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CHARLES W. PENROSE, EDITOR.

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CAPITAL PUNISHMENT FOR CAPITAL CRIME.

THERE are many well-meaning people who advocate the abolition of capital punishment. They look upon the death penalty, even when inflicted for the wilful taking of a human life, as nothing less than legalized murder. They offer many plausible arguments against bloodshedding, and claim that it is revengeful, barbarous and unworthy of an advanced civilization.

Some States have adopted the views of these ultra humanitarians, and the Swiss Federation has notably led out in this direction. But so far as our information extends we know of no place where the abolition of the death penalty for murder is considered to have been beneficial. We notice in the news from Switzerland of a recent date, that the different Cantons in that republic are gradually re-establishing capital punishment, after having tried the policy of imprisonment for life as its substitute.

It appears that there is nothing which will operate so forcibly as a deterrent upon the criminal mind, as the certainty that a shameful death will follow conviction for murder. Since the adoption of the more lenient policy in Switzerland, murders have been so frequent, and many of them of such great atrocity, that public sentiment has changed, and now the demand is generally made for the re-enactment of the death penalty. In one of the cantons bordering on Germany a man set fire to a farmhouse and caused the death of five persons; in the canton of Lucerne a child only eight years old was murdered by some tramps; and at Berne a locksmith shot a young man who was guilty of no worse offense than that of fishing on his land without leave. The colonel of a regiment was murdered in the canton of Ticino by a man with whom he had remonstrated in a cafe for using bad language; and though the crime was committed in the presence of several people, the assassin was allowed to escape.

These were only a few of the homicides that occurred inside of three weeks. In those portions of the United States where the death penalty is part of the law, capital crimes, it is true, are frequently perpetrated. But the trouble is that there are so many means of escape for the culprit. The insanity plea meets with too much favor; there are so many technicalities that form loopholes for the benefit of the criminal; and the law's delays, which have become proverbial, seem to be multiplied in the special behalf of the murderer. Then, if the extreme penalty should happen to be pronounced after new trials and appeals and other legal subterfuges have failed, the condemned sinner is transformed into a hero in the minds of super-sentimental people, and his path to the gallows is strewn with flowers watered by the tears of sympathetic imbeciles. And on the fatal scaffold, praying priests assure the blood-guilty wretch of a quick passage into the joys of everlasting life and glory, if he only assents to the atonement of the Redeemer.

It is a little singular that people who profess to believe that the Bible is "The word of God" entertain these ideas of extra tenderness towards the worst of malefactors. It is written that the murderer "hath not eternal life abiding in him." And the eternal has flatgone forth without revocation, "Whoso sheddeth man's blood, of him also shall man's blood be shed." The death penalty for murder was pronounced and established by the highest authority—by Him who holds the keys of life and who has the right to punish or reward to the uttermost.

Human governments have adopted the death penalty from the divine

law. It is the only adequate earthly retribution for the crime of wilful murder. It is a mistake to call it simply revenge. It is simple justice. It is the right penalty for the broken law—extreme punishment for extreme crime. It is also needful for the protection of society. The community has the right to protect itself from the lawless individual, and is just in establishing the death penalty for him who unlawfully takes life. It is consistent in making certain the inability of the destroyer to commit further destruction. The desperate efforts that are made by condemned murderers to escape that final penalty is proof of its terrors to the guilty soul. And while there will always be persons, in the present fallen condition of the race, who will forget or defy the law when base passion holds sway in their souls, it cannot be denied that the certainty of execution to follow discovery, will deter many from taking the fatal step which is to bring them to the gallows on earth and the vengeance of the Eternal in the world to come.

We believe that the Swiss people are returning to the right method of dealing with assassins. However, we do not advocate the popular mode of dealing out the death penalty. The only atonement the murderer can give for his crime is the pouring out of his own blood as an offering to offended justice. To this extent we believe in "blood atonement"—outside of the Great Sacrifice on the mount of crucifixion. Murder is a "sin unto death," which prayers and repentance and ordinances will not wash away. Our enemies who seek to misinterpret everything in our creed which gives them the slightest opportunity to falsify, can make what use they please of this avowal. But we do not believe in the illegal infliction of a legal punishment. He that breaks the law is amenable to the law, and the slayer of man should be punished by the shedding of his blood at the hands of the lawfully appointed executioner. Private vengeance is forbidden by the divine word and is barred by human enactment.

BATTALION HISTORY.

It is pretty well known that Bro Daniel Tyler, of Beaver, has been engaged for some time in the compilation of a history of the Mormon Battalion, some chapters of which have appeared, in advance, in this paper. As there is some anxiety to know when the work will appear, Bro. Tyler makes the following explanation:

BEAVER, Nov. 6, 1880.

Editor Deseret News:

In answer to the inquiries of my numerous friends in relation to Battalion history, I beg to say that I sent the crude manuscript to President George Q. Cannon some time ago. After a careful perusal, he says: "I think you have the material for a very interesting history, and one that is much needed." I cannot say how long before it will be published, or what the size or price will be at present, but shall push it as fast as my humble circumstances will permit."

SANDWICH ISLANDS MISSION.

The following letter to President Taylor will be of general interest:

LAIE, Oahu,
Sandwich Islands,
October 20, 1880.

President John Taylor:

Dear Brother:—Our conference which commenced on the 6th of October and continued until Sunday noon of the 10th, was of sufficient interest and importance, I think, to justify me in reporting to you.

We expected quite an influx of visitors from this and other islands to attend conference, hence we erected a lanai on one side of our meeting house to accommodate and shelter those who could not gain an entrance to our old style of school-house meeting-house, such as were built in the early days of Utah, a building very inadequate to the present importance and wants of our Church on these Islands.

The thirteen meetings held during our conference were well attended and all spoke in high terms of the spirit and good feelings that prevailed, both by the speakers and hearers, and our visitors returned to their homes with a higher appreciation of the cause, progress and labors on Laie and throughout the mission

than that which they previously possessed. One sister came from the island of Maui on a schooner, and then walked from Honolulu to Laie, a distance of 32 miles. We gave her a dress pattern and furnished her a horse to ride to Honolulu on her return. She is a convert of Elder Geo. Q. Cannon, and was also baptized by him, a bit of history she prides herself very much in relating.

At our last April Conference we called the attention of the people to the law of tithing, and since that time up to the conference just closed, we have received four hundred and forty one (\$441) dollars from the Saints in this mission.

Our statistics, as shown at conference, give the membership of the mission as follows: Elders from home 7, number of their families 9, native elders 349, priests 182, teachers 136, deacons 104, male members 933, female members 1,275; new baptisms during the last six months 117; children under 8 years of age 543; total officers and members, including children under eight, 3,655.

The distribution of foreign elders to labor in the mission during the next six months is as follows: Elder Carl Anderson with four natives to labor on the Island of Hawaii; Sidney Coray with two natives on the islands of Maui, Molokai and Lanai; J. G. Knell with two natives on the island of Kanai; Benjamin Cluff, Jr., with two natives on this island, and Joseph H. Dean and W. D. Alexander in consequence of family circumstances will remain at Laie and assist me in the labors on the plantation.

We have arranged to hold a conference in Honolulu on the 30th and 31st inst., at which time and place all the Elders meet previous to sailing off to their fields of labor.

We are making quite an effort to collect means to build a new meeting house at this place, with the hope of obtaining your consent to use for that purpose, a part of the tithing already paid in. We think a suitable house for this place will cost about \$3,000; \$2,000 of that amount we hope to collect from the people by April next. We feel confident that in erecting such a building as we now have in contemplation, it will give our cause a new impetus, and start afresh the spirit of gathering to this land. During this year nine new frame buildings for dwellings have been erected by residents on this land, and several more are in contemplation. Rain has fallen frequently of late, which gives everything a fresh appearance and revives within us new hope for the future. We are now planting out 2,000 coffee trees, having started an orchard of oranges, limes and mangoes of several hundred trees, to which we are adding other varieties of fruit trees.

The affairs of our government, which has been trembling for some time past, are now settling into quietude. The King made a wonderful blunder when he took Gibson as a member of the Privy Council, but having seen his folly, he has dismissed him, and Gibson retires leaving a bad record during the short time he was in office. His notorious efficiency in flattery brought him up by the side of the King, and it is to be regretted that he did not continue longer so as to leave a deeper and more lasting shame upon his character in the eyes of the Hawaiian race.

Health generally prevails in our colony, except Mrs. Cluff who has been quite poorly for two months, and we all feel earnest in our labors to promote good.

With kind regards to the Quorum of Apostles, in which the brethren join,

I am as ever, your brother in the gospel,

H. H. CLUFF.

THE ROUTE FOR THE CANAL.

THE minutes of the meeting of the City Council, show that a petition was presented to that body from a number of residents of Big Cottonwood and Mill Creek Wards, asking the Council to reconsider its action adopting the upper route for the Jordan and Salt Lake City Canal. At the same time a remonstrance was also presented from residents of the same Wards represented as "owners of a water ditch known as the Lower Canal." The petition and remonstrance were both referred to the committee on improvements, which was specially enlarged

by the addition of two experienced members.

We think this subject worthy of grave and careful consideration. The City Council will, no doubt, examine into the matter thoroughly, and take such a course as will be proper and for the best interest of the public, with a due regard for all vested rights that may have accrued, and not stick by a resolution for the simple reason that it has been once adopted. If on further deliberation it is discovered that the lower route is the most advisable, we have no doubt that the Council will be perfectly willing to reconsider, and come down to the better way. At any rate we feel assured that no rash or stubborn policy will govern the Council on a matter of such vast importance.

We understand that the great advantage claimed for the upper survey is that by that route the canal will water some thirty more city blocks than it would if brought by the lower route. This would be a very strong recommendation in its favor if those blocks would really gain anything by it. But we understand that all the lots therein are already watered from another source, so that the capacity of the canal would only be taxed that much more by its elevation above their line. This is not new ground to be benefited by the canal. It is already supplied with water and would doubtless have more on the completion of the canal, if the latter was taken by the lower route, as there would be more to spare than there is now for the upper districts.

Against the upper route, we are informed, is the ugly fact that just south of Mill Creek it would have to come around a hill, where the soil is of such a nature that it would have to be piled and puddled for a considerable distance, which would entail great expense. This would be absolutely necessary for the safety of houses and farms below. This disadvantage it appears to us far more than offsets the questionable advantage of watering the thirty blocks already provided for, especially when it is remembered that all the canal will carry will be needed below.

Against the lower route the following objections are offered: It will cross the lines of the water and gas mains. It will involve litigation with the claimants of the "Lower Canal," who have used it for eight years as an irrigating ditch. To the first objection we have to say that it appears to us but a small one. It is not absolutely necessary that either the water or gas mains shall be exactly straight, and the engineer can certainly find some simple method of securing practical ways for the pipes at the points where the canal would cross them. To the second one, we suggest that the claims of certain parties to the Lower Canal are of rather doubtful validity, and in any case can no doubt be settled amicably before the route is finally determined.

In the year 1867, a company was organized, called the Deseret Irrigation and Navigation Canal Company, which was created a body corporate in law, and which built the canal now called the Lower Canal or the Church Canal, and acquired rights in relation thereto which are still valid in law and in justice. The right of way was purchased for a considerable part of the route, and stock was taken in the Company by many of our leading citizens. It is stated that when, by reason of the building of the railroad, some of the purposes for which the canal was constructed were abandoned, the people in the Mill Creek and Cottonwood region were permitted to use the canal for an irrigating ditch, with the understanding that when needed it was to revert to the use of the Company giving them the privilege. If they have used it for seven or eight years and imagine that by that use they have acquired legal ownership of the canal, we think they will find that they are mistaken. And if we are rightly informed as to the facts, there is little doubt that they have no moral or just right to it, for how can they claim ownership in property the use of which they have only had by sufferance?

However, there may be circumstances connected with this question about which we are not informed, and in the event of persons having acquired any rights, legal or moral, in that portion of the canal under consideration, equitable arrangements could doubtless be made to the satisfaction of all parties concerned. No one should be deprived

of any actual right; private property must not be taken for public use without fair compensation.

If the old canal can be utilized, to the saving of expense and of property which has cost many of our citizens considerable outlay, economy and regard for fair dealing would suggest that the lower route should be adopted. We do not seek to influence the committee in its conclusions, but we suggest these points for consideration, desiring only that what is best shall be done, all the circumstances being duly weighed, and all vested rights being fairly considered.

A SURE SUCCESS.

DURING the recent little nip of coal famine in this city, the popularity of the Utah Eastern Railroad movement was considerably increased. People who could not obtain coal enough at any price, to cook a dinner or keep out the frost, could see the necessity of some sure avenue by which coal could be secured to this city during the approaching winter. And many who had not much surplus cash, expressed the wish that shares in the capital stock of the narrow gauge road were less than \$50 each, so that they could subscribe and help to push the road through.

It was announced, on the publication of this desire, that as low a sum as \$10 could be invested in the capital stock of the Utah Eastern, and small shareholders were welcomed to come forward. We do not know how many of those who cried out for a chance to help a little have availed themselves of the opportunity thus afforded. But we are of the opinion from what we learn that the number of \$10 investors is but small.

We venture to remind our friends that the same pinch from which the city suffered a few weeks ago is quite likely to come again, with a much tighter squeeze before winter is over, unless some other channel than the great railroad is open for the transportation of fuel. Trains are delayed now on the Union Pacific Railroad—both freight and passenger—because of the great rush of business. Let a blockade or two occur on the line and where will Salt Lake City be? Out in the cold, most emphatically. We are not predicting imaginary danger. We but point out a very probable contingency. We ought to have a road open to the coal mines of our own Territory, by which we can be sure of an adequate supply of fuel when the winter winds howl around the snowy peaks of the Wasatch, and the valleys are hoar with the breath of King Frost.

We have not touched on the question of economy. That was fully and ably handled in Col. Winder's letter which appeared in Thursday evening's News. That those who help to make the completion of the Utah Eastern secure will gain a rich return for their investment, whether the road pays or not, or whether or not the Union Pacific shall put down the price of coal too low for the Utah Eastern to run with profit, is as shown in the letter referred to, as plain and clear as daylight. And the fear that Jay Gould or some other railroad magnate will freeze out or buy out the people's coal road is entirely groundless, as will be seen when the pooling of stock that cannot be sold out for fifteen years, as already described in these columns, is correctly understood.

Let those who wish to make certain a supply of good fuel at much lower rates than present prices, go ahead and help to finish the Utah Eastern. It is the only opening for freedom to the Salt Lake people from absolute bondage on the coal question. Enquire into the subject. It will bear the closest investigation. And it is absolutely sure that the completion of this enterprise, if backed and owned by the body of the people, will bring to us what we sorely need, and that success is as certain as anything can be under the sun.

WHICH IS THE BETTER WAY?

ONE of the most important public measures now engaging the attention of our civic authorities, is the completion of the Jordan and Salt Lake City Canal. The question of its route through the city is now in agitation. We took occasion a day or two ago to make some contrast between the upper and lower surveys, on the line of one of which the