DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY.

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WEDNESDAY | FEBRUARY 3, 1886

THE NEW JURY BILL.

THE jury bill which has passed the Utah House of Representatives is, in the main, an excellent measure. The necessity for the chief provision in the bill is evident to every one who knows anything of Utah affairs. It is clear that in the passage of the Poland law Congress intended to provide a plan by which juries could be provided representing the two opposing elements in Utah. "Gentiles" and "Mormons" were both to officiate as jurors. Without taking into consideration the vast majority of "Mormons" in the population, or, if recognizing it, intentionally giving an unfair advantage to the "Gentile" element, the small minority were given the same number on the jury list as the immense majority. No other plan was provided than that arranged in the law. The open venire method, which is in direct hostility to the method provided in the law, was never viewed as proper or allowable till the recent raid on the "Mormons" was inaugurated, and it has been sustained solely because of its unfair advantages against them.

The Thurman bill, amended in committee and presented as a "substitute," is no infringement upon the Poland law, or upon any other act of Congress. It follows the principle of the latter law exactly. It does not attempt to change or render inoperative the Poland law, but instead it renders its operations more complete. The Poland law does not pretend to take out of the hands of the Legislature any power to make other provisions that are needed in connection with that law. The Assembly has power over "all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States." Providing an efficient jury law is a rightful subject of legislation; this bill is not inconsistent with the Constitution, and is perfectly consistent with the Poland law and every other law of the United States. It only sets aside the open venire system, by which juries can be packed, and which *is* inconsistent with the Poland law and, as administered in Utah, is opposed to justice, equity and the common rights of citizens.

That the Poland law and laws of the Territory can work together, and that the former is not a complete jury law of itself, is evident from a statute passed at the last session of the Assembly. The provisions of the Poland law and of Utah laws concerning juries are amalgamated and appear as Title III. of the Civil Code. If the provisions of the present bill had been then included there would have been no objection raised. The open venire plan has been since adopted, and it is because of its unfair and anti-Poland law spirit and workings, that there is a desire on the part of many of the minority to cling to it. The Governor signed the civil code with jury provisions attached to the Poland law provisions. There is no tangible reason why he should refuse to sign this bill, which merely travels further on the same ground as the other and, as everybody knows, not a step too far, for it simply completes a part that was left unfinished.

The effort to make it appear that it will hinder the prosecutions against bigamy, polygamy and unlawful cohabitation, is silly in the extreme. The Edmunds law excludes all jurors who believe in the rightfulness of either of those offenses, and the courts manage to exclude all "Mormons" from the juries required to try them. The bill provides for respectable men, selected with a view to their fitness from both classes of the community, in ordinary cases, and merely stops an officer hostile to the accused from picking out persons specially to convict, and culled from the street, the saloon and the loafing corners. No one will oppose the bill but those who want to perpetuate an infamy that is a disgrace to Utah jurisprudence.

We hope the Council will take up the bill promptly and put it through with due speed, that it may soon be placed in the hands of the Governor. However, it should not be rushed with careless haste. There is one point that deserves special attention. The jury expenses of this Territory are becoming so large that they threaten to swallow up all the revenue. Something must be done to check this rapid increase. From $20,000, the appropriation necessary to meet it has increased to $65,000, and it is expected that $90,000 will be wanted for jurors' fees for the next two years and to cover the deficiency.

This is alarming to every economist. One outlet for this drain upon the treasury is the fees paid to jurors in civil suits. Mr. Joseph A. West, of Weber County, proposed that a deposit of $12 be paid by complainants or appellants as a jury fee, to be taxed as costs if judgment is rendered in their favor. The objection to this is that poor men would be prevented from having their "day in court," and their constitutional right to a jury trial. To obviate this Mr. West proposed the following, to be added to his amendment providing for the $12 deposit:

Provided further that if at any time it appears to the satisfaction of the court or judge from the affidavit of the party or other evidence that he cannot pay the jury fee, such court or judge may direct that he be allowed to proceed without the prepayment thereof, but if such party prevail so as to be entitled to collect such fee as a disbursement of the advance party, when collected it shall be retained by the clerk as if paid in advance.

These amendments were lost in the House. We think the proposition, or something akin to it, deserving of careful consideration in the Council. The evil it designs to cure is of no small moment. We understand that from $12,000 to $15,000 for jurors' fees in civil suits has been expended as an encouragement to litigation during the past two years, and less than $1,500 has been returned to meet it. The effect of the present system is to drive many people from the Justice's courts, where, if they lose, they would have to pay the jury fees, to the District Courts, where they could saddle the expense of their private litigation upon the Territorial treasury.

We think Mr. West's points well taken, and that the objections raised, so far as we have seen them, are not sufficient to condemn the proposition. They are not without precedent, and in view of the alarming biennial increase of demands upon the treasury for jurors' fees, the excellent jury bill now pending should be so changed as to embody something similar to the amendments of the member from Weber County.

"THE STATE OF DESERET."

AMONG the many misconceptions about "Mormon" affairs which effect the judgment of editors, Congressmen and others when discussing the Utah question, is the notion that we have an *imperium in imperio* under the title of the State of Deseret. The debate on the bill providing for fourteen Government trustees to run — or ruin — the "Mormon" Church has revived this idea. The act of incorporation of the Church of Jesus Christ of Latter-day Saints was originally passed by the provisional Government called the State of Deseret, and was re-enacted when the Territory was organized under the name of Utah.

The State of Deseret was simply an organization of the people who first settled this then desert waste, and who, as citizens of the United States, desired a republican form of government within the Federal Union. They found themselves on soil that had been acquired from Mexico—it was Mexican Territory when they arrived upon it and five hundred of the chief manual strength of the colony had aided in its acquisition—and there was no local government by which society could be regulated. They therefore formed a provisional government, on democratic principles, until the Congress of the United States should otherwise provide for the government of the territory named, by admitting it into the Union. The whole matter was submitted to Congress, and instead of the organization of a new State under the Constitution, Congress organized a portion of the area defined and bounded as the State of Deseret and called it the Territory of Utah. At its first session the Legislature of the new Territory adopted or re-enacted the laws of the inchoate State of Deseret.

The principles on which the State was proposed to be founded were defined at the time, and it was declared in its constitution that "civil government and laws are necessary for the security, peace and prosperity of society," and that "it is a fundamental principle in all republican governments that all political power is inherent in the people." Thus the proposed State was republican in form, and was designed as a part of, not a rebellion against the Federal Union.

Since then the people of Utah have assembled, by their delegates, in convention on several occasions, and renewed their endeavors to enter the Union as a State. But no actual State government has ever been set in operation since the Territory was organized. There is no such thing in active essential existence as the State of Deseret. The only form of civil government in Utah is the mongrel and monarchial anomaly called a Territorial government, with a portion of its people entirely disfranchised by arbitrary power, and the rest of them disfranchised for all national purposes.

When our contemporaries talk about the State of Deseret, then, we hope they will speak intelligently and not convey wrong impressions. But perhaps that is too much to hope in regard to Utah affairs, for there seems to be a determination on the part of a portion of the press to misrepresent, and on the part of the rest to copy what others say, without any effort at a correct understanding of the matter.

There is no such thing now, either in name or in nature as the State of Deseret. The last Constitutional Convention vainly sought admission into the Union under the name of the State of Utah, and Utah is liable to remain in the same state, so far as liberty is concerned, for a considerable period. The "rebellious" and "hierarchal" and "treasonable" State of Deseret, is a myth in the minds of uninformed anti-"Mormons."

THE "HERALD'S" RECOMMENDATIONS.

THE Omaha *Herald*, with its usual solicitude about Utah, makes the following suggestions as a means of solving the "Mormon Problem," which, though well-meant, we are not prepared to endorse. The *Herald* knows well enough that the outcry about polygamy is all a sham; that it is not the polygamy, but the union of the Latter-day Saints that is feared by those who object to Utah being granted the rights of Statehood. It knows that there is nothing about the polygamy of this people to call for national interference—that if it was sin the law-makers wanted to suppress they could find a thousand times more of it surrounding their own homes than can be found among the "Mormons" in Utah—and that Congress has no more right to discriminate against the religion of the Latter-day Saints—plural marriage included—than against any other religion, which is simply no right at all. If the Latter-day Saints cannot get into the Union on an equal footing with other people, without repudiating what God has revealed or making any promises other than what the Constitution requires, they are not likely to get in. Here is what the *Herald* says:

Senator Voorhees is reported as saying, as follows:

> I can speak only for myself. I think the best arrangement we can make is to admit Dakota, Montana and Washington together. They must all come in soon, and they might as well come now.

That's right. Proceed, Mr. Senator, with the inchoate procession, and then witness the Republican contortions. Give us an omnibus bill and a whole litter of States, including Utah, which contains more people than any other Territory in the Union, polygamists not counted.

This is Utah's opportunity, and the country's opportunity for settling the Utah question. The certain and speedy remedy is statehood. This proposition will provoke an angry dissent from the fools and fanatics on both sides, in Utah and in the rest of the country, and this angry dissent will probably scare timid and time-serving demagogues in Congress and the country out of tolerating the idea for a moment—so many occupations would be gone among the republican cabals and commissions in Salt Lake City, and so many moral reformers would come to grief. But that should not matter. If President Cleveland would lead the way, on the great question of the creation of States, by recommending a broad measure to admit several Territories, with Dakota and Utah leading the column, he could not only impress his administration with a great historical distinction and landmark, but he could also crown it with a final and permanent solution of the "Mormon problem," as follows:

Let Congress pass an enabling act to authorize the people of Utah to frame a constitution, "republican in form," with the fundamental condition that polygamy shall be abolished forever in the new State, reputable Gentiles and non-polygamous Mormons uniting to frame such a constitution, with the silent assent of President Taylor, George Q. Cannon and the heads of the Church of Latter-day Saints. Admit the Territory in pair with Dakota, or in double pair with that and other Territories. This is the true policy of a wise and progressive democratic statemanship for the creation of States—and the destruction of polygamy.

There can be but one reasonable objection raised to the measure thus proposed, and it is believed that this objection can be readily removed, as follows: It will be said that by the admission of Utah as a State, the people of Utah would, under the conceded powers of State sovereignties, violate their solemnly plighted faith and revive and perpetuate polygamy under State laws. There would not be the least danger of such a course on the part of the people of Utah, but this point need not be argued. Admit the fact and concede the argument. The remedy is one of absolute prevention through a constitutional amendment, the same as was applied to slavery—of which polygamy was denounced by the republican party a quarter of a century ago as a "twin relic,"—which amendment when adopted by all the States, would give the federal power a stronger control and a far higher moral position than it has now, to repress and exterminate polygamy.

CLOSE OF THE COLLIN CASE.

THE discharge of Deputy Marshal Collin was anticipated from the beginning. From the time that he was taken under the protecting wing of Marshal Ireland, and the attempt was made to manufacture a "Mormon uprising" out of the brief excitement that was caused by the shooting of McMurrin, nobody believed that the shooter would be placed in any serious legal jeopardy. It was evident that the determination was to make the wounded man, supposed to be dying, the culprit, and the deputy who did the shooting the victim.

It was doubtless because of this manifest intention and the power existing to carry it out, that the wounded man preferred risking the danger of leaving home in his feeble condition, to the certainty of being arraigned as a criminal in the place of the man who shot him. Proceedings subsequent to his departure justify his premonitions if not the course he pursued for his own safety.

The evidence adduced at the examination was, perhaps, not sufficient to warrant the detention of Collin, seeing that he is not a "Mormon" and that the charge was not unlawful cohabitation. But no one can read the particulars of the proceedings without perceiving that it was really McMurrin who was on trial, though Collin figured nominally as the accused. The palpable effort, all through, was to give color to the theory propounded in Collin's behalf at the beginning; namely, that McMurrin and others attempted to assassinate the deputy and failed; that is, that four stout "Mormons" who had pre-arranged to kill one small man, after seizing him in a dark lane could not overpower him, though armed and bent on murder, but ran away and left one of their number for dead.

The story is incredible. The evidence adduced for the purpose of bolstering it up fails miserably. The testimony of several witnesses shows that at or about the time of the shooting, there were three men in the alley. Only Collin says there were four, and his testimony is certainly of no more value than McMurrin's supposed dying deposition. One of those three men resembled Collin and was believed to be him by Mr. Davis, who saw one person apparently watching the Social Hall door. If Collin was one and McMurrin another, who was the third? It is possible that it was another deputy? May it not have been Mix who turned up at Collin's residence immediately after? It is believed by a great many people that deputies were watching the Social Hall expecting to find some one who was wanted, and that McMurrin and Collin collided on that account, with the result that proved nearly fatal to the former.

McMurrin, while as he supposed in his dying moments, said no one was with him. The evidence shows that five shots were fired. McMurrin's pistol had not been discharged. There were five empty chambers in Collin's pistol, and one snapped cartridge. The holes through the breast of his coat were undoubtedly fired by himself. It is quite likely that the shoulder holes in his clothing were also self-inflicted. If we credit his story we must believe that somebody tried to kill him while he was shooting McMurrin, and that the bullet went through his clothing and, without meeting any hard resistance, for it was not flattened, did not pass out of his clothes, but afterwards, when he got home, "he felt something hot in his hand, he opened it and found the bullet." He couldn't tell how it got there, and in the same hand he had a piece of the paper bag which contained some bananas, that he had been holding on to all the time! With his right hand he did the shooting, with his left he held on to the piece of paper bag, and yet that wonderful bullet, hot too, was in his left hand when he opened it after he got home!

Mrs. Collin, who might have thrown some light on this and other points in the testimony, was shipped to California. The examination of Collin's clothing next morning at the Penitentiary, after the line of defense had been worked out, does not help the case, and it is not proven what was the cause of the slight abrasion said to have been upon his left shoulder.

The "whoa" incident, related by Judge Zane, does not amount to a passing zephyr. It was brought in to chime with the plot theory. R. G. McNiece of mendacious notoriety had sent somebody—nobody seems to know who—to the Marshal with a cock-and-bull story told to him by some one who heard it from another great unknown, that Collin was in danger of being assassinated. McNiece is not put on the stand, nor anyone else, to trace up this convenient little story. And then four assassins, who had planned to kill the deputy in the dark, advanced from different directions and yelled out "Whoa!" to each other in the open streets, then all laid in wait for the little man and let him shoot one of their number nearly to death, while he received a slight abrasion on the shoulder and found a hot bullet clutched in the palm of his hand which had been holding on to a piece of paper bag all the time of the attempted "assassination."

The one suspicious circumstance which helps to give color to the theory that some harm was intended Collin—we do not think anybody really believes there was an intention to kill him—is the disappearance of McMurrin. The only explanation given of this is, his fear of being charged with a crime in the place of the man who shot him. In his supposed dying testimony he admitted that when he ran against Collin he struck at him with his fist. This made him the assailant, and his admission could be used against him. There has been no proof that he had companions that evening. It is still an open question who that other man was in the alley. Some will believe that two other men were with McMurrin, others that another man was with Collin. Until McMurrin appears and explains what he knows of the whole matter, it is likely to remain in some mystery. Mrs. Collin's removal has not helped to illuminate the darkness, but is an element of suspicion.

If Joseph W. McMurrin, either alone, or with others, attempted personal injury upon Deputy Collin, he did that which was contrary to the principles of his religion and in opposition to the positive counsel of the leaders of the Church, to bear with patience the indignities heaped upon the people, to break no heads and do no violence. Patience, non-resistance, except by legal methods, and the leaving of vengeance to Him who promises to repay, have been urged upon the "Mormon" people through all the crusade which has been waged upon them. And those who have endeavored to fabricate out of this encounter an attempt by the "Mormon" Church to wreak vengeance upon an insignificant and paltry ingrate and sneak, have wilfully and maliciously undertaken to elaborate a stupid and malignant falsehood.

ONE OF THE "FREE AND INDEPENDENT."

IN passing the wicked and dishonest measure called the New Edmunds bill, the excuse for disfranchising the women of Utah was made that they did not use the ballot in freedom but as they were required to vote by their Church leaders. To give color to this falsehood, Mr. Edmunds introduced in the bill a clause repealing the laws of Utah providing for marked ballots. Now there is no such law on our statute books, and Mr. Edmunds was either unpardonably ignorant on a subject about which he is supposed to be a great authority, or he was wilfully deceitful in putting that section in the bill.

The women of Utah cannot be made to vote at any one's dictation, because the ballot is actually secret and free. The clause repealing the alleged marked ballot laws is a falsehood by implication and legislation, and the statement that they are slaves to the Priesthood is a falsehood in nature and intent. But whatever may be thought about the bondage of the "Mormons," either male or female, there is not one among them whom we know so craven as some of the Senators, who, against their convictions of right and of constitutional requirements, which they had sworn to uphold, voted for the infamous monstrosity that bears the name of the icy Senator from Vermont.

A correspondent of the Omaha *Bee* writes to his paper as follows from Washington:

"This is a terrible bill, a terrible bill indeed," said a senator, who had voted for the final passage of the Edmunds anti-polygamy bill last week. "But I had to vote for it," he continued, "because my constituents and the exigencies of the hour demanded that I should do so. It takes severe, and I may say cruel means to blot out an infamy like polygamy, and when anything is proposed which will do it we cannot question the means, but look to the end. I just closed my eyes and voted for the final passage of the bill, knowing that it contained un-American ideas and hardships; but then it will eradicate polygamy, if eradicated it can be, and that is the thing desired. I think the provision requiring wives to testify against husbands is infamous, and yet I voted for it."

Poor miserable creature! We would not stand in the shoes of such perjurers and moral cowards as men of his stamp, for an empire or a world! When such paltry persons appear before the great white throne, the poorest "Mormon" who has been firm to his faith and has been humbly led by the voice of true authority, will loom up as a crowned king in towering majesty, above the quaking midget of a soul that was afraid of public opinion, and failed to act upon his oath and his honest convictions.

PECULIAR CONSISTENCY.

THE *Tribune* says: "The NEWS thinks it is inconsistent in the *Tribune* to denounce Teller's Jack-Mormon speech and to praise his silver speech." Not at all—for the *Tribune*. Besides, we did not find fault on that ground. We merely quoted some of the epithets which that never consistent paper heaped upon the head of the Senator for daring to differ with it on the "Mormon" question, and compared those chunks of filth with its sugary eulogies when the gentleman spoke to its mind on the silver question. One day he was the most dishonest "liar," and "scoundrel" who ever "dishonored the mother that bore him" and "his wife and daughter if he have any," and the next he was so good that no praise was too sweet and lovely to show his exalted abilities. If this is consistent—well it is simply *Tribune* consistency.