

DESERET NEWS.

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - AUG. 13, 1879.

JUDICIAL FALSEHOOD NUMBER FOUR.

We have shown to the satisfaction of every candid, unprejudiced mind, that Boreman's decision contains three flagrant falsehoods, and no one doubts that they were uttered from the judicial bench to injure the cause of the defendants when it shall come to trial, and in a spirit of bitterness and bigotry against them. The Fourth judicial falsehood to which we direct attention is this:

"They paid claims for which no vouchers appear to have been taken. They paid notes without taking them up."

Boreman offers no evidence of this. We denounce the statement as false and malicious. All the claims paid by the Executors are properly established and receipted for. The only notes to which Boreman's assertion can apply in the least degree, are some that were made out to be drawn either in New York or Salt Lake City. They were paid in this city, and the obligations canceled here, but the notes could not be taken up in both places at the same time. But we challenge this reckless person to cite one instance of a note paid by the Executors which is liable to be collected. Such a note cannot be produced, neither is there an account in existence paid by the Executors which is not properly vouched for and cancelled.

We have not further space at our command to-day to enlarge upon the fourth judicial falsehood, or others that we shall yet touch upon, but refer our readers to the card from Hon. George Q. Cannon, in another column, in relation to other points in the decision in which Boreman has defamed the Executors. We believe that no one can arise from the perusal of "Executors Cannon's refutation without a conviction that he and his associates have been shamefully maligned as well as falsely imprisoned, and that no epithet in the English language will do justice to the character of the judicial falsifier who has so grossly perverted the authority entrusted to him for a little season.

A CALUMNY—A CAUTION.

THE "Mormons" have been denounced by their enemies as a lawless, turbulent and bloodthirsty community. In consequence of the rumors which have been industriously circulated by editors, preachers, judges and others, the opinion is entertained that we are a set of banditti, among whom it would be dangerous for quiet people to attempt to live.

As a proof of how much we have been misigned in this regard, we point to the fact of the patience and forbearance with which the Latter-day Saints have borne for many years the insults which have been heaped upon them by an insignificant minority right in their very midst. Our best men have been vilified, our most sacred institutions ridiculed, our Deity blasphemed, our wives and children branded with the foulest epithets, our acts misrepresented, our motives distorted and every engine of command has been set to work for our injury by a few vile and contemptible persons who could have been easily visited with their just deserts, if the disposition to harm them existed in the hearts of the people whom they have thus sought to injure. But they have remained untouched; no one has sought to retaliate. This ought to be evidence enough to convince the world of the untruth of the charges against us.

During the past day or two we have seen the body of one of our faithful, honest, temperate, truthful and devoted Elders consigned to the tomb, laid low by the assassins' hand, simply for preaching the Gospel of Christ. Immediately after his funeral two would-be murderers went to the house of a re-

spectable gentleman in this city and brutally assaulted him on the bare suspicion that he had hinted in print of something that reflected upon a woman in whom they were interested. They represented a Federal official in our city, of whom only charity keeps us from stating facts that might be extremely disagreeable. These ruffians only desisted when a brave woman wrosted the weapon from them. Next day three of our Twelve Apostles were taken to the Penitentiary to be incarcerated for an indefinite period because they would not turn over, to be the prey of lawyers, property which they had sworn to care for as the Will of the dead provided.

How much more will this people have to bear before something is done to change the current of wrong? No people in the United States would stand what we have endured for many years. In all sincerity we utter a simple word of caution. We say to our enemies, Forbear! There is a line beyond which it may be dangerous to pass. You can despise our warning if you please, but we tell you plainly that the "Mormons," with all their charity, patience and long suffering, are only men and women, and should the tide of indignation in their hearts which has been kept back so long, once burst forth, the deluge will be overwhelming.

JUDICIAL FALSEHOOD NUMBER FIVE.

THE next abominable falsehood in Boreman's Decision to which we request notice, is the following:

"They [the executors] paid large sums of money for John W. Young without authority, and paid him money whilst by their own showing he was indebted to the estate, and there was no deduction for such indebtedness."

In refutation of this baseless untruth, we refer to the Answer of the Executors, because Boreman says, "by their own showing" they have done thus and so. The only reference to John W. Young in "their own showing" is the annexed. The Executors say, in their Answer to the Complaint, that they

"Deny that the distribution made by said Executors was unfair, unequal, fraudulent or not in accordance with the will of the deceased, and the law in any respect whatever, or that \$100,000 or any amount whatever was used to pay the personal or private debts of John Willard Young."

The Complaint and the Answer were in the possession of the Court. Boreman had no more right to adopt the statements in the former than in the latter. But he chose to assume the truth of the allegations in the Complaint and ignore the denial in the answer because it gave him an opportunity to void his spleen against the gentlemen whom he wished to incarcerate as for contempt.

The facts in the case are these: President Young made a personal arrangement with his son John W. for the payment of certain accounts in the east, and as an offset received all the right title and interest held by the latter in the Utah Western Railroad. An agreement was drawn up in this effect, in Sanpete, to this effect, President Young assigning his son John W's debts and obligations, and John W. signing over all his property in the Utah Western. The deed was formally witnessed by George Q. Cannon and Rudger Clawson, who were present during the negotiations, and President Young telegraphed to Supt. W. W. Riker, in this city, informing him that he, Brigham Young, was the owner of the most of the stock in the road. On his return from Sanpete, President Young informed Supt. Riker of the whole transaction.

Some of the U. W. bonds were deposited by John W. as collaterals in certain business transactions of his in the East, and when the notes for which they were security were presented to the Executors, the Probate Court, on the basis of the aforesaid agreement, ruled that those bonds were the property of the estate and should be redeemed as such. The instructions of the Court were followed and this is what Boreman calls paying "large sums of money for John W. Young without authority" which is another flagrant

falsehood to be added to the list already made out.

Now it should be understood that the agreement we have referred to and the evidence of the facts were before the Court, and therefore Boreman's mendacity is inexcusable. It should also be known that John W. Young did not owe the estate a dollar; there was no evidence before the Court that he was indebted to the estate in any sum whatever; and in the settlement with him in his share of the estate, he was treated precisely the same as the rest of the heirs.

Judicial falsehood number Five, like its immediate predecessor is dual. Each of its parts is unjustified by anything that appears of record in the case, is entirely opposite to the facts, and the whole fabrication stamps its author as a villainous malinger and libeller, unworthy of the smallest particle of common respect.

RETALIATION.

IT is to be profoundly regretted that in a civilized community, having all the machinery of courts and legal appliances for the correction of wrongs, recourse is had to violence. One evil, unless promptly suppressed generally begets another. The unwarrantable and brutal attack made by young Bane, the adopted son of Receiver Bane, on Sunday last, in personally assaulting a quiet and peaceable gentleman at his own house, has been followed by an act of retaliation which however much deserved is one that all lovers of good order must regret. Particulars of the affair will be found in another column.

The class represented by young Bane has gone about far enough in the abuse and contumely which they have for some time poured out without stint. It is not to be expected that human endurance will continue forever. And the infamous outrages perpetrated upon the people here have become to some of them bearable no longer. The step taken this morning is the consequence. We hope there will be no further need for any such violations of the law. The courts should be powerful enough to redress all wrongs. But it may be asked what is to be done when the Courts are not willing to do so, but are allied with the villains who stir up the strife? To this we have no reply to make to-day.

AN EXPLANATION.

OUR brethren of the Apostles who are now residing in the penitentiary, have submitted to this indignity for the sake of principle. We made passing allusion last evening to this matter, but the annexed communication from one of them will explain it more correctly:

Messrs. Editors of the Deseret News:

Gentlemen.—In your editorial of last evening, you state, "three of our Twelve Apostles were taken to the Penitentiary to be incarcerated for an indefinite period because they would not turn over, to be the prey of lawyers, property which they had sworn to care for as the Will of the dead provided."

This statement might lead your readers to conclude that the Executors of the last Will of my late Father, President Young, still had property in their hands belonging to the Estate. The facts are, we turned over, under the orders of the Court, all the property, real and personal, that we had in our hands as Executors. We have nothing remaining. The decision of the Court requiring us to turn over \$142,000 or be imprisoned for contempt, was an order impossible for us to comply with. It was a virtual pre-judgment of the case, and had we turned over all our private estates we could not have complied with the decision; besides, to do so would be to rip up and completely overthrow all the settlements we had made with the heirs.

Respectfully,
BRIGHAM YOUNG.
The Penitentiary,
Salt Lake City August 6, 1879.

The motives and acts of our leading men are always misrepresented by our enemies, and an attempt is being made to create the impression that the Executors have gone to jail because they could not obtain

sureties on their bonds. This is not correct. We know from personal conversations with some of them that they were opposed to asking any of their friends to become peculiarly responsible for them to any amount, preferring to go to the penitentiary rather than play into the hands of those who are engaged in the prosecution of this unhallowed suit. The foregoing letter clearly explains the position, let the consequences fall where they belong.

LET THE ISSUE COME.

THE events of the past few days have caused some excitement in this community and much freedom of expression has been the consequence. Fears of a genuine "uprising" have been indulged in, and those who some years ago spread abroad rumors of such an expected catastrophe have been really concerned lest a veritable "Mormon outbreak" should occur.

Those who would be chiefly affected by any unsettlement of our affairs in this Territory are the merchants and business men. One prominent non-"Mormon" merchant of this city, yesterday, deprecated very much the retaliation for the murderous assault of last Sunday, because of its general effect on trade and the arrest it would cause of the influx of capital.

It should be understood that the course taken by just such men as he, is the real barrier to the material progress of the Territory. They have sustained by their means and influence the very agencies which have brought about the present condition of affairs. And they are likely to be the sufferers. It is fit that they should be. For our part we care little about such results. A conflict has to come we would just as soon it commenced today as postpone it any longer. The "Mormons," as they are called, can stand it if others can. We can get along if all their mercantile and other business interests were scattered to the winds or sunk in the bottom of the lake.

Our morning contemporary indulges in some remarks in depreciation of anything that would be likely to result in a "financial setback," and says, "Nobody here can afford to revive the times of 1870-72." To which we answer nobody can afford to meet such an issue so well as the "Mormon" people, who form the bona fide resident settlers of Utah. The transients and those whose sole object in staying here is to make money, can the least afford to meet it. But they have provoked the conflict. If there are any evil consequences to follow, on their heads be the brunt of the battle.

It is true that our people have become aroused to great anger at the repeated indignities to which they have been made subject. And now when it is evident that Courts, to which they ought to be able to appeal for redress, are in league with their worst enemies, there is no wonder that agitation is exhibited, and that there are low mutterings indicative of a coming storm. We have uttered warnings of its approach, but they have been received with derision. Well, we warn no more, but will be ready for anything that may transpire.

Our contemporary says: "Courts may continue to overstep the law and outrage justice, but there is no escape from submission to them, the only remedy being in the hands of the appointing power, which must be intelligently appealed to for redress."

But supposing the appointing power, after being intelligently appealed to, as in a case of not distant date, should remain passive, can we do nothing? We think we can. Is there "no escape from submission?" We think there is. There are two forces which these vengeful, who want to drain the lifeblood of this Territory, have not taken into their calculations, one is the power of the people, and the other the power of the people's God.

If the carpet baggers want to inaugurate a collision we think they can be accommodated; but the time has come when the people will not succumb to their villainies. If there are any more attacks upon peaceable citizens in their private dwellings, the thugs who attempt it

will surely meet their deserts. And if there is no protection from the Courts we shall not any longer counsel submission. We are here to bow down as serfs to the bribe-stained hands of impostors. We are still in possession of certain inalienable rights which we do not propose to surrender among them are "life, liberty, the pursuit of happiness. We protect our lives as best we from the murderous assaults of ported assassins; we shall not for our liberties and resist incarceration of honorable men, while landsharks, conspiring murderers, seducers and other villains go at large; and we propose to pursue happiness in our own way without the dictation of the corrupt scoundrels, who, heaping abuse upon us, seeking to introduce here the foulest forms of vice, and to establish among us the debauchery, temperance, infanticide, and all the degrading adjuncts of modern "Christian" civilization with which they have been familiar. We want nothing to do with the foul brood, nor their so-called degrading and damnable influence, and if the issue is to have them and their practices fastened upon us, or to endanger financial prospects of the Territory, we say let it come.

We settled in these quiet valleys to serve God and build up Zion, by his help we will do it, and see no reason why we should submit to be smitten and yoked by the vile and despicable who have provoked one small retaliation, which, if they desire, will be but the first drop of the drenching shower to come. We can afford to be called as and to be denounced as wicked, but we can not afford to allow unprincipled adventurers to rough shod over us and take our rights into the dust. If the issue is to come, all right; we want to be understood that, best of all people, the "Mormons" will meet it.

JUDICIAL FALSEHOOD NUMBER SIX.

WE resume consideration of Boreman's edict, which contains unfounded and "reckless" statements than any document we have seen, except by a partizan working in concert with the attorneys in a suit against prominent "Mormons." Annexed is the sixth judicial falsehood to which we draw attention:

"They borrowed money from the estate themselves, and left their notes in place of the sums loaned, and they took the money and the estate, without even giving notes, but simply charging same 'settle.'"

No evidence is offered by Boreman in support of this statement, and for a very good reason. There is none to adduce. Executor Cannon, in his plain, dispassionate, unanswerable general refutation of the statements made in the Decision enters an emphatic denial for himself of the above falsehood. We have investigated this matter and can state without hesitating that Boreman had nothing to base his unjustifiable serious except a mendacious insinuation. There is no truth in the whatever. The Executors borrowed no money from the estate in shape. On the contrary the estate is indebted to them for contributions, under the provisions of the will, in a sum between \$7,000 and \$8,000.

We believe that in making up the decision, Boreman adopted as fact the bare assertions of counsel for plaintiff, without investigation and without notice of the defendants answer, and thus he gave judicial utterance to falsehoods of the foulest kind and added another leaf to the volume of his black record, as an official defamer of the people whose interests he is paid to serve. This is enough on his sixth judicial falsehood. But we have not yet concluded the list.

HANDS OFF!

OUR article "Let the Issue Come" has occasioned not a little comment. We are gratified to know that it is endorsed by the masses of