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AN IMPARTIAL INVESTIGATION.

We have noticed in several papers allusions to the course which President Arthur is expected to take in relation to the "Mormons." It has been announced that "the President has already taken steps to secure impartial and complete information on the Mormon question." This is viewed by some journals with satisfaction, as they imagine that an investigation of this kind will result in the inauguration of severe and hostile measures against the "Mormons," whom they imagine to be in a chronic state of rebellion against the Government and in a generally turbulent and lawless condition. But there are other papers, perhaps a little better informed, who do not want any impartial inquiry, fearing that it would show the people of Utah to have been vilely slandered, and the hue and cry raised against them to have been made for the vilest purposes and without any sufficient cause. Among the latter is the Rochester (New York) *Herald*, which in a leading editorial says:

"But we do not like the look of the word 'impartial' in that connection. Information that comes from unbiased sources about Mormonism is not worth having. No one whose judgment should be followed by the President can have any information about the institution who is not dead against it. Sentimental tourists have dropped down on the City of the Saints for a few days on their trans-continental tours, and come away with glowing periods about the way the Mormons have made the 'wilderness to blossom as the rose.' Hard-headed business men who know a dollar every time they see it under whatever disguise, but who have neither the taste nor the capacity to study and understand social and political problems, have expatiated upon the industrial and material prosperity of the community. But both classes have failed to see behind and beneath these surface indications the mass of moral and social rottenness, the intolerable despotism, the cruel wrongs and sufferings that exist as the product of the accursed system of Mormonism. It is not the evils of polygamy alone that President Arthur should inquire for, but the evils of Mormonism. Polygamy is but one, though the most conspicuous and offensive, of the abominations of the parent system."

This enunciation will strike candid minds as the extremity of intolerance. The sentiment it contains, however, is not uncommon to opponents of "Mormonism." They act if they do not express it. They only wish to hear what can be said against the system. They do not desire that others shall listen to anything in its favor. They have made up their verdict from one side of the case. The other side is given no opportunity to rebut or defend. The influential press of the country will publish the most ridiculous stories and abominable falsehoods against the "Mormons," but as a general rule will print no refutation of the calumnies. If the falsehood of an anti-Mormon statement is too glaring for the public to receive, any admission of its untruth is made in such a way that it is a virtual attack on the "Mormons" from a little different standpoint. The public ear is closed against any "Mormon" statement of facts or reasonings in support of their position, and, as another eastern paper puts it, "argument on this question is not required; dynamite is wanted to blow the whole thing to pieces."

The Government of the United States has once before been urged into foolish and hasty action on the so-called "Mormon question" and, just as now, to proceed without any "information from unbiased sources." Certain officials, corrupt at heart and licentious in deed, left

this Territory and went back to Washington with stories of "Mormon rebellion," alleging that the people here had stolen and destroyed court records and other public property and driven them from their posts. Without waiting to make "an impartial investigation," troops were dispatched to subdue the people supposed to be in rebellion; the "Mormon" Governor was displaced and his successor appointed; no information of the change was forwarded; no opportunity for explanation was given; no statement of the charges was made to the people accused; no reply was asked for or wanted. But the new officials were sent on with an army to install them and the Territory was treated as though the accusations against the citizens had been proven beyond doubt.

What was the consequence? The Government wasted millions of the people's money, and exhibited to the world the truth of the adage of the wise man, "He that judgeth a matter before he hearth it is a fool." It was clearly demonstrated that the authorities of this great nation had jumped at a conclusion and landed in a quagmire. The men whose testimony they received without any "information from unbiased sources" were proven to be liars. The records were neither stolen nor destroyed. There was no "rebellion" against the Government. The rascally officials had not been driven away but had deserted their posts, and their statement was a mass of spite and perjury. Then the Government found it necessary to "pardon" the "Mormons" by wholesale for offenses they had never committed, and when the troops were withdrawn, the people against whom the wicked plot had been formed reaped the sole benefits of the crusade, started for their destruction, the material left behind and sold for a mere song, proving a source of great wealth to them.

"Impartial" and "unbiased information," which the Rochester *Herald* does "not like the looks of," would disclose the fact that the sensational stories received by otherwise well informed people as exposures of "Mormonism," are baseless and absurd untruths. Those "hard-headed business men" who have failed to see behind the undeniable industrial and material prosperity of the "Mormons," "the social rottenness, the intolerable disposition and the cruel wrongs" which have been pictured by bigoted religious declaimers, vile and defamatory enemies of the "Mormons" and novel-writing mercenaries, are far better qualified to pronounce judgment on what they have seen, than eastern editors who swim with the tide of popular opinion, who form their opinions from hearsay, who do not want anything "impartial," and who spurn every thing in relation to the subject that comes from an "unbiased" source.

We tell the Rochester *Herald* that there is more social rottenness in the city where it is published than is ever thought of among the peaceable, honest and home-loving people of Utah. Men who live here and who have traveled among "the cities of the Gentiles" know of these things. When our young men, reared in polygamous families make their first journey into the world, they are amazed and horrified at the deep and damning social iniquities, existing in "Christian" communities and tolerated by bigoted "Mormon"-haters as necessary evils. "Impartial investigation" will show that society in the East, where "Mormonism" is denounced with affected horror, is black as midnight compared to the quiet purity of "Mormon" life, where the strongest safeguards are thrown around female virtue, and any sexual indulgence outside the marriage relation is viewed, next to murder, as the highest crime against God and true religion.

The one thing that alone offers any excuse for an outcry against Utah, is the practice of plural marriage, improperly called polygamy. That is opposed to the popular theories concerning marriage. A law has been specially framed against it. But it is not and cannot be understood while impartial investigation and unbiased information concerning it is silenced or repudiated. The law against it contains within itself a fallacy. It confounds it with a well known and recognized crime with which it has nothing in common. It is totally unlike what it is imagined to be. The stories concerning it are drawn from prurient im-

agination or concocted for villainous purposes. And whatever may be thought of it, right or wrong, its proportions have been magnified by rumor and interested falsehood beyond all relation to reality. And the whole force of the national authority is demanded to be hurled against a small Territory in the Rocky Mountains, because a few of its citizens—its whole population being but a handful—have more women than one married to them by a religious ceremony under specified restrictions, and who live with them in the marriage relation by arrangement and consent of all the parties.

"Impartial investigation" is not feared nor decried by the "Mormons." We court unbiased scrutiny. We do not object to honest criticism. And the fact that "unbiased information" is not wanted on this subject ought to be proof enough to people of calm judgment, that the stories in which the policy of force is urged are at least of very doubtful verity. The country has been flooded with falsehood about the "Mormons" and their marriage system. Popular opinion has been formed through the basest imaginings and insinuations on a subject liable to the very worst misrepresentation, especially among those who are corrupt in spirit and smutty in conversation. But is it according to the genius or statesmanship and the principles of constitutional government, to condemn a community on one-sided evidence? to let loose the forces of destruction upon a people unheard and undefended? and to rush into harsh extremities with ears closed against "unbiased information and impartial investigation?" We think not. And in spite of the wishes of such unwise and incendiary writers as the editor of the Rochester *Herald*, we have no doubt that proper inquiry will be made by the new Administration before any step will be taken like the anti-"Mormon" fiasco, which disgraced the term of Buchanan and crippled the country for its first struggle with a great and veritable "rebellion."

WAS IT MURDER?

SOME inquiry has arisen concerning the degree of guilt to be attached in law to the captured robbers who killed young Joel Hinckley. It is thought by some persons that as the homicide was in all probability unintentional, the prisoners cannot be punished with the capital penalty. Others think that taking all the circumstances into consideration, the culprits committed murder and ought to suffer death. We will briefly examine the case, not with any intent to pre-judge the guilt or innocence of the accused, or to state beforehand what should or should not be done with them, but to exhibit the affair in its true light.

The two men went to the place where the offense was committed for the purpose of burglary or robbery. They went with a loaded weapon prepared to take life, if necessary, to the accomplishment of their purpose. They may not have intended to kill, but had the implement in readiness to kill. Their intent was felonious if not homicidal. We presume no one will dispute that a loaded pistol pointed at young Hinckley, while they were thus feloniously engaged, by one of the robbers went off, and killed Hinckley on the spot. Was this murder? If so in what degree? If it was not murder, what is the class of the offense? And, how may it be punished?

Murder is defined in our statutes to be the unlawful killing of a human being with malice aforethought. But the malice may be express or implied. "It is implied when no considerable provocation appears or when the circumstances attending the killing show an abandoned or malignant heart." Homicide is excusable when committed by accident "in doing a lawful act by lawful means." Manslaughter is the unlawful killing of a human being without malice. But it is voluntary or involuntary. Voluntary when done in the heat of passion, involuntary when in the performance of a lawful act or of an unlawful act not amounting to a felony. It will be seen from this that the shooting in question comes under the head of murder. Now as to the degree. Our penal code provides:

"Every murder * * * committed in the perpetration of or at

tempt to perpetrate any arson, rape, burglary or robbery, * * or perpetrated by any act greatly dangerous to the lives of others, and evidencing a depraved mind, regardless of human life is murder in the first degree." (Sec 89.)

The penalty for murder in the first degree is death, or the convict may, on recommendation of the jury, be imprisoned for life.

If the killing of a human being while the slayer is committing an unlawful act, is to be regarded in the light of a mere accident, one of the strongest safeguards erected by the law will be broken down. Our statutes are in accordance with well known and long established legal principles. A person who attempts an unlawful act and proceeds further than he intended is responsible for all his doings and their results. Confession of guilt, turning States' evidence or other palliative proceedings may have weight with a jury and the court, and materially affect the sentence. But it cannot, we think, be successfully disputed that such a homicide as occurred at Franklin was murder and that it was a capital offense. It was a terrible affair, and while no one desires that the murderers shall be punished beyond their deserts, yet justice should have its own, and the laws enacted for the preservation of human life should be fully vindicated.

PRESIDENT TAYLOR AND PARTY.

The following communication concerning President Taylor's tour in the southern part of the Territory continues the account of the trip from the arrival at Beaver:

ST. GEORGE, Nov. 8, 1881.

Elder C. W. Penrose:

President Taylor and party arrived here last evening.

Thursday, Nov. 3rd, a fine pleasant morning. Everything being ready we bade adieu to the Saints of Beaver at 8.30 o'clock for Parowan, arrived at Buckhorn Springs at 12 m., partook of lunch, fed the teams and starting again at 1.30 arrived at Parowan at 3.45. On entering the city the children of the Primary Association were out on each side of the road, headed by President T. J. Jones and Counselor Dalton with their teachers to greet the President on his arrival. All being provided for, at 7 o'clock meeting was held, on which occasion Presidents Cannon and Woodruff addressed the Saints.

This evening, arrangements were made for President Cannon and Apostles Lyman and Smith to proceed direct to St. George, holding meetings by the way, whilst President Taylor and Woodruff, and the rest of the party should proceed by way of Pinto and Pine Valley.

Friday, November 4.

President Cannon and party started this morning at 6 o'clock.

At 10 o'clock President Taylor held meeting. President Woodruff offered prayer, after which, Elder Richards, Presidents Taylor and Woodruff spoke.

Morgan Richards, jr., was called and appointed as Second Counselor to President T. J. Jones, and was set apart by President Taylor to that office. Bishop W. H. Dame dismissed the meeting.

At 2 p.m. started for Cedar and arrived at 5 p.m. At 6.30 a meeting was held. Elder George F. Gibbs offered prayer. Presidents Woodruff, Richards and Taylor addressed the Saints. Elder Nuttall dismissed. Elder George Ingram was selected as a missionary to St. John, Arizona and he, with four other Elders, sons of Brother John Berry, of Kanarra, were set apart by Presidents Woodruff and Richards, for their mission, those other Elders having being called at a previous conference.

Saturday, November 5.

President Taylor and brethren met with President T. J. Jones and others, and conversed in regard to the San Juan Mission, and at 10.30 the party started for Pinto. This place being off the generally traveled road, it was proposed that a suitable person accompany the President as guide, which was gratefully accepted, but on starting, it was found the guide was not quite ready, but would follow. After traveling some 15 miles, part of the way in fear of being on the wrong road, the party halted for noon at the ranch occupied by Bro. Thomas

Woolsey. In about half an hour our guide arrived, to inform us we were on the wrong road. He seemed much pleased to know we had stopped, as he had visions of driving to Pinto before overtaking us. Our horse being nearsighted, and his horse blind in one eye, we felt a security that all would be right the balance of the journey, after getting onto the right road again.

At 2.45, after partaking of lunch, we started, and arrived at Pinto, without further mishap, at 5 p.m. All were comfortably provided for.

Sunday, Nov. 6.

Meeting was held at 10 a.m. in the snug little meeting-house.

After singing, Elder Nuttall offered prayer.

Presidents Taylor and Woodruff and Elder Richards spoke, and Elder Henry Lunt closed.

After dinner, at 2 o'clock we started for Pine Valley and arrived at 4.30, in a cold, blustery wind storm.

Meeting was held at 6.30.

After singing, Elder Gibbs prayed, and the speakers were Elder Richards and Presidents Woodruff and Taylor.

Benediction by Elder Nuttall.

At the close of the meeting we received the intelligence of the death of Apostle F. M. Lyman's daughter, at Tooele, to-day.

Monday, Nov. 7th.

A fine morning. At 8 o'clock started for St. George; noon at Edward's Springs at 12 m. Prest. Cannon and Elder Lund met the party near the lava beds, and some four miles from St. George a mounted escort of twenty men and several carriages, in charge of Col. G. Hardy, met and saluted the party and accompanied them to St. George, where we arrived at 4.30. President Erastus Snow, having arrived at home from Arizona on Saturday evening, in good health, kindly tendered the hospitalities of his house to Prest. Taylor, which were accepted.

We learned that Prest. Cannon and party arrived at St. George on Saturday night, and held meeting on Sunday; also that Apostle F. M. Lyman had started for Salt Lake City this morning.

Tuesday, Nov. 8th.

The members of the party all well in health.

At 10 o'clock a.m. the Saints convened in the Tabernacle.

After singing by the choir, Prest. Cannon offered prayer.

Prest. Woodruff and Apostles F. D. Richards and E. Snow were the speakers.

Prest. Taylor felt to bless the people.

Benediction by Elder L. J. Nuttall.

At 2 p.m. meeting again convened, and after prayer by Elder Richards, Prest. Taylor occupied the time in a very instructive discourse, in a kind, fatherly spirit.

The congregation sang, "Come all ye Sons of Zion."

Elder J. H. Smith closed with prayer.

The weather is cool and pleasant and an agreeable visit with the Saints is anticipated.

President George Q. Cannon starts for the city on Thursday morning and expects to arrive on Sunday morning. It is not yet determined when President Taylor will start on the homeward trip.

Kind regards,

Your brother, etc.,

L. J. N.

The following further particulars were received on Monday the 14th:

ST. GEORGE, November 11, 1881.

Elder C. W. Penrose, City:

On Wednesday, November 9th, most of the day was spent in the Temple, by President John Taylor and party.

At 6.30 p.m. meeting was held in the Tabernacle, on which occasion President George Q. Cannon, Apostle J. H. Smith, and Presidents Woodruff and Taylor addressed the congregation.

In the evening the members of the family of Apostle Erastus Snow joined with President Taylor and party in extending congratulations and good wishes to Brother Snow on his 63rd birthday. Prest. Cannon bade adieu, as he leaves for Salt Lake City to-morrow morning.

The programme for the further journey by way of Toquerville, Virgin and Rockville, to Kanab, was prepared.