

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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## DON'T BE IMPOSED UPON.

OUR remarks about officers' intrusions and citizens' rights do not seem to be relished by the spies and informers who are on the hunt for cases against "Mormons," out of which they may make a percentage and from which others may obtain fat fees. We did not write for their pleasure and we do not care for their displeasure. Those who read for information understand our meaning, and fair-minded people can appreciate our motive. Those who misconstrue what we said are welcome to all the capital they can make out of it. We do not wish to do or say anything to place an obstacle in the way of an officer properly discharging a sworn duty. But we do wish people unfamiliar with the rules of law to know their rights and then to be strong and steadfast in maintaining them.

An officer having a warrant for the arrest of an alleged criminal may, perhaps, under the common law, (but how far that will lie in presence of our written statutes remains to be proven) enter premises where the accused is supposed to be. Without such warrant he has no right to enter except by the permission of the inmates. A "search warrant" is not authority to search for an individual, it is for the recovery of stolen property, which must be described in the warrant. An officer has no right to forcibly enter a house to serve a subpoena on a witness. This should be understood by every citizen, to prevent intrusion and imposition.

People should not be scared by the pretensions of impertinent persons claiming to be officers. A Marshal, Sheriff or other court official is required to keep within defined bounds or he is liable to punishment. And he has no right to put on airs because of his position. He has no right to question people in regard to their private affairs or those of their neighbors. If a witness is wanted there is a proper way and a proper place in which to obtain his testimony. The witness must be summoned by legal papers and questioned, if at all, in court. A witness or a prisoner is not required to answer the questions of an officer, anxious to get hold of something to criminate the accused.

We caution the public to beware of male and female sneaks who, under the guise of peddlers and by other subtleties, seek to gain entrance into dwelling houses for the purpose of gathering up information to use against the inmates or their neighbors, in these times when a breath of suspicion is enough to waft people into the penitentiary, and the rule of justice is reversed—an accused person having to prove himself innocent before incarceration, instead of his accusers having to prove him guilty.

We say, treat every bona fide officer of the law with proper respect. A gentleman will court gentlemanly treatment and ought to receive it. But give no place to unauthorized intruders, official or otherwise, and do not be imposed upon by bullies, braggarts or impudent interlopers who seek to frighten women and children. Keep such creatures out of your houses and decline to answer impertinent questions. And if anything in the form of a man tries to intimidate the inmates of any house in the absence of husband and father, and those at home have not physical strength enough to eject the intruder, get sufficient help to fire him out, and do not allow your rights to be trampled upon with impunity.

## "STAR CHAMBER" PRACTICES OUTDONE.

THE Simpson "polygamy" case affords another illustration of the kind of "Justice's justice" that is being meted out in Utah. The defendant was placed in legal jeopardy, not from motives of public necessity or the public welfare, but from malice and revenge on the part of one who considered himself aggrieved in an alleged wrong done to a relative. He was accused of marrying a young woman in Utah while he had a wife living in England.

From the evidence before the Commissioner, it appears that Thomas Simpson formed a connection in England twelve years ago with a woman named Hannah Powell, that he came to this country and afterwards married Miss Everett, the Probate Judge of this county performing the ceremony. He subsequently sent for the woman Powell—a subscription being taken up to assist in her emigration—when his wife repudiated him and he was divorced. The alleged first wife

arrived, and it was stated that the name "Simpson" was on a sack of baggage on which the defendant was seen sitting. It was not shown that the baggage belonged to Hannah Powell, nor whether it was the property of the defendant.

All the evidence adduced of the alleged first marriage was, statements that the defendant had spoken of "his wife in England," and that the woman had stated she was married in England to Simpson. But on the witness stand she swore that she never was married to the defendant, also that she did not believe in polygamy and would not marry him after his union to Miss Everett. Yet he is held in exorbitant bail to await the action of the grand jury. The sum of \$2,500 is so large that the unfortunate accused was not very likely to obtain sureties, and so he had to go to the penitentiary to consort with criminals of the worst kind, until a grand jury can inquire into his case and see whether there is probable cause for his indictment.

It will be seen from this how easy it is, under the present mode of procedure in Utah, to throw an innocent person into prison, if he is poor and has an unscrupulous enemy. We do not know what the facts are in the Simpson case. We cannot be justly accused of defending him because he is a "Mormon." We are informed that the parties are non-"Mormons." It makes no difference about this. We only look to the evidence. There has been no proof adduced that the man was married in England. Yet on the supposition that he was, arising from second-hand and partial testimony, a man who apparently has no wife at all is sent to share in the fate of convicts on a dubious suspicion of polygamy!

The Star Chamber infamies of years ago are often referred to by way of contrast to the more enlightened and equitable jurisprudence of later times. But in view of recent proceedings in Utah courts, it looks as though the Star Chamber practices of the past are not merely to be revived, but to be outdone in free America and in the nineteenth century.

## THE MILITARY METHOD AGAINST THE "MORMONS."

THE New York Herald expresses itself in favor of martial law for Utah, and believes that the people of the United States are willing that the Constitution should be so amended as to enable its application. We do not think the country is quite ready for such a radical change in the prevailing method of government, however anxious some preachers and writers may be to exterminate the "Mormons." The employment of the military arm of the government, to accomplish that which belongs to the Department of Justice if anywhere at all, would not recommend itself to any sane mind desirous of perpetuating republicanism in the United States.

The object in view of the advocates of martial law for Utah is the suppression of polygamy. Will some one among those ardent monogamists be kind enough to explain how this can be done by military force? Are soldiers to be turned loose to shoot down the people of this Territory indiscriminately? Or is it only the "Mormons" that are to be the victims? If the latter, how are "Mormons" to be distinguished from "Gentiles"? Perhaps only polygamists are to be slaughtered; if so, how is it to be proved which are polygamists and which monogamists? Would not the same difficulties exist as regards proof in the case of military as of civil inquiry? Or are persons merely suspected of having contracted plural marriage to be punished without proof? If so, there is no need for martial law, because that kind of policy has been inaugurated already, and if the death penalty is to supersede the present punishment, it could as well be introduced into the civil as the martial law against polygamy. Men, as now, could be arrested on suspicion, tried by a jury picked out of the street and packed to convict, condemned to the full penalty of the law, and the sentence could be executed pending appeal, bail being, as at present, refused. No need at all for martial law, all that is required is to change the penalty from fine and imprisonment to death.

The Herald, recognizing the present unconstitutionality of such an extreme expedient, hints at another plan of introducing the military method. "After admitting the force of provisions in the Constitution against such measures, it suggests that the repeal of the Organic Act and the exercise of absolute political control by a Commission, might drive the "Mormons" into such overt acts of treason as would enable the President to establish martial law in Utah. Very cunning, but very old and very silly. The dodge has been tried many times when it would have been very easy for the "Mormons" to clean out the whole nest of plotting scoundrels, who tried to incite them into hostilities that could be construed into that "rebellion" which the "Mormon"-haters had been shouting till they were hoarse. But it didn't work worth a cent, and it will not now.

The "Mormons" are a patient and law-abiding people. They do not propose to lie down and let their persistent and unscrupulous enemies walk over them, but to stand up, quietly yet firmly, and resist to the uttermost. But they will

do this within the lines of the law and the limits of the Constitution. Their opponents have always had to resort to something illegal and unconstitutional in order to obtain any advantage. The "Mormons" will not come down to their level. They will stand on the high plane of constitutional law and take what comes to them in that position, be it good or evil, pleasant or unpleasant. Any departure from this policy will be but individual and exceptional and on the responsibility of the person who takes it. The "Mormon" people will pursue the course we have indicated, and trust to God and the right for their final triumph, which is as sure to come as that retribution which always, in due time, overtakes their malignant foes.

The Herald should try and hunt up a new idea on this everlasting "Mormon" question. All that it has suggested in its comments on the Commission—military force, gouging the "Mormons" into physical resistance and all—is as old as Utah, and as puerile as the rest of the nostrums concocted for the care of something that the quacks who make them do not understand and couldn't remove if they did.

## WHAT THE COMMISSIONERS HAVE TO SAY.

WE publish to-day the full text of the latest report of the Utah Commission to the Secretary of the Interior; it does not differ materially from the report which came by telegraph and was printed at the time in the DESERET NEWS. The advice and counsel given by the Commissioners to the General Government is entirely outside of their province, but is all of a piece with the assumption of legislative and judicial powers which has characterized their course almost from the beginning of their official career. They are no more authorized to present points for congressional legislation than to rule on the validity of laws or add to existing statutes clauses of their own enactment, all of which they have done with a gravity that would do credit to an equal number of unwinkable owls.

The Commissioners attempt to give figures as to the number of polygamous marriages in six counties of Utah since the passage of the Edmunds Act. But by their own showing those figures are utterly unreliable. First, because they have been obtained from certain registration officers, many of whom are desirous of misrepresenting facts and jumping at conclusions that have no warrant in truth. Second, because these figures are only of persons whom they have "reason to believe had entered into the polygamic relation." Third, because the Commissioners admit that they have "no official data on which to base a statement, because the record of "Mormon" marriages, if there is one in the Territory, is a sealed book to all the world." These three reasons are enough to place the seal of dubiety and unreliability upon this attempt at giving figures on the "increase of polygamy."

We do not care to review the long and wordy report in detail; it is not of very great importance; but we will quote one sentence which is worthy of consideration. It is this:

"Every orthodox Mormon, every member in good standing in the Church, believes in polygamy as a divine revelation. This article of faith is as much an essential and substantial part of their creed as their belief in baptism, repentance for the forgiveness of sins and the like."

If this is not a clear admission of the religious character of "Mormon" polygamy, then it is not possible to make one. If plural marriage is part of our creed as much as baptism, is it not "an establishment of religion," and is not Congress forbidden by the Constitution to make any law "respecting" it or to prevent "the free exercise thereof?" And with this candid admission, how can these Commissioners consistently urge upon the National Legislature the passage of laws still further calculated to interfere with the free exercise of our religion and to deprive of the rights of citizens a whole community because of their belief in that which they deem a divine revelation?

But consistency is not a shining virtue in any body, board or individual that engages in a crusade against the religious system commonly called "Mormonism." We place the Commissioners' Report on record, as printed by authority, as it will do for reference and may be useful for that purpose at some future time. Meanwhile, we can take a broad smile at the modest(?) bid put forth by the Commissioners, not only for continuation in office, but for a hand in the appointing power to important offices in this Territory.

## RESTRAINT REQUIRED.

THE violent death of Henry Gardner, cut down in the bloom and vigor of youth, is productive of some reflections in relation to what might, without much of a stretch, be characterized as indirect causes leading to the lamentable occurrence. The two persons who battered and kicked him till he reached the gates of death are also young men. The deceased and one of

his assailants were, we understand, friends, and so far as known, no personal ill feelings existed between the remaining one of the three and either of the others. Had the demon of drink not been introduced doubtless no dispute would have arisen, no fight would have occurred and Henry Gardner would have been alive to-day.

The number of drinking dens in the country districts of this county, and especially near the city corporate line, is not only alarming but decidedly shameful, as we have on previous occasions clearly shown.

An inquiry into the cause of this abominable traffic assuming such a comparatively mammoth proportion shows where at least a portion of the blame appears to attach. The license imposed upon liquor dealers in the county outside of the city limits is so small as to be merely nominal, being only \$40 a quarter or less than one seventh the amount charged within this municipality. The consequence is that the liquor business is almost without restraint in the country districts, as it can be carried on at a proportionately trifling cost.

Were the hands of the county authorities legally tied on this subject the case might be different. But the liquor law gives them authority to impose a license of \$1,200 a year, if they so elect. We are in favor of this being done, because we are of opinion that such a step would soon reduce the number of drinking dens. Had such a figure been imposed and enforced heretofore, there would not be, as now, so many places at which liquor can be bought in the Cottonwood wards alone. Neither would there be within the short distance of eight miles, on the State Road, so many saloons, which are so many traps of temptation for men, especially the young, passing along that much frequented thoroughfare to and from Salt Lake City.

Not only have we at various times taken occasion to draw attention to the growth of the liquor traffic in this county, encouraged by the nominal figure at which the license is held but also to the fact that liquor saloons on the State Road have been made, for years, the resorts of a certain class of persons in spending the Sabbath in debauchery, causing, among other humiliating spectacles, that of the thoroughfare named being lined on Sunday evenings with vehicles filled with persons in various stages of intoxication, conducting themselves in a manner to annoy and intimidate decent people.

It is to be hoped, and we believe we express the sentiment of the general public as well as our own, that the authorities of Salt Lake County will, at as early a date as practicable, take whatever steps are within their grasp to diminish what every good citizen must regard as an evil of great and threatening enormity.

## LOCAL NEWS.

FROM FRIDAY'S DAILY, DEC. 26.

**Trains.**—The U. P. trains are on time, but the U. and N. is abandoned. The D. & R. G. has one train on time but none through from Denver. One is expected from Denver to-morrow.

**Large Family Gathering.**—Yesterday there was a mammoth family gathering at the residence of Hon. Wm. Jennings. The guests not only were numerous, but embraced a wide range of ages, from the youngest infantile grandchild of the host to Father Wm. Paul, aged 82. Mr. and Mrs. Jennings entertained their visitors in the hospitable way peculiar to them, and everybody felt at home and happy.

**Appointments and Changes.**—We learn of the following changes from the *Millennial Star*:

Elder F. Greenwell is appointed to succeed Elder Wilson as presiding Elder in Ireland; Elder J. J. Humphreys is appointed to labor in the Manchester Conference.

Elder George Osmond is released from the London Conference and is appointed to labor in the *Millennial Star* office; Elder Asahel Woodruff is released from the Manchester Conference and appointed to labor in the London Conference; Elder James L. McMurrin is released from Scotland and appointed to labor in Ireland.

**Returned.**—We are informed by Rev. M. T. Lamb that Dr. De Witt returned yesterday from a trip to Butte, Montana, where he has been to dedicate a Baptist church recently built there. On his return the train was snowed in and delayed some time. The thermometer fell as low as 20 degrees below zero.

During the Doctor's absence the Rev. Mr. Lamb has had charge of the Baptist congregation in this city, and celebrated Christmas in the Baptist church by having a Christmas tree and a general good time for old and young.

**Committed Matrimony.**—Yesterday Mr. George M. Cannon, recorder of Salt Lake County, and Miss Addie Morris, were united in the bonds of wedlock. The groom is the son of President A. M. Cannon, and the bride the daughter of Brother Elias Morris.

The same ceremony was also performed yesterday for Mr. C. F. Wilcox and Miss Lizzie Stevenson. The groom is the son of Brother W. E. Wilcox and the bride the daughter of Brother Edward Stevenson.

Both couples enter upon married life under pleasant and prosperous auspices, and we join with the hosts of their friends in tendering best wishes for their welfare. They took a sensible method of celebrating Christmas.

**Ruffianly Conduct.**—Shortly before 2 o'clock this morning, as Mr. Ed. Sandberg was escorting Miss Peterson home from the fireman's ball, when near the young lady's residence in the 9th Ward, a man without coat, vest or hat arose from the ground and made a lunge at Mr. Sandberg, who knocked the fellow down. Miss Peterson entered the house and her escort went home. The ruffian then kicked at the door, and picking up huge rocks hurled them through the windows, entirely demolishing one window. The rocks struck the bed in which children were sleeping, endangering their lives. The brute was not identified, but he is probably the same person who was ejected from a private party in the same ward, just previously. The police are looking for him.

**Utah County Stock Organization.**—After a very interesting meeting at Provo last Friday, an association for the protection and development of live stock was formed for Utah County. The following officers were elected:

President—A. J. Stewart.  
First Vice President—Isaac Bullock.  
Second Vice President—Israel Evans.  
Secretary—John E. Booth.  
Treasurer—Reed Smoot.  
Executive Committee—James A. Bean, J. E. Daniels, Jr., I. Bullock, Jr., Jos. S. Tanner, R. A. Deal, Benjamin Argyle, John Morgan, Eli Openshaw, John Cook, John J. Thomas, Washburn Chipman, R. E. Booth and P. P. Driggs.

Addresses were given by H. J. Faust, Robert T. Burton, John Q. Cannon and others, giving some valuable instructions and making some wise suggestions. Much interest was manifested in the subjects discussed, and at the close of the meeting a hearty vote of thanks was rendered to the speakers from Salt Lake. The meeting adjourned until Monday, Jan. 5, at 10 a.m.

**Returned Missionary.**—This morning we had the pleasure of a call from A. M. Israelson, of Hyrum, Cache County, who returned last evening from a mission to the Southern States. His labors during an absence of nearly two years have been confined principally to the counties of Franklin, Marion and Lamar, in northern Alabama. He has enjoyed his labors very much, and has baptized twelve persons. His companions during his absence were Otto L. Mahew, J. W. Buntler and J. Y. Boyce, the latter, however, returned last October on account of poor health. Since then he has traveled alone a portion of the time. He and Elder Boyce were mobbed once in Marion County, several shots being fired, but none injuring the Elders. He and Charles Shumway were subsequently hunted by a mob led by a minister, but in the darkness of the night they succeeded in eluding their search by hiding all night in the woods. It was the intention of the mob, which numbered eight, to have each member give each Elder twenty lashes.

The feeling generally is very bitter, but is in a great measure restrained through the influence of Dr. Palmer, a prominent citizen, who has recently joined the Church, and Brother W. B. Bailey and his sons, J. H. Strickland and others. The Elders laboring in those counties will go to new fields as soon as practicable, on account of threats and the bitterness met with.

Elder Israelson held seventy-five public meetings, and traveled on foot about 3,150 miles during his absence. He enjoyed excellent health while away, and returned looking and feeling well.

## CRACKSMEN AT WORK.

THE TWENTIETH WARD STORE BURGLARIZED.

Between half-past ten on Christmas eve and three o'clock yesterday morning, the 20th Ward store was entered by burglars. Mr. Herbert Foulger, the superintendent, left at the hour first named, and the thieves took advantage of the absence from then until 3 o'clock yesterday morning of the watchman, who was at a party.

An entrance was gained by the depredators breaking a pane of glass in the door, the opening thus made enabling them to loosen the lock. They opened the till, and threw the dry goods about in every direction, evidently in search of money, which they failed to secure, however. They tumbled the blankets of the watchman's bed around and took his loaded revolver, the contents of which were intended for such customers as they. They also carried away about sixty pounds of tobacco, some cigars and a quantity of cigarettes.

They were evidently scared off the premises, which they seemed to have vacated hurriedly, having left an iron bar, about two feet long and sharpened at one end, and a new pocket knife.

[Special to the News.]

## A MAN FATALLY SHOT AT FRISCO.

WAS IT ACCIDENTAL OR INTENTIONAL?

Frisco, Utah, Dec. 26th.

John Galvin, a saloon keeper, shot John Thomas, a miner, on Christmas night, at 7 o'clock. The ball entered below the left armpit, passed through the body and out on the right side