

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE  
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - DEC. 10, 1884.

## THE DRIFTWOOD QUESTION.

WE give place to-day to a communication from the Superintendent of the Logan U. O. M. & B. Co., in reference to the driftwood question, on which we made some remarks a few days ago. We are still of the opinion that cast up driftwood, even if it be stranded in consequence of the labor expended on a "boom," is public property unless it be cast on the land of the person or company constructing the boom, or unless that person or company has acquired and demonstrated ownership in such wood, by piling it, or in some equivalent manner giving public notice of such ownership.

The driftwood in dispute was taken from the river bank, on a school section above the company's land, and, as we understand, above their boom; and although men had been at work taking away the logs and wood claimed by the company, or the man to whom it had sold its claim, the driftwood that was hauled by the defendant had not been stacked or otherwise appropriated in a manner sufficient to establish ownership such as the public could understand and recognize.

If the defendant took anything with the driftwood that was clearly the property of the company, or of the person to whom that property was sold, knowing that it was such, he should rightfully have been punished according to the extent of his guilty knowledge and act.

The representative of the U. O. seems to be aggrieved because we stated that the interests of the U. O. appeared to be the paramount object to be protected in the proceedings. Here is our exact language, which does not fully bear out the inference that appears in his remarks:

"The complaint was lodged and the case went on, evidently for the purpose of protecting the interests of the U. O., more than the vindication of public justice."

We were led to this conclusion by the report in the *Logan Journal*, by the fact of the Superintendent's presence and activity in the prosecution, and by the heavy fine considering the circumstances as detailed; and we are now confirmed in it by the Superintendent's letter. For no one can read it carefully without perceiving that the interests of the U. O. stand out in bold relief as the chief objects to be considered.

The question of the extent of company and individual rights to the monopolizing of that which is recognized as public property, and that becomes incidentally mingled with private property but not handled as such, or is stranded on the public domain, is an important one to the public in many places besides Logan. And while we would not apologize for or condone any wilful infringement of company or personal rights, we desire to see public interests considered also, and think that the manifest intent has a great deal to do with the culpability of an individual accused of crime.

## A JUDICIAL OUTRAGE.

THE committal of Ole L. Hansen, on the flimsy evidence, or rather the lack of evidence against him, is one of the judicial outrages of the times. We do not know or care whether the man has committed polygamy or unlawful cohabitation, as a matter of fact. We do know that there has been nothing adduced in the shape of evidence of the greater, and scarcely a shadow of evidence of the lesser, alleged offence. The preponderance of testimony is largely against either charge. Nothing whatever that could be fairly called evidence was adduced against the accused, except the testimony of a man who had clearly a spite against the woman said to be Hansen's plural wife, and incidentally against the defendant. And this so-called testimony was flatly contradicted by the evidence for the defence.

Therefore, we say that on the testimony presented in Commissioner McKay's court, there was nothing that would in any other case than one against a "Mormon," be counted as sufficient to place a man in legal jeopardy. The object seems to be to put "Mormons" against whom the slightest color of probable cause can be alleged, to as much trouble and expense as possible.

Under such a decision as that in the Hansen case, any man who has another lady staying in his house besides his wife, or who obeys the scriptural injunction to "visit the widow and the fatherless"—which is said to be "pure and undefiled religion," is liable—if he is a "Mormon"—to be hauled up be-

fore a magistrate, subjected to the humiliation of having his wife and other members of his household down to little children eight years old, forced into court to be questioned about his most private family relations, and then, on a mere breath of suspicion, or on the testimony of some spiteful neighbor even if contradicted by competent evidence, be incarcerated in the penitentiary among the vilest of criminals, pending indictment and trial if unable to furnish excessive bail.

If this is not in the nature of an outrage we do not know what would rightly be classed under that designation.

## LICENSES FOR THEATRICALS.

PINE VALLEY, Dec. 3d, 1884.

Editor *Deseret News*:

As the Legislature has passed a law making it necessary for parties engaged in theatrical entertainments to take out a license, please answer through your columns whether that is designed to apply to small settlements where they play for amusement, and not for gain?

Very respectfully, F. W. J.

The answer is, no. Whether in large settlements or small, the law does not apply to entertainments engaged in simply for amusement. The law specifies that the various pursuits which require a license are such as are carried on "as a business." The intent of the law is not to hinder amusement, but to require persons who carry on the business of showmen and engage in theatrical performances for profit to pay a fair license on their business, in the same way as persons engaged in merchandizing. The county courts will regulate this, and will not attempt to interfere with entertainments of the kind mentioned by our correspondent.

## THE CITY COUNCIL AND THE CANAL RAILROAD.

THE City Council has declined to grant the petition of the S. L. and F. D. Railway Company, for the right of way along the canal bank, about which there has been so much recent controversy. The vote, it appears, was unanimous in committee and council. We believe the decision will be endorsed by the business men of this city, and by many of the more thoughtful minds of the county outside of the municipality. At the same time there will be quite a number who will feel disappointed at the result, and may blame the city fathers for their action.

We understand that the refusal of the grant was based on two general grounds. One, the interests of the city; the others the interests of the people southeast of the city. The necessity of guarding the canal from any control or interference from another power or company other than the city corporation, is comprehended in the first; the importance of keeping free from any entanglements which might be injurious to the people holding property along the line of the canal, is included in the second.

That the right of way along the canal bank would give any company owning it powers that might seriously affect the full, free and perfect control of that important water way, cannot be fairly disputed. It is conceded that the present railroad company seeking it, would endeavor to use its powers in conformity with the public welfare and the needful authority of the City Council. But no guaranty can, in the nature of things, be given that the present management or ownership of the railroad will continue. No one can say, infallibly, into whose hands or control it may subsequently pass.

Again, the difficulties that might arise between the railroad company and the people along the line of the canal are acknowledged on both sides, particularly in view of the possible transfer of ownership or management to strangers. One of the objections offered at first by parties who are now favorable to the railroad, was that in disputes between citizens and corporations, the latter had great advantages in litigation. The power of money, the strength of combination, regularly engaged attorneys who would plead without extra expense, etc., are pitted against individuals comparatively helpless. Experience and indisputable facts have demonstrated the odds in favor of such corporations.

But against this, it will be argued, an ample guaranty was promised and given to the settlers by the projectors of the railway that all disputes should be settled by arbitration; the aggrieved citizen or citizens to appoint one arbitrator, the company another, and they two a third. This is fair enough in principle. The intention of the company in making the arrangement was no doubt sound and sincere. But how is it possible to make it permanent?

Let us suppose that the ownership or management of the railroad changes, and that, a dispute arising as to damages in any given case, the new management refuses not only to pay the demand but also to appoint an arbitrator; what then? Who is to compel the appointment? Why, it will be answered, there is a guaranty binding the company to make it. Just so. But is that guaranty any more binding than the law which requires damages to be paid? And do railroad corporations always honor what the law or a guaranty specifies, without litigation? We

have not so learned by experience or observation. Such a guaranty would probably hold good enough under the present management, but on the accession of another, it might not be worth a puff of mountain wind.

Now, if the interests of the citizens along the line of the canal should become jeopardized by the railroad on its bank, and troubles should arise that could only be settled by expensive lawsuits with a powerful corporation to oppose, would not some of the very persons who now blame the city for not granting the right of way, cry out against the city fathers who helped to put them into the dilemma, by giving the company privileges thus misused? We believe they would.

Some one will ask, is the News opposed to the enterprise? We answer, no. We have already exhibited our interest in it, and said all we could in justice in its favor. We would like to see railroads in various directions. Such a road as projected would be of great benefit to the Deseret News Company in carrying materials to and paper from its mill near Cottonwood Cañon. It would be of utility in many ways. But it does not follow that the city must give a canal bank away in order to assist a private project, however valuable it may be, or however worthy in its object. The right of way could doubtless be obtained on another route by purchase as in other cases, and the road be built without infringing upon public property which has passed into the control of the municipal authorities, who are bound to guard the interests of the city to the best of their judgment and ability.

We offer these reflections for the benefit of our county cousins who have become converted to the project, and who may feel disappointed at the action of the Council. We believe that upon full consideration they will coincide with the leading business men of this city, in the conclusion that the City Council, while unopposed to the railroad or its enterprising projector, has been guided in its decision by sound discretion and regard for the general welfare.

## THE SLANDER-MONGER'S "ARGUMENTS."

THE organ of the Idaho ballot-box stuffers, alias the *Tribune* of this city, is still exercised over those blue ballots which were cast by some of the voters in Oneida County. To-day it gives another version of the story which it has told in several different ways. A few days ago the great objection to the blue ballots was that they were actually printed at the DESERET NEWS office! This lie being exploded, the daily *Slanderer* now declares that the paper was made by the Deseret News Company. "On horror's head horrors accumulate!" Of course all those ballots ought to be repudiated. They contained the straight Democratic ticket, were obnoxious to the thieving anti-"Mormon" clique, and the paper was made at the DESERET NEWS paper mill; or, at least the story now is that, it was "of a kind of paper which probably can not be found on the coast outside the News office or paper mill."

There's the *Tribune* logic for you. There's the kind of "proof" it offers for most of its bugaboo stories. That's the sort of evidence that it demands accused "Mormons" shall be convicted upon, and for declining to be convinced by which it blackguards and slanders jurymen. We have not seen one of the wonderful blue ballots and cannot say whether the paper came from this office or not. If the paper is of better quality than any other that can be obtained for the same price in this region, it is probable that it was manufactured by the Deseret News Company, for they are making genuine, good paper of different colors, for Democrats or Republicans, "Mormons" or Gentiles, Saints or sinners. But it was not made specially for the folks in Idaho, nor for any particular ticket to be printed upon. And if it was, what then?

The *Tribune* gives a hint for any rascals that may be on the canvassing board in Idaho which we do not think they will be fools enough to act upon; that is, to throw out all tickets that are blue. The rule is not to cast out such tickets anywhere in the States, as the *Tribune* intimates, unless the law requires them to be or not to be of a particular color. In Idaho, as we have proved by quoting the law, a ballot may be of any color that the voter chooses.

The rest of the *Tribune's* story about the election in Oneida County is just as reliable as its contradictory versions of the ballot question. It is false in spirit and in detail. So is the other story about the cause and circumstances of the defeat of the "Liberal" robbers in Tooele County. At first the *Tribune* said the "Mormons" went and surrounded the court room, armed with shot-guns, pistols, etc. Now it says "they were an armed body though it was not necessary for them to display their weapons;" and the only thing by way of "arms" now specified is, one of the "Mormons" had "a bunch of keys." Prodigious! By *Tribune* logic and by *Tribune* "proof" that shows beyond question that the "Mormons" were "armed." They had "shot-guns and pistols" too, although no one saw the weapons for "there was no need to display them," but that bunch of keys settles the question.

The addle-head who gets up these startling "proofs" of "Mormon" atrocities, argues that because the

blue ballot paper was of a kind "which probably cannot be found on the coast outside of the News office and paper-mill," therefore the News "connived at the fraud of the blue ballot business." Oh! Is not this convincing? A man was found with a stolen pound of butter the other day, which was wrapped up in a piece of the *Tribune* that had nearly reached its proper sphere, therefore the *Tribune* "connived" at the theft. That's an argument of its own kind.

Now if the genius who gets up these startling anti-"Mormon" arguments will think a little, he will perceive how silly is his statement that blue tickets were obtained so that "The Mormons might see at a glance what tickets to throw out." For no individual tickets were thrown out at all. The returns from certain precincts were thrown out, simply because the law had not been complied with in making the returns. The registration law had been violated, as is admitted on all hands. And the question of color was not in dispute. The *Tribune's* friends stuffed the boxes with a lot of ballots for which there were no names on the registry list, and the returns having no list with them as the law provides, were cast out, blue tickets or black tickets, white tickets or grey. And if the people of Oneida, whom the scheme is now attempting to defraud by the aid of the *Tribune*, have the proper sand in them, they will follow the rascals up with the criminal law, and bring them to punishment, no matter how much time, money and patience it may require.

As for other matters that the daily *Slanderer* gloats over and chews as a sweet thing, they are too dirty and contemptible for us to handle at length, and those who love such lies, can continue to repeat them for the delectation of foul birds of their own feather.

## MORE ANTI-"MORMON" RABIES.

THE befuddled scribe who has been exposing his infirmity through the editorial columns of the daily *Slanderer*, in reference to the Idaho blue election tickets, cannot exercise common sense enough to drop the subject on which he has given at least three entirely contradictory versions. He is so angry with the News for showing up his untruthfulness and consummate folly, that he butts and snorts and stamps around like a crazy bovine. His last spurt is the following in regard to the editor of the News and those blue ballots which seem to act upon him as badly as a red rag does his fourfooted compeers:

"He knows they were prepared in the News job office, from paper made at the mills of the NEWS; that one of the royal family came and got them, and that the object was intended as a fraud."

We have already shown that these assertions are false. We now repeat that we know that the ballots were not printed or prepared in the News job office or in any other part of the News establishment. The chairman of the committee that had the ballots printed, published in this paper the name of the job firm in Cache Valley that printed those ballots—a firm not connected with the News or with any other public journal. We do not know whether the paper on which they were printed was made at the News paper mill or not, and we have no means of determining the fact; and we do not care who made the paper or where it was purchased. An argument might just as well be started as to who made or furnished the ink used on those tickets to the job house in the north that printed them. We do not know who is meant by "one of the royal family," nor anything about any fraud in connection with the Idaho election, intended or accomplished, except the frauds perpetrated by the villains whom the *Tribune* is defending, and who, if they gain their deserts will be retired from both official and social life till they have served their time in the Boise Penitentiary.

And if the "member of the royal family" of lunatics who has been championing the cause of the conspirators in Oneida County will only look into the facts, he will find that this anti-"Mormon" movement is in the interest of the very men he raves about, "that have stolen Oneida County blind for the last three years," and that it was started to cover up their infamy. But he is so silly and cranky in siding with anything anti-"Mormon," that we do not expect he can sober down to sufficient sanity to see and comprehend this fact, which can easily be demonstrated. Let his friends give him some cooling medicine and put a wet napkin around his reddened brow, or else keep him from paper and pencil for a few days to save him from further self-exposure. Anti-"Mormon" rabies is what ails him.

## THE LAW OF THE CHURCH.

TO-day a case of excommunication from the Church, on account of a gross departure from the path of the Gospel as professed by the Latter-day Saints, is published. The Church can have no fellowship with the workers of iniquity. If it did it would be an evidence of a tendency to corruption.

The law of the Lord in relation to

offenders has been given that the purity of the body-religious may be maintained. It is straightforward and clear, and should not be left as a dead letter upon the books of the law of God. The various crimes are enumerated, and the law in relation to offences is that "he who sinneth and repenteth shall not be cast out. And there are besides those sins that can be repented of, some that cannot in this life be repented in that way to an extent that will entitle the perpetrator to re-admission into the Church."

As has been strongly stated by President John Taylor and others of the authorities of late in the clearest and most unmistakable terms, a great responsibility rests upon the duly authorized officers of the Church in relation to those who commit crimes against its requirements. Unless they deal with them and administer the law in meekness, impartiality, and in the spirit thereof, the sin will in part, rest upon their shoulders.

Owing to the importance that every true Latter-day Saint attaches to a standing in the Church, there is a repugnance to taking any step that will jeopardize the fellowship of any of the members. This sentiment, however, should not interfere with what God has expressed as His will concerning His people; feeling must always be subordinate to principle.

How comprehensive is the requirement—"He who sinneth and repenteth shall not be cast out." If this law were applied in its fullest scope, the complete purity of the community of Saints would be assured, for by such process every unrepentant wrong-doer would find his place outside of the pale of the Church.

No longer ago than yesterday President George Q. Cannon spoke strongly on that subject, not only in the Tabernacle, but also during a highly instructive discourse delivered in the 18th Ward Chapel in the evening. His remarks on the subject carried with them a peculiar force. They are of great importance, and were directed as pointedly to those officers of the Church whose duty it is to deal with offenders, as to those who are guilty of offences of the law of the Lord.

The sentiments that have been expressed on this subject by the authorities of late are not uttered for the purpose of inciting a "revival," in the ordinary meaning of the term, in the matter of ridding the Church of members whose actions give the lie to their professions or bringing them to repentance. But we understand it to be their desire that there should be a steady, careful and proper application of the rules and laws of the Church, with a view to the maintenance of its purity. It appears that the more flagrant cases of people constantly contravening the requirements of the Gospel should be dealt with, and action taken in accordance with facts as they may be elicited. Where repentance is exhibited, mercy will step in, but where a hardened indifference to duty is manifested, the law is plain as to the course that should be taken. Some people show a great deal of charity for persons who are hardened offenders, and desire their retention in the Church in any case, while intelligent sympathy is often withheld from innocent and unwary persons who are liable to be led astray by the evil example of the guilty parties.

To the law and the testimony. Those, combined with the spirit of the Gospel, constitute an infallible guide in the administration of the internal affairs of the Church.

## DON'T GO TOO FAR.

WE learn from the columns of the *Utah Journal* and from other sources, that considerable feeling has been occasioned by the case of heavy punishment in Logan for taking two loads of driftwood claimed as private property, but considered by some, including the defendant, as common property. We understood that the accused had paid his fine, and supposed that the matter had been settled so far as the law is concerned. But we see that the papers have been made out for an appeal to the Third District Court. This appears to us a little mixed.

We suggest that this matter of dispute between certain citizens and the U. O. B. & M. Co., for that is what it amounts to, in regard to the ownership of drift wood under given circumstances, can be satisfactorily settled without litigation. There are ways and means of a local character by which lawsuits and expensive contentions can be avoided and much better results be reached. It is not our purpose to promote strife, nor give countenance to wrong against a corporation any more than against the public. The rights of each can be defined in a friendly manner and the bad feelings which result from appeals to courts be prevented, if the disputing parties are actuated by proper motives.

In expressing our opinions concerning this matter we have kept in view the interests of the public, and at the same time have no desire to injure the U. O. B. & M. Co., which we have always regarded as a praiseworthy institution, as repeated articles in our columns have testified. And we wish to say now that in expressing our opinions on the case which has occasioned so much dispute, we do not wish to be understood as giving the slightest countenance to robbery or