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TRUTH AND LIBERTY.

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IT GOES ON.

THE case of the United States vs. W. D. Newsom for polygamy and unlawful cohabitation, was up again on Saturday last on a motion by the defendant's attorney for a new trial, on the grounds that newly discovered evidence material to the applicant's case, which could not have been obtained earlier, was now at hand. In order to fortify the position, affidavits containing the substance of what the proposed witnesses would testify to, were presented to the Court; the law requires this, but not, we think, to the extent to which the attorney went, it being merely necessary to show that the evidence previously wanted is at hand and that it was not through any willful default, miscarriage or neglect of the defendant that it was not produced at the trial. All of this testimony went to show that Newsom's case was barred by the Statute of Limitations, the alleged plural marriage having occurred at a date more than three years prior to the finding of the indictment. The motion for a new trial was overruled at once, of course, and almost without ceremony; the defendant was remanded, and unless intervention from a court of higher resort shall come later, the penalty for a crime of which the defendant is not guilty so far as the practice of law operates, will have to be served out.

This is but another chapter in the current history of Utah's judicial experience now being made up. Every inclination of a Court where there is doubt or uncertainty is supposed to be on the side of mercy and leniency; the presiding Judge has the right to ignore this rule because he has the power; but is he acting in the interest of justice and obeying the wisest behests of humanity when he does so? If he must arbitrarily arrive at conclusions because the case is of such a nature that temporizing will not do, is it not better that he give the accused such benefits of uncertainties as he properly may and still keep within the sphere of his calling? Is it not, in the more humanizing and more conducive to good results in the actions of the human family for a court to wield its immense power in the direction of improvement by exercising benevolence and giving to those who are to be punished in any event the immunities provided by statute law? Judge Zane evidently does not look upon it this way. He says in the Newsom case, that it does not sufficiently appear that the defendant used due diligence to obtain the evidence offered, or that it would change the verdict if it were given to the jury. This is equivalent to saying in one instance that he has given the matter personal attention, or has obtained contra information to that sworn to by supposedly credible parties and presented by an officer of his court of high standing and of unimpeachable integrity; in the other, that he is either gifted with the faculty of divination or knows what kind of a jury would be on hand if the case were re-submitted to a panel for trial. In view of recent events, we have no hesitation in choosing the latter as the position which his honor actually occupies, O'ermaster or explain it away as he and his adulators may. The whole thing amounts to this and only this: that "Mormons" must be punished for their beliefs and practices—legally, if possible, but punished anyway.

THE IDAHO DEVILTRY.

THE festive deputy marshal of Idaho emulates the example of some of his brothers in Utah in the matters of originality of procedure and effectiveness in execution. Such trifling matters as betrayal of confidence, spotting, sneaking, lying and bribing are potent and frequently used weapons in the hunting down and capture of "Mormons" against whom a charge of unlawful cohabitation has been made; but when a man has been murdered in cold blood (as was recently the case at Soda Springs), has appropriated a few more or less of a stock raiser's unwashed horses or cattle, or a woman has been fiendishly ravished, the zeal and daring of the gentry are not always so conspicuous. "All is fair in law," as one of the flock lately remarked; but it seems a little singular that this wretched attempt at justification should be resorted to as an excuse for what is done in one class of cases and for what is not done in another class. That a deputy marshal or any other peace officer, is compelled to serve a process when it is given him for service, there is no question of; that we

all have pleasant and unpleasant duties to perform at different times is likewise very true; but it is the manner in which such things are done—the animus of the doer—that is herein referred to, not the execution of a legal or any kind of proper trust, by any means. Some men find no difficulty in being gentlemen under all circumstances, while others, through deliberate preference or tainted blood, are never anything on any occasion but brutal ruffians or cowardly upstarts.

A recent case at Rexburg, Idaho, is so illustrative of many others of the same class, there and elsewhere, that we give the details. Mr. A. L. Blackburn, of that place, had fallen under the ban of the anti-"Mormon" machine by acknowledging and supporting as his wives and children the women with whom he lived and their offspring; the regulation indictment, in which these heinous things were set up with all the perspicuity and force which the outraged virtue and morality of an infallible and irreproachable grand jury demanded, was duly forthcoming, a blank warrant of arrest was quickly filled out and placed in the hands of a couple of immaculate defenders of law and religion named Henderson and Dye, for service, the former passing as a deputy marshal, the latter known to be a spotter (a distinction without a difference in too many instances.) Dye, as we learn from the Logan Journal, entered at the window of the room where Mr. Blackburn was sleeping, with a revolver in one hand and a lighted match in the other, and shouted "You are a d— a smart fellow to be caught asleep, ain't you?" A warrant was then read to Mr. Blackburn calling for Samuel Blackburn, and when informed that the name was wrong, Dye replied, "We don't care a G—d—n what your name is, you are the man we are going to take," etc. Mr. Blackburn was then taken to a house some distance away, where he arrived at 3:15 a.m., and was put to bed with the deputy and revolver. Either one of these sleeping companions would have been bad enough, heaven knows, but both together must have been the essence of cruelty to the captive. The whole proceeding is so like many others when the charge was unlawful cohabitation, that the reader may have to think twice before pronouncing us guilty of reiteration. Those two worthies, and others of their ilk who have figured in similar transactions, knew perfectly well if they had sense enough to arrive at conclusions from premises at all, that their victims were perfectly at their mercy and could be taken whenever wanted without nocturnal demonstrations, profanity or weapons; but these are such a glaring illumination for a picture to be sent abroad, they lend such an air of knight-errantry and dime-novel daring to an escapade, that the valorous emissaries of a superlatively upright and excessively zealous body of inquisitors could not omit them under any consideration.

The Journal is further informed that, Dye was engaged last year as a traveling agent in Davis and Salt Lake counties, Utah, in the interest of the Utah Gazetteer. If this be true—and it is if the Dye here spoken of is the same that we have in our mind's eye, but little better could be expected of him, in view of his former disreputable acts. The public can hardly be blamed for looking with mistrust upon book canvassers and other itinerants, while villains engage ostensibly in such pursuits, who have for their real object the seeking of material for a bigoted crusade against religion to feed upon; nor is it to be wondered at that courts are regarded with contempt when such despicable characters and methods are employed in the serving of their processes.

AFFAIRS IN MEXICO.

FAILURE OF CROPS AND SCARCITY OF FOOD—BRANNAN'S INDUCEMENTS TO SETTLERS A DELUSION.

By letter from one of the missionaries in Old Mexico we learn that there is much destitution in many places in that country, owing to the failure of crops for the past two years. He writes that the Saints are feeling well generally, though they are passing through hard times. He says:

"At San Marcus I found that all the Saints but one had gone in different directions to hunt food and work. The wife of Brother Gersia (who is not baptized) met me at the door with tears in her eyes and said they had nothing for me to eat, that all her boys had gone off to seek work and that her aged husband was also away hunting food. I talked to them and comforted them the best I could, and went to bed supperless. Her husband returned during the night, and for breakfast we had three small Mexican biscuits between us. I gave them a few cents before leaving."

In allusion to Mr. Samuel Brannan's contract, concerning which, in connection with his colonizing scheme, so much has been said of late, he says:

"Before leaving to visit the Saints I called upon Mr. Ralston, who told me that Sam Brannan's contract was not valid, as the same lands were included in a concession previously made to the ex-President Gonzales, Sec. Romero Rubio and a Sr. Don Telisporo Garcia, their contract embracing 24,000,000 acres in Sonora and Sinaloa; and consequently the Chicago syndi-

cate will lose their work and money unless some arrangement can be made with the aforesaid party.

"I called upon Mr. Ralston again today, and he says that Mr. Garcia has made him a written proposition to transfer their contract to the Chicago syndicate for surveying the 24,000,000 acres of land for \$150,000. He has accepted the proposition, and expects to draw up the contract immediately. They are to pay \$10,000 down. The terms of this contract, he claims, are as good as those with Brannan, and thus they will not lose the money and labor already expended, but Brannan will lose all."

In consequence of what has been reported from time to time respecting this concession of Brannan's in Sonora and the inducements offered to settlers to go there, we have been at some pains to make inquiries concerning the same, and the grounds upon which the concession was granted.

We had supposed that it was an out and out grant of land, made by the republic to him, but this is not the case.

It appears that during the Maximilian troubles in Mexico Brannan went security for President Juarez in some money transaction, which cost him nothing then nor afterwards, in money. Brannan at that time was considered quite wealthy; in fact, previous to that time his wealth was very great. He owned the best property in San Francisco. Magnificent blocks of buildings on the best corners and streets were his, and it seemed as though there never would be an end to his prosperity. It is worthy of remark, however, in this connection, that more than one of the leading Elders of the Church who were familiar with his career, and who knew the questionable methods which he had used to lay the foundation for his vast possessions, had prophesied that he would yet be a poor man. At the time the predictions were uttered, nothing seemed more unlikely of fulfillment, but when God inspires His servants to make predictions concerning individuals or nations He arranges circumstances to fulfill their words. Brannan was not an exception; he was reduced to comparative poverty.

In this extremity he had recourse to calling upon the Mexican Government for relief, claiming that the Republic was under obligations to him for aid which he had rendered in its days of trouble. A concession was granted him to survey 12,000,000 acres of land in the State of Sonora.

The nature of these concessions is, that the parties to whom they are granted have to hunt up the land wherever they can find it within the designated district, and if there be the quantity stipulated they survey it under their concession. If they do not find that quantity they survey what they can find, clearly defining on their maps whatever private claims may be within the boundaries. The land thus surveyed is divided into three groups; one-third goes to the Federal Government, one-third to the State Government and the remaining one-third to the party who has the concession and does the surveying.

We do not know the exact terms of Brannan's contract, but as a rule one of the conditions of these concessions is that a certain number of families shall be established as colonists upon the land within a given period. These colonists have certain exemptions granted to them under the colonization laws of Mexico, by which they can take in certain kinds of property—building materials, machinery, breeding animals, etc.—free from duty.

Another condition of such concessions is, that if the parties to whom they are made desire to purchase the remainder of the State or Federal lands they can do so at the government price. In the event of a failure to introduce the prescribed number of colonists within the time stipulated, then the privileges granted under the concession are annulled.

Mexico is exceedingly desirous of obtaining an industrious manufacturing population, and if companies will introduce colonies of this description they can obtain advantages from the Government.

We understand that Mr. Brannan is exceedingly anxious to obtain colonists of this description. It may be that if he could secure the presence of a few hundred families he might induce the Government to recognize his concession, which at the present time seems to be repudiated. His success in that matter, however, is altogether too precarious for any person seeking a new home to rely upon, and we may add that no person acquainted with the character of the man is likely to place much dependence upon the offers he makes. This Samuel Brannan is the same man who took a company of Saints from New York to San Francisco on the ship *Brooklyn* in the year 1846. To those who are acquainted with the part he played with that company and afterwards in transactions with some of the members of the "Mormon Battalion," we need only mention this fact to remind them how utterly unreliable he is. He is such a pitiable object now that we would not allude to his character were it not necessary as a warning to some who might otherwise possibly be deceived by his specious offers.

The predictions alluded to have been verified in Samuel Brannan's life. From a position of wealth and influence, he was reduced to poverty and degradation—and even at present he is probably but little if any above that condition. The writer met a gentle-

man recently who saw Brannan at Nogales in Sonora last winter. He had then contrived to scrape enough means together to build a tolerably comfortable house at that place, and he was full of hope at the time that he would be able to secure a large tract of land. He describes him as a wretched looking man, aged and broken down in appearance and suffering from a stroke of paralysis.

Mr. Ralston, who is mentioned in the extract we publish herewith, is the agent of a syndicate of Chicago capitalists who were induced by representations made by Mr. Brannan to take hold of his concession. The agreement between the syndicate and himself was that they were to do the surveying, and out of the one-third of the land, which would be his portion for surveying, they were to have two-thirds and he one-third, so that if they had found 12,000,000 acres to survey, the syndicate would have had 2,666,666 $\frac{2}{3}$ acres for their share, and he 1,333,333 $\frac{1}{3}$ for his portion. We are not advised as to how much land they did survey, but we are informed that they spent in doing so some \$25,000 or \$30,000. Upon Mr. Ralston repairing to the City of Mexico he found, greatly to his disappointment, the state of affairs herein described by our correspondent. The Government had repudiated the concession, and at last accounts he was trying to save the cost of his surveying through some arrangement which he hoped to make with the parties whose concession was recognized as legitimate.

BETWEEN TWO FIRES.

THE *National Democrat*, of Peoria, Illinois, asks President Cleveland to regard the Ohio election as a note of warning and to make the best use of it before it is too late. It says he must "At once apply for a divorce from the mugwump strumpet, and fall in line with the Democracy. Get the Tildens, the Thurmans, the McDonaids and that class of Democrats for his counselors, and let the George William Curtises, the Henry Ward Beechers, the Carl Shurzes and their little coterie do the kicking, and not the old guard. If this is done, next fall he will see a united and harmonious party, inspired by the fruits of their labor of 1884, and a Democratic Congress will be elected to sustain and support him."

The *Democrat* also commends the Scriptures to the consideration of the President, using the quotation "He that is not for us is against us," and acts and talks generally like a disgruntled irremediable. Whether Mr. Cleveland will be influenced by such pressure or not, cannot yet be told; but one thing is certain, whichever way he may act—he is between two fires and will find it difficult to escape a severe bombardment at an early date. It seems to be a condition of things illustrative of what should be a standing reminder to all—the higher a person gets the more dangerous his position.

"SHUT OUT THE MORMONS."

UNDER this caption, the Chicago *Sun* of a recent date airs its by no means peculiar animosity to the settlers of Utah and the founders of everything valuable in it. The cause of this fresh ebullition of old-time spleen is a dispatch announcing the departure from England of a company of "Mormons," and after raising its hands in holy horror at the frequency of such occurrences, the paper referred to calls attention to the fact that the once open doors to all nationalities, colors and creeds must now be closed, claiming that the liberality of the United States in that regard has been and is being the source of many evils in our midst—such as pauperism, crime, disease, etc., the inference of course being that none of them would flourish in the land but for the agencies named, saying at this juncture among other things that "Not long ago, the rapid influx of Asiatics of an exceedingly degraded character, accustomed to habits of life and addicted to practices revolting to civilized people, provoked an agitation which resulted in the enactment of restrictions that if rigidly enforced would practically exclude Chinese immigrants from these shores." The party sought to be established here is that anything which a capricious civilization may find objectionable in any respect should also be excluded, and as there is an objection to some phases of "Mormonism," members of that religious faith should be served with a notice to land elsewhere. The connection between the *Sun's* premises and its conclusions is not apparent to a close reader and thinker, for in one breath it objects to immigration because of its bringing disease, pauperism and crime, and in another narrows down and confines its objections to "Mormon" immigrants, and to them not because they are immigrants but because they are "Mormons!" Inconsistent, absurd as such a style of moulding popular sentiment is, that is just the way it appears in the columns quoted from; as further on, the *Sun* asks "whether it is not time to apply to the Mormon immigration the same rule which was adopted to protect the people from contamination with the vices of the Chinese hordes"—that is,

exclusion for alleged contagion, personal vices and debased manhood, and then a quarter of a column is devoted to a tirade against the "Mormons" for having a community of their own and practicing polygamy—the person being the object of editorial wrath in one place, the system in another.

Supposing, for the sake of argument, we admit the possibility of that paper's conclusions in relation to the subject under discussion being realized. The Chinese would go as well as cease to come, and the "Mormons" would be legislated against with a view to the same result as to them. It could be definitely ascertained thereafter when a Mongolian sought to put in an appearance and the door could be slammed in his face, because his color, his inferior physique, his almond eyes and his jargon, if not his attire, would proclaim his nationality at once, and the law as to him would be operative and practically effective; but how about the other class of objectionable incomers? Would it not be necessary, in view of the fact that "Mormonism" contains in its ranks English, Germans, Swiss, French, Scandinavians, etc., to pass a law excluding all those nationalities? If it were to read "No 'Mormon' shall be allowed to land," what distinguishing features could be adopted by the inspectors, so that they might be able to keep the Saints on shipboard and let the others land? As a rule, our converts from abroad are fairly intelligent, decently attired, have enough money to travel with, are singularly free from disease, and as honest as the day is long; these features might be a means of identification, but alas! for its usefulness, to recognize some of them would require time and association with the persons; and then, again, all who come from abroad to seek homes in the United States and are thus described are not "Mormons," and there is now and then a "Mormon" not embraced within the description—so that there would be a chance, yes, a certainty, of the innocent being made to suffer for others' transgressions, and of those who are themselves transgressors coming in under the exception intended only for the innocent. A nice state of things that would be! Very dignified, very becoming, and very much in accordance with the genius of our institutions! And yet, what other mode of procedure under such a law as that the *Sun* would have enacted, could we adopt? Perhaps it would suggest putting candidates for prospective citizenship under oath, and making each swear that he is not a "Mormon" before allowing him to land; perhaps we could also incur the ridicule of the civilized world by converting ports of entry into penny gaffs, but we won't, at least not for a while; besides, such a plan would amount to nothing so far as the desired object goes, because, for one thing, a person might not be a "Mormon" when he took the oath, and become one within ten minutes after his feet touched the dock. We can really think of no plan by means of which the desired law could pass the dead letter line and take a place alongside living enactments; besides, we have no desire to trouble ourselves in the matter; let those who want such a piece of intended villainy but practical absurdity erected into a "pillar of the nation," do their own drudgery and think it out for themselves. They would not be long in finding that, like Frankenstein, they had raised a demon which they could not control.

It may be urged by the *Sun*, as it has already been by dozens of other papers time and time again, that the difficulties surrounding the practical workings of this proposed revival of the Native American party are not presently to be considered; that the nation must let its voice be heard at all events, and accomplish results thereafter whenever and wherever it can. But its voice, the clamors of the entire republic joining in the acclaim, is not supposed to be raised except for the accomplishment of actual results; it is not a speculator in possibilities nor an idle experimenter. When the fiat went forth that slavery should no longer exist within our borders, it did not intend that the edict of freedom should simply be so many high-sounding words on parchment, reaching no beneficent results and having no substantial aims in view; it meant precisely what it accomplished, and accomplished all that it meant. But it was a dignified, broad-gauge, statesmanlike and humane proceeding, worthy of our government and in full accord with the spirit of the age. It was in all respects precisely the opposite of what is wanted by that portion of the press which decries "Mormon" immigration—freedom, disenfranchisement, independence, manhood, fairness and justice, instead of ostracism, serfdom, humiliation, debasement, unfairness and injustice—the former conditions accomplished in accordance with civilization in its purity, the latter sought to be attained by means of a system which ignominiously perished before slavery itself was strangled.

The *Sun* concludes its frothy diatribe more nearly in accordance with the style of such articles in other papers—that is, by absolute falsehood, thinking, of course, that all being summed up and stated, no matter how wretchedly or illogically, it only needs the final "thus say I" to settle the question conclusively. It says: "Every principle that justifies the exclusion of Chinese, or of thieves, murderers and diseased-infected persons, seems to equally demand a stoppage of the Mormon im-