

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 41.

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Vol. XXVI.

PRICE OF GOLD.

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SALT LAKE CITY, November 12, 1877.
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TERMS IN ADVANCE.

GEORGE O. CANNON,
BRIGHAM YOUNG,
Editors and Publishers.

Local and Other Matters.

FROM THURSDAY'S DAILY, NOV. 8.

Seven.—There are but seven prisoners in the County Jail just now. A short time ago there were fifteen, eight having been disposed of by the District Court.

Railroading.—The work of building the extension of the Utah Northern Railroad is being rushed ahead. A gentleman, who was on the ground a day or two since, informs us that eighty teams and a corresponding number of men were at work on it.

Conference Notice.—The regular quarterly conferences of Bear Lake and Summit Stakes of Zion will be held on Saturday and Sunday next at Paris and Coalville respectively. Elder C. C. Rich will attend the former, and Elders F. D. Richards and Joseph F. Smith will be present at the latter conference.

District Court.—Thursday, November 8th.

Samuel Cohn vs. Central Smelting Co.; trial by the Court in progress.

J. C. Morrison, Jr. vs. J. J. O'Reilly et al.; trial by jury in progress.

Jurors Dismissed.—This afternoon all of the jurors serving during the present term of District Court were dismissed from further duty, excepting those composing the jury trying the case of J. O. Morrison against J. J. O'Reilly et al., and they will also be discharged so soon as that suit is disposed of; probably this evening.

Kicked.—Last Sunday, a son of Mr. Joseph Goddard, of Logan, was kicked in the forehead by a mule, inflicting a serious but not dangerous wound. The little patient was doing well, under the treatment of Dr. O. C. Ormsby. So we learn from the Ogden Junction.

Musical.—The Musical Times for November is out. An excellent number of a good magazine. In addition to much interesting and instructive reading matter, it contains an original long-meter tune by Prof. George Careless. Published by Calder & Careless of this city.

Mining.—The celebrated "Emma" is being re-timbered, the old timbers having rotted. A small quantity of ore has also lately been shipped from the mine. Mining matters in Little Cottonwood generally are said to be more active than for some time past. Ore is being shipped from different mines in considerable quantities.

The Emigrants.—The company of Saints which crossed the Atlantic in the S. S. Idaho reached this city last evening. They had a prosperous trip, but encountered some stormy weather on the ocean. There are a few of them at the Emigrant House, Tithing Office yard, but the great bulk have gone to the homes of relatives and friends in this city and other parts of the Territory.

The Saints in Wyoming.—A there has been some dubiety as to which Stake of Zion the Saints located at Evanston, Almy, and other places in Wyoming properly belong, it has been thought best by the authorities of the Church to include them in the Summit Stake of Zion, as that arrangement appeared to be most agreeable to their feelings, and most convenient to them in the matter of meeting at the local conferences.

Eighteenth Ward.—The 18th Ward Mutual Improvement Association was organized last evening, for the winter season. The officers are, Horace G. Whitney, President; John R. Park and Robert Patrick, Counselors; R. V. Decker, Secretary; Julia Young, Treasurer; Emil Lenhardt and Charles Durran, Janitors.

Going East.—This afternoon, E. N. Fuller, Esq., for several years the principal editor of our contemporary the Herald, left for Chicago, for the purpose of joining his family. We understand he purposes making his absence from the Territory only temporary. During his stay here, his uniform gentlemanly and courteous demeanor has made him many firm friends, who will be ready to give him a cordial greeting whenever he concludes to return. In his departure the Herald loses a gentleman of great literary ability and Salt Lake a most excellent citizen.

We understand that Mr. Byron Groo assumes the post on the Herald heretofore occupied by Mr. Fuller.

Accidents at West Jordan Bridge.—Last night Charles Pierce a tinner employed at Old Telegraph Smelter, when returning to his boarding house stepped through a hole in the bridge and broke one of his ribs. It was only last week Mrs. Simon Hibbard was attempting to cross the bridge in a buggy with her small boy, when her horses refused to go forward and backed vehicle, woman and all into the river. The boy jumped out by the assistance of Mrs. Sarah Driggs (of the Jordan House), Mrs. Hibbard swam and floated down stream a few rods and was rescued by Mrs. Driggs and daughter, there being no men near at hand.

Supervisor James Turner has a force of men at work to-day putting up railings on the bridge. The thing is too fragile and should be put to rights, as it has been in a bad fix for a long time.

The Rogers Fizzle.—The attempt to create an anti-Mormon sensation out of the death of the itinerant tinker, William Rogers, has now ended as one of the completest of fizzes. The adjourned session of the Coroner's inquest was held last night, terminating at half-past eight o'clock.

Dr. McPhail testified that, in accordance with a request of Dr. Douglass, he had made an analysis of the stomach and a portion of the liver of the deceased, for the purpose of detecting the presence of arsenic or strychnine, finding no traces of either. The witness also stated that in making the analysis he made partial tests for such mineral poisons as lead, mercury, tin, bismuth, antimony, etc., but found none of them.

The jurymen, George Auer, Joshua Taylor and J. C. Little returned a verdict to the effect that deceased came to his death from natural causes.

At a former stage of the inquest Coroner Taylor intimated that United States Marshal Nelson, in ordering and having conducted an autopsy of the remains of the deceased, without notifying him, displayed much more than the usual amount of obtrusiveness and assurance than is generally displayed by the ordinary run of mortals. That is exactly our view of the matter. If the office of United States Marshal of the Territory includes these of inquisitor and coroner it should be generally understood, that in addition to his other title of Marshal he might be dubbed Grand-Inquisitor-Coroner. U. S. Marshal, William Nelson.

As an inquisitor he tried his hand on Dr. Clinton, by trying to maltreat him into telling something to criminate somebody he wanted criminated, making propositions to him to that end. Failing to "squeeze" anything out of a living man, he next tried his hand at "squeezing something, for the same purpose, out of a dead one. Both "squeezing" attempts are utter and contemptible failures, and the motive that prompted them was evidently as rotten as the last subject he tried to manipulate—the corpus of Rogers. What function will

this meddlesome officer next assume? It is something new for the United States to send us a Coroner in the person of its Marshal.

What Next?—As our readers are already aware, the trial of the suit of Dr. Jeter Clinton against Marshal William Nelson and his bondsmen for \$20,000, for false imprisonment and maltreatment, was commenced in the District Court yesterday.

A jury was obtained without much delay and the evidence for the prosecution was given. The plaintiff testified to the treatment he received at the penitentiary after his arrest, the main facts of which are already somewhat notorious. The first night of his incarceration he was placed in a contrivance called the "sweat box," used as an instrument for torturing prisoners at the penitentiary. It is a cage, composed of iron and wood. There he was exposed to a fierce south wind, and to clouds of dust, whirled into his narrow place of confinement. He was next taken to an upper room, with a low sloping roof, with nothing to shelter him from the hot rays of the sun in the most sultry season, but the bare shingles. Here his lower limbs were encircled with manacles, precluding the possibility of his dressing or undressing himself. The room was without ventilation, and the bedding was filthy beyond description. He was thus maltreated while he was suffering from an acute disease of the kidneys and spleen, and medicine he solicited for his relief was kept from him. Under those circumstances Marshal William Nelson took him out riding in his carriage and made proposals to him to tell something that would criminate some of the authorities of the "Mormon" Church and it would be made all right with him.

Dr. J. M. Benedict testified to having visited the plaintiff in the room in the penitentiary described by him, and finding him suffering severely from an affection of the spleen and kidneys.

The defendant made no attempt to introduce evidence in rebuttal, but by his attorneys, Tilford and Hagan, moved for a nonsuit, on the ground that the penitentiary was a proper place for the Marshal to confine indicted prisoners. The motion was argued on both sides, Mr. P. L. Williams appearing for the defendant.

In rendering his ruling upon the motion, Judge Schaeffer stated that in examining the law on the subject he found it silent with regard to where prisoners should be confined after indictment and arrest but before conviction, leaving the matter of the place of imprisonment discretionary with the the Marshal, as that officer was responsible for the prisoner's return into court. He further stated, in effect, that, considering the nature of the charge, he did not think the Marshal had exceeded his duty in his treatment of the plaintiff. The motion for a nonsuit was therefore granted, and twenty days was given the plaintiff in which to file the necessary papers on appeal to the Supreme court of the Territory.

We believe that the general expectation in the public mind as regards the very summary disposal of the case at its present stage has been realized. The anticipation was, we believe, based on former judicial occurrences in the same court, in a certain class of cases.

The assertion of the Judge that the law does not specify where indicted and arrested prisoners are to be kept until after trial, is exceedingly technical and far-fetched. The law provides that prisoners committed for trial shall be confined in the County jails. If a person under indictment and arrest is not virtually if not actually and therefore legally under commitment for trial, what then is his status before the law. He is certainly awaiting his trial. A strict interpretation of the Judges view would lead one to suppose that the Marshal's discretion was most sweeping; that he could confine indicted but unconvicted prisoners anywhere, so he returned them safely into court. He could hide

them away in a cave or obscure dungeon, put the thumb screws on them, deny them the privilege of consulting counsel or communicating with friends. Such rulings and remarks take us back to the days of judicial darkness.

With regard to the justificatory qualification of the Marshal's conduct, as to the nature of the charge, his honor will surely admit that it as frequently happens that an innocent man is accused and indicted for a serious offense as a comparatively trifling one. It is so in this case—a notoriously trumped-up one. Besides, it was well known that there was not the scintilla of a probability of Dr. Clinton leaving the country at all, to say nothing of attempting to escape from legal authority.

As for the opinion also expressed by the judge that the plaintiff had not been treated with undue severity or harshness by the marshal, it will be generally conceded that, as maltreatment was a portion of the case, it could only be shown in evidence, which was a matter for the consideration of the jury, not the Court. But the judge suddenly assumed the functions of both court and jury, and apparently non-suited the plaintiff on the evidence as well as the law. It certainly would have shown a more proper disposition on the part of the Court to inquire into the official conduct of its own officers if it had allowed the evidence to have gone to the jury.

Opinions differ with regard to degrees of severity and harshness. It is well they do. We would be loth to suppose the opinion general that it is not unduly harsh or severe to expose an aged and, at that time, ailing gentleman in an open cage, during a whole night, to a powerful windstorm; to subsequently place him in irons and confine him in a badly-ventilated room, in stifling heat, and deny him medicine to relieve his pains, and all to get him to tell something to criminate somebody else. We hope the time will never come when we will be forced to the belief that the opinion of the Judge in such a matter prevails to any extent. Were the Judge himself a sufferer instead of the adjudicator of this mild regime, his opinion would doubtless turn a sudden summersault.

We are pleased to learn that the case will be carried to the Supreme Court of the Territory and, if need be, to the Court of Last Resort.

BORN.
At Ogden City, Oct. 28, 1877, to Mrs. Harriet Collins, wife of Mr. Richard Collins, a daughter. All well.

DIED.
In the 18th Ward of this city, Nov. 8th, of scarlet fever, GEORGE FRANCIS, son of William and Abigail J. Edmonds, aged 2 years, 3 months and 1 day.

At East Mill Creek, Nov. 1, 1877, WILLIAM HENRY, aged nearly 4 years, son of James and Martha Young, of Pendlebury, Lancashire, England.
Millennial Star, please copy.

In this city, Nov. 5, 1877, ROSANNA MAY, born May, 1868; also BERNETTA ISABELLE, born Feb. 26, 1873, both of diphtheria, daughters of B. T. and Lydia Maria Mitchell.

In Mant, October 1st, 1877, WILLIAM JAMES, aged 94 years. He was born in St. Bride's parish, Glamorganshire, South Wales, June 3rd, 1783; baptized in 1846 by Elder Th. P. Llywelyn, and emigrated to Utah 1856. He had no children nor relations in Utah, he was sustained by good saints and tithing.—[Com.]
Millennial Star, please copy.

At Fort Herriman, November 7, of convulsions, MARY LOUISE, daughter of William and Jane Draper, aged 6 years, 8 months, 15 days.

In Mill Creek Ward, Oct. 23rd, 1877, SARAH, wife of James F. McFarland. Deceased was born at Dundonald, County of Down, Ireland, Nov. 14th, 1814, was baptized into the Church at Irvine, Ayrshire, Scotland, in 1840, and emigrated to Utah in 1866. She died as she had lived, firm in the faith of the Gospel. She was esteemed and respected by all who knew her.—Mill. Star please copy.