

DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY - Dec. 15, 1896

OFFICIAL MURDER AT PAROWAN.

To-day it is our painful duty to chronicle a tragedy that was enacted in the usually quiet and peaceful town of Parowan, Iron County. A United States deputy marshal named Thompson shot and killed a young man named Edward M. Dalton, against whom an indictment had been found for unlawful cohabitation. The particulars of the bloody affair are necessarily meagre. Assuming them to be correct, the officer who did the killing committed a murder. It does not appear that young Dalton was in the custody of the marshal, and the offense for which he had been indicted is a misdemeanor. In this connection the following legal authorities define the crime that has been committed:

"There is a very broad distinction between forcible opposition to an arrest and attempting to flee from it. In cases of misdemeanor, there is no rule of law that takes away from a man who flees from an attempted arrest the right to defend his life. An officer in such cases is not justified in shooting at a person whom he is attempting to arrest, because he will not stop."—Criminal Law of Cal., Sec. 835.

"More words spoken will not constitute an arrest; there must be something by way of physical restraint."—1 Bishop's Criminal Procedure, Sec. 157.

"In cases of a felony, when called to the defendant should stop, but if he does not, the officer is justified in shooting at him. But if a misdemeanor, he has no right to take this extreme measure."—Ibid., Sec. 159.

"Generally speaking, in misdemeanors it will be murder to kill the party accused for flying from arrest, though he cannot be overtaken and though there be a warrant to apprehend him."—2 Bishop's Criminal Law, Sec. 649.

This murder is but the culmination of a series of the most revolting outrages perpetrated by U. S. deputy marshals in the course of the cruel crusade conducted against a long-suffering people during the last two years. Pistols have been drawn, flourished and pointed at old men and boys against whom no crime was even alleged. They have been thus threatened and bullied and their lives jeopardized when, in the exercise of their freedom, they were about to leave some locality where the officers were searching for persons whose custody they desired. This murder is also the natural outgrowth of the high-handed and infamous course taken by numbers of Federal officials toward "Mormons." Their conduct has inspired some of the lower grade of the same ilk with the idea that they could perpetrate any species of outrage upon the people with impunity.

The news of the murder has created intense indignation among the citizens of this locality. No wonder that it should have such an effect upon the people who have been exasperated by a series of outrages, reaching nearly to the point of murder, for a considerable time, that has been almost past endurance. Well might many of them exclaim, as they have frequently done, "When shall there be an end to such villainous proceedings, and how long shall we be compelled to suffer them?"

THE ART OF PRESIDING.

CONSIDERABLE interest has been taken by the Saints in articles that have appeared of late upon subjects in line with the spirit of internal progress. So far as we can learn, they have not been without profit. They have been prompted by a recognition of the fact that the development of internal strength will the better enable the Church to withstand the violent assaults made upon it from without.

A subject that presents itself in that connection is the necessity for every man who has been appointed to any capacity of presidency in the wards or branches of the Church, whether it be high or humble, acting in his position harmoniously with the genius of the Gospel. The organization as a whole being the most complete in existence necessarily involves an exceedingly large number of presiding positions of various grades, rendering the subject under consideration all the more important.

The art of presiding among the people of God is one of the greatest of

Divine gifts to man, and to be entrusted with an office of that nature is one of much importance, no matter how humble it may be—because of its responsibilities. It involves authority over the heritage of God, and great will be the condemnation of those who treat it lightly or use it wrongfully. Poverty, riches and other conditions common to mortals test the characters of individuals, but none causes the true nature of a man to stand out in such conspicuous relief as power. By its exercise he will exhibit, without fail, the largeness or the contracted character of his soul.

The man who is most fitted to preside over his fellows is he who is able to do so without appearing to. He carries himself with that admirable deportment which is the outgrowth of dignity of character combined with humility, exhibiting that patience and long suffering which were among the chief traits of the Savior's harmonious character. By manifesting a due consideration for the situation, circumstances, degree of intelligence and other elements among those of whom he has the watchcare, he is made strong. Such men are essentially great, no matter how humble may be their ordinary sphere of life, and where they preside, those who are subordinate to them instinctively submit to their direction.

The most obnoxious manner of presiding is the antipodes of the one just described, being what might be termed the assertive method. It is exhibited by frequent announcement of the character of the position held by the person acting in it, the implication being that that fact alone should be deemed sufficient to insure obedience. Acting as if everything necessary to be accomplished could not possibly be properly done unless personally attended to by the individual presiding, is another phase of the same style. By some a most important factor in the art of presidency seems to be lost, sight of—that it consists mostly of using others to the best possible advantage for the furtherance and development of the work; making the best possible utilization of the material at command. No material that is fit for use should be left to languish in a state of dormancy. Nature and nature's God inform us, in thunder tones, that activity is life and stagnation is death.

It may be accepted as a truism that no man can completely fulfill the obligations of presidency unless he be informed upon the duties and functions of every position within the range of his jurisdiction. If he be ignorant in this regard, intelligent direction on his part is an impossibility. How needful then that those who preside in any capacity within the Church place themselves in the position of men of "sound understanding."

In the matter of measures, those who direct affairs in the wards and other divisions of the Church will find that there is great advantage in intelligent explanations. They form an excellent preparatory process, placing the minds of the people in a position to intelligently accept of propositions when they are advanced. By this means those interested are enabled to give their consent understandingly, having been previously convinced of the necessity for the action. Thus the presiding officer carries his flock with him, which makes him a tower of strength for good in their midst. In fact the whole forms a symmetrical entity, the head being firmly joined to the body and recognizing the utility of each member in its place.

FASHIONABLE GAMBLING.

It is stated by those who claim to have made a study of the subject, that the mode of life, the means by which it is made comfortable or otherwise, its uncertainties, vicissitudes and kaleidoscopic unfoldings, constitute a practice which, when engaged in with cards or other enticements of a game of chance, we call gambling. It is asserted with due solemnity that no one who is pushing along in the avenues of life expects to give as much as he gets, but his expectations are reversed often enough to maintain something like a social equilibrium, and this is all so much gambling—looking out for something good to come which has not been fully earned, and mixing a strong hope for chance, if not a belief in fate, inextricably with honest effort and persistent toil.

The disposition in man which prompts him to invest money, time or labor in an enterprise that has no legitimate basis to rest upon, and the only profits expected are those which result from others' losses, is the incentive, and indulged in leads to, gambling, no matter what it may be called or how skillfully it may be masqueraded. This desire to increase one's gains and acquire money through the avenues of mere chance, playing against others who have the same expectation, is never to be feared when viewed from a distance; it is only when it is dabbled in that it begins to take hold, and the acquaintance is more easily formed than broken off. Like other vices, it is

"a monster of such hideous mien, To be despised needs only to be seen. But once beheld, familiar with its face, We first endure, then pity, then embrace."

But when to the gravamen of the case is added such adornments and allurements as are unobjectionable in themselves, and by means of which those who would scorn the idea of engaging in gambling when conducted as such *per se*, are drawn into the toils, it is then even worse than when conducted under its proper name and in places devoted to that exclusive purpose.

The recent break in Comstock shares and the great tumble in Wall Street securities, only a day or two ago, illustrate the vice in its sugar-coated condition. Speculators invested largely in the shares of some particular mining company, not because they expected legitimate returns from the mine by means of which their investments would be increased, but because they looked for the little flurry occasioned on, change by reason of finding a small quantity of ore in what were justifiably considered exhausted fissures, to hold on a short time, thus keeping up the ascending movement until it got as high (in their judgment) as it would go, when they would "unload" their stocks upon the market, pocket the original investments with the profits added, and let somebody else look toward the nadir while they whistled in glee. Of course, a few won; of course, also, a great many more lost in order that the few might win; and in all this proceeding from first to last, a dozen men made a million each and a hundred thousand lost their last dollar, thus presenting the appearance of a perhaps hundred million dollar transaction, the amount of real value on which the exchanges were effected not amounting to a hundredth part of it—that was gambling!

In New York, where many men think of nothing else but the flood and ebb tide of stock quotations, where every investment is simply so much betting that the particular stock drawn upon will rise on the board, and where yesterday so many speculators got "squeezed" in "short" purchases which had to be brought up to a certain point by direct payments (throwing good money after bad), that cash command the phenomenal figure of a dollar and a half premium on a dollar—they simply gambled; only that and nothing more nor less. But the law does not oppose it; how could it, when law makers, law expounders and law practitioners are engaged in the business as earnestly and zealously as those who know no better and wouldn't quit it if they did?

OFFICIAL LAWLESSNESS.

THE news of the killing of Edward M. Dalton on Thursday by a deputy marshal at Parowan created a profound impression. When the particulars of the dastardly act were learned through the columns of this paper, all classes of the community denounced and deplored the occurrence. Only a few malignants of the *Tribune* stripe, who are filled with the spirit of murder and hate, had any apologies for the crime or excuse for the official assassin.

It is claimed by them that the murdered man had previously twice escaped from arrest, having been indicted for unlawful cohabitation. Supposing this to be true, it does not justify in the least the course pursued in this instance. All the reliable accounts received concerning the homicide agree in the statement, that the deceased was, at the time of the shooting, peacefully passing along the street, and that he was unarmed, that he was not escaping from the officers, and that the call for him to stop and the firing of the shot that killed him were almost if not exactly simultaneous.

The indictment said to have been found against Brother Dalton was for a simple misdemeanor. It was not for a felony. He was not doing any unlawful act at the time of the shooting. If the officer had a warrant for his arrest, he had no authority to take the accused without informing him of that fact and showing him the warrant if required to do so. It is not claimed that he made any resistance. And even if he had attempted to escape after arrest for a misdemeanor, the law would not have justified the shooting. It was clearly an unlawful act on the part of the officer, W. Thompson, Jr.

The enemies of the "Mormons" will make no capital by the base attempt of their organ to palliate the act, and falsify the facts of the homicide and the comments made upon it. The proper course for all parties is to recognize the wrong and see that the law is magnified. We are informed that Marshal Dyer does not approve of violence on the part of his deputies nor any unlawful proceedings against persons accused of offences against the law. That he does not justify improper methods of arrest in the cases of "Mormons" any more than of other accused persons. We have every reason to believe this is true, and that there is no hesitation on his part in open depreciation of such acts of deputies as are clearly in violation of the law.

And the cause of anti-"Mormonism" in Utah will receive no support by attempting to screen the assassin from the legal consequences of his deed of blood. A desperate attempt will no doubt be made to save the deputies concerned in this cowardly and cruel

act, from the just penalties of violated law. We express this opinion from the course pursued in times past, and the bias that is continuously exhibited against everything "Mormon" and in favor of our enemies. But it will be found in due time that the policy was suicidal, and that justice only lives and endures in the administration of the law, and that it is sure at some time to claim its own, even of its official interpreters and administrators.

The pretended anticipation of violence on the part of the indignant populace against the perpetrators of the crime at Parowan, was but a manifestation of the wish that was "father to the thought." Nothing would more delight the trouble-breeders in Utah, than a rising of the people to inflict vengeance upon some scrub official who has committed an act calculated to goad an oppressed and harassed people into reckless fury. But we are happy to say there has been no sign of any disposition on the part of the people to take the law into their own hands. Grief and indignation swelled their bosoms, but the lawlessness which in almost every other part of this western region would have followed the murder, was not even hinted at by the populace in whose power the vicious deputies were placed when the deed was done. That is right, and will be found the wisest policy because it is right.

Both the officers who are entrusted with the execution of the law, and the people who are made subject to intrusion and discomfort, should learn their rights and neither should encroach upon the rights of others. We have not had occasion to denounce the doings of insolent deputies since Marshal Dyer has been in office, as during the reckless reign of his predecessor. But there are some creatures who have been continued in subordinate office, who trained under the wretched and vicious Ireland school, and who are not fit to be entrusted with power nor to thrust themselves into the homes and presence of decent people. Deputies have come to think that they are a privileged class, not bound by the restrictions that govern ordinary members of the community. And feelings of this character, that have been fostered and encouraged, have led to the desperate and unjustifiable act of fatal violence at Parowan.

Deputies have been permitted, without rebuke, to stop people on the public highway for whom they had no warrant of arrest or other legal paper. They have threatened to shoot persons going from one house to another, if they did not submit to their interrogations. That they have no right to shoot a defendant, even if escaping from arrest for a misdemeanor, has been shown in these columns. Much less have they the right to shoot or threaten persons unaccused of crime. Neither have they the right to question men, women or children in the manner of which many complain. People should understand that a deputy marshal is not a judicial officer in any sense of the word. No one is compelled to satisfy his impertinent curiosity or to give him information concerning any one's private affairs. Officers should not be obstructed in the lawful performance of duty, but they should not presume upon their position, and try to scare the uninformed into admissions or any other evidence respecting themselves or their neighbors.

Excess of duty is lawlessness. Every officer of the law is bound to keep within the limits of the law. When he transcends those limits he ought to be punished just as much, at least, as any private individual who transgresses. The majesty of the law cannot be maintained by winking at the unlawful acts of officials. And the people are not required to submit to any proceedings on the part of officers which are not required or authorized by law.

Resistance to lawful authority lawfully exercised is wrong and unjustifiable. But resistance to unlawful authority, or lawful authority unlawfully exercised, is neither morally nor legally wrong. Still it is better to avoid the appearance of evil, and quiet submission to wrong for the time being is better than rashness and violence. A legal remedy ought to be had for every illegal act, and those in authority will do far more to establish and maintain respect for the law by dealing out justice to officials who disregard it, than by tacitly endorsing their wrong-doing because performed in excessive zeal against a people marked out for special severity.

The bloody deed at Parowan should serve to show the country the extreme methods which are being pursued in the senseless crusade against the "Mormons," and ought to suggest the propriety of a halt in the unwarranted pursuit of one selected class of offenders, whose acts are not prompted by any criminal spirit, but have been performed by virtue of invincible religious convictions. At any rate let the law be vindicated in the case of official assassination at Parowan.

THE MURDERER AT LARGE.

THE dispatch from Parowan, which will be found in another part of this paper, contains news which will be regretted by all classes of the community who are in favor of peace and good order. It indicates that the proceedings against the murderer of Edward M. Dalton are likely to be little more

than a sham. The murderous deputy is turned loose on bail, while his case is left to a grand jury which he picked out himself, and eleven of whom went forth as his personal friends, to carry him help and refreshments after he had gloried himself in their eyes by shooting and killing a "Mormon."

The legal quibbles which have been resorted to that he might be set at liberty, are painfully apparent. Thompson, without doubt, shot down a man who was not making any resistance or even fleeing from arrest. He was committed for murder, and that offense is not bailable. Every consistent person will say he ought to have been kept in custody pending the action of the grand jury. His release on bail reflects no credit upon Judge Boreman nor upon the Assistant Prosecuting Attorney, a son of Judge Zane's. The indecency of sending him to the grand jury which he selected, cannot fail to be recognized by the public. It looks as though the desire is to inflame the popular mind already fired with intense indignation, so that some act may be provoked which all cool heads would lament.

But we feel assured that our friends in the south will hold themselves in check whatever may happen, and let the consequences fall upon the wretches who gloat over the murder of a "Mormon," and who will bend all their energies to punish a man for taking care of his wives as honor demands, and then exert themselves to the utmost to shield and turn loose an assassin.

The plea that Thompson intended to fire over Dalton's head and thus make it appear that the killing was not done with malice or even with intent, is so specious and flimsy, in view of the locality of the wound, that any child may see through it. If the shot had been aimed above Dalton's head and was badly directed, in haste, he would have been wounded, if anywhere, about the head or shoulders. But he was shot just as low down on the body as he well could be without shooting the horse instead of the man, and the shot was evidently aimed to kill.

We designate this crime as a murder, because the perpetrator of the deed had not one particle of right to fire his rifle at Mr. Dalton. The fact that the shooter was an officer is no palliation of the offense. It is rather an aggravation, for an officer ought to be even more careful to be law-abiding than an ordinary citizen. The intent to kill is shown in the position of the wound, and in the fact that no time was given the deceased to surrender. But, murder or manslaughter, the defendant was committed by the Justice for the capital crime, and common decency would have suggested his imprisonment until the grand jury could take action on his case, seeing that it was a session and ready to take testimony. And, further, considering that it was determined to let him loose, the least regard for the appearance of justice would have suggested the investigation of his case before a grand jury that was not selected by the defendant, and not composed of persons who had openly exhibited their partisanship for the accused.

The latest proceedings look like a determination to justify deputies in using fire-arms against "Mormons" accused of misdemeanor, and to surround lawless officers with a halo of protection not afforded by the law and not favorable to the public peace. But as sure as the movement has been made, so sure will it bring discomfiture to those who have promoted it. Write that down and wait and see.

LOCAL NEWS.

FROM WEDNESDAY'S DAILY, DEC. 15,

Further Particulars.—It seems that the cause of the death of J. Q. Kuowilton—the announcement of which appeared in yesterday's News—was not as then surmised, either apoplexy or heart disease, but being thrown from a horse with such violence that three of his ribs were broken. This was about 100 miles south of Grantsville, while he was on his way to Deseret, the nearest railway station. He was taken the best care of that the circumstances would permit by his companions; a conveyance was obtained from a sheepherder's ranch, upon which he was conveyed with all possible speed; but he could not overcome the effects of his injury, and after 12 hours' terrible suffering his relief came in death.

The funeral service will take place in the 17th Ward school house tomorrow, commencing at 11 a. m.

Grand Larceny Case.—Last evening Jacob Higginson and R. P. Snell came up from Spanish Fork, Utah County, accompanied by A. G. Sutherland, Sen., as counsel, to answer to the charge of grand larceny, made before Commissioner McKay. The case was deferred until a late hour this afternoon. The defendants are accused of having stolen a mare belonging to John Morgan, of Clover Creek, Tooele County. Their statement is to the effect that they were sent over to Tooele County to get an animal belonging to a resident of Spanish Fork. They brought one that answered the description, but when they got home they learned that a mistake had been made, and took the animal back to where they found it. They were arrested a