

of material assistance to us, but be a new departure for the papers and the telegraph. They should turn over a new leaf. It would be a refreshing change to see and hear through those media some facts on that subject, instead of the old stale, stupid humbugs about "defiant attitude," "rebellion," "priestly intimidation," "marriage by force," "recruiting from the slums of Europe," and other such falsehoods with which the public have been satiated for years.

And we put it to the New York Times whether under our republican form of government and the restrictive provisions of the Constitution, it is exactly the right kind of thing for the Government of the United States to attack any point of "the Mormon faith" or any other faith, or for a public newspaper to advise its engagement in any such business. The Times had better try its hand at counselling the Republican Administration how to avert the coming catastrophe foreshadowed in the recent election; that might be of some service, its advice about the "Mormon" faith is not only wrong, it is the silliest kind of twaddle.

### THE TACTICS OF THE INQUISITION.

The annexed communication was received yesterday, but was crowded out till to-day:

Editor Deseret News:

I find the following in your issue of Saturday evening last:

This appears to us unnecessary harshness, and under the circumstances extreme cruelty. What is the object in view? Is it to extort information that could not be obtained otherwise than by the terrors of a prison? Are the same tactics to be used as in the case of Dr. Clinton? He, an aged and respectable man, was taken to the penitentiary, manacled and exposed in the instrument of torture called the sweat-box, in order that he might be induced to tell something which he was supposed to know that would be damaging to leading "Mormons." When this failed he was taken out in a buggy and plied with drink to see if that would succeed. This treatment was tried under the authority of the then U. S. Marshal, one William Nelson, but who he thus disgraced.

The subject of your article was the contumacious witness, Annie Galfant. What analogy there is between her case and that of Dr. Clinton I am unable to see. She is a witness whose duty it is to answer all questions the Court holds to be proper. He was under indictment for murder, and it was no business of his to answer any questions whatever, and you are in error when you state that he was in any manner pressed or even asked to give information of any kind. He was in infirm health at the time of his arrest, and on that account was not put inside the walls of the Penitentiary, and was given the best accommodations possible; no punishments of any sort were inflicted upon him, and no severities that were avoidable consistent with his safe keeping. I was out at the Penitentiary one evening, and seeing the old man looking bad, I wanted him to take a ride, which he did; but so far from trying to induce him to talk about criminal matters, I expressly told him (what he doubtless knew before) that he was not expected to speak of such matters; that if he wanted to say anything about murders or other crimes it must be entirely of his own volition. He did, however, recite his efforts to get to the bottom of the Dr. Robinson murder, but not because he was asked. As to his being plied with liquor, I have his word for it that he doesn't drink liquor at all; wouldn't know one sort of spirits from another. I had him out riding several times, and nothing of the sort was ever alluded to again, except that once just as we got back he said there were some other things he would tell me after a while when he got them straightened out in his own mind. This was an interjection of his own, which had in no wise been sought.

Dr. Clinton brought suit on his grievances promptly. He had full opportunity to present his case, and did so. He was nonsuited; there was nothing in it.

And now, Mr. Editor, if you care to know the true secret in it all, I will tell you. Dr. Clinton was arrested, and not being attended to by his old friends with any warmth, set on foot certain measures to get out. I believe this story of his as to the abuse, pressure, etc., to be his own; and knowing the dodges imprisoned men will get up to get free, did not blame him for it. He succeeded, and in order to sustain to his friends the story he had told brought

the suit. On his own showing it broke down utterly. One of the attorneys asked him while he was giving his testimony, in what manner I had treated him, and he at once replied, "Like a perfect gentleman, sir."

Finally, I submit which has the more disgraced his position, the officer who didn't do the things complained of, or the editor, who on erroneous and malicious stories, falsely charges it upon him.

WILLIAM NELSON.

We have given space to the foregoing that the ex-Marshall may not have occasion to complain that we would not give him a hearing. But we do not think he has helped his cause much by "rushing into print." The facts in the Clinton case are too well established to be set aside or glossed over by anything the ex-Marshall has said or can say concerning it. He states that he is unable to see any analogy between the case of the lady who was imprisoned in the penitentiary as a "contumacious witness," and that of Dr. Clinton. There is no need for him to injure his eyesight in hunting for the "analogy"; we never claimed that there was any similarity in the two cases, but simply enquired whether the same tactics were to be used for the purpose of extorting evidence from a witness as were resorted to in the case of Dr. Clinton. The cases are different; the tactics resorted to may be considered somewhat analogous. The object in both instances was to obtain evidence by compulsion.

But since Mr. Nelson has undertaken to deny certain things that reflect somewhat upon his official character, we propose to enter into a few particulars, that his denials may be taken at their true valuation.

On the 19th of July, 1877, Dr. Jeter Clinton, aged sixty-five years, was arrested on a bench warrant by a deputy marshal at Tooele, and brought to Salt Lake City, where Wm. Nelson, the United States Marshal, received him and took him in his buggy to the penitentiary, where Dr. Clinton was placed in a cage commonly known as the "sweat box." It was a contrivance with iron bars outside the walls of the building facing the south, open to the hard hot wind which was blowing from that direction, and which covered the prisoner with dust. Close by was a stinking stable and an equally unsavory chicken-coop. Next day he was taken to a long, narrow garret on the third story and west side of the penitentiary wall, with a roof sloping to the west, where it came within four feet of the floor, and had no ceiling, but was covered with sheeting and shingles. The only aperture for ventilating was a small four light window with iron bars across it. For a bed he had a dirty tick with long harsh straw, and his pillow was a gunny sack stuffed with the same material, the bunch of straw sticking out at one end. Here a blacksmith was brought by Warden Vandercook and irons were riveted upon his naked ankles. They were, as described by him, made of bar iron, sharp at the edges, and joined with a heavy chain fifteen inches long. His boots were off at the time the iron bands were riveted upon each bare ankle, and he was not able to put on his boots or take off his pants. The irons were fastened on him by a convict confined for murder. If influential friends in this city had not visited the Doctor, witnessed this shameful treatment and sharply taken the Marshal to task, it is quite likely the irons would have remained upon the prisoner during the whole time of his sixteen days' illegal confinement in the penitentiary.

We say illegal advisedly. Dr. Clinton was arrested and incarcerated in the penitentiary without a hearing. After cooping him up like a wild beast in a cage, an indictment was obtained against him for the alleged murder of John Banks, the Morriste, a trumped-up charge, without the faintest shadow of evidence and on the mere say-so or opinion of an utterly unreliable witness brought here from California, and whose testimony was not thought good enough to use in any trial, so he was sent back again as of no account.

A penitentiary is a place for the confinement of convicts—persons convicted of crime. Dr. Clinton was not convicted and, mark it, has never been tried to this day, for the simple reason that there was not a scintilla of evidence against him. The laws of Utah provide that persons committed on criminal process shall be confined in the county jail.

There is no warrant in law for incarcerating them in the penitentiary. It is the same in regard to persons committed for contempt of court, and whether they are committed under the authority of the United States or of the Territory of Utah. But supposing the penitentiary was the proper place, was it right to put an unconvicted man in irons, and pen him up in a filthy, stinking garret, heated almost to suffocation with the burning rays of a July sun pouring down upon the shingles? The ex-Marshall admits in the above letter that "the old man" was "in infirm health." Was that the proper kind of treatment for a gentleman sixty-five years of age and "in infirm health?" Were these "severities" that were not avoidable?

But this is not all. After the Doctor had been confined in this den several days, he was attacked with severe pain through neuralgia and an affection of the kidneys and spleen, and suffered such agony that he besought the Warden to get him some medicine which he prescribed for himself. The Warden promised to get it, but after coming to town returned at night without it, and repeated this barbarity the next day, the Doctor, meanwhile, suffering great agony without relief, until his wife came to see him, went to town and obtained the medicine. Subsequently Doctors Benedict and Fowler visited him and found him in a dangerous condition, and means were taken for his removal to the county jail, where Dr. Benedict attended him for three weeks. The evidence of his extreme agony and danger are ample. All this was given in sworn evidence at the trial of a civil suit for damages, and was not disproved by the Marshal.

Now to the object of this diabolical cruelty. We stated that it was to induce the prisoner to "tell something which he was supposed to know that would be dangerous to leading 'Mormons.'" Marshal Nelson went to the Penitentiary one afternoon, had the shackles taken off—they had to be unriveted, causing the Doctor great pain—and took the prisoner out in his buggy, coming toward the city. But he turned eastward and informed the prisoner that he was not going for a hearing before the Court as he supposed, he wanted to talk with him. He asked him on what terms he would go in with the Marshal—the word used all the time was "us"—to give information about the "wholesale murders" that had been going on in the Territory. The Doctor spoke of some murders that had occurred on which he had held inquests, the particulars of which were on record, and was told that that was not what "they" wanted; it was murders incited by Brigham Young, George A. Smith and D. H. Wells. "They" had heard that Clinton was not guilty himself, but knew all about these things, and it was information about them that "they" were after. As to his own case, he was told "that can all be fixed up, there will be no trouble about that." Nothing being gained by this trip, he was shut up in the garret again, and ten days after, another ride was had, Marshal Nelson taking him to the Brewery and trying to get him to have some "good liquor," then "white wine," and finally persuaded him so that he took a small glass of beer. The same attempts were renewed; he was asked to see Bill Hickman to "refresh his memory," and the whole drift of the conversation was to pump out of the Doctor some information which it was supposed he had which would criminate leading men in the "Mormon" Church. When it was found that he had no such information to impart he was left alone in his prison, and denied the medicine that he needed to alleviate his sufferings.

We are familiar with the whole case. Mr. Nelson cannot pull the wool over our eyes in this matter. He and other persons may have believed the testimony of such creatures as Bill Hickman and Sam Sirrine, and thought they could make Dr. Clinton "speak" so as to work into their schemes against innocent men. But even if they had been correct in their surmises the course taken with Dr. Clinton was inhuman as well as illegal, and such as ought to make Mr. Nelson ashamed to attempt any public reference to it.

It is true that Dr. Clinton was non-suited in his attempt to recover damages for his ill-treatment. But were these facts refuted? They were not. The Marshal screened himself under the plea that he did not perpetrate them personally. He did

not himself ill-use Dr. Clinton, but the outrages were performed under his authority by his deputy. In justice, if not in law—the kind of law had in this case—he was responsible, and he escaped the legal consequences because the Judge ordered a non-suit, not allowing it to go to the jury, and also refusing the application for a new trial.

And the question arises, why was not Dr. Clinton brought to trial? If he was a malefactor worthy of this infamous treatment, why was his guilt not substantiated in Court, or at least an attempt made to show his culpability? Simply because there was nothing against him. He was put in the sweat box; shut up in a dirty garret to be half-suffocated; manacled; denied necessary medicine when sick; taken out and tempted, cajoled, plied with drink, and "pumped" to extract information from him, all for the object we have named; and when he had been held in prison, first in the penitentiary and afterwards in the county jail, all the time anxious for a trial, and he could not be kept longer without some action in his case, he was released without any hearing because there was no evidence against him.

These are the facts. We could tell more about this shameful case, but this is enough. What we condemned in our article quoted by Mr. Nelson was the tactics of the Inquisition. We expect to condemn such doings whenever they are attempted. As to the question of who has "the more disgraced his position," the officer who tried to but couldn't intimidate and force an aged gentleman to speak against innocent men, or the editor who has done something towards exposing such infamy, we are quite willing to leave the public to furnish the answer.

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