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NO LYNCH LAW IN OURS.

During the Stake Conference just closed, Presidents John Taylor and George Q. Cannon expressed their views in regard to a sentiment which has been entertained by a few persons in the community in consequence of the tardy administration of justice in the case of the murderer Hopt. The cry of "Lynch him!" which some thoughtless individuals raised when the prisoner was being conveyed from the court room, was not echoed in the hearts of the masses of the people. It was but an ebullition of feeling without judgment, indulged in by a few who have nothing better just now to employ their time than to hang around the court room and tell what they would do if they were running things. It must not be taken for a general sentiment.

The remarks of the Presidency on this subject will be endorsed by all men and women of reflection and sound mind. It is better that many guilty persons escape than that one innocent individual should be deprivof life by violence. If courts do not perform their duty, they should be held responsible for their own wrong, and an excited populace is not the proper tribunal to judge a man or execute a penalty for crime. And if people in the world give way to lawless acts, that is no reason why the Latterday Saints should pattern after them. We have no use for "Lynch law." Mob violence is incompatible with our faith and the mission we have to perform. Such were the ideas conveyed in the teachings on this subject at the Stake Conference.

But it is claimed by some that lynching is justifiable under certain circumstances. We consider this very dangerous doctrine. Once let the theory obtain that the people have the right to do that which they have authorized the judicary or the executive department of the government to perform, and the step to anarchy will be very short. It is argued by a local contemporary that:

"If justice declare that a man merits death the best law is that which executes the mandates of justice with the greatest celerity, and which is most consistent with humane intelligence."

But who is to determine what justice declares? Are the populace to be the judge, the jury and the executioner? The "greatest celerity" in the execution of a mob sentence has frequently been, haste to commit mob murder. What part of the community usually commit those deeds of violence that come under the appelation of lynching? The calm, dispassionate, fair-minded, disciplined minds? No. Quite the contrary. And if any of the best men ever mingle with the reckless in such lawless affairs, it is because their passions have been let loose at the expense of their judgment. Our contemporary remarks:

"Now, how it is possible to make murder out of justice—assuming as above that lynching may be just—is a question it would be difficult satisfactorily to explain."

Murder can be "made out of justice" in this way: Murder is defined in our statutes to be, "The unlawful killing of a human being, with malice aforethought. Malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature." Now supposing that the victim of "Lynch law" is justly worthy of death. Is it lawful for any one but the legally appointed officers to kill him? And is it lawful for any one but the legally authorized court and jury to determine that the culprit ought to be put to death? These questions must be answered in the negative. If then, as a matter of fact an accused person is a murderer, whether he is so pronounced by law or not, if a mob take his life the mob are guilty, before the law, of murder. That is, of manifesting and carrying out a deliberate intention to take the life of a fellow creature.

Our contemporary says further:

"Now, it is the cry of the shallow pated that the people are becoming lawless, because of recent lynchings. The assertion is unworthy respect."

We may be "shallowpated," but we join in the cry that the recent lynchings show that "the people are becoming lawless." What is lynching if it is not lawlessness? Can it be claimed that lynching is lawful? Would such a claim be entitled to respect? And if the law, which is the public voice, has vested the right to determine guilt and execute penalties in certain appointed officers, is it not an indication of "lawlessness" when mobs take those rights out of the hands appointed and assume to exercise force forbidden by the law? And are not those who attempt to justify such a course hotheaded, if gifted with ever so much depth or breadth or length of pate?

Our contemporary repudiates the idea that it favors lynching, but what can be thought of such a sentence as this in the same paragraph in which it makes the repudiation?

"If a few corrupt juries were lynched and a few caviling judges nailed up on either side, the wholesome effect upon that class of humanity whose vices and failings make juries and judges a necessity would be simply miraculous."

Its whole argument is based on the hypothesis that "lynching is sometimes just." Now if this assumption is correct, where is the consistency of deprecating the practice and being unfavorable to lynching? If lynching is just, those who are unfavorable to it are unfavorable to justice. Would it be unkind to suggest that the term "shallow pated" is not very inappropriate to the genius who penned the argument from which we have quoted, and which is favorable and unfavorable to lynching, all in the same breath?

We trust that the people of Utah will avoid the reckless, lawless, mobocratic spirit which incites those deeds of horror that occasionally thrill the country. It is not of God. It is of that Evil One who was a murderer from the beginning. Let the law take its course. And if it is tardy, or even unjust, let not "Mormons" join in a hue and cry to seize the reins of justice, and execute penalties unauthorized and in the spirit of vengeance, malice and vindictiveness, which are always the accompaniments of lynching.

THURSDAY NIGHT'S ROBBERY.

In our Saturday night's issue it was stated that the butcher shop of W. P. Rowe, a short distance east of the Deseret Bank corner. was robbed on Thursday night of $125. Also that the alleged thief was the son of a prominent anti-"Mormon."

The facts of the case are in effect, that the young man suspected of the crime was on the premises o the evening of the robbery and saw the money put away in the safe, the outer door of which was not locked. The proprietor fastened up the back door and went away. The person now suspected went stealthily to the back door and unfastened it, but it was subsequently refastened by Mr. Rowe's young man who sleeps on the premises. This young man was questioned by the suspected individual if he was going out, he replying that he purposed going to Fuller's Hill and would return at about ten o'clock. During his absence the robbery was committed, an entrance being gained to the premises by the breaking of a pane in the back door. The manner in which the theft was perpetrated showed unmistakable familiarity on the part of the robber with the condition of the premises and safe.

Mr, Rowe's suspicions at once fell upon the young man who had been so solicitous to find out details as to the movements of the person whose duty it is to sleep in the shop. After searching for some time he found him at 11 o'clock on Friday morning in a house of ill-repute.

When asked whether he intended prosecuting the alleged robber, Mr. Rowe said "No, I guess not. I know where I can put my hand upon him when I want him."

Mr. Rowe found the young man's father and stated the whole case to him, he agreeing to "make the matter right" with him.

The result of this interview was the publication in yesterday morning's *Herald* of the following card:

Salt Lake City, May 3, 1884.

Editors Herald:

Dear Sirs.—I think that I have been mistaken in the man whom I thought robbed my safe, and think that I am now on the track of the right man.

Yours, Wm. P. Rowe.

We do not assert that the young man accused of the serious crime is guilty, although the circumstantial evidence against him was so strong in the first "think" of Mr. Rowe that he broadly stated that he knew who took his money. His card does not appear to be of a character to cause anybody to believe that he "thinks" much otherwise than he did before. He "thinks" he was mistaken in the first place and "thinks" he has struck it right now. And people will be apt to think of some reasons for the publication of the card in a paper that never even published the fact of the robbery having been committed, while the paper really interested in the matter has also been as dumb as an oyster on the subject. And even we, in stating that the crime had been committed, did not give the name of the suspected young man, although his identity is pretty well established.

Even if the young man is guilty, we do not hold that his father is in any way responsible for the act. We would detest ourselves were we to flaunt before the public the ungenerous and brutal sentiment that it was the result of parental teaching.

How different would have been the manipulation by a corrupt sheet in this city had the alleged thief been the son of "Mormon" parents. Not only the name of the alleged perpetrator of the robbery would have been held up before the community, but his family would have been denounced as responsible; and the crime would have been proclaimed "the natural outgrowth of their teachings."

In the meantime it will be interesting to know who the person is that Mr. Rowe now "thinks" robbed his safe, in view of the fact that he "thinks" he was mistaken in the first place. We think that the card is a trifle thin, and doubtless the public coincide with our opinion.

We have no desire to make any special trouble out of this affair to the gentleman who was so willing to make this matter "right," but we have a few things "salted down" in reference to him and others which they may possibly compel us to use at some time when it would be appropriate.

Since the foregoing was written Mr. Rowe has been applied to by the officers for information as to who the other person whom he "thinks" committed the robbery is, and he positively refuses to state. The fact of the matter is that he cannot do this. The second individual put forward by him is simply a dummy erected to shield the young man whom he asserted in the first place had committed the crime. The matter is all perfectly plain, our information on the subject being complete as need be.

MORE LEGISLATION FOR UTAH.

We publish in another column the new amendments to the latest Edmunds bill, offered by Senator Hoar on the 29th of April. It will be remembered that Senator Edmunds' new bill, designed as a supplement to the Act which popularly bears his name, was referred to the Committee on the Judiciary, and that Committee, through Senator Hoar, reported the bill back with several additional sections, providing for the compulsory attendance of wives as witnesses against their husbands, the management of "Mormon" Church funds by trustees appointed by the President and Senate of the United States, the disposition of P. E. Fund assets, etc. The present bill offers additional sections and a substitute section for Section Eighteen of the former amendments, so that this makes a complicated piece of patchwork.

We do not intend to make any comments on the latest amendments, unless it be a few remarks in relation to the section providing for the appointment of the Territorial Superintendent of District Schools by the Supreme Court instead of his election by the people, his payment out of the Territorial Treasury, and his authority to regulate the text books in the District Schools.

The Senators who make this recommendation have evidently been imposed upon by the falsehoods of Governor Murray and others concerning the District Schools of this Territory. Senator Hoar was deceived in a similar manner when he introduced that price of egregious folly known as the Hoar amendment, providing that certain officers in Utah were to be appointed by the Governor. Neiter he nor the very great majority of the Senate understood anything about the real status of Utah affairs at the time of its passage, as is demonstrated beyond doubt by the debate that then occured In the present instance he and his colleagues on the Judiciary Committee are just as much at sea.

It has been represented that "Mormon" Church books are used in the District Schools of Utah, and that "Mormon" tenets are taught therein Governor Murray has endorsed this untruth officially, knowing that there was no foundation for it, and his official statement has been relied upon without further investigation. To remedy this supposed state of affairs, it is now proposed to put the control of the text books, used in the schools of the people, to some extent in the hands of a person entirely irresponsible to the people, which is a high-handed piece of autocratic assumption, and something beyond the constitutional purview of the Congress of the United States.

It is provided that this officer, who would be a United States and not a Territorial official—being appointed by United States Judges, who are appointed by the President and Senate of the United States—shall be paid out of the Treasury of the Territory. Congress has as much right to appropriate money out of the Treasury of the peo- of Utah as out of the vaults of the Deseret Bank or the Utah Central Railroad Company. We think a Superintendent, so appointed, would experience a tough time in getting his salary.

We do not anticipate the passage of these Hoar amendments, attached to the previous amendments, joined on to the Edmunds amendments, during the present session of Congress. They may in some modified form get through the Senate, which is doubtful, but we think it quite improbable that they will succeed in the House. And when they are brought forward for consideration — they have beeu merely ordered to be printed, without any other action at the present— it is to be hoped that correct information in regard to our District Schools, and their entirely non-sectarian character, will be impressed sufficiently upon the minds of some outspoken Senators to cause the presentation of the truth, in the Upper House, and to remove the influence of the falsehoods that have been told officially and otherwise to prejudice Congress and the country against Utah.

A WORTHY EXAMPLE.

The verdict in the Hopt murder case, the third given to the same effect, receives the universal endorsement of the community, by whom it was anticipated. The murder was one of the most brutal and cold blooded crimes of its class, and the evidence against the convict Hopt placed his guilt beyond all doubt. His own statement which was one of the most flimsy imaginable, instead of showing any probability of innocence tended to strengthen, if possible, the testimony for the prosecution.

It is a matter for congratulation that the feeling of intense animosity exhibited by some people against Hopt during the progress of the trial, did not culminate in a violent attempt to wreak summary vengeance upon him. If there ever was any imminent danger of such an occurrence we believe it is now past. The murderer has been triply convicted of his horrible crime, and will soon be under sentence of death. Notwithstanding the failure, through legal technicalities, of the execution of either of the two previous judgments, there is reason for anticipating that the third will be carried to a final consummation, which is "devoutly to be wished." Surely the fatal errors committed by the courts on the two previous trials have not been repeated this time, and we believe that great care has been taken against any new ones of a vitiating character entering into the proceedings. In this view there would not be the shadow of an excuse for any attempt at laying violent hands upon Hopt. Even if the prospect of his ultimately meeting the just reward of his crime were much more remote than it appears to be there would be no sufficient excuse for such an unlawful action. Breaking the law to wreak vengeance on a lawbreaker, places the executioners on a par, in the eyes of the law, with the object of popular wrath.

It is to be hoped that the culmination of the action of the law in Hopt's case will come soon. It is only after that and not till then that it can be expected that the fearful strain under which Sheriff Turner, the father of the murdered man who was cut down by his assassin in the flower of his youth, can be expected to slacken its tension of several years duration. Fortunately there are but few men that are in a lifetime subjected to such a terrible ordeal as that through which he has been passing, and the end is not yet. He has endured it thus far with fortitude that is heroic, the nature of his position being only sensed to any degree by those who have given close attention to the details of the remarkable case. The sympathy which the community have felt for Sheriff Turner has been re-awakened by the third trial of the cruel murderer of his boy, and public admiration for his character has been increased by the noble stand he has taken in favor of law and order, exhibited when, last night, he briefly advised an excited crowd, whose hearts were animated with a desire for vengeance upon Hopt, to "let the law take its course."

What the assumption and maintainance of such a position cost a man of Sheriff Turner's cast of mind will never be known by anybody but himself. He is known to be one of the most fearless, courageous men in the West, and that is saying all that could well be said in that connection, he having many times faced death in various forms. Consequently it was not the fear of any results to himself that caused him to refrain from encouraging and to deprecate the visiting of unlawful vengeance upon the head of the assassin of his son. But he felt that not only as an officer of the law but as a worthy citizen it was his duty to stand as an advocate and exemplar of good order.

Here was an example of forebearance; of the supremacy of sound judgment over the lower passions worthy of imitation. His heart has been torn with grief by the murder of his son; he has been at great expense in prosecuting the assassin; has spent not only money but a large period of time, exercising himself mentally and physically with most remarkable energy, and if he can cast his weight in favor of peace and law, what excuse can be formulated for those who have no immediate or personal interest in the matter involved in being carried away by sudden whirls and gusts of passion to the commission of acts of lawlessness?

THE NEWMAN CHURCH SQUABBLE.

We have informed the public in regard to the disgraceful quarrel that occurred in the Congregational Church of which Dr. J. P. Newman was the alleged parson. It will be remembered perhaps that the Church Society acted in opposition to and defiance of the Congregational principles, and in that way excommunicated nearly one half the members of the church. Deacon Ranney, who heads the anti-Newman division of the fight, stated that he and his supporters—after their expulsion and the declaration of the other faction that Dr. Newman was pastor by refusing to accept of his politically tendered resignation — would resort to the civil courts for redress. This step has been taken. The Ranney party have filed their complaint, reciting the history of the case and supporting their statements with corroborating affidavits, and asking for judgment of the court that Dr. Newman is not pastor of the church nor entitled to salary since the vote of the church meeting discontinuing his services, and restraining him from acting as its pastor, and restraining the trustees from recognizing him as such, or paying him any salary. A temporary injunction has been granted by the court in compliance with the petition of the complainants.

By the suggestion of counsel for the complainants, pending the litigation, Dr. Newman is permitted to hold the usual Sunday Services and the trustees to hold meetings but not to take any action therein, being only allowed to come to order and adjourn.

At the time of the expulsion of the body of members opposed to him and the refusal of his adherents to accept of his resignation, Dr. Newman triumphantly exclaimed, "I am pastor now." But, doubtless much to his discomfort, that still remains an unsettled question. The issuance of a temporary injunction shows that the civil courts take jurisdiction of the case, and there is no knowing which way they will jump.

THE HOPT CASE.

MOTION TO SET ASIDE VERDICT AND FOR A NEW TRIAL.

Yesterday, in the District Court, ten days time from the date of the verdict in the Hopt case was allowed the defendant to propose a bill of exceptions to orders made by the Court during the trial. To-day, the following motion was filed by the attorneys for the defendant:

In the District Court in and for the Third Judicial District of Utah Territory, County of Salt Lake.

The people of the Territory of Utah vs. Frederick Hopt indicted under the name of Fred Welcome, impleaded with another—Motion for new trial.

Now comes the said defendant and respectfully moves the Court to vacate and set aside the verdict heretofore rendered in the above entitled cause on the 5th day of May, 1884, and to grant a new trial of said cause upon the following grounds, to wit:

First—The Court erred in overruling the motion for a continuance of said cause to the next term of said court, made by defendant, on the ground of absence of material witnesses for the defendant, as more particularly was set forth in the affidavit filed with said motion and on which the same was based.

Second—The Court erred in disallowing defendant's challenge to Juror John Willoughby, for implied bias under subdivision eight of section 242 of the code of criminal procedure of Utah Territory. Said juror stated in answer to the counsel for the People, and defendant's counsel, that he had from newspaper accounts, which he had no reason to discredit, and from no other source, formed a fixed opinion and belief as to the guilt or innocence of defendant, and that it would require strong evidence to remove or change that opinion.

Third—The Court erred in disallowing defendant's challenge to juror John Willoughby, under the second subdivision of Section 242 of the Criminal Procedure act of Utah Territory. The juror stated that he then had a fixed opinion as to the guilt or innocence of defendant, and that it would require strong evidence to change his opinion.

Fourth—The Court erred in disallowing defendant's general challenge for cause to juror John Gillespie, under subdivision second of Section 240 of the Criminal Procedure Act of Utah Territory. The challenge was based on the provisions of "The Edmunds Act," Section 8, "An Act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes." The juror was asked whether he was a bigamist or polygamist and refused to answer, on the ground that it would tend to criminate himself. Defendant challenged him for lack of general qualification, as aforesaid, and the Court disallowed the challenge.

Fifth—The Court erred in overruling defendant's motion to strike out the testimony of J. M. Benedict as incompetent, irrelevant and immaterial.

S. H. Snider,
W. G. Van Horne,
Attorneys for defendant.

The usual notice was waved by the U. S. Attorney, for the People, and the hearing on the motion will take place to-morrow at 10 a.m., or as soon thereafter as can be.

The Logan *Journal*, on Saturday next, will issue a large supplement which will contain a large engraving of the Temple and grounds and a historical sketch of the building, giving statistics of material, etc., used in its construction. The edition including the supplement will number 2,500 copies, 1,000 of which will be distributed gratis among visitors to the Temple.