

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - OCT. 16, 1878.

PEOPLE'S TICKET.

For Delegate to Congress,

GEO. Q. CANNON.

THE COLLETT CASE.

ON Tuesday morning, the trial of Sylvanus Collett, charged with the murder of John Aiken, commenced in the First District Court at Provo. Great difficulty had been experienced in obtaining a jury, the prosecution exhausting all their peremptory challenges. The names of the jurors accepted and sworn are: Asa S. Hawley, Benjamin Carter, Willard O. Creer, Alex. Robertson, Joseph Rogers, John Sidwell, Abram Noe, John Meldrum, Edwin R. Burdick, Chas. Conrad, Stanley P. Davis, Charles Brewerton.

District Attorney P. T. Van Zile, Judge Sutherland and Assistant Prosecuting Attorney S. H. Lewis appeared for the prosecution, and Messrs. Tilford and Hagan, Judge W. Dusenberry, and John B. Milner, Esq., for the defence.

The District Attorney, in opening the case, announced that the prosecution would show that John Aiken was killed, that the killing was unlawful, and that it was done by the defendant. He related the history of the affair, to the effect that in 1857, the Aiken party, six in number, were returning from California, the time when the army was coming to Utah, that they were arrested as spies; that four of them were escorted to Nephi, where some arrangement was made to put them out of the way; that Orrin Porter Rockwell and Sylvanus Collett went to the Sevier to carry out the plot; that two of the men escaped and returned wounded to Nephi; that they afterwards started for Salt Lake, but were murdered at Willow Springs, Collett being one of the murderers.

Attorney Van Zile then appealed to the jury to do justice to all parties, as much as if the crime had just been committed; he urged them to cast aside the obligations imposed by any religious organization, intimating that the prosecution anticipated difficulty owing to the religious bias of the jurors, and exhorted them to give the evidence an impartial hearing, and in their verdict to be governed by the law and the facts. The defence made no address.

Joseph Skeen, of Plain City, testified to the effect that he knew the defendant intimately from 1852 to 1857. Saw him at Lehi the year the Aiken party passed through.

Thomas Singleton saw the Aiken party leave Lehi with Porter Rockwell, Sylvanus Collett, John Murdock and John Lot, on the way to Lehi.

J. G. Bigler lived in Nephi in 1857, was bishop there, but did not see the Aiken party or any of them. Denied ever telling the prosecution that he saw Rockwell and Collett at the tithing office there, wet and cold.

Timothy B. Foote said he kept a hotel at Nephi, in '57, saw the Aiken party, also their escort—Rockwell, Lot, Murdock and "Syl." The Aikens had a good outfit and said they were going to California. The day after they left, Tuck and John Aiken returned, the former wounded with a ball in the left shoulder, the other with a gash in the head. He cared for them and had their wounds attended to, receiving in payment a watch, for which a pistol was afterwards substituted. They went away, stating they were going to Salt Lake. About a year afterwards, heard that two dead men had been found in Deep Springs, 12 miles north of Nephi. Went there with others and with hooks and a pole pulled out two bodies of white men, much decomposed; believed they were the two men referred to. In cross-examination he said he could not remember who were with him, the location of the Springs, nor where the bodies were buried. Put no mark over the grave and made no

complaint to any magistrate; there was no coroner in the county. The bodies were not recognizable. Could not swear the defendant was the man who stayed at his house. Did not demand the pistol instead of the watch. People had said witness was once crazy for three days, believed he was, and his family said he had a crazy spell once before.

Guy Foote could not swear to the prisoner. Knew of the Aiken party and the escort staying at his father's house in 1857. Tom Aiken had a money belt which was ripped, and witness' mother sewed it up. It was full of \$20 pieces. Took a team to the tithing office by his father's orders at night. Saw four men get into it, heard John Kinke's voice. The wagon went south and was gone three nights. Saw the two Aikens return wounded. Saw the horses and mules afterwards in the corral, and after that saw them being driven north by Rockwell, Lot, Murdock and defendant.

Reuben Down lived with Foot in 1857. Saw the Aiken party and the escort, knew none of them but Rockwell; saw the two Aikens' return; Tuck was wounded in the left side as well as shoulder. The Aikens' stayed three days after their return; saw Rockwell and party go north the same day as the Aikens; the latter had no money, and offered a watch to pay their bill; Foote persuaded them to give up the pistol instead; witness was present and Foote plead with them for the pistol which they gave up. They left in a light buggy; James Picton and James Wolf were with them; Foote loaned Tuck a soldier's overcoat; witness afterwards saw a coat which looked just like it, with a number of bullet holes in the collar; Kinke was wearing it when he saw it. There were many stragglers and deserters from the army, south about that time.

Joseph M. Taylor saw the Aiken party in the fall of '57 in Box Elder County; they were arrested and given in charge of Chauncey West, who had 500 Mormon soldiers with him, and who sent them to Ogden under a guard.

This takes the case up to yesterday noon; we have given only a summary of the evidence.

We have no comments to make on this matter at present, except in relation to the color which the District Attorney is endeavoring to impart to the case. It is very strange that prosecuting officers cannot confine themselves within the lines of their duty, but must go out of their way for the purpose of bringing religious prejudice into court, and to make an attack on the faith of the bulk of the people in this Territory. In this course the Attorney set the jury a very bad example. He urged them to be impartial and without bias. But he exhibited his own bias and prejudice by deliberately insulting them and the body of their co-religionists. His insinuation that difficulties would be encountered by the prosecution because of certain religious obligations, was either evidence of a very weak cause, and a desire to throw in advance, the odium of failure upon "bias" in the jury, or of an exceedingly small mind, impressed by absurd rumor, venting its spleen upon a religious organization with which it is not in accord.

Attorney Van Zile had no proof that any juror, whom he addressed, was under any obligations except those of the oath administered in court. And if he really believes that "Mormons" are bound by some secret instruction or vow to shield those of their own faith from just punishment, he shows gross ignorance of the judicial history of this Territory, or inability to appreciate the value of evidence. The records of the courts of Utah contain the plainest and most powerful refutation of such falsehoods, and he has nothing to support him in his insulting intimations to the jury, except rumor and the groundless assertions of unprincipled anti-"Mormons."

We know nothing of the merits of this case, but unless much stronger evidence is produced than that at present advanced, in regard to an alleged murder committed twenty-one years ago, we shall certainly give the defendant the benefit of the maxim that "an accused person is to be considered innocent until he is proven guilty," and think how singular it is that officers of the law should be so eager to hunt up cases that are musty with age, while they let slip the prosecution of recent crimes and the punishment of convicted criminals.

A VITAL SUBJECT.

DURING The October Conference, which was one of the most interesting ever held in the Tabernacle, a great deal of very profitable instruction was imparted. We think none was more so than the remarks and suggestions concerning co-operative effort and home industries. We direct special attention to a point made by Elder Lorenzo Snow in regard to Utah manufactures. He showed that unless the body of the people sought for and desired home products in preference to imported articles, our mercantile institutions would continue largely to bring in goods from abroad.

This is simple, plain and indisputable. It is the demand that stimulates the supply. If there was no demand for a certain class of goods it would soon disappear from the market. Merchants will not purchase articles which the public do not call for. It is true that wide awake business men frequently create a demand, by pandering to the general love of novelty, and introducing something calculated to catch the popular eye. But it is that demand when once incited that prompts continued supplies, and is the sign of the success of the venture.

Now, if the Latter-day Saints would make up their minds that they will use home products whenever they can, in preference to imported goods, and will ask for them, when they make purchases, the demand will become so great that dealers will perceive the necessity of patronizing the producers, and every branch of home industry will be encouraged. Our Utah products and manufactures will then become popular. It does not take much of an example to set the multitude on the run after it. See how soon the style of a lady's dress will change when it becomes known that such and such is the latest fashion! The greatest extremes follow each other in quick succession. Why cannot "home-made" become "the rage," just as well as something from Paris, London or New York?

To assist in this, our Utah goods must be made attractive as well as useful. Those who are engaged in manufactures should aim to finish them as neatly and beautifully as is possible anywhere. Appearance has a great deal to do with these things, and the multitude will be attracted by it, in spite of argument and preaching. Because an article is home-made it need not be rough and ugly. Beauty is divine, and it is as necessary as strength and utility in catering for the public taste.

Utah cloth can be finished as finely as eastern goods. If not, why not? It can be made up just as well as foreign material. Our tailors have proven this. A homespun suit or lady's dress in past years was the very emblem of uncouthness and clumsiness. Not so now. Goods are manufactured and made up in Utah that are suitable for any society, and many of them are as deserving of tasteful and elegant manipulation as imported material that has not half their durability.

If the Latter-day Saints will make it a rule to ask for home made goods when they are not offered, the merchants will soon get in the way of "pushing" that class of wares, and if a number of our prominent brethren and sisters will adopt the fashion of wearing and using home-made goods as far as possible, the public will soon fall into line, and none will consider themselves well dressed or doing "the correct thing," unless clad in Utah apparel and using Utah products and manufactures.

This will extend our industrial institutions so that thousands of our boys who are growing up in idleness will find profitable employment. As they advance to maturity they will be able to marry and commence life independently. And thus the girls will find husbands, happy homes will be multiplied, the likelihoods and inducements for crime will be diminished, and our Territory will advance in all the elements of material prosperity.

Utah's future depends more upon the establishment and success of home industries than any other temporal matter, and her people can never attain to the greatness, wealth and power which have been

promised to them until they fulfil the latter-day commandment, "Let all thy garments be plain, and their beauty be the beauty of the workmanship of thine own hands."

AN INFAMOUS PROCEEDING.

A FEW days ago we gave some particulars of the wholesale arrest of "Mormon" tie-cutters, at the instance of the unprincipled "ring" at Malad, who have been in illegitimate control of the affairs of Oneida County for some time, and who see in the near future a prospect of their entire discomfiture. The November election, if properly conducted, will cause an entire change in the administration of county affairs, and as the issue turns on the "Mormon" vote, the animus of the "ring" is clearly accounted for.

The news in this city is to the effect that, the tie-cutters, to the number of between fifty and sixty, have been convicted of cutting timber on the Indian reservation, and fined and imprisoned in various amounts and for different terms. This information is as yet vague and indefinite.

But the following is certain, John Merrill has been sentenced to pay a fine of \$13,800 and to be imprisoned for three months, and Hyrum Smith to a fine of \$1,800 and imprisonment for nine months. Bail was refused by the court unless the sureties were owners of real estate in Idaho to the value of \$5,000. The probability, almost certainly is that the prisoners will be taken to the penitentiary at Boise to-morrow morning.

Merrill was running the saw mill belonging to the Brigham City Co-operative Institution in the mountains above Malad; Smith was "bossing" a gang of workmen cutting ties for the Utah and Northern Railroad. The parties were ignorant of the fact that they were on the Indian reservation, believing that the line was four miles to the northward. The Railroad Company under competent legal advice considered they had the right to cut timber for their ties, even within the Indian reservation. Therefore, supposing that the parties were over the line, there was no intent on their part to commit any crime. Neither is it probable that there would have been any prosecution if they had not been "Mormons." But the full extent of the law framed for the protection of timber on the public lands has been reached by the Court in pronouncing sentence, plainly showing the bitterness of spirit which prompted it, as indicated by the Judge's remark a few days ago to this effect. "Your bishop has defied this Court. I will let him see that this cannot be done with impunity."

Fort Hall, where the Indians are gathered, is at least eighty miles from the point where the saw mill is erected at which Merrill was working. It may be half a mile over the line, which is not defined. The Indians do not come anywhere near to it. They are eighty miles away. No injury is done to them by the transaction. The defendant Merrill was not engaged in cutting timber from the public domain. He was operating a saw mill, making lumber for domestic purposes, as permitted by recent congressional legislation, and is not indictable for the cutting. The defendant Smith was getting ties for a railroad company, who claimed the right to procure their material from the timber adjacent to their road. These and other points can be established on appeal, but the terms of bail fixed by the Court are such that the defendants, who are poor men, cannot conform to them, their friends and effects being principally in Utah, and the probability is they will have to go to prison.

But can nothing be done in relation to this matter? Yes. And it should be done, we think will be done, quickly. Section 4751 of the Revised Statutes of the United States provides, that the Secretary of the Navy may "mitigate in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred." This is because the object of the law in regard to this matter was to protect the timber on the lands of the United States for the use of the Navy, as stated in Section 2461 of

the Revised Statutes. The full facts in this case can be submitted to the Secretary, and the infamous nature of this persecution under the name of prosecution pointed out, when, we fully believe, the penalty will be set aside and the defendants liberated.

No one will pretend that any of the timber they are charged with cutting could ever be used for the Navy of the United States, and we do not believe for a moment that they will have to linger long under the unjust and infamous sentence pronounced upon them. Such a case is without parallel and without excuse, and those who have been the chief movers in the conspiracy to incarcerate a number of men innocent of any intent to commit crime, may yet have cause to regret deeply the course they have taken with a view to making political capital.

That Judge Hollister should have permitted himself to be captured by the "ring," and to be governed by spleen rather than impartial justice, is a matter of much greater surprise to us, and makes a dark stain on his official career, which is fortunately about to close in Idaho.

Local and Other Matters.

FROM FRIDAY'S DAILY, OCT. 11.

Missionary Notice.—The missionaries called at Conference to go to Europe, intend leaving Salt Lake on the 21st inst., so as to set sail from New York on the 29th. All persons interested, should govern themselves accordingly.

An Aged Subscriber.—Brother D. W. Rogers, of Provo, writes to renew his subscription to the DESERET NEWS. October 4th ushered in the 92nd anniversary of his birth, and December 5th will be the 67th anniversary of his wedding day. He and his wife are both enjoying a good degree of health. We wish the aged couple years of renewed strength and prosperity.

Quail Warning.—The Territorial Legislature, last session passed a law, or rather extended the old law, against killing quail. There is a severe penalty for killing, or in any way destroying the birds, as they were imported at considerable expense to this country from Iowa. Several hunters have shot at them lately, probably not being aware that they were breaking the law by so doing.

Two Days Meeting.—We are indebted to the courtesy of Elder John Jaques, for the privilege of perusing the report of a two days meeting, held at Brigham City, Little Colorado, Arizona, Sept. 21, and 22, 1878. There were present Elder Erastus Snow, of the quorum of the Twelve Apostles; Presidents Jesse N. Smith, Ira Hinkley, L. John Nuttall, and Elders C. H. Oliphant, E. A. Nobles and B. Williams, of the presidency of that stake; President L. Smith and L. H. Hatch; Bishop George Lake, of Brigham City; Elder John Hant, of Savoia, New Mexico, and other leading men. Good instruction was given by the various speakers, and the people felt very much encouraged.

On September 23rd, Elder Snow held a meeting at Sunset. George Lake was ordained and set apart as bishop of Brigham City, with Jerome J. Adams and Peter Isaacsen as his counselors; and Levi M. Savage was ordained and set apart as a bishop of Sunset, with John Bloomfield as his counselor.

Go Into the Country.—Nearly every day persons call at this office seeking for employment. Notwithstanding the numerous hordes of loafers and tramps that infest this city, whose hardest work is studying to keep out of work, we believe there are many well-disposed individuals, who only desire an opportunity for exercising the industry which is inherent in their natures. Times are dull, and the city, in the winter, offers but little encouragement to persons out of employment. The country presents far better inducements for an independent start in life, or for employment with substantial compensation. We would advise all who desire to settle down, to seek the more recently settled regions, where they can gain a foothold and grow up with the place they inhabit. It is the shortest road to competence. A person who takes this course will be thankful, in a few years, that he did so, while those who loaf around the streets of the city, "waiting for something