

worst passions of the human heart. "Blessed," said He, "is the peacemaker." Did He not teach obedience to the laws and respect for the powers that be? Did He not say, "Thou shalt love thy neighbor as thyself"? Did He not say, "Love your enemies and pray for those who despitefully use and persecute you"? Why, when surrounded by His enemies and nailed to the cross, He extended His eyes towards Heaven and with His dying breath exclaimed, "Father, forgive them—they know not what they do!" How utterly inconsistent are these sentiments, promulgated by our illustrious Savior, with the doctrines taught by our modern prophets in the "tabernacle!"

Whilst following the practices of some of the patriarchs of old they have also adopted the creed, "An eye for an eye, and a tooth for a tooth."

What has been the result of these teachings upon society here? There are a number of respectable men in this city, some of whom have families, who dare not go upon your streets at night! Nor are they men who are afraid of shadows. They have shown their courage upon the field of battle in defence of the honor of the country and would not shrink from meeting any of them single-handed in the light of day. But they do not choose to meet an organized band of assassins at mid-night. They dare not go to your theatre, or other public places of amusement. Is it not hard that here, in an American Territory, supposed to be under the protection of our National flag, citizens who have periled their lives to sustain the supremacy of our laws and the integrity of the Government, are compelled to remain in their houses at night to escape the hands of murderers?—men who have violated no law, trespassed upon the rights of no one, but have simply incurred the displeasure of the dominant party? Can this state of things be tolerated on American soil? A government which habitually fails to give protection to its people must soon cease to command their confidence or respect. But I do not choose to pursue this subject any farther.

In this connection, however, I feel called upon to notice the extraordinary efforts which have been made at the "tabernacle," as well as by the press, to destroy the confidence of the people in the Courts established by the Federal Government in this Territory. Judges selected by the Government because of their legal attainments and sterling integrity, have been sent out here to administer the laws and preserve the peace and order of society. If, in the faithful performance of their duties under the oath they have taken, they make a decision in conflict with the interests or the opinions of the dominant party, they are bitterly denounced and every effort made to impair their power and lessen their influence. To effect this, slang and ridicule are generally employed. If a Federal Judge will decide every question which arises between a Mormon and Gentile in favor of the former, he can have an easy and quiet time. He can have as much fulsome praise as he desires. But if he decides in favor of the latter, "uneasy lies the head that wears a crown." In the meanwhile, lawyers are denounced as thieves and plunderers. Why this constant denunciation of a profession that has furnished many of the purest, the ablest and the best men that ever lived? It is because lawyers in every civilized country have been considered indispensable in the administration of justice, and, as a part of the judicial system of the country, must also be protected; it is because they believe that disputes as to the ownership of property should be settled by the Courts and not by brute force.

And now, gentlemen of the jury, my task is done. In the name of the people whom I represent I thank you for the patience you have exhibited during this protracted examination. I have labored zealously and to the best of my humble ability to unravel the mystery, but I confess I have failed. We have not been permitted to lift the veil, and show you the perpetrators of this horrible murder—a murder most atrocious in its inception, brutal and cowardly in its execution—a crime which in many respects stands without a parallel. But the blood of a pure and honorable man, shed in the streets of your city, calls aloud to Heaven for vengeance. And I trust the cry will be heard and answered; for is it not written that "whoso sheddeth man's blood by man shall his blood be shed?"

In the meanwhile, may I not express the hope that He who tempers the wind to the shorn lamb and who feeds the ravens when they cry will watch over, comfort and protect the unfortunate lady who has been so cruelly robbed in

in the morning of life of one who was bound to her by the dearest of all human ties, and around whom all the warm affections of her pure and unpracticed heart were gathered.

Hon. Hosea Stout arose and said:—

I feel called upon to make a few remarks, with the permission of the Court.

Gentlemen of the Jury, I did not expect to have to make any remarks on this occasion, but the course which the gentleman has seen fit to pursue compels me either to acquiesce with what he has advanced, or enter my protest. This jury was summoned for the purpose of ascertaining, if possible, who assassinated Dr. Robinson; and to the better understand what has been done to accomplish that object, I am compelled to give a short history of the proceedings in the case. In the first place the Prosecuting Attorney, Mr. Blair, called to his assistance Mr. Hempstead, and they two requested me to join them. I did so. We had a short session at Independence Hall. Things worked somewhat curiously. The next morning when I got out, I learned that telegrams and communications were passing, and that other parties were to be added to the Court and to the Prosecution in the case. If any assistance from any quarter could be brought to elicit truth in the investigation, I was glad of it. I so stated. The place of meeting was removed to this Hall. My colleague who has last spoken took the lead in the case. He has, as you will all bear witness, been unobstructed in the course he desired to pursue. He has never deigned to counsel with me in any one item that I can remember of. He has never informed me of what he wished to do. We have not thrown any obstructions in his way.

Now, I am City attorney. The aspersions on the City, which he has seen fit to make, I feel called upon to reply to. The gentleman in his opening remarks stated that he did not wish to say anything that would arouse personal feelings. I do not wish to do so. But I wish to set the matter in a truer light than it now is before you. The first course pursued was to take the police of the city through a rigid examination, as to the complicity they might have had in the murder; not as to what their duties might be on that night; but it was a direct inquiry as to which of them committed the deed. Suspicion rested on Mr. Heath. He was seen by three men going up the street directly after the murder. No one was to blame for the suspicion, but it came out on testimony, corroborated by those three men, that he was bent on an errand of mercy at the time—going for a doctor for the suffering man. Another thing was inquired into off the police, and I think off them alone. They were rigidly catechised whether there were not secret combinations here to commit crime, to violate the law, to trample on the rights of citizens and take life. There was no information elicited at that period to show that this was the case. I informed the gentleman who spoke that there were such combinations in this city, and I knew it, but had not proof sufficient for a court of justice—combinations to violate the law and set it at defiance, and do as they pleased independent of law. I requested that the gentleman would prosecute that inquiry vigorously with every witness called; but after the examination of the police was through, I do not think the question was asked. Yet combinations of this nature do exist to the knowledge of this court and jury. They have covenants that the members will not testify against each other in courts of justice; and they do as they please in despite of the law. Why was this not enquired into? The inquiry went direct to the President in the stand, and nowhere else. If the murderers could not be detected in that direction, it did seem to me from the gentleman's speech, and the course pursued, that they had no use for any further knowledge concerning it. There has been an onslaught made upon gentlemen here and upon the people that has been most unwarranted and unjust.

I am one of the gentleman's colleagues in this prosecution, and I am sorry we differ. We do not differ in relation to the murder of Dr. Robinson. It was a crime that struck gloom to the heart of every man in the Territory with whom I have conversed, without respect to party or faith. I do not think there was a pulse but what beat in unison on the subject.

The case of the Warm Springs has been introduced, and a very wrong use has been made of it. I am implicated myself in the affair, for I am attorney in the case on the part of the city. I appeal to the jury and to every man present, if there was anything in that case to call forth private vengeance. Dr. Robinson did see fit to lay claim to land there, and the City saw fit to oust him somewhat summarily, to take back what they have held for the last 16 or 17 years, and improved to the extent of several thousand dollars to my knowledge. The case was brought to law. It had been hotly contested, and all the points that ingenuity and counsel could raise were brought to bear on it. The last decision given on it, placed the Springs, to all intents and purposes, in the hands of the City. There were no grounds left for revenge or hard feelings. This has been made use of before you, not to personate a particular individual, but to implicate a community. A community has been charged with the murder of that man. How does that case stand? Witnesses who have no knowledge of law have been asked their views on it. Let me give my views. The case is pending. It has been brought to trial on its merits. The City does not obtain by the death of Dr. Robinson. Before his death we were contesting with the Doctor; after his death the contest is with the bereaved widow. What has the City gained upon the charge that the gentleman has made against them? It is now the poor widow with whom the matter has to be contested instead of the Doctor. That is all the City could have gained if they had done the deed.

With regard to Mr. Wells ordering the Dr. out of his house; that was a matter of their own affairs.

You were assured by my colleague that religion was no part of his subject, yet he wound up with a sermon; a very good sermon on the meekness of Jesus, and a person unacquainted with the case could scarcely determine from it whether the inquest was on the death of Jesus or Dr. Robinson. I have nothing whatever against the doctrine; it is very good. He has told you what the Latter-day Saints or "Mormons" are. He has taken the trouble to draw a distinction between "Gentiles" and "Mormons." Such a party spirit has no business in Court. It is told you that no "Gentile" can successfully contest a case here with a "Mormon." The thousands of cases on the records of the courts prove the incorrectness of the statement. The gentleman's high character before the nation should make him more careful in expressing himself where he is so consummately ignorant. Let us talk a little about the religion of the Latter-day Saints, and see who committed the assassination. Men have been asked what they thought of the anti-polygamy law; and whether they would take another wife? What could be in view in so asking, but to raise a party spirit and use it for party purposes. I pro-

test against such a course. Men were asked what were the views of the "Mormons" in relation to law? I believe I can show you how the law is resisted and kept here. Ever since this has been a Territory the "Mormons" have had to make the laws—and they were fools if they did not make those laws to suit themselves; but from the time the Federal ermine first came to this Territory, we have had to contend with them to maintain the laws. What infernal scamp has been convicted and sent to the penitentiary for thieving, who asked for a writ of Habeas Corpus but has got it granted and turned loose on society? It has been a constant struggle to sustain the laws against the efforts of men who should have maintained them—the remains of worn-out politicians who come here and tell us that we have a systematized organization for breaking the law. My dear colleague, you should be better posted. Your position in the nation ought to have taught you better, the "Mormons" having been knocking at the door of Congress all the time the gentleman was in the Senate; and he did good service there.

Reference has been made to the language of President Young. He has made some strong remarks in the stand. He has often done so. That is where he does all his sly deeds, before the assembled multitude. He does not stalk about at midnight doing the work of assassination. He has had to settle difficulties with thousands, and where is the man, "Mormon" or "anti-Mormon," who ever appealed to him for the decision of a case but was satisfied with the result? I defy any man to produce one solitary example of chicanery or double-dealing in his character or career.

Editors were referred to, and our City press. I have very little more sympathy for editors than President Young has for lawyers. I despise a venal press; I despise billingsgate editorials; and I do hope we will have a high-toned press here, it would be so refreshing!

Three of the policemen were bound over for breaking the alley said to belong to Dr. Robinson. I did not know who owned that alley, but I have the pleasure of knowing that those policemen were not there. That will come out on their trial. I presume the men who swore they saw them there, supposed they did. I do not impugn their testimony. But what was that bowling-alley? Good neighbors testify that they could not sleep for it. They say it was a nuisance, that prevented them from sleeping at night. It was a gambling-house, and a liquor hell-hole besides, diametrically opposed to the City ordinances, and that is within the knowledge of members of this Court to my knowledge. Then, why make a sanctified thing of that? Why should we turn from investigating the murder of Dr. Robinson to inquire into religion and who dipped the men in the Jordan? Why turn from the sacred cause of the city that we ought to perform, and go to hunt up something about the Warm Springs to try and make some political capital?

I am ashamed of the course that has been taken. It is nothing upon which a man can make political fame. The results can do nothing but increase the acrimony of party feelings, which is a thing I have ever despised. Ever since I have returned to the city I have labored to put down this acrimonious party spirit which I found here in the courts and out of the courts. When I came here a man could not be fined \$5 before the Alderman for being drunk, but the great point had to be raised whether Great Salt Lake City had any existence. Great Salt Lake City was not here if some poor scamp got drunk and was fined \$10. "What right has this City to frame ordinances to punish men for being drunk and making disturbance on the streets? You have no city, and you never had; the Legislature cannot make a city!" And then I am indirectly asked to implicate myself with the city. If I were to sit there and not speak, my silence would acquiesce with what has been said.

Who have sent the men that have committed crime to the penitentiary? Was it not "Mormons"? Have "Gentiles" ever been sent there? Yes; and I am sorry to say many who call themselves "Mormons" have also been sent there. But I have no knowledge of any scoundrel being refused a writ of Habeas Corpus when he asked for it. I have been told by men, notorious thieves—that it did not matter what they did, there were certain Judges who would release them. They might steal and be imprisoned; but a writ of Habeas Corpus would bring them out; and they would again be at liberty to prey upon the honest and peaceful. Appeal to the records, and see whether I am correct. Ever since this has been a Territory, Judges have been trying to nullify the efforts of the Legislature. "The Legislature cannot pass that law! The Legislature cannot make this law! now you may go and steal!" This has been the practical working. And yet here we are accused of systematized organizations to break the law that we have had such a constant struggle to sustain.

The police I am told are implicated in this very crime; and if I were silent, I would tacitly say it is true. That is why I replied. I am sorry such a course was taken by my honored colleague. Who wants to know who were the assassins in this case? Let them go forward, use all diligence and spare no effort to find it out; and whether they be "Mormon" or "Gentile" let them be punished.

Now to show the difference between a "Mormon" and a "Gentile" in the pursuit of this investigation:—A policeman was seen going from the place where the murder was committed soon after and was suspected; suspicion was strong; so much so that he was to be arrested on the charge. Another man is brought on the stand who was himself close by the murder and saw it done, he swears; he avers things that were impossible. What is the result? It is said that he must have lived. No one wants him referred to. He was not a "Mormon," "don't have him arrested," notwithstanding a pistol was found on the street, subsequently, on the way that some of the presumed assassins ran, and claimed by him. One of the witnesses, a "Mormon," swears that he does not know anything about the murder, but that he heard another man, a "Gentile," say he knew who did it. Why was that other man not put in the stand? It is a very mysterious way, to me, gentlemen of the jury, of bringing the guilty to light. The whole effort is to make this a means of raising party spirit, and I enter my solemn protest against any such effort.

Allusion was made to President Young's being opposed to lawyers. It is unaccountable to me how he can dislike a lawyer so, but he does.

About "jumping" claims I will say a little, for I noticed in the course of the gentleman's remarks that it was said President Young had decided if anybody jumped on to his fence lots he would send them to hell cross-lots. I have no doubt in the world but that he said it. I have witnessed the settlement of two States—Illinois and Iowa—upon government lands, and the jumping claim was always the signal for death. It did not make it right; but such is the temperament of frail humanity; that when men who have expended their all on improving public lands to make themselves comfortable homes, see an attempt being made to wrench it from them, they are apt to retaliate summarily. It was through Illinois the signal for death, and many a man bit the ground there for it. I hope

no such occurrences will ever happen here. There have been jumping of claims here, and right within the city, which men in high position have sanctioned and encouraged. I thank God that nothing worse has happened. I hope a conflict never will take place. Prejudice would rise, party spirit increase, and somebody might lose their life. But President Young says to Jew and Gentile, "Keep off our claims; take up any unoccupied lands in the Territory, and do as we have done—improve upon them. To that no one will have any objection." He asked the people would they sustain the police and the City authorities? and the people said they would; and that is brought up here to show that he advises men to acts of violence and law-breaking! So much for that.

Gentlemen of the Jury, in the midst of this party zeal and party spirit, do not forget the assassination of Dr. Robinson. Let no man cease his endeavors of enquiries and investigation, using every effort in his power to discover the perpetrators of the deed. If the gentleman wants to know whether there are secret combinations in this city, let him make the inquiry and he will find that there are plenty of them. It is well known and stands patent, revealing itself to every man passing on the street. I am revealing none of it; and I believe, gentlemen of the jury, that I have brought sufficient to show you that I do not acknowledge complicity with any of these things. I do not acknowledge the "Mormons" to be a law-breaking community. It is the first time I have ever had to speak of it in the forum, and I have been a lawyer since before this was a Territory. But I have seen those who were not "Mormons" often receive a verdict in their case against "Mormons," and they yet live; and a "Mormon" jury gave the verdict against "Mormons."

There was another newspaper that might have been inquired into, but it was studiously avoided. This double-dealing has been entered into and carried through this investigation systematically. The very idea of telling the Coroner to step aside and let some one else take his place carries it upon its face. It says, "Step aside, you are nobody; we want to hunt it out, to make a little dish of political capital."

Let us all abide the law. Let lawyers be good men and try to put down strife. I have been aided by some of them since I came here in doing so. Let us cease this party spirit and find out where the wrong is. Dissolve these combinations for breaking the law; and when a thief is sent to the penitentiary, let him remain there till his sentence is fulfilled.

(Judge Crosby, one of the former Judges of the Territory, who was present, corrected Mr. Stout, by saying that while he was acting officially here, one man had been brought out on a writ of Habeas Corpus and turned over.—Rep.)

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Governor Weller replied:— I regret that I am called upon to make any reply to the gentleman's strange and very peculiar speech. I have made no charge, as he intimated, that the police were implicated in this murder. If I had believed so I would have said so, for I know of no place on the face of the earth where I dare not speak my honest opinion. I have not one particle of proof to fasten this murder upon the police of this city, and above all upon Mr. Heath, whom I regard as one of the most gentlemanly men that I have met in the city. I said I came into this investigation without fear, favor or affection. I have never found the place where I was afraid to avow the opinions I honestly entertain. If I had been able during this investigation to fasten this murder upon the city authorities, or prove that the police were engaged in it, no power, short of the hand of the assassin, could have prevented me from declaring it here and anywhere. I went into this investigation to elicit the whole truth. So far as I have called attention to the teachings in your Tabernacle, it has been to show that those teachings led to bloodshed. I said I had nothing to do with the customs or religion of your people. If five or six of your females choose to marry one man, it is none of my business. But, sir, I did bring forward evidence to show that the teachings in the Tabernacle were calculated to induce the people to take the law into their own hands. You have a right to worship God in your own manner; but you have no right to teach the people to take the law into their own hands. Was it any attack upon the religion of the people to endeavor to demonstrate that there are teachings of Mormons calculated to bring about bloodshed and murder? Sir, I do not forget that I am standing on American soil, and for the time being under the protection of the American flag; and as a lawyer I have a free right to give utterance to my opinions. I know that some of the jury have been impatient that questions have been asked here which they deemed irrelevant. I am glad of their advice. Although an old lawyer of considerable experience in Criminal Courts, it is never to late to learn, even from jurors. I have adduced certain testimony to show the public teachings, and that they have culminated in blood-shed. I have no evidence to charge the police with this murder; but I do charge them with want of vigilance. That is my opinion, and I have expressed it. I have said if my colleague had been assassinated there would have been a greater manifestation of vigilance on the part of the police. It has been asserted here that I inquired into the system of polygamy, but I believe I never asked such a question. I simply inquired if the people were taught to disregard the laws. It has been introduced by the Mayor and other witnesses, but avoided by me.

Gentlemen of the jury, I have no doubt about your verdict;—that this man was killed by a band of six or seven men unknown to you. Again I say that I have not a particle of evidence by which I could fasten upon any single individual that I believe was engaged in this murder. If I had, before God I would have avowed it, for I would speak here as I would speak anywhere, frankly and freely.

Jury retired to consult on their verdict. Their verdict was to the effect, that the deceased had died by the hands of some persons unknown to the jury.

STEAMBOAT DISASTERS. — No less than six serious steamship disasters have been recorded within a week. Steamer Sheridan went ashore at Body Island, coast of North Carolina; the Daniel Webster was abandoned off Hatteras; the Santiago de Cuba had her decks swept by a heavy sea, losing several passengers overboard; propeller Starlight went ashore on Barnegat Shoals; the Andrew Johnson was driven ashore on the North Carolina coast; and last and most fatal, the Evening Star foundered at sea, more than 200 passengers going down with the wreck. Storms have raged with fury on the entire Atlantic coast, exposing destruction everything that floated.—*Journal of Commerce*, Oct. 11.