

Poetry.

WHERE THERE'S A WILL
THERE'S A WAY.

There's an adage that no one should ever forget,
As he travels through life's rugged road,
And encumber'd with care, looks around him in
vain.

For a hand to help on with his load.
Let him never despond, let him never despair,
Nor aside from the path ever stray:
Let him buckle his armour, and gird up his
strength,
Singing, "Where there's a will there's a way."

If the world should look on with a cynical
sneer,
And the worldling his efforts despise,
If a scoff or a jest from a friend that he loves
Wrings a tear from his sorrowful eyes,
Let him never be daunted, but still persevere,
And his strength shall suffice for his day;
So that cheer'd and refresh'd he may still
struggle on,
Singing, "Where there's a will there's a way."

Let the coward discourage, the heartless repel,
And the laggard his efforts deride;
There's a strong resolution they never can
quell,

Like a two-handed sword at his side,
There's a voice in his heart and a hope in his
soul,
And they rule with a sovereign sway;
So that onward, still onward, he pushes and
strides,
Singing, "Where there's a will there's a way."

There are foes to be conquer'd and fields to be
fought;
There are traitors without and within,
And the toll may be hard, and the battle be
long,

But the one who endureth shall win.
For the goal is at hand, and the clouds shall
disperse

When he least looketh out for the day;
So that, looking and hoping, still let him press
on,

Singing, "Where there's a will there's a way."

CLOSE OF THE INQUEST.

The investigation into the death of Dr. Robinson closed on Tuesday afternoon, 6th inst. Without comment now, we publish a full report of the closing remarks made by counsel for the prosecution. The address of ex-Governor Wells was read from manuscript; the reply of Hon. H. Stout, and Mr. Wells's rejoinder were impromptu.

With permission of the Court, Gentlemen of the Jury:

In accepting the position assigned me by the Court, I submitted a few remarks indicative of the course which I intended to pursue. A most atrocious murder had been committed upon a peaceable and unoffending citizen. A physician of high standing in his profession, and of unblemished character, had been decoyed from his family, between the hours of 11 and 12 at night, under the pretense of relieving the sufferings of a wounded man, set upon by a band of assassins and inhumanly murdered. As might be expected, the foul deed produced intense excitement in the community, which, I said, could only be allayed by a full, complete, and, as far as possible, thorough investigation. I said that we, who were charged with the examination, should stand, as far as possible, above this excitement, and calmly and dispassionately elicit all the facts connected with the crime. I said further, that I would go into the case without fear, favor or affection, and solely for the purpose of ascertaining the truth, the whole truth. I said this was due to the relatives and friends of the deceased, and, also, due to the great city in which the enormous crime had been committed.

I knew and fully appreciated the responsibility of the position; but to have shrunk from it would have been an act of cowardice unworthy of the name which I have endeavored to maintain amongst my fellow men. Some threats of personal violence have been made during the process of the case, which, you will allow me to say, have had no influence whatever over my conduct. Nothing short of the hand of the assassin can prevent me from the performance of what I conceive to be a public duty.

Gentlemen of the Jury, let us look for one moment at the circumstances connected with this case as disclosed by the testimony: Dr. Robinson (aged 31 years) had resided in this city for three years, having previously been attached to the military forces as a surgeon. He was an amiable, quiet christian, universally loved and respected. In March last he was married to a young lady of 18 years, of one of your most estimable families.

Ascertaining that certain property upon which the Warm Spring is found near this city, was wholly unoccupied, and believing it to be a portion of the public domain, locates on it, and proceeds to make improvements. Without any previous notice whatever, an armed force of the police is sent out by order of the City authority, who destroy his buildings and eject him from the premises. He appeals, as was the bounden duty of a good citizen, to the organized tribunals of justice for redress. During the progress of the case his counsel raise the question before the Chief Justice of the Federal Court that the City, because of the non-performance of certain acts, had no legal existence. This question was fully argued, and on the 19th day of October the Judge decided in favor of the City. Dr. Robinson gave notice of his intention to appeal. On the 11th day of October a bowling-saloon, owned by the Doctor, was destroyed by a gang of 20 or 30 men, part of whom were disguised. For this act, performed at midnight, a number of persons were arrested, and on the 13th day examined before the District Court. The Chief of police and two of his subordinates were identified as parties in this affair, and bound over by the Chief Justice, the first in the sum of \$2,000 and the other two in the sum of \$1,500 each. On Saturday, the 20th, Dr. Robinson, under the advice of his counsel, goes to the house of the Mayor, to give notice that he intends to hold the City responsible for the damages which he had sustained by the wanton destruction of his property. The Mayor, as soon as he ascertained who he was, ordered him to leave his house. Great care is taken by the *Telegraph* newspaper to chronicle this act the next morning in the following terms:

"AS WELL TRAINED.—The admiration for Zebra, Napoleon and Leopard, on Friday night, was 'snuffed out' by the greater admiration for Dr. Ball-alley, as he cleared from the Mayor's house yesterday afternoon. His Honor had only to open the door, direct his finger, and the man of pills and bluster vamoosed with a grace that fairly eclipsed little Leopard under the admirable direction of Bartholomew."

On the very next day after this publication, between the hours of 11 and 12 p.m., a man goes to the house of the Doctor, after he had retired to bed, wakes him up, tells him that a brother of his (Jones) had broken his leg by the fall of a mule, that he was suffering very much, and required his professional services immediately. The Doctor hastily throws on his clothes and proceeds with this man upon what he regarded a mission of mercy. At a distance of 175 steps from his dwelling he was struck over the head two blows with some sharp instrument, and then immediately shot through the brain. The shriek of the Doctor when he was struck, and the report of the pistol, were heard by a number of witnesses. Two gentlemen in a boarding house (distant from the scene of the murder about 150 steps), who had not yet retired to bed, hearing the noise, stepped to the window and saw three men running to the east at full speed. They went down stairs, and in a very few minutes found the murdered man; one remains on the ground and the other (Mr. Wimmer) goes to the City Hall for the police. He finds the Chief and five of his men sitting by the stove, all of whom had shortly before returned from the circus. The Chief directs his men to go down at once and investigate the matter, and then retires to bed. Arriving at the scene of the murder, one policeman goes for Dr. Ormsby (a distance of some 300 yards), who is too much indisposed to go out. Three other physicians are sent for, who arrive in due time. The body is removed to Independence Hall, some fifty yards. In the meanwhile the poor wife is informed of the murder. She wildly rushes to the Hall and insists upon the removal of the body to the house. He is carried to the house, and in an hour expires. Previous to this the police return to the City Hall and retire to bed.

One witness saw one of the assassins running from the spot towards the northwest; two witnesses saw three men running towards the east; three witnesses saw three men running south, making in all seven men at least engaged in the murder. Some of the witnesses saw the assassins at the distance of four or five feet. The spot selected for the deed was on the corner of one of the most public streets in the city. The moon was at its full and shining brightly. One witness says "it was light enough to find a pin on the ground." Between the place of murder and the house from which he was decoyed, is, as I have said, 175 steps. Between these two points on the same side of

the street there are five dwelling houses, all occupied by families, and on the opposite side the same number. The nearest dwelling house to the murder is 40 feet.

The shriek, which preceded the report of the pistol, was heard at a distance of 250 steps.

The Chief of Police goes down to the scene of the murder the third day after. The Mayor is informed of the murder at 10 o'clock the next day after it occurred.

And upon this evidence I have a few plain questions to propound, which I will leave you and others to answer. I do not propose to discuss them, simply because I could not do so without increasing the excitement which already exists, and producing an exasperated state of feeling, which could not at the present time result in any public good.

1st. If my associate, Judge Stout, the City Attorney, had been murdered under the circumstances Dr. Robinson was, would the police have exhibited a greater degree of vigilance and energy?

2d. Would the attention of the 4,000 people, who assembled at the "tabernacle" (where secular affairs are often discussed) on the succeeding Sabbath, have been called to the crime and exhorted to use every effort to ferret out the assassins?

3d. Could any prominent Mormon be murdered under the same circumstances, and no clew whatever found to the murderer?

4th. Would any portion of the 500 special police have been called into requisition or ordered on duty?

5th. Would any of the numerous witnesses who saw the assassins fleeing from their bloody work, have been able to recognize and name them?

6th. Have we not utterly failed to prove after full investigation that Dr. Robinson had a personal enemy in the world, and have we not proved that he had had difficulties with none except the City authorities?

7th. Is there any evidence that he had done any thing to make personal enemies, unless it was having the *Chief of Police* and two others bound over to answer a charge of riot.

8th. Would he have been murdered if he had not by his land claim raised a question as to the validity of the City charter?

9th. Would the ten-pin alley have been destroyed if it had not been his property, and that he had a suit pending against the City?

10th. Would the Mayor of the City have ordered him out of his house two days before he was murdered, if he had not understood that he claimed damage from the City for the wanton destruction of his property?

11th. Is it not remarkable that a gang of men could go to a bowling alley, nearly surrounded by houses, within 60 steps of the most public street of the City, between the hours of 11 and 12 at night, demolish the windows and break up with axes and sledges the alley, and no witnesses found to identify the men or who knew anything whatever about the perpetrators of the act?

12th. Are not the jury satisfied that some witnesses have withheld evidence calculated to fasten guilt upon certain parties, because they feared personal violence?

13th. Is there not an organized influence here which prevents the detection and punishment of men who commit acts of violence upon the persons or property of "Gentiles?"

14th. If a Mormon of good standing had been murdered, would the Mayor to whom the Chief of Police reports, have been informed of the act before 10 o'clock the next day?

15th. Would the Chief of Police have gone to bed as soon as he heard of the crime, and waited three days before he visited the scene of the murder?

16th. Was the murder committed for the purpose of striking terror into the "Gentiles" and prevent them from settling in this Territory?

17th. Is it the settled policy of the authorities here to prevent citizens of the United States, not Mormons, from asserting their claims to a portion of the public domain in the regularly organized judicial tribunals of the country?

18th. Are all legal questions which may arise in this city between "Mormons and Gentiles" to be settled by brute force?

19th. Do the public teachings of the "tabernacle" lead the people to respect and obey the laws of the country, or do they lead to violence and bloodshed?

And now, gentlemen of the Jury, I have a few general remarks to submit upon some of the incidental questions alluded to in the course of the examination.

I came here, as many persons well

know, with no prejudices against the people who control this city and Territory. When they were driven out of Illinois and Missouri I may have been familiar with the circumstances which led to this act, but I do not choose to go back and review them. It is enough to say that a strong impression was left upon my mind that they had been persecuted because of the peculiarities of the religion which they professed. Under these circumstances, it is scarcely necessary to say that my sympathies accompanied them in their weary pilgrimage over barren and desolate plains and stupendous mountains into these now pleasant valleys. Here they established settlements which, without their labor and industry, would have remained in the undisturbed possession of savages and wild beasts. The discovery of gold in California, the establishment of an Overland Mail, passing through this city, and the subsequent discoveries of rich minerals, in Nevada on the west and Idaho and Montana on the north, afforded the people of Utah a ready market, and at high prices, for all the products of their labor. Without this the people would have remained isolated and their whole commerce would have consisted in a simple exchange of commodities among themselves, and this city would have been an inconsiderable town.

I have said that I have no prejudices whatever against these people. I did not come here as a missionary or a moral reformer. I have endeavored to obey the laws, respect the rights and opinions and what I may regard the prejudices of the people. The religion which they profess I have neither by argument, ridicule or otherwise attempted to change. Under the Constitution, which of course is the supreme law of the land, they have the right to worship God in their own way and according to the dictates of their consciences. I never war against anything that is Constitutional. Nor have I attempted in any way whatever to interfere with any peculiar institutions which they claim to have adopted (and which now exist amongst them) upon Divine revelation. I have nothing, therefore, to say about their religion or customs, but I have a few observations to submit touching the public teachings of those who are recognized as leaders in this community.

As a general principle there can be no security for either person or property in a community where any of the laws are openly disregarded. I have been taught from my infancy to regard the Constitution and the laws of Congress passed in pursuance thereof, as the supreme law of the land. To these, as an American citizen, I owe implicit obedience. Laws might be passed which I may regard as unconstitutional or in derogation of the rights of the people, but so long as they remain upon the statute-book it is my duty to respect and obey them. If the people of this Territory consider any laws of Congress arbitrary, unjust or unconstitutional, they can only resort to the legislative power for a repeal, or to the Courts for a judicial decision. Resistance to their execution, by force of arms, is treason. Are not the people of this Territory exhorted by those who direct and control their minds to disregard a law of Congress and obey the behests of their spiritual advisers? Have not sentiments been promulgated upon many occasions in the "tabernacle" calculated to inflame the minds of the people against the "Gentiles," and lead to acts of violence? Is he not a dangerous teacher who advises the people to avenge their own wrongs by taking the law into their own hands? It is moral treason against the Government and destructive of the best interests of society. Here we have a large number of young men, the sons of the early Mormons, who migrated to this country twenty years ago, who have been taught from their childhood that the "Gentiles" are their enemies, and that it is a duty they owe to their God to wage unceasing warfare against them. This has been from year to year impressed upon their minds and by men whom they regard as prophets. Here, as elsewhere, there are many persons not overburdened with wisdom but filled with fanaticism, who are apt to believe from these teachings that it is lawful to strike down those who stand in the way of spreading their creed. The great body of the people here believe that certain leaders in the Church are inspired of God as were Abraham, Isaiah and the other prophets of old, to declare His will; and is it a matter of surprise that murders are committed? How different were the principles inculcated by the founder of the Christian religion! He preached peace and good will amongst men, instead of calling into action the