

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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THE SHOOTING AND THE CONSPIRACY.

THE shooting affair of Saturday night continues to engage public attention. The interest naturally created by the deed is enhanced by the contradictory accounts of the circumstances attending it, and by the course pursued in relation to the accused. The story told by Collin is evidently colored for the purpose of excusing himself for attempting to kill young McMurrin. The statement made by the wounded man, flatly contradicts that of the deputy and was formally given when he had no doubt that he was dying. The public will scan the deputy's explanation with a good deal of suspicion, for the reason that we have named, and because of the character of the individual, the dirty work in which he has been engaged, and the fact that he was likely to consider himself free to do desperate work from the course pursued here to protect his kind from the operations of the law. While the young man now at the door of death is well known to be worthy and reliable, his statement under any circumstances would be received before the other's oath, and a dying declaration of one who had no personal cause to conceal anything is entitled to greater credence than the improbable story told by the culprit for the purpose of clearing himself of a capital crime.

It is to be fervently hoped that the ugly wounds inflicted by the murderous Collin will not prove fatal. Not only on the injured man's account and that of his family and friends, but in the interest of truth and justice. A full explanation of all the facts and circumstances attending this deed are desired and expected, and these are not likely to be obtained should the wounds prove mortal. A desperate attempt will be made to clear his murderer and the course now pursued in his behalf foreshadows the unscrupulous scheme that will be set on foot for that purpose.

The story that several other persons were with him when the collision between him and Collin occurred, is emphatically denied by Mr. McMurrin. He adheres to his first deposition. Collin's first story, as related in the *Tribune*, is that "five shots were fired, two of which took effect in McMurrin's body. Three bullet holes were found in Collin's coat, but he is not certain whether the shots were fired by his assailant or were from his own weapon." If the assassin fired through his coat, the weapon being in the pocket, the holes can be readily accounted for, and he knew well enough that none were fired at him. No. Our readers can be assured of this: That Watchman McMurrin was on legitimate business when he ran against Collin on Saturday evening. That he was not in the lane to waylay the deputy nor anyone else. That he was not accompanied by other men. That the object Collin and some other persons had in the case on that occasion was not simply going home. That the mystery we briefly alluded to last evening will be cleared up. And that there is no truth in the fable concocted by the supporters of the assassin, that a number of men assailed him and ran away when he shot Mr. McMurrin, leaving him to his fate. There is more of this than has yet come to the surface.

The conduct of the U. S. Marshal in obstructing the arrest of his deputy and striving to make anti-"Mormon" capital out of the affair, cannot be too strongly deprecated. The excuses made for him are altogether too flimsy for serious use. The deputy was not his prisoner. When the police applied for him with a warrant for his apprehension; the Marshal admitted he had no authority to hold him, and made promises to deliver him up which he did not fulfil, his actions showing that he had no intention to do anything but obstruct the police. And his subsequent course in attempting to make it appear that Collin was in danger from the populace and that military protection was needed for his safety, was dastardly and malicious.

Of course there has been a great deal of feeling over the unfortunate occurrence. And this has been made stronger by the manner in which lawless deputy marshals have been sheltered from the consequences of their lawlessness. But no one with the least regard for truth will seriously assert that there was any necessity for taking the miserable creature Collin from the penitentiary and placing him under the protection of Fort Douglas. The object of that movement was to give color to the report, fabricated for the occasion, that there was danger

from the "Mormon" populace. Every person engaged in that conspiracy, whether he be Governor, Marshal, attorney or what not, knows that he was engaged in falsehood and was taking the course of a coward as well as a defamer.

The organ of these peace-disturbers and defiers of local law, the apologist for the male prostitutes, the defender of assassins, has this to say editorially this morning—

"The Gentiles should en masse petition the President to place this Territory under martial law, and giving some discreet, just and brave soldier the position of military governor, back him with such force as may be necessary to command peace and to enforce the laws."

The "Gentiles should sign a petition" to the proprietors of that paper to put a muzzle on the rabid hound that howls such nonsense and froths such impotent fury. Martial law is demanded against the "Mormons." What for? Look at it. Because a "Gentile" has nearly if not quite murdered a "Mormon" and is sheltered by a United States Marshal! What else? Hear him:

"The city government supplies no protection to citizens, and, if it had any desire to, it could not interfere to stop a murder ordered by the Priesthood."

And this rot is uttered by way of comment on a case in which the city officials have been obstructed by a Federal official in their enforcement of law for the protection of citizens! And what an insane effort is put forth to lug in "the Priesthood." Is it not well known that the counsel of "the Priesthood" through all the troubles that have been brought about by bigots and fanatics, has been quiet submission? While the houses of peaceable citizens have been raided, often without legal authority, and women and little children have been dragged before courts and inquisitors, and compelled, under threats of imprisonment, to disclose the family secrets of their husbands and fathers, while sneaks and spotters have crawled around their domiciles, intruded into their homes, peered through windows, and sneaked into kitchens, and wretches who have been fed and nourished by "Mormon" hands have played the spy and the informer, while good men and true have been captured and incarcerated for that which the community believed to be right and authorized from heaven, have "the Priesthood" ever advised or countenanced violence? No, never. But on the contrary, their influence has been ever on the side of order, quietness and self-control. And the contemptible wretch who wrote the words we have quoted knows it as well as any one in the community. One of the proprietors of the disgraceful journal which the scribe still more disgraces, acknowledged to the *Boston Herald* that in "any other community there would have been trouble long ago," but, he said, the "Mormons" were "too wise and too cowardly." It is not cowardice that has kept the people of Utah peaceable under all the disturbing circumstances and provocations of the latest crusade against them, but wise forbearance under good advice. And this advice has come from "the Priesthood," whose motto it has been to "suffer wrong rather than do wrong," and who are accused by things that lie for a living of inciting to violence and murder.

It is easy to understand who the "brave soldier" is that is wanted for "military governor," backed with force enough to give him power to feather his nest to his heart's content, and enrich his cronies with a share of the plunder. Was it part of the programme for Governor Murray to go to Fort Douglas and obtain a military escort for the murderous Collin, under the false pretense that his life was in danger at the Pen? But the plot will not succeed. There are too many facilities for obtaining correct information. And the President of the United States can soon learn that the only excitement that exists over the shooting of a "Mormon" by a U. S. deputy marshal is in talk, discussion as to disputed incidents in the affair and a feeling of deep indignation that the course of justice should be obstructed by men sworn to uphold the law. There is not the remotest danger of any outbreak. The city is as quiet as any New England village, and the infamous fellows who talk about martial law and the need of the military to protect a worthless fellow accused of crime, know as well as we do that they are merely lying for a sinister purpose.

IRELAND'S "JUSTIFICATION."

It is claimed by the supporters of lawlessness in our midst, and perhaps a few others, that Marshal Ireland acted wisely, prudently, legally and properly in shielding Collin, even after an officer with a warrant from a court of jurisdiction made a demand upon him for the offender; that he is an officer of the law himself, and as such has a right to make arrests; that he had a right to shield Collin in the way he did from the populace, which might under the influence of the great excitement then prevailing have been converted into a mob and lynched the prisoner; and so on. All of this would

be well enough did it not lack the essential element of truth. The offense committed by Collin is a Territorial one, triable and punishable under a Territorial statute, in accordance with the procedure pointed out by the local laws and these only. So far, then, as making an arrest under the pressure of an emergency—to prevent an escape or the like—is concerned, the Marshal is no more and no less than a private citizen, for such a thing can be done by any one as well as by him, and as well by him as by any one else. But supposing he acted as a peace officer (which he is not under the Territorial law), it does not signify; here is what the law says in relation to such arrests by any one:

"When an arrest is made without a warrant by a peace officer or private person, the person arrested must, without unnecessary delay, be taken to the nearest or most accessible magistrate in the county in which the arrest is made, and an information, stating the charge against the person, must be laid before the magistrate."—*Session Laws 1884, page 120, Sec. 5.*

Did Ireland do as above directed? Did he have a warrant? On the contrary did he not refuse to have the defendant brought before a magistrate at all, and does he not still so refuse? And the fact that he may have a warrant now, the complaint having been sworn to by himself, is no mitigation of his conduct then, when he had none and placed himself squarely in opposition to those who did have one, thus defying the law and subjecting himself to punishment, as witness:

"All persons who, after full knowledge that a felony has been committed, conceal it from the magistrate, or harbor or protect the person charged, are accessories."—*Compiled Laws, page 571.*

And this offense is made punishable by imprisonment not exceeding three years or by fine of not more than one thousand dollars. A nice position for an "officer of the law" to be placed in!

Now as to the "safety" question: Is it to be presumed, because the personal welfare of a man charged with murder is jeopardized by reason of that act, that the law must be still further violated to protect him? Hardly. It is the duty of those who are supposed to expound and execute the law to uphold it themselves so far as they can under all circumstances; and if disastrous or criminal results follow, they are not responsible for them, having discharged their own duty in the premises. The same law which punishes people for refusing to give up those charged with crime, will also punish those who may commit an infraction of it. But to deceive and promise until the local officers are thoroughly beguiled and misled, then run the offender off to the penitentiary without commitment or process, subsequently removing him out of the jurisdiction of our courts altogether, is a high-handed act as would be that of a mob; it is not so bad in its results, we admit; but the results are accomplished outside of law, and anything so done is criminal, whatever the object of the deed. Besides, this is a time of peace, when the civil authority is supposed to dominate the military; the law makes no provision for quartering and shielding from its operations men charged with crime, by placing them behind lines of cannon and bayonets; and in doing this, Ireland simply confirmed what was previously charged—that he is a usurper, law-defier and schemer against justice.

PROSECUTE THE DEBAUCHES.

THE public are looking for some further action against the lecherous officials and others who have been guilty of sexual crimes and whose filthiness is known to the police. It is true that a barrier has been placed in the way of the officers by the ruling of Judge Zane. But that only affects one city ordinance in its bearing upon these cases. There are other ordinances which may be brought to bear upon them. And if the city authorities are afraid of adverse rulings upon them there is a Territorial statute not open to this danger, as we have pointed out for their consideration. Is nothing more to be done? If not, why not?

Is it possible that this public scandal is to be whitewashed with that thin ruling of the Third District Court? Or are the officers making "a good ready" for a more vigorous effort to enforce the law? Perhaps we, in voicing the feelings of the public, are rather too impatient about this. But it seems that a little more activity is demanded considering the circumstances. It has become well known that the police are in possession of evidence of a very damaging character against a number of persons who have broken the law and committed offenses against decency and good order of the most abominable character. And it is not expected that the municipal officers will be "bluffed" off by one failure of a technical character. The prosecution of these offenders is confidently looked for, and the community demand that the prosecutions shall go on or that it shall be owned up that the proofs are not sufficient to warrant what has been claimed.

We have no desire to see this inves-

tigation carried on in any spirit of retaliation. The proof that one man is black does not make another dark man white. We have never claimed that "Gentile" wickedness proves "Mormon" righteousness. We have never argued that monogamous excrescences make polygamy fair and unspotted. If all the officials who have been forward and bitter and unscrupulous in hunting up "Mormons" for living with their wives, are shown to be as corrupt as some of them can be proved to be, it will not go to substantiate innocence on the part of anybody else. No, the cause we support will not be made stronger by any exposure of other people's wrong-doing. We have never maintained that it would.

But those who are waging this war against plural marriage say that sexual sins are not legislated against in the Edmunds law, but that such offenses must be punished by the local laws. It is alleged that ample evidence is in hand to prove a number of persons guilty under those local laws, of the sexual sins that the Federal Courts will not recognize. Among those persons accused are some Federal officials and some alleged "Mormons." We say prosecute them all alike. Not for revenge or retaliation, but to execute the local laws, purify society and repress sexual crime. If the police do not continue the work they have begun, because they have met with a rebuff where they ought to have received assistance, they will become a public laughing-stock and the municipal authorities will be subject to well-deserved reproach. Prosecute the debauchees.

BLINDLY STRIKING ON BOTH SIDES.

THE organ of the prostitutes and apologist for assassins, continues to rage and foam for the purpose of excusing its impotent demand for martial law in Utah. To-day it flings its falsehoods right and left. Now the Government is branded with "infamy," then the "Mormon" press is lied about, next the people here, who are all for peace, are charged with raising the storm which the sheet itself is trying to brew. Its leading editorial shows signs of craziness or bad whisky. It says concerning the Government of the United States:

"Its whole record toward Utah thus far is infamous."

How do the Federal officers, the loyal shouters and Government idolaters relish the language of their organ? If such a sentiment had been uttered in a "Mormon" paper, "treason" would have been a mild word in its denunciation. Nothing less than the utter destruction of the whole people would have sufficed to wipe out the indignity. The telegraph wires would have repeated the sentence until every paper in the country would have been posted on the latest "Mormon defiance of the Government."

If the "whole record" of the Government toward Utah is "infamous," how about the anti-polygamy crusade which has given the *Tribune* so much joy and which it has attributed, with all its unprecedented proceedings, to the Government of the United States?

Take another sentence from the same effusion:

"There is something, too, for the Mormon solid business men to consider. Their press have done what they could to invite a riot here for months."

When the "Mormon" solid business men know that "their press have" labored all the time to keep the peace, to prevent violence, to keep down any disposition towards physical resentment of outrages committed by sneaks, spies and spotters, and to persuade the people to seek only legal redress for wrongs committed against them and indignities heaped upon them, they will "consider" the source from which the accusation emanates.

It is the reckless and rabid *Tribune* that has done all it could to create disturbance, enrage the populace and bring about armed intervention in Utah. It has invoked the aid of the military, repeatedly, when there was no more need for it than the quarreling of a couple of schoolboys. Its cowardly scribes, when expecting that their villainous course would naturally arouse indignation, have cried out for the protection of soldiers when no one thought of injuring their shaking carcasses. And now when a "Mormon" night watchman has been shot nearly to death by a miserable spotter, who is kept from the civil law by military aid that disgrace to journalism calls for martial law to quell the "Mormons," its idiocy and villainy are about equally combined.

The "Mormon solid business men" should consider the folly of doing anything which aids such a contemptible libel factory to continue its perpetual disturbance, to the detriment of business interests in this city and Territory. There would be some sense in that. If they could see how suicidal it is to commercial life to foster that festering element of discord, and had the courage to brave its vituperation for a little season, they could soon reduce it to a little decency or dry it up completely. "If there is any sagacity" in their ranks they will do it, and if there is "any sagacity" in the

proprietors of that sheet they will make that writer sober up, before he runs over any more with such rabid drivel as he has lately drooled into their columns.

"THE HIGHER LAW."

Not long ago an injunction was issued from the New Jersey Court of Chancery to restrain the Salvation Army from holding services in Asbury Park. Under the rules of the organization the officers are required to hold open-air meetings. They persisted and were arrested and adjudged guilty of contempt of court. The penalty was that they should simply pay the costs of the prosecution. What was the plea they presented? First, that they had no money to pay the costs. Second, that they could not promise to desist from their open-air meetings for any human power, because "God's command is higher and more imperative than the whimsicalities of public opinion." When taken before the Vice-Chancellor they were released on the plea that they could not pay, although they would not agree to cease their open-air work.

On this case the Ocean Grove (N. J.) Record, edited by a clergyman, has to say:

"How it may eventuate, they, as followers of Jesus and Paul, and a noble army of martyrs for conscience sake, seem to entertain no anxiety. Serving God, as they believe they are doing, prisons or persecutions haven't the slightest effect to intimidate them."

"Call this what you please, gentlemen of the jury, and sapient Commissioners of Asbury Park, but it looks to us like moral heroism."

You see, it makes a great deal of difference who it is that entertains such sentiments and acts upon that theory. The "higher law" can be admitted on behalf of the Salvationists, making an uproar in the streets and parks contrary to established regulations, but the "Mormons" must not attempt to talk about a higher law or they will be accused of treason and rebellion. It is "moral heroism" for the Salvationists to go to prison rather than relinquish their principles, but crime and insurrection for the "Mormons" to do the same thing. And the Salvation Army really commit "overt acts against peace and good order," when they shout, beat the drum, and make hideous noises to the disturbance of the public, while it cannot be shown that the "Mormons" do anything of the kind in the carrying on of their domestic affairs under their religious regulations.

To obey God rather than men was considered a duty by the Apostles and other worthies whose words are looked upon in theory as inspired. But when Latter-day Saints entertain the same ideas and indicate their faith by their practice, although their faith and acts affect no one but themselves, they are considered worthy only of bonds and destruction. This nation will inscribe "In God We Trust" on its current coin but when the "Mormons" practice the sentiment thus nationally expressed the national cry is Send them to jail. Curious world, peculiar generation!

THE RULING IN FAVOR OF THE LECHEROUS.

THE decision of Chief Justice Zane in the interest of the male prostitutes did not surprise the large majority of the public. It has become so evident that protection is to be afforded to the dirty doings of officers of the court, that few indulged the hope that a city ordinance which had been in successful operation against "lewd and lascivious conduct" both of males and females for over ten years, would be held as valid against the "sacred" person of a U. S. deputy marshal. There were other persons too, in close connection with interested parties, who stood in similar danger if the ordinance should be enforced in their cases, and something had to be done to save them from punishment and exposure.

No one who has watched the course of judicial proceedings during the year now near its close, doubts for a moment that if the person in whose behalf the ordinance was tested had been a "Mormon" instead of a court official there would have been no interposition of the court to save his lustful body from imprisonment. And no one who has taken note of the present frantic efforts to stifle inquiry and head off the police in the performance of their duty, has any doubts as to the character and doings of the parties accused of offenses against law and decency.

In order to arrive at the desired point—the liberation of the officer from the custody of the police and the suppression of the overwhelming evidence against him, considerable ingenuity had to be exercised. The services of lawyers who had prosecuted offenders under the very ordinance called in question were engaged, that they might turn their familiarity with its construction, and their experience in its enforcement, into the opposite channel by the methods with which lawyers are familiar. It's a strange lawyer that can't work both ways.