

DESERET NEWS:

WEEKLY.

"TRUTH AND LIBERTY."

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CHARLES W. PENROSE, EDITOR.

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AN EXHIBITION OF PETTY
MALICE.

Two boys have been arrested at Tooele for disturbing a religious meeting. That is a serious offense. It is made a misdemeanor by the laws of the Territory. It is quite proper that any one guilty of such misconduct should be prosecuted. It does not matter how obnoxious a preacher or members of his congregation may make themselves to their neighbors, they have a right to the protection of the law and to the free exercise of their religion. In this they will be upheld by all respectable people, regardless of faith or opinion.

But there is a feature of the proceedings against the boys that fair-minded people will not endorse. They were brought to this city from Tooele, a distance of more than forty miles, when there are justices of the peace in the vicinity and Tooele is an incorporated city with regular municipal officers. The object was to have the case brought before the notorious Commissioner McKay, on complaint of the almost equally notorious swearer-to-what-he-knows-nothing-about-Ranch. This was the work of an alleged Methodist exhorter named Gillilan, and from what is known of him is not at all at discord with his general character.

In taking this course he expects to achieve a little cheap notoriety and emerge from the common obscurity that surrounds his narrow circle. He is making the most of it, to weave into a story of "Mormon" persecution, in feeble imitation of Lyford and other mendacious Methodist collection-gatherers. But his material is of a very slender fabric. It is well known that the "Mormon" people are as much opposed to such disturbances as any that live on earth and just as ready to aid in preserving the peace. They have suffered too much from mobocracy at the hands of scrub Methodist preachers of the Gillilan stamp, to countenance it in any way, for or against any sect or party.

We hope the boys will be suitably punished for their rowdiness, if guilty, and that their fate may be a warning to others, whether they are sons of "Mormons" or Methodists or any other religiousists. But we think that a decent man, one who desired to see the law magnified instead of to pose in the Gillilan style, would have first tried the virtue of a complaint before the local Justice, instead of rushing to a hired complaint swearer to do his dirty work, and dragging the urchins who made the noise forty miles to gratify an inordinate official appetite for fees. Gillilan does not show up in a much better light than the boys charged with annoying him.

THE FINISH OF THE FARCE.

The trial of William Thompson for manslaughter is set for January 6th, and a special venire is issued for a jury to sit on the case. The haste exhibited in this matter naturally occasions inquiry into its cause. There is only one reason for it apparent to the public mind; that is, the desire that the whole business may be settled by persons selected from a certain class of the community.

The grand jury picked out by the accused was kept from being discharged, for the sole purpose of inquiring into his case. They had just concluded their labors for the term when they were held for that object. The next grand jury will be empaneled from the regular lists authorized by law, and not be specially picked out for a purpose. So with the petit jury which would have to try the case unless it was set for the present term. By the arrangement now effected the trial jury will be selected on the same principle as the grand jury was, and thus the reason for the peculiar haste may be easily understood.

It is commonly believed that the whole thing will prove a farce. Every possible means will be employed to clear the assassin. In the eyes of the rabid anti-"Mormon" class, whose sentiments are mouthed by the *Tribune*, he has killed a "Mormon" and is therefore a hero, to be aided in his trial by the whole force of "Gentile" sympathy and "Gentile" money. That includes the support of every official who will be engaged in the investigation into the charge. That help is called for by the paper that justifies the crime.

The defense is foreshadowed through the same organ. It is claimed that "the territorial statutes class as felonies all crimes punishable with penitentiary imprisonment," also that Dalton was escaping from arrest; and as the law makes homicide justifiable "when necessarily committed in retaking felons who have been rescued or have escaped, or in arresting persons charged with felony and fleeing from justice," it is argued that Thompson was legally justified in killing Dalton. The fallacy of such a plea will be seen on a moment's critical examination.

The territorial statutes do not punish the offense with which Dalton was charged by imprisonment in the penitentiary. They do not make his alleged acts any offense at all. The law which he was accused of offending is a statute of the United States, and it defines the offense as a misdemeanor. Therefore it is not a felony, either actually or by implication. Neither the territorial statute nor the Edmunds act makes unlawful cohabitation "punishable with penitentiary imprisonment." That it is not a felony, even if it were so punishable, is made certain by its designation as a misdemeanor. Therefore that subterfuge fails in the beginning.

It is when arresting "felons" that, under certain circumstances, officers are justified in committing homicide. A felon is one convicted of felony. E. M. Dalton was neither convicted nor even charged with felony, therefore that plea is untenable. And even when felons are escaping or fleeing from justice, the act of the officer must be "necessarily done in order to justify homicide." This was clearly not the case in the shooting at Parowan. No officer has the right to call a man to halt and immediately shoot him in the back, as eye-witnesses testify Thompson did when he killed Dalton.

It is argued that "just so soon as it is established that a Marshal commits a felony, he uses any force in the arrest of a man indicted under the Edmunds law, those guilty will merely laugh when a warrant is presented to them." A verdict against Thompson will establish no such *Tribune* nonsense. It will simply put into effect that which is already established by law, namely, that officers have no right to kill persons charged with a simple misdemeanor, whether they are escaping or not.

There has never been a case of unlawful resistance to arrest under the Edmunds law since its enforcement, and there is no cause to anticipate any, unless by the verdict of a packed jury it is established, contrary to and in defiance of law, that a deputy Marshal may shoot at persons accused of a misdemeanor; when it is quite likely that citizens will prepare to defend themselves against official assassination, and there will be trouble in the land that no well-disposed man or woman desires to see.

It is asserted that "the Mormons will do their utmost to convict" Thompson; therefore it is claimed that the "Gentiles" must see that he has "every advantage under the law." If this is not cool and impudent in the face of the facts, what can be designated by those terms? The whole matter will be in "Gentile" hands. Judge, jury, prosecuting attorneys, all the officers and attaches of the court and all engaged in the defense will be "Gentiles." What more could any "Gentile" murderer ask, or any apostle for official assassination demand. And yet the support and influence of the whole "Gentile" element in the Territory is solicited, as necessary to the "Gentile cause."

"A fair trial" is all that we can now ask for, but this the public do not expect. The indictment found by the friends of the murderer, and the course taken to secure a trial before a jury of the kind described, do not encourage the anticipation that justice will claim its own. So the people simply wait for the finish of the farce, which they believe will be the finale of the terrible tragedy at Parowan.

AN INVESTIGATION REQUIRED.

The letter from Mrs. Butler, published in Tuesday evening's *Deseret News*, is deserving of U. S. Marshal's attention. There are two stories afloat in regard to the arrest of Mr. Butler by deputy Marshals at Marriott's in Weber County. One comes from the Butlers, the other from the deputies. It is evident that violence was used on the occasion and very bad language. Mr. Butler's version was first given to the public and reflected very badly on the officers. Deputy Whetstone's explanation put Mr. Butler in a most unfavorable light. We published both sides as given by the parties, without comment. Now comes Mrs. Butler's communication, not written for public effect, but by way of private correspondence with a friend. Her statements corroborate her husband's charges and give further particulars which call for an investigation.

If what Mrs. Butler states is true, Messrs. Whetstone and Steele are not fit for their position and are unworthy of entrance into decent homes. We are aware that deputy Marshals may sometimes be justified in resorting to extremes in order to make arrests, particularly when resistance is offered or strategy is resorted to for the purpose of evading process. But

there is no need to use foul and profane language, to resort to threats of personal violence, nor to assault peaceable people with loaded weapons. Still less justifiable is the service of subpoenas before daylight on ladies in bed. Whetstone and Steele are charged with this conduct, and it is on that account we ask the Marshal to inquire into the facts.

By this we do not mean simply obtaining the statements of the deputies. That is not sufficient. When men act like brutes they are not likely to be particular as to the truth. We do not charge the officers with conduct of this kind; we only ask for a fair investigation. We do not believe that Marshal Dyer would countenance such actions as related by Mrs. Butler. There is no necessity for them, and they will not make arrests easier or the service of any legal paper more effectual. The proper execution of the law will not be forcibly opposed, but trouble is likely to grow out of such violence as that complained of. This we desire to prevent, and we suppose the Marshal coincides with that feeling. Patience has its limits and there is a point at which quiet submission cannot be expected of erring mortals.

Whatever may be made of these remarks by those who are eager to pervert our sayings, our object is to save trouble, not to make it, and we are satisfied that much of it will be prevented by care on the part of those who have to execute the law to keep within the limits of the law. Proper inquiry into this case is all we ask and we believe no "white" man, private or official, will deny that it is called for in justice to all concerned.

It may be irritating to certain parties to have the *Deseret News* bring such matters into prominence. But we cannot help that. At any rate we do not intend to keep silent on that account. We will not find fault with men for doing their duty, but we propose to maintain the rights of the people and resist unlawful attacks on their persons and domiciles, no matter who are the assailants or who feels disgruntled by our comments. We look for a just and impartial examination into this affair.

A TERRIBLE OUTRAGE.

ANOTHER demand for troops is in order. A terrible outrage has been committed. Will Congress be still apathetic to the appeals of "oppressed Gentiles" in Utah? The two B's are now supplied with some solid material for their purpose at Washington. How much longer will "Mormons" be entrusted with the ballot? The whole country should be aroused, when the startling details of this new "Mormon" attack upon "Gentile" liberty are given to the public!

The particulars are to be found in an editorial in the Salt Lake *Tribune*, and, divested of the blackguardism that characterizes the writings of the scribe with the whiskey countenance, are to this effect: A property-owner in this city sent some time ago to the County Collector for a statement of all the taxes levied against him. An account was furnished him and he paid the amount. Subsequently he received notice that he owed \$1.88 cents for a special school tax. He paid no attention to it. On Wednesday he found a notice of sale on his house for the delinquent tax, which, with the costs now amounts up to a total of \$5.53. These are the facts of the outrage as given by the *Tribune*, but the chief feature of it, according to the delectable scribe aforesaid, is that the Collector is a "Mormon" and the delinquent taxpayer is a "Gentile." Now, sound the tomtoms! Beat the gongs! Toot the horns! Wake up the G. A. R! And arouse the whole nation to avenge the insult!

The scribe calls the legal notice "a dirty Mormon levy," and accuses the Collector of a "desire to steal the petty sum of \$3.70," speaks of giving this "petty larceny collector his little stealing," and winds up a more than usually senseless and abusive tirade by asking how "decent Mormons look upon a performance of this kind."

Decent men, no matter what their faith, will look upon the performance of the wrathful scribe as an exhibition of malignant insanity. They will view the performance of the Collector as lenient beyond the bounds of duty, but altogether within the lines of the law. No showing is needed to prove this but the facts admitted in the *Tribune*. The tax was neither a county, territorial nor regular school tax. It was a special assessment for the school district in which the taxpayer resided. It was levied on the 16th of April. Notices were duly sent according to law, months ago, to every taxpayer. The tax became delinquent after October 31st.

The property-owner ought to have paid this tax when it was first demanded. He should not have allowed it to become delinquent. The County Collector had no right to put this amount on the regular tax notice. It has no connection with the regular taxes. Every taxpayer has been served with a separate notice of the special school tax, if any, in the district where his property is situated. The Collector, after waiting several weeks beyond the legal limit, served him with an extra notice and to this he gave no heed, but says now that he "forgot it." Whose fault is that? He did not pay the tax due months ago and

delinquent on the 1st of November, and has had to pay for his own neglect.

Others equally negligent are in the same fix. The fault is not the Collector's but the delinquents'. The costs come through their own folly. He makes nothing by the delay. He is responsible for the taxes. How is he to collect if his notices are treated with silence, unless he levies on the property liable for the tax? And who is to pay the costs of advertising, levying, etc., if not the delinquent? The abuse of the Collector is as absurd as it is libellous and he would be perfectly justified in prosecuting the author of the libel for his scurrilous and lying accusations.

Every business man knows that taxpayers have been warned by printed notices and through the newspapers, that delinquent taxpayers would be proceeded against if they did not settle. This furious delinquent acknowledges receiving a notice which he says he forgot, and which on its face warned him of the legal consequences if he did not pay up. And now a blackguard of the press comes to his aid and belches forth abuse of the patient Collector, calls him a thief for doing his duty, and strives to make out of his perfectly lawful and proper transaction, a "Mormon" outrage upon a "gentleman." The proper remedy is a strait-jacket for the maniac of the *Tribune*. He "has them bad" this time. He must have been keeping close company with the howling Secretary of the Loyal League.

A NEW WAY WITH TRAMPS.

TRAMPS are one of the nuisances and one of the products of modern civilization. How to suppress the evil is one of the problems of civilization. While there is an excess of laborers over the demands for labor there will be tramps, and while there are tramps looking for work there will be tramps who do not want any work. In dealing with the nuisance of idle and vicious tramps, care must be taken not to do injustice and wrong to unfortunate and deserving tramps.

It is bad enough to be compelled to roam from place to place seeking employment in order to earn enough to keep body and soul together, without being treated as a thief and a ruffian because the wear and tear of tramping impart a general air of shabbiness, both to the tramp and his apparel. An opportunity to work for a meal or for wages will usually soon demonstrate the class to which the unrespectable looking tramp belongs.

Among the devices to which town and county authorities have to resort in order to suppress the tramp nuisance, the scheme adopted recently by the board of supervisors of Westchester County, New York, stands unique. It is something like the medical treatment which aims to cure a disease by killing the patient. The plan provides for the erection of a building on the county farm, constructed with cells that can be flooded with water to the depth of six feet. When a tramp is caught, the Justice is required to sentence him to this tramp pit. He is to be placed in one of the compartments, and the water is to be turned on. To save his life he must scoop out the water as fast as it comes in, or, in the language of resolution, "be submerged thereby."

This is civilization with a vengeance. If the strength of a hungry and tired tramp should fail so that he was unable to bale out the flood and thus bale himself out of danger, his prison would be his tomb and his penalty for being a tramp would be a watery grave. The process would be doubtless a strong incentive to labor, but what benefit would accrue to the State by the opposing process? It would be as senseless as the old military punishment of carrying a heavy weight a certain distance and packing it back again.

Those Westchester County supervisors are to be classed with the geniuses of civilization. On the first case of a tramp "submerged thereby," they ought to be sentenced to their own baling process, without bail on appeal. The untutored savage is supposed to be an adept at torture, but the civilized inventors of the water dye to suppress tramps are of a deeper dye by several shades than the sanguinary red man.

"LO THE POOR INDIAN!"

THE dealings of this "Christian" nation with the primal owners of the soil, are now generally acknowledged by thinking people as unworthy of the age and unjustifiable before God and the world. Years ago when the *Deseret News* called for a more humane policy and showed, in the language of President Brigham Young, that it was "cheaper to feed the Indians than to fight them," the press inveighed against the position and accused us of "affiliating with the savages." The sentiments then expressed by this paper are now popular and are adopted by many who once condemned them. So it will be in the future in regard to other ideas entertained by the now unpopular "Mormons." Time works wonders, and in this fast age it takes but very little time to bring about a revolution in popular beliefs.

We were led to make these remarks by the following extract from a speech made a few weeks ago before the Commercial Club in Rhode Island, by Senator Dawes, who is Chairman of the Senate Committee on Indian Affairs:

"We have had the Indian on our hands for 250 years, and to-day he is substantially what our fathers came here and found him. He numbers just about the same, and as a whole, up to the adoption of the present policy, in character, habits and pursuits, to-day what he was when our fathers landed on Plymouth Rock, with civilization and Christianity in their hands, proffered to the poor red man as a boon. So, if it is the purpose of the present policy to change the Indian, it is quite certain that it must not do what has been done heretofore. For that is false from the beginning to the end, so far as our bringing the Indian to the ways of the white man."

It is popularly supposed that the red race is quickly wasting away. But the truth is, as announced by Senator Dawes, that their numbers have not decreased. Careful statistics will show that, in spite of the slaughter of various tribes, some of them being entirely destroyed, through the greed of the superior race for the land recognized by treaty to belong to the Indians, and the inroads made by diseases introduced by the whites, the sons of the forest are increasing in numbers, with a prospect of further increase as they learn to adopt better habits and cease their tribal wars.

Wherever "Mormon" influence has been brought to bear upon the Indians without interference from other agencies, the good effects are seen in peace, industry, submission to proper restraint, the abandonment of begging and bloodshed, and faith in God and the Savior of mankind. The descendants of the ancient inhabitants of the land are yet destined to play an important part in the great drama of American history.

"CHRISTIAN CHARITY."

OUR readers will remember the impudent insinuation of a female speaker at the abusive campfire carousals in this city, when the women of Utah were invited to "escape" to New York and become identified with the civilization of the age. They were to be received with "open arms." The kind of charity which is doled out in that Christian city to women who are really in need of help, is exhibited in the following, clipped from the New York *World* of December 28d:

Mary Lennox, a dissipated girl entered Justice Duffy's court-room Dec. 14th, 1895, and said: "I'm disgusted with the life I'm leading. Judge, I want a chance to be a good girl. Will you give me a chance to reform?"

Justice Duffy committed her to the house of the Good Shepherd for one year. Her time expired Dec. 14th last. On that day she entered the Tombs again. It was raining very hard and her clothing was wet. She wept bitterly.

"I made 18 shirts a day while I was in the House of the Good Shepherd," she said to Sergt. Reinisch. "When my term expired I was handed the clothes I had when I entered the institution, and sent out without a cent. It was raining very hard and I didn't even have five cents to ride downtown with."

Sergt. Reinisch handed her a dollar, and she went to the home of some relatives at No. 280 Myrtle avenue, Brooklyn. She learned that during her imprisonment her father had died, and her mother also being dead, she did not care to be a burden to her relatives, who are poor people. She tried to find employment and failed. Yesterday she appeared again at the Tombs.

"Do anything with me," she said; "only keep me from the street."

DIVINE AND HUMAN MARRIAGE LAWS.

A GREAT deal of vituperation is indulged in against the "Mormons" on account of their attitude on the marriage question, and particularly because of their position in reference to the relative values of Divine law and human law. But while there is so great an outcry against the views of the "Mormons," we hear nothing said about the doctrines of the Catholics, although they are very much alike in many respects on this subject. We are not now referring to plural marriage, which is only an incident to the question; it is well known that the Catholic Church is as much opposed to that Biblical system as any of the churches called Protestant. We are touching upon the marriage question in general.

Two points of "Mormon" doctrine on this subject seem to be specially obnoxious. One is, that a true marriage must receive divine sanction; that a secular union, or one not solemnized by divine authority, is unrecognized of heaven. The other is, that when human law conflicts with Divine law the latter is paramount. For these views, the "Mormons" are assailed with a virulence and bitterness most surprising when the two propositions are weighed with candor and apart.