

the nation was established. On the other hand, the continuance of a person in office, who is obnoxious to the majority of the people, to an overwhelming majority of the people, to whom his jurisdiction is confined, is manifestly and undeniably in direct violation of the principles upon which our forefathers founded this republic.

This is the key, the only right and true key, to the solution of such difficulties as may exist between the federal officials for Utah and the people of the Territory or their chosen representatives.

#### A REMARKABLE COINCIDENCE.

By an unusual coincidence, the NEWS of yesterday (April 8) contained, side by side, decisions of two of the three federal judges for the Territory in favor of local laws and local officers. This is a circumstance of such infrequent occurrence as to be worthy of a passing note when it does happen. One of the decisions, that of Chief Justice McKean, in the Third District, was supportive of the municipal liquor ordinance, and the other, that of Associate Justice Emerson, in the First District, was supportive of the legislatively elected Territorial Marshal and Attorney-General, and of the law by which they were elected.

This is pretty well for one day's NEWS. There is now only one judge, Associate Justice Boreman, of the Second Judicial District, to be heard from, and a fair report may be credited to him until his court sits again.

For rendering a judgment sustaining local laws and local officials, Judge Emerson may expect to be an object of the decided and virulent hostility of the "ring" here. Judge McKean has not distinguished himself by many decisions of that character. For him to decide in favor of local laws and officers must have been equal to a cold water douche to the "ring." One decision of that kind may not hurt them very much, but they will not relish many such from the Chief Justice. If his Honor indulges in many more, he will have before him two dilemma horns to choose from—one, to make some counterbalancing rabid rulings the other way; the other, to feel an increasing and very sensible coolness in the sometime red-hot affection of the "ring" towards him.

#### LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, APRIL 10.

**Shooting at Sandy.**—Yesterday Charles Hanks and Mescal quarreled at Sandy and the former shot the latter twice in the head, inflicting two slight wounds. Hanks came to this City last evening and was arrested by the police this afternoon and now lies in jail. Mescal is also in town.

**Emigrants and R. R. Lines.**—An Eastern paper has the following—

"A GOOD THING FOR THE EMIGRANTS.—A New York dispatch says the war between the great railway trunk lines on the subject of carrying immigrants is assuming an interesting shape, and is likely to prove beneficial to immigrants, as it will result in a great reduction of rates as long as it lasts."

**Germany.**—We have had the pleasure, through the courtesy of President Wells, of perusing a letter from Elder John C. Naile now on a mission in Germany. The letter is dated, Baden, Karlsruhe, March 2. He has suffered considerable through sickness while he has been on his mission, but, notwithstanding, he considers that he has been blessed exceedingly. The people in general do not seem to be anxious to hear the gospel, either through indifference or fear of the worldly results.

**Enlarged and Improved.**—That enterprising, able, spirited and free-spoken paper, the Omaha Herald, comes in an enlarged form, with new heading of "The Herald," dropping the word "Omaha," and in a new dress, which gives it a handsome appearance. If the pages were a little longer for the width, the appearance of the Herald

would be still further improved. We are glad to see such evidence of the prosperity of our deserving Omaha contemporary, and hope it will live long and continue to prosper.

**R. R. Land Claims.**—We understand that the U. P. R. R. Company have in the land office claims to alternate sections of land within a certain distance and on each side of their road in the Weber region, some of which land was settled and improved before the railroad was constructed or surveyed, and that the company have asked and been allowed until the 19th of May next for the appearance of their representative to urge their claims at the land office in this city. Settlers or parties having counter claims will see the necessity of their having their claims and the evidence thereof ready by the same time.

**The Small Beer Crusade.**—A correspondent, writing from Fairview, March 31st, speaks as follows concerning a disagreeable postmaster and Hollister's small beer crusade—

"Our postmaster has been removed, and a man very obnoxious to the people now holds that office. He lives at an extreme corner of the town, making it particularly annoying. We have fought hard and long by way of petitions, signed by ninety-five out of every hundred of the citizens of this place, but to no purpose. There is now a unanimous feeling not to support the office, but to transfer our mail matter, as far as possible, to the Mount Pleasant office.

"Aside from this, we are afflicted with a deputy marshal on small beer, and it appears that if any person has sold one pint of beer he has to pay government license and penalty, then commissioner's fees, then collector's fees, then marshal's fees, making it amount to, at the least, something over one hundred dollars. And after a man goes to the officers in Salt Lake City and gets his full papers from commissioner and collector, still the marshals will pursue him, although they never served a paper."

**District Court.**—To-day A. To-pance vs. Enoch King; judgment in accordance with prayer of complaint.

Chas. Loomis vs. L. B. Kinney and H. Wells; writ of certiorari granted.

T. M. Davis, Receiver, vs. W. H. Benson; clerk ordered to open depositions.

W. Jennings vs. J. P. Bonner; clerk ordered to open depositions.

Winsor, Utah, S. M. Co., vs. R. T. Burton et al; order of yesterday vacated and set aside.

Henry Myers vs. Wells, Fargo & Co.; motion for judgment withdrawn.

G. W. Kinney vs. Reese & Barnard; demurrer withdrawn; ten days to answer.

Winsor, Utah, S. M. Co.; vs. R. T. Burton et al, notice to quash return of summons; motion sustained. Plaintiff excepted. Order of yesterday reversed.

Wm. Haynes vs. Jos. A. Conlee; demurrer withdrawn. Ten days to answer.

M. B. Callahan vs. Mountain Chief Mining Company; demurrer overruled. Five days to answer.

L. U. Colbath et al vs. T. O'Brien et al; demurrer overruled. Five days given to answer, on payment of costs and filing affidavit of merits.

Wells, Fargo & Co. vs. T. F. Tracy; demurrer withdrawn. Answer filed.

Lilly, Laisinring & Co. vs. Mountain Chief Mining Co.; demurrer withdrawn. Answer filed.

Hamilton and Gray vs. Mountain Chief M. Co.; demurrer overruled. Five days to answer.

R. Mackintosh vs. Mountain Chief M. Co.; demurrer overruled. Five days to answer.

McKee and Duncan vs. Mountain Chief M. Co.; demurrer overruled. Five days to answer.

N. & E. Boukofsky vs. Mrs. Fritz Adolph; demurrer overruled and motion to discharge arrest granted. Five days given to answer.

**Bender.**—Crowds continue to besiege the city jail, eager to catch a sight of John T. Bender, the chief among latter-time murderers. Mr. Hyde has accommodated the sight-seeing portion of the public as much as possible, by giving them an opportunity of gratifying their curiosity to see this human monstrosity. Such individualities as this old man and the other members of the family certainly present a most horrible

phase of human character. The old man is not devoid of intelligence, which fact may be observed by scrutinizing him minutely while he is being questioned by different persons. He has a peculiar faculty, however, of secreting from every casual observer the inward actions of his mind, for while internally inspired with intense fear his countenance assumes an expression of stolidity which is apt to throw a person off his guard with regard to his real character. He frequently looks furtively or slantingly around at persons from under his eyebrows and from the corners of his eyes, a strong indication of cunning foxiness of character. This faculty of assuming indifference and stolidity appears to be common to the family, for before it was fairly known that they were the perpetrators of the bloody deeds which subsequently came to light, Dr. York, brother to Col. York, one of the victims, and others, paid frequent visits to them and questioned them closely, and repeatedly left with the impression that they were innocent; that they were an ignorant, stoical German family, who did not know enough to commit the deeds of which they were suspected. The old man is not without education either. He writes a pretty good hand. His head is low and broad. It appears somewhat depressed at the temples and shoots outwards sharply towards, over the top and around the ears. According to phrenologists this formation would give a preponderance of the organs of destructiveness, secretiveness, combativeness, and acquisitiveness, while the large projection over the eyes would indicate, according to the same theory, that he is a close and quick observer of men and things, which is also indicated by a somewhat piercing kind of silent-question-asking expression of the eye.

Yesterday in the sunlight, as it streamed through the cell window upon his head, his hair appeared to be of a light color; a fairer view of him, however, shows that the original color of the hair and beard was brown, but is now almost entirely of a dingy gray.

We are informed that a man answering the description of Bender appeared in Richmond, Cache County, early in January. He asked the privilege of sleeping in Mr. Whittle's barn. The family, as the weather was then intensely cold, allowed him to sleep in the kitchen. In the morning, while he was fast asleep, one of Mr. Whittle's boys got up to light a fire in the kitchen stove. The rattling of the kettles and stove lids aroused the man from his slumbers, and he started up, as if in a horrible fright, and acted wildly, till he seemed to become assured regarding his surroundings. He was then, we are informed, taken into custody by officers and conveyed to Logan, where he remained a few days, was questioned closely, and, as nothing could be elicited from him was set at liberty.

This morning the old man was taken to Savage's art gallery, in a closed carriage, where his likeness was taken in several styles, so that those who wish to preserve a counterfeit presentment of the notorious Kansas murderer can have that privilege to-morrow morning, when copies will be ready. The likeness is exceedingly good.

It may be interesting to say that the woman supposed to be Kate Bender, who appeared in the suburbs of Provo some time ago, and who stayed a little while at Mr. Samuel Cluff's, was last seen at a settlement in Provo Valley, where she also stayed with a family for a time and then suddenly left, without warning, taking with her the remains on the supper table, after that meal had been finished one evening, and since then has not been heard of.

We now learn that Bender has been positively identified to-day by Mr. C. W. Kitchen. The old man had stayed at Mr. Kitchen's house, eight miles from Kansas, and when the latter asked him if he recollected doing so he shook his head, intimating that he did not. Mr. Kitchen was perfectly familiar with his features and general appearance, and recognized him directly. The only instance that we know of where he appeared to be off his guard and commit himself was when, at the instance of Mr. Crane, he was asked where Schmidt was, he said that individual was dead, which was correct, he having been administrator on the Schmidt estate, in Illinois.

FROM SATURDAY'S DAILY, APRIL 11.

**Blustery.**—Does the blustery weather to-day indicate a stormy Sunday to-morrow, as usual of late?

**Taken to Sandy.**—This morning constable B. Y. Hampton took C. Hanks, who shot M. Mescal, to Sandy. Mescal is at St. Mark's Hospital.

**Most Disgraceful.**—Mr. Liddell was the victim of a most disgraceful outrage last night. While he was at the Theatre some contemptible wretches besmeared the fence, gate and paper-box with filth. There is nothing too despicable low for persons to stoop to who would be guilty of such dirty, mean, not to say malignant, conduct. It is to be hoped that those who did it will be discovered, arrested and punished. He has been subjected to other annoyances which should be forever put an end to.

**The Scandinavian Young Men's Literary Society.**—The meeting of this Society in the Seventies' Hall, last night, was exceedingly well attended, and the exercises were highly entertaining. Short speeches were made by the members appointed to discuss the question of Marriage, that being the subject of the evening. Afterwards, poems and essays on different subjects, contributed by some of the male and female members of the society, were read, which were considered, if not the most interesting, at least a very noticeable feature of the evening's exercises. These meetings, which take place every Friday evening, are always well attended.

**The Corinne Cattle Business.**—A Corinne man has been splurging and spluttering considerably regarding some statements made about the notorious Corinne cattle stealing cases, in which the parties charged with participation in the depredations were set at liberty, on habeas corpus, by Associate Justice Hawley. If that man who has been fuming so ferociously wishes to know where ten cows required to make up the number of fifty to put into a partnership herd were stolen from, how much was paid to the party hired to steal them, how the money was divided into four parts, who the four men were who got it, who the man was for whom and at whose instance the animals were stolen, whom they were stolen from, and certain other particulars, perhaps it would not be a very difficult thing to obtain that information in detail. Indeed, the information may yet be supplied without solicitation.

#### BENDER PHYSIOGNOMICALLY CONSIDERED—HE GIVES WAY TO DEJECTION.

It is a physiognomical theory that the prevailing sentiments of an individual, whether organic or cultivated, show their impress on the countenance. If the bad passions be temporarily aroused the impress of anger, hate, &c., is plainly written on the face, and it is assumed that chronic moroseness or other quality will leave an imprint there that can only be removed by a restraint of the bad qualities and a cultivation of the noble side of human nature. Hence the countenances of people have been known to change either for better or for worse, according to the conduct of the individual. Virtuous as well as criminal deeds leave their impress on the individual, and their manifestations are opposite. It is also assumed that most men have resemblances to some types of the lower animals, and some to a number combined, and that, according to the strength of the resemblance, the similarity in the manifestations of characteristics of those animals in the individual will be correspondingly marked. Without asserting or giving the negative to this assumption, let us glance at old man Bender.

The face is strikingly peculiar. The forehead is square, bulging outwards over the eyes and retreating backwards to the hair, and there is a habitual scowl, particularly marked, over the left eye. The eyes are somewhat piercing, and the eyebrows slant downwards at the outer corners, which latter signs are peculiar to the tiger species, while the slanting look from under the eyes is decidedly foxy. If a person examining the portrait of this man will cover the whole of the face, with

a sheet of paper, from under the eyes downward, these peculiarities, apart from the other features, will appear most strongly marked in the forehead and eyes. The traits of the fox are also evident in the long and rather pointed nose, and also by the width of the face at the cheek bones and the somewhat sudden inward sloping to the chin. The mouth is large, coarse and ferocious looking, and would appear more so if it were not hidden by a profusion of grizzly hair. The features make the worst impression when he shoots his lips outward, in the act of speaking. His attitude is crouching and his gait and movements, although slouchy, are sweeping, measured, stealthy and noiseless. When he speaks the qualities indicated seem to be concentrated in his voice, which is gruff and discordant, and its tone has almost as much of the growl of the tiger in it as the cadences of the human voice divine. All these marks of character may not be powerfully apparent to any but the close observer, but were the bad passions of that man aroused his appearance would be absolutely appalling. The present prevailing sentiments of his mind are fear and despondency, and therefore the apparent evidences of the character of the man are only the traces remaining and placed on his countenance by a succession of horrible crimes which have fed and cultivated the worst side of his character. Let a man of clear conscience and correspondingly placid and benignant countenance be placed immediately alongside of Bender, and the impression produced by the contrast would be very strong. He is

#### Despondent.

Since he was identified yesterday by Mr. Kitchen he has appeared sadly dejected, and has been observed even to shed tears. He was visited this morning by Prof. Karl G. Maeser, who endeavored to draw him into conversation, but he was very reticent, and could scarcely be induced to talk at all. Prof. Maeser finally said to him in German: "Mr. Bender, if you are really an innocent man, you would do well to give some clue by which it may be made plain. It is probable that you will be taken back to Kansas, and it would be a terrible thing, if you were innocent, to run the risk of falling into the hands of the people there, and they suppose you to be the real Bender, for they might tear you to pieces." Bender, when thus addressed, did not speak, but a couple of tears sprang into his eyes, he bent his head and drew the sleeve of his coat across his face. He is now the very picture of hopelessness and dejection. It is not improbable that he will make a confession.

**SWILL MILK.**—What won't people do for money? The Brooklyn Eagle is after the dealers in swill milk. That paper has recently discovered the existence, just outside the limits of that city, of 800 cows, in all conditions of disease. The cows were packed together in the closest possible space in stables filled with filth and dirt, and fed on hot swill emptied from an adjoining distillery. The Eagle publishes the names of about a score of dealers who sell the swill milk as Orange County milk to the retail dealers and residents of New York and Brooklyn.

Think of strawberries and cream in connection with that dairy!

**A FAIR BARGAIN.**—The ladies of Leavenworth come out fairly and squarely on the liquor question. They have, says an exchange, a pledge in circulation to the following effect—"In consideration of our said husbands and fathers signing the pledge to abstain from the use of intoxicating drinks, we do hereby pledge ourselves to henceforth and forever wear no more wool, flax, jute, horsehair, thread, or any other thing on our heads, except the hair that grows there, and to use no more newspapers, except as men use the same." Is not that fair, to wear their own hair, and also newspapers to no longer abuse, but put them only to manly use? Surely the "said husbands and fathers" will not be able to hold out against this fairest proposition of the fair. But are not the Leavenworth ladies acting hastily in promising to wear on their lovely heads nothing but "the hair that grows there?" How about that thing of beauty, "a duck of a bonnet?"