

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - FEB. 14, 1877.

JUDGE SCHAEFFER'S CHARGE
TO THE GRAND JURY.

IN the course of his charge to the grand jury in the Third District Court yesterday (Feb. 5), his Honor, Judge Schaeffer, remarked that temporarily they were a branch of the court and to them was committed, for the time being, the criminal code of the Territory; that upon the faithful performance of their duties would depend to a large extent the peace, good order, and well-being of the community; that if any of them knew of a violation of the criminal code within the jurisdiction of the court, it was his duty to present it for investigation; that their investigations should be made with diligence, thoroughness, and reasonable speed and energy; that the grand jury was no fit place for the exercise of malice, hatred or ill will, or of the more pleasant feelings of favor and affection; that it was their duty to present violations of law, whether pleasant or unpleasant to them; that it was not their duty to pass judgment on the propriety or impropriety of the laws, but to take them as they were, and make presentments accordingly; that sect, party, social relations, or secret obligations should be ignored and excluded in their deliberations and findings; that the rules prescribed by legislative authority were to them the standard of right and wrong, to which private opinions must give way; that the law should be enforced as it was, until changed by competent authority.

Here are some extracts from the charge as published—

"The habitual transgression of any one law with impunity, not only opens the way for the transgression of other laws, but it puts the whole criminal code in disgrace. To sanction the degeneracy of the domestic circle by the introduction of practices and relations which are tolerated only among barbarians and semi-barbarous peoples, not only creates a disregard for law and good order, but unfits a people for that higher civilization which Americans so justly boast.

"It is neither my duty, as I regard it, nor any pleasure, to direct your attention to any particular section of the criminal code, and to ask you to inquire specially in reference to its being violated or not. All our laws are equally binding, and those laws which are intended to secure public peace and social morals should be deemed by you of equal force with those intended to protect us in our property, our person, or our lives.

"It is true that some crimes are more heinous than others, and should be punished with greater severity; but misdemeanors are the steps by which felonies are reached, and the neglect to punish the perpetrators thereof will afterwards, almost certainly, necessitate the infliction of the severest penalties of the law. Men are not usually born felons, nor do they ordinarily become such at once; but, as a rule, felons are made by education in a more or less lengthy course of training, by which the evil passions of our nature are developed, and the moral and nobler powers of the soul are shrunk and shriveled so as to become almost extinct.

"It is your duty to guard against those first steps in crime, by presenting those who have taken them, that they may be restrained and punished according to the magnitude of their transgressions, and not to neglect those who have gone in the downward course toward ruin, but to present them that they may be dealt with according to their crimes, or that they may be set up as beacons to deter others from the commission of crimes. In all your presentments you should present the truth, the whole truth, and nothing but the truth."

His Honor further remarked that the grand jury were required to inquire into the cases of persons imprisoned on criminal charges in the district and not indicted, into the condition and management of

public prisons in the district, and into official misconduct in the district; that they were entitled to free access, at reasonable times, to the public prisons, and to the free examination of all public records in the district; that their attention was respectfully invited to these provisions and a thorough investigation was earnestly solicited and urged upon them; that their body consisted of fifteen members, all of whom were required to be present when they did business; and that at least twelve of them must concur in finding an indictment, otherwise the charge would be ignored.

THE FIFTEENTH MEMBER.

JUDGE JOSEPH P. BRADLEY, the fifteenth member of the tripartite congressional and judicial commission to pass upon conflicting electoral returns, as appears from statements in the New York Herald, was born at Berne, Albany County, New York, March 14th, 1812, and graduated from Rutgers College, New Brunswick, with honors in 1836. He is a close and patient student, an accomplished linguist, particularly distinguished for mathematics, having an extraordinary knowledge of the higher mathematics, and being a master of the science of law. He taught an academy at Millstone, studied law at Newark, was admitted to the bar in 1839, married the daughter of the late Chief Justice Hornblower, practised his profession with remarkable success, his name being associated with all the great cases in the New Jersey courts for thirty years, and his ability is acknowledged to be commensurate with his reputation. No man in the State or the country stands higher as a lawyer. His literary as well as legal studies embrace the widest range, and he is claimed to be the best read lawyer in the country in mediæval history, literature and law. Personally he is considered worthy of the highest respect, is a "cold man," talks with deliberation and almost a drawl, is claimed to be entirely free from partisanship. In early life was a whig, afterward a moderate republican, was a presidential elector in 1868, his only political office. Friend and foe alike concede that he is eminently judicial, is a good conversationalist and a most agreeable companion, of unspotted personal integrity. In important matters he is calm and unimpassioned, but when irritated by trifles he can "swear like a trooper."

THE LOUISIANA ELECTORAL
FRAUDS.

THE New York Herald of Feb. 1 says of the Louisiana election returns disclosures—

"The astounding testimony of the last two days, and especially that part of it given yesterday, explodes all the chances of Mr. Hayes to be the next President unless the credibility of the witnesses can be overthrown. No body of honest men, clothed with authority to decide, could make themselves accomplices after the fact of such rascalities as have been sworn to since the beginning of this week.

"General Sheridan, a few years since, denounced Wells in an official communication as 'a rascal and thoroughly dishonest man, who had not a friend that was not a thief.' It does not accord with human experience that the successful perpetrators of gainful frauds grow moral and scrupulous in the progress of their career.

"Littlefield swears that he deliberately altered and falsified the returns under the direction of Wells, some of the original returns having been burned and others given to Littlefield to destroy. One of those which he promised to destroy, and told Wells he had destroyed, he took to a Mr. Sparring, his uncle, a republican citizen, who had voted for the Hayes electors, whose sense of justice was so shocked that he took measures for having the fraud investigated. He induced Littlefield to make with him a long journey to Springfield, Ill., taking the document by which the charge of fraud is proved, and all the circumstances were frankly explained to ex-Governor Palmer of that State. Nothing ever equalled the surprise and consternation of Wells and his confederates when they found that the committee was

in possession of damning documents which they thought destroyed, and got hold of witnesses who knew all the facts."

A LITTLE MORE OPPOSITION.

AT frequent intervals there appears to be a revival of opposition to the people of this Territory. In fact the periodicity of these occurrences is evidently assured, though they do not always advance to the energy and wildness of raging crusades, setting at defiance all justice. These aggressive conspiracies are always unjust to a greater or less extent, but now and then they break through all restraints and pass beyond all bounds, showing the weakness and the wilfulness of man when banded against his fellow man, until they swell to such an extreme that they burst from the tightness of their own tension and collapse, leaving their debris all around.

There are indications of attempts at another of these peculiar efforts, and this time having a strongly political character, one of the most powerful pleas being expressed in the phrase, "the necessities of political action." The promoters of this effort have issued a manifesto, a political card without a name, or an address, having for its burden the alleged "anomalous state of affairs," the "enormous evils," that exist in Utah, and that "can be corrected only by a determined opposition to the dominant party."

After a long preamble and dissertation upon these "evils" and the popularization of politics, with a little glorification of "American institutions," five points, embodying the "grievous wrongs committed" by the "dominant party" are put saliently forth, for the redress of which "popular and enlightened action" is asked. These five points are in brief—

1. Union of church and state.
2. Religious affairs are considered superior to political affairs.
3. Illiteracy of youth, no system of free common schools.
4. Marked ballot.
5. Lack of legislation to insure the purity of the ballot-box.

These are the principal "grievous wrongs" complained of. As to the first, we had supposed that we were living under a republican form of government, at least in part. We never heard before that the federal government or the territorial government was a union of church and state, the constitution forbidding Congress to make laws concerning an establishment of religion.

As to the second, do these agitators consider the body superior to the soul or the soul superior to the body? Which is the greatest in their estimation?

As to the third, statistics show that Utah is well advanced in educational matters, and, considering the circumstances, in the front rank in this regard. There are free common schools in Utah, and every district has the local option to establish the same by taxation if the people wish it.

As to the marked ballot, Utah is not the only place where that exists, and it is strongly advocated in different parts of the Union, and in order to preserve the purity of the ballot.

As to further legislation to insure the purity of the ballot-box, where is it not needed if legislation could insure that purity? That is the very thing which is causing all the current electoral squabbling in the States and which came very near disrupting the Union again. Perhaps the ballot is as pure in Utah as anywhere else in the Union, except where these agitators manipulate it, as in Tooele, for instance, and in Corinne, where it is understood they cast more votes for their party than there were voters altogether in the place.

—M. Leon Gambetta is said to have heart disease and dropsy, and, according to the doctors, cannot live more than two years longer.

—Dr. Mary Walker is thus spoken of in an eastern paper: "She has become a perfect Beau—should I say Belle?—Brummel in dress. She wears a complete suit of plain black for every day, and an embroidered one for Sundays. A large pink bow at her neck, an English walking hat with feathers, and a natty cane and boots, complete her outfit."

Local and Other Matters

FROM THURSDAY'S DAILY, FEB. 8.

The Water We Drink.—The following is an extract from the report of the analysis of the water of the Beaver River, made by Captain Charles Smart, U.S.A., the present Post Surgeon at Salt Lake—

	Drs. per gal.
Sediment, organic.....	.413
" inorganic.....	.518
.....	.931
Lime.....	.908
Magnesia.....	.434
Iron.....	.280
Sodium.....	.259
Chlorine.....	.301
Carbonic Acid.....	1.568
Sulphuric Acid.....	.189
Silica.....	1.729

Total found.....5.663

Total by evaporation.....6.300

Combined as follows—

Carbonate of lime.....	1.862
Sulphate of lime.....	.322
Carbonate of magnesia.....	.910
Chloride of sodium.....	.560
Iron, etc.....	.280
Silica.....	1.729
.....	5.663

The quantity and nature of the mineral constituents indicate this as the water of a pure mountain stream.

N.B.—This water was taken from an esquia above the post of Fort Cameron.—Beaver Enterprise, February 3.

Indian Territory.—A communication in the Cherokee Advocate, published by the Cherokee Nation, makes some interesting statements connected with that part of the country, which is at present occupied by about 80,000 Indians and adopted citizens, civilized and partly civilized, with a territorial form of government, in complete working order. This government was established by treaty, the United States' government agreeing, however, to establish in it a United States court, which up till now has not been done.

The Creeks, Cherokees, Chickasaws, Seminoles and Osages have all large amounts of funds in the hands of the U. S. government for national and school purposes.

Each tribe has had its lands surveyed separately and holds patents for the same from the U.S. Government, the latter government not owning a foot of land in the Territory.

The communication referred to also goes on to state that the original Indian title was abolished or extinguished about half a century since, and the lands subsequently bought by the tribes before named for more than even their present value. The money which came to the Indians to accomplish these purchases, etc., accrued from the sales of other lands extending over a period of about fifty years, not a dollar having been given them as a gift by the United States, and neither have received a foot of land in Indian Territory other than they have purchased and paid for, and for which they hold patents from the United States.

To show the obligations of the United States Government to protect the Indians in their Territory, the following clause is quoted from the Cherokee treaty of 1828—

"A permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever; a home that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State."

The attempts, by congressional legislation, to organize the Indian Territory into a United States Territory are alluded to with some bitterness and with forebodings of disaster. If they be successful the writer of the communication prognosticates that there will not be a particle of confidence remaining in the bosoms of the Indians that the United States will ever pay any regard to even their most solemn and binding obligations towards them. He asserts that the territorial scheme originates in a desire to

rob and plunder the Indians of their possessions, and to accomplish their designs the movers of these plans resort to the most perfidious misrepresentation and falsehood. He also alludes to measures recommended to mollify the Indians, such as giving the head of each family a grant of 160 acres of land, when the facts are, according to his representation, the land already belongs to them, the government of the United States not owning one foot of it. He states also that the adopted Indians or citizens of Indian Territory, not belonging to the tribes who were original purchasers, have already received 160 acres of land, which, by an arrangement with the original tribes and the United States, they have paid their money for.

FROM FRIDAY'S DAILY, FEB. 9.

Missionaries.—The following comes to hand from Elder D. W. Jones, dated January 31st, at Storey's Ferry, Colorado River—

"We arrived here all well and will commence to ferry over tomorrow. The health of the camp is good, considering the damp, &c. The stock are doing well, there is a good feeling in camp, and good desires are the rule. We have much cause to feel thankful."

Fire.—We are informed that the blacksmith shop connected with the Temple quarry, Little Cottonwood, took fire on Wednesday night, and, with its contents, was totally destroyed. Nobody was aware of the fire till the following morning, when the shop was among the things of the past, the flames having broken out in the night, supposed to have been caused by a stray spark among the coal. The loss in tools alone amounts to several hundreds of dollars.

Through Omaha.—William Laney, one of the pillars of the Mormon church, passed through Omaha Sunday, en route to Texas, via the Kansas City, St. Joe & C. B. Railway. At one time he was reported to have been killed by the Mormons for having taken care of some of the survivors of the Mountain Meadow massacre. He passed through here in 1847, and stopped at Florence, which was called Winter Quarters, for one winter, where he had a blacksmith shop. He remembers that the buffalo, in 1847, used to come to the Missouri river to drink.—Omaha Bee, Feb. 9th.

Kaysville.—The following are the officers of the Y. M. M. I. Association, recently organized at Kaysville, under the direction of Elder Junius F. Wells—

President, Peter Barton; Vice-Presidents, George M. Hudson and Wm. Layton; Secretary, Charles C. Hyde; Corresponding Secretary, Joseph Barton; Treasurer, John Gailley; Librarian, John G. Barnes.

At the meeting at which the organization was effected a membership of about eighty names was enrolled, which has lately increased to a roll of 109.

The meetings of the organization are having an excellent effect among the young men, and active steps are being taken to procure means to establish a library in connection with it.

Verdict Rendered.—This morning the jury in the suit of Chris. Rhemke vs. Jeter Clinton et al., rendered a verdict for the plaintiff for the full amount of damage claimed, \$22,054.75. The defendants will make a motion for a new trial.

As before stated in the NEWS, this is but a continuation of Paul Englebrecht & Co., vs. the same defendants, a suit for damages alleged to have been sustained by the plaintiffs by having their property destroyed, consisting of liquors and saloon furniture and fixtures, by the defendants.

The demolition of the property took place in 1870, and was on account of the establishment of the plaintiffs having been declared a nuisance by the City authorities, the act on the part of the City Marshal and his deputies having been done by virtue of a warrant issued by Justice Clinton, ordering its abatement. This declaration of the establishment being a nuisance was caused by Englebrecht & Co. refusing point blank to comply with the requirements of a city ordinance, which made it obligatory upon liquor dealers to give a bond as security for the orderly character of their establishment; and their