arraigned. The Eternal Judge will be there to do unflinching justice. The victim will be present to confront the slayer. No specious plea of legal apologizer will avail. The bare and awful truth will strike conviction and the murderer's doom will await the guilty. And when the assassin set free on earth is viewed with horror by the just, spatterings of the blood with which he is dyed will be found upon the skirts of those whose duty it was to bring him to his right deserts but who partook of his crime by palliating the deed.

Thompson should not be molested. Vengeance will come in its time from the Hand that will surely repay. But henceforth in the eyes of all fair-minded men wherever his course is known, he will bear upon his brow the blistering mark of the crouching and cold-blooded murderer!

ANOTHER ATROCIOUS SLANDER.

AT the trial of Thompson there seemed to be great uneasiness over the affidavits obtained from the witnesses to the murder of Dalton and published in the DESERET NEWS. The testimony, however, was in accord with those affidavits. But a most despicable attempt was made to cast discredit upon that damning evidence against Thompson, by questioning Brigham Brown as to an alleged statement to Mr. George C. Lambert of the DESERET NEWS. Young Brown was led by artfully put questions to deny that he had made any statement to Mr. Lambert concerning the shooting. The Salt Lake *Tribune* quotes these questions and replies, and both locally and editorially intimates that the statement published in these columns as having been made by Brigham Brown was manufactured by Mr. Lambert, and in its usual vile and infamous manner makes comments on this alleged falsehood.

No one who is familiar with the double-dyed villainy of the *Tribune* will be surprised to learn that neither Mr. Lambert nor the DESERET NEWS has claimed or asserted that Brigham Brown made any statement to either. No such assertion can be found in our columns. It has been manufactured by the *Tribune* and the creature who put the questions to Brigham Brown at the trial in such a manner as to cast a reflection upon the DESERET NEWS.

The testimony of Brigham Brown, published in these columns, was that given on oath before the coroner's jury, and it was so stated when published, the date of the statement before the coroner being also given, viz., December 16th, 1886—the day of the murder, while the statements to Mr. Lambert were not made until December 27th. Of course, Brigham Brown answered that he made no such statement to *Mr. Lambert*, but he was not asked whether he had made the statement to the *coroner*, because the object was to damage the DESERET NEWS instead of eliciting the facts.

We need not copy the epithets of the mendacious *Tribune* and turn them upon its own head, the public voice will do that when the full light of this new and shameful falsehood falls upon the public mind.

THE "WORLD" AND THE ADMINISTRATION.

"WE guarantee," says the New York *World*, of January 1st, "that our average circulation is twice as large as that of any other morning paper in America," and it invites inspection of its books and press room in proof of its statement. This indicates an almost phenomenal success on the part of that paper, when it is considered that less than three years ago, it was a third-class institution, little better than a financial and political wreck, apparently drifting helplessly upon the ocean of journalism.

After wishing President Cleveland a happy New Year it has this to say concerning his administration:

"His term is now nearly half over. During the time past he has disappointed half of the Republican party by making his Administration much better and safer than they in their prejudice thought it possible for a Democrat to do, and has disappointed half of his own party by making his Administration less Democratic and reformatory than they desired and expected it to be.

Our New Year's wish to the President is that he may devote the second half of his administration to pleasing the Democrats more and the Mugwumps less. Let him "turn the rascals out" and *keep* the rascals out—remove all unfit men and appoint none except those that are fit. Let him open wider the books and turn more light on the records of Republican ring rule. Let him throw the weight of his Administration more decidedly in favor of a reduction of the needless war taxes. Let him resist resolutely the corporations that seek to pervert the Government to their selfish uses, and grapple with the money power whose steady encroachments threaten the rights of the people. Let him, in a word, be more vigorously and aggressively democratic, and seek to give effect to the reforms which the people sought in his election.

So shall the New year be a more helpful one for the country and a happier one for himself. And mabap, when its record is closed and a newer year crowds it from the throne, the vision of a second term may materialize more solidly than it does to-day."

DATE OF THE SAVIOR'S BIRTH.

HANS JORGENSON, of Pleasant Grove, Utah, writes thus:

"In the article, 'What is Christmas?' published in the Semi-Weekly NEWS of Dec. 28th, 1886, it is claimed that the birth of Christ occurred on the 6th of April. In *Skandinaviens Stjerne*, vol. 16, page 152, translated from the *Millennial Star*, vol. xxviii, page 808, it is set as the 11th of April."

After a thorough search, through all the chronological data relating to the subject extant that he could find, the late Elder and Professor Orson Pratt, one of the most profound mathematicians of the age, was enabled to place the birth of the Savior at the 11th of April. This was the result of a scientific calculation. He gave it as his opinion, however, that, to use a homely phrase, a stitch had been dropped somewhere in the chronological seam; otherwise the result of the investigation would have shown the date to be the 6th of April, the Church of Jesus Christ of Latter-day Saints having been organized on the anniversary of the great event.

Elder Pratt, in 1879, while in Great Britain, made a thorough investigation of what has been claimed by Prof. Piazza Smyth, Astronomer Royal of Scotland, and many other eminent scientists, to be the sacred chronological symbolism of the great Egyptian Pyramid. In his researches he found in the Pyramid measurement what he implicitly believed to be a prophetic signification of the birth of Christ. It is noted on what has been designated the "Miracle in Stone," at April 6th. In the same connection he found an indication of a notable event to occur on the 6th of April, 1830. This latter he took to be the organization of the Church on that date.

The foregoing, however, can only be taken as coincidental matter. The revelations to the Church are not silent on the subject. It is made clear by the following introduction to a revelation on Church government, given in April, 1830, (Book of Doctrine and Covenants, page 121): "The rise of the Church of Christ in these last days, being one thousand, eight hundred and thirty years since the coming of our Lord and Savior Jesus Christ in the flesh, it being regularly organized and established agreeable to the laws of our country, by the will and commandments of God, in the fourth month, and on the sixth day of the month which is called April; which commandments were given to Joseph Smith, Jun., who was called of God, and ordained an Apostle of Jesus Christ, to be the first Elder of this Church."

The Savior's career in mortality lasted precisely thirty-three years. In the "Handbook of Reference," published by the *Juvenile Instructor* office, the following statement occurs under the head of "Chronology of Church tory:" "April 6th (1883) "Just eighteen hundred years since the Savior laid down his life for the redemption of man. On this day, about eighty official and some unofficial members of the Church met at the ferry on Big Blue River, near the western boundary of Jackson County, and for the first time celebrated the birthday of the Church."

LEGAL BLACKGUARDISM.

THE Utah courts seem very fearful lest some atorney shall be admitted to the bar whose faith on certain religious questions is not orthodox. A conscientious Roman Catholic would not be able to pass muster under the close inquisition recently inaugurated in the Supreme Court. But it is quite likely that the critical inquiry into the beliefs of an applicant for legal honors who is suspected of being a "Mormon," would not be propounded to one known to be a Catholic. The rigorous examination on Monday was, without doubt, intended for a special purpose and that special occasion.

It is quite proper that no one should be admitted to the bar of either the Supreme or District Court who is not fully qualified for the position. The legal acquirements of the applicant should receive a thorough test. It ought to be no sham examination. And a member of the bar should also be a person of good moral character. It is just as essential that he should not be a violator of the laws of morality and decency, as that he should be right as to his marital relations. Indeed a man to be considered fit to practice in the higher courts of the Territory ought to be a gentleman as well as a lawyer.

This gives rise to a query concerning the deportment of members of the bar when conducting cases before the courts of Utah. Involved in it are the rights of witnesses and defendants, and the dignity of the presiding Judges. No attorney has the right to take advantage of his position to vent his personal spleen against an individual or a creed. It is the duty of the presiding officer in a court, to protect persons individually assailed from the attacks of vituperative and vicious special pleaders. To encourage conduct of the kind here mentioned is to bring courts into popular and deserved contempt.

If illustration of our meaning, we direct attention to the case of Wm. E. Bassett, recently tried in the First District Court on a charge of polygamy. As our readers have perceived from the ample report of the trial which appeared in our columns, there was absolutely no definite evdence against the accused. An alleged admission to his wife who was afterwards divorced from him, and which was completely controverted by the direct evidence of several witnesses, proving the matter of the alleged confession to be false, was the only testimony introduced by the prosecution.

Is a question for fair inquiry and just determination, the charge was an absolute failure. There was nothing substantial adduced for it to rest upon. The uncorroborated assertion of a jealous woman, who admitted that she had threatened the defendant, was all that could be presented in support of the charge. The weakness of the case suggested what followed. It was a most shameful, scurrilous and personal attack upon the helpless defendant, whose mouth was muzzled by the rules of the court. This was done to prejudice the jury against him. And this was not considered enough. A tirade of misrepresentation and invective was hurled against the defendant's faith and the Church of which he is a member. The desired effect was produced and the accused was convicted.

On a dispassionate examination of the case, only one rational conclusion can be arrived at as to the cause of the remarkable verdict. It appears to have been nothing else than the assaults made by the counsel for the prosecution, which so worked upon the feelings of the jury that they decided against the assailed and abused defendant. The direct and unimpeached testimony for the defense, which cleared the accused of the charge against him, went for naught. He was pictured as a depraved wretch only fit for the law's vengeance, and that no doubt influenced the jury, coupled with the shameful onslaught upon his religion to which all the jury were bitterly opposed. If a jury should not be influenced by such considerations, neither should a public prosecutor resort to such methods.

The furious and villainous remarks of the Assistant Prosecutor whose first name is identical with that of the city where the trial was held, is not to be wondered at, coming from the source of so many legal blunders that have rendered several efforts of the grand jury abortive, and an infidel mind, feeble in law but charged with the brutality of ignorant intolerance. But something more decent was to be expected from the District Attorney, representing the executive authority of the United States, and supposed to have something of the character and deportment of a gentleman. The language reported as coming from his lips was more fitted for a Kearnyite sand-lot harangue than for a plea in a court of justice. It was not argument, it was abuse. It was not logic but libel. It was not reasoning but ribaldry. It was disgraceful in the extreme, and there was nothing to justify it. Such epithets and scurrility out of court would expose the person uttering them to personal chastisement, or prosecution for provoking a breach of the peace. It was beneath the dignity of any respectable person, to say nothing of what should be expected of a gentleman. There is no excuse for it morally, there is no right in it legally. It was simply an outrage in every sense of the term.

There are courts in the world where such language would be promptly rebuked by the Judge, and where the offending attorney would be adjudged guilty of contempt if the offense was repeated. But in the United States, particularly in the "Wild West," unlimited license seems to be accorded to prosecuting officers, and they are permitted to browbeat witnesses, ask impertinent personal questions and to launch upon the defenceless head of the unfortunate accused, such torrents of abuse as would be deemed unpardonable outside of the shelter of the court. The practice is wrong, and Judges ought to respect their own dignity enough to put a stop to it.

We have always considered it the mark of a cowardly and brutal mind, when a person endowed with a little authority undertakes to overawe and confuse a witness, or bolster up a weak cause by appealing to the passions and prejudices of a jury, and unmercifully castigating a defendant by maligning his character, calling him vile names or imputing to him conduct extraneous to the charge, he standing bound hand and foot in effect, and barred from retaliating or defending himself against this disgraceful sort of attack. A gentleman would never stoop to such low reviling and despicable pettifogging. It ought to be frowned down in every civilized community.

We believe that the courts of Utah would be much more respected, both by the public and the bar, if their authority was exercised to suppress these unseemly exhibitions of spite and pot-house blackguardism. Witnesses and defendants have some rights and they ought to be protected by the judiciary. But while attorneys are permitted to indulge in personal attacks upon helpless objects of their rage, and the faith of religionists is made the subject of misrepresentation, ribaldry and slander in the supposed courts of justice, they will not be looked upon with that veneration and esteem to which they would be entitled, if they respected their own dignity and acted with that impartiality to which should be their strength and their pride.

CRUEL AND UNSCRUPULOUS.

WE publish to-day an editorial article from the Chicago *Herald*, on "Mormon" hunting. Almost throughout the propositions laid down by the writer are sound. The clearness of his views do credit to his brain, while the compassionate vein which permeates them speaks well for the quality of his heart. If the humane portion of the people of the United States were correctly informed with regard to the wrongs heaped upon the majority of the people of Utah they would demand a reaction that would fall with terrific force upon the heads of a class of the most cruel, unscrupulous and dangerous men whose presence is inflicted upon any portion of the Republic.

Not only are men hunted down and herded into prisons in the name of law, but under the same covert it has come to pass that they can be shot down in cold blood with impuni-