

LOCAL AND OTHER MATTERS.

FROM SATURDAY'S DAILY, AUG. 15.

DECISION OF U. S. COMMISSIONER.

In the case of Captain Burt, Justice Clinton and others, charged with assaulting J. M. Orr, and obstructing him in the discharge of his duty, as a deputy U. S. marshal, in preserving the peace at the polls last election day, who were examined last Tuesday and Wednesday, U. S. Commissioner Toohy this morning rendered the following

DECISION:

In the matter of the United States, Plaintiff,
vs.
Jeter Clinton, B. Y. Hampton, Andrew Burt, J. Livingstone, Charles Ringwood, William Phillips and Charles Crow, Defendants.

In the above entitled action, J. M. Orr, a deputy U. S. marshal, filed an information on his oath before me as United States Commissioner, alleging that the defendants, on the third day of August, 1874, at Salt Lake City, and while said Orr was in the discharge of his official duties, resisted him in the exercise thereof, by threatening and assaulting his person and confining him in the City jail of Salt Lake City. The information was filed on the 3rd day of August, 1874, and on the same day the defendants were arrested on the Commissioner's warrant, duly served by the United States Marshal for the Territory of Utah, and entered into recognizances for their appearance before the commissioner on the 5th of August, at 10 a. m.

Hon. William Carey, U. S. District Attorney, and Hon. John R. McBride appeared as counsel on behalf of the Government; Hon. J. G. Sutherland and Hon. Z. Snow appeared as counsel for the defendants.

On the 5th of August, by request and agreement of counsel, a further continuance was granted until the 11th day of August, at 10 o'clock in the forenoon; and on the 11th day of August, at 10 a. m., this cause came up for hearing. The defendants charged in the information were present in Court; counsel above named were all present.

Witnesses were duly sworn, and testified on behalf of the Government touching the charge made against the defendants; and witnesses were introduced by the defendants to prove that the allegation was not sustained, and to show that the Marshal and his deputies were the aggressors as against the police authorities of Salt Lake City, on the day named, to wit, the 3rd day of August, 1874.

The charge laid in the complaint, namely: that J. M. Orr, a deputy United States marshal, was resisted and assaulted by one or more of the defendants while in the discharge of his official duties as such, has been fully proven. Does the law warrant the commissioner in holding the accused for trial?

Counsel for the government maintained that under the act of Congress entitled "An Act to amend an act approved May 31, 1870, entitled an act to enforce the rights of citizens of the United States to vote in the several States of this Union and for other purposes," approved February 28, 1871, it was the duty of the United States Marshal for the Territory of Utah, by himself or his deputies, to be present at the polls of election in Salt Lake City, on the 3rd day of August, 1874, to preserve order at such polls, prevent fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and perform other duties defined by law.

Counsel for the defendants, on the other hand, contended that United States marshals had no duties to perform at elections under the act of February 28, 1871, for the following reasons:

FIRST: Salt Lake City is not shown to be a city of twenty thousand inhabitants.

SECOND: No supervisors to scrutinize the elections were appointed.

THIRD: No deputy marshals were requested by two citizens.

FOURTH: General deputies are not authorized to act at elections unless

special deputies have been appointed.

It was also contended that U. S. marshals are not conservators of the peace except to prevent offences against the United States or to arrest for such offences; that the election held here on the 3rd of August was held under Territorial laws and was governed by Territorial police; that all elections, even if a representative or delegate to Congress is to be elected, are to be held under the local law, unless the act of Feb. 28, 1871, is made to apply by the preliminaries mentioned in sections 2 and 8 of said act; and that even if the marshal and his deputies were authorized to exercise, on the 3rd instant, in this city, the powers contemplated by the act of Congress above referred to, and were conservators of the peace, they have not, by virtue of this act, and conceding its applicability to this city, the exclusive duty of enforcing the laws for its preservation, but they were bound in the exercise of such police power, if they possessed it, to act in concert with, or at least not in opposition to, other officers having like powers and duties.

The foregoing points were forcibly argued by the learned counsel on both sides, but none of these matters were involved in the pleadings or proof.

Having intimated that my decision would be governed by the law, as far as I understand it, in connection with the facts in this case, and having, as carefully as I know how, examined the statute under which this prosecution was instituted, I am of opinion that it is my duty to recognize the acts of the Marshal and his deputies on the 3rd of August as regular and in pursuance of law. I am unable to find any authority which would justify me in questioning the legality of the manner in which the Marshal and his general and special deputies entered upon and performed their duties, as such, at the polls of election on the day named, and must decide that they were properly there to do the things prescribed by the act of Congress.

I therefore find that J. M. Orr was a deputy United States marshal on the 3rd of August 1874; that on that day he was on duty at the polls of election in Salt Lake City, at which election a delegate to Congress was to be elected; that while in the discharge of his official duties as such deputy marshal, he was resisted, threatened, assaulted, and confined in the City prison of Salt Lake City, by Jeter Clinton, William Phillips, Charles Crow, J. Livingstone and Charles Ringwood, five of the defendants; that there is probably cause for holding them to bail to the next term of the District Court of this judicial district. The other defendants, Andrew Burt and B. Y. Hampton, are discharged.

The bail of the defendants was fixed at \$500 each.

Overhauled Again.—On the return of Major Bird yesterday from overhauling the delinquent Pardee, late of Sandy, at Wood's Cross, Mr. Chas. Popper, being a creditor of the escaping man, hitched up his team and started out after the fugitive, accompanied by deputy Bird. They made Echo, from this City, in the surprisingly short time of six hours, and there they found the retreating Pardee, who, when his pursuers reached that point, betook him to an out-house and locked himself in. They got him, however, he forked over the money he was owing Mr. Popper and they let him go on his way, but perhaps he did not go rejoicing, as his late experience would make him feel uncertain as to when another Bird might fly or another Popper pop on to him on his eastward way.

The moral of the whole affair is plain. Confiding farmers, merchants, butchers and tradesmen should beware, in future, of slippery Pardees.

FROM MONDAY'S DAILY, AUG. 17.

Tabernacle Meeting.—Elder Orson Pratt preached yesterday afternoon.

Weber Coal.—Coal from the Weber mines is rolling into this market again.

A Good Start.—Prof. Maeser's seminary starts the term with nearly a hundred pupils. Pretty good for a commencement.

For Lake Side.—The members of

the "Wasatch" Fire Company and their friends purpose soon to have an excursion to Lake Side.

Roasting.—Pretty hot weather just now. When one finds the mercury hugging 90 degrees as late as five o'clock in the afternoon, it is not exactly cool enough to pay for putting yourself in a passion.

The Indians.—A despatch from Hebron, Southern Utah, tells of a peculiar movement among the Indians in that locality. Evidently a powerful spirit is beginning to operate upon them. They assert that they are directed in their movements by the "Great Spirit."

Obsequies.—The obsequies of the late James Allen, the young man who was accidentally killed in Emigration Canyon on Saturday morning, took place at the 20th Ward school house at 10 o'clock this morning. A large number of the friends and relatives of deceased attended.

The British Mission.—The following are from the *Millennial Star*, Aug. 4—

"CHANGE.—Elder E. N. Freeman, late President of the Bristol Conference, is appointed to labor in the Sheffield Conference, under the direction of Elder R. W. Heyborne, instead of the Newcastle on Tyne and Durham Conference, as per previous appointment.

"THE FIFTH AND LAST COMPANY for Utah will leave Liverpool on the 2nd of September, when those can go who have means of their own or are advised from this Office, provided they are here on or before September 1st."

Needless Expense.—There are stationed here seven full companies of U. S. infantry and one of cavalry and at Beaver—some one hundred and forty miles south, four more, full companies of infantry. In the opinion of many, well qualified to judge, there is no need of them in Utah. The Mormon people are not only law abiding and peaceable, but the most industrious class of inhabitants I have ever seen or known. With the disbanding of these useless troops a million or more of dollars would be saved annually, to our already impoverished and debt laden country.—*Col. Peter Saxe.*

AUGUST 17, 1874.

Editor Deseret News:

In your issue of Saturday last you stated that Soren Larson, who was found dead on Mill Creek, was a relative of mine, which statement please correct, as said Larson was an entire stranger to me; I never saw him before.

C. HULDBERG.

The writer of the above is mistaken, as the name given in the News was Hillsby, not Huldberg, but it should have been James Peterson, who was the relative of the deceased referred to. The wrong name was published by mistake on the part of our informant.

Some Quashing and More Arresting.—This morning, in the case of Andrew Burt, S. W. Taylor and N. V. Jones, before Commissioner Toohy, counsel for defence moved that the warrant under which the parties were arrested be quashed on the ground that it contained two counts, of two offenses, one charge under a Territorial and the other under a U. S. statute. There was no alternative but to grant the motion. The defendants admitted service, however, under two separate warrants.

Captain Burt was arrested to-day on still another charge, preferred by Mr. Funge, for alleged beating of him over the head on election day.

Captain Burt must be getting kind of used to being arrested by this time. May he not expect to be arrested, yet, by every ruffian who has been in the city prison, no matter the offense of such ruffian, as well as by the rioters at the late election?

Conference, &c., in England.—According to report in the *Millennial Star*, the Bristol Conference was held in the Forester's Hall, Alvin Street, Gloucester, on Sunday, July 19, Elder B. H. Watts presiding, and Elder Charles Sansom acting as Secretary.

Present on the stand—Prest, Jos. F. Smith, Elders R. V. Morris, B. H. Watts, E. N. Freeman and Charles Sansom.

Meetings were held at 10.30 a. m. and 2.30 and 5 p. m., and the audiences were addressed by the above-named Elders.

"There was a good attendance of the Saints at Conference, and all appeared happy and well pleased with the instructions given, and feeling well repaid for the long distance many of them had come. There were a few strangers present, and peace prevailed at all the meetings."

A District meeting was held in the Hockley Chapel, Farm Street, Birmingham, July 12, Elder R. V. Morris presiding, and Elder T. H. Robinson acting as clerk. Elders present from Utah—Joseph F. Smith, President of the European Mission; John C. Graham, of the *Millennial Star* office; R. V. Morris, President of the Birmingham Conference; and B. T. Young, Travelling Elder.

Meetings were held at 10 a. m. and 2 and 6 p. m. The audiences were addressed by the abovenamed Elders.

University of Deseret.—We have before us the circular of the academic department of the University of Deseret, for the year 1874-5. The following are the Chancellor and Board of Regents—

Chancellor, D. H. Wells; Board of Regents, Isaac Groo, Joseph A. Young, Henry I. Doremus, Albert Carrington, George Q. Cannon, Geo. J. Taylor, Brigham Young, jr., David O. Calder, Henry W. Naisbitt, George Reynolds, David McKenzie.

Robert L. Campbell, lately deceased, was a member of the Board.

The officers of the Board, besides the Chancellor, are—B. H. Schettler, Secretary, Thomas W. Ellerbeck, Treasurer; David O. Calder, George Reynolds, George J. Taylor, Isaac Groo and H. W. Naisbitt, Executive Committee.

The faculty comprises, John R. Park, M. D., President of the University, Professor of Natural History and Literature; Jos. L. Rawlins, Professor of Ancient Languages and Mathematics; F. M. Bishop, Professor of Natural Science; Karl G. Maeser, Professor of German.

The circular is mainly devoted to remarks on and the classifications of the various studies that will be prosecuted under its auspices, the rules and government of the University and other important matters. The first term of the approaching academic year will commence August 24th, and will begin under most favorable auspices. It is an educational institution that should receive the most liberal support of the public.

Another Police and U. S. Marshal Case.—This morning another of those election day charges, came up for a preliminary investigation, before U. S. Commissioner Toohy. The accused were Captain Burt, chief of the City police, and Messrs. N. V. Jones and S. W. Taylor. The charge was brought under the Territorial statutes, and under the U. S. laws, and was, ostensibly, an assault with intent to kill one C. W. Belding, and also for hindering said worthy in "the discharge of his duties in preserving the peace" at the polls at the City Hall, in this City, on election day. Many are of the opinion that, before these cases are through with, it will appear that the only charge that could or should be brought against the police and their assistants, was attempting to hinder a lot of drunken meddlers, busybodies and rowdies from interfering with the business of infinitely better men duly authorized to keep the peace on the above named day.

Mr. Carey, U. S. Attorney for Utah, appeared for the prosecution, and Messrs. Snow and Sutherland for the defence.

The following witnesses were examined for the prosecution: C. W. Belding, C. P. Westcott, Arthur Pratt and G. W. Bostwick, some of whom testified that the accused, Jones, struck Belding on the head with an instrument called a billy, and that the accused, Taylor, struck him with his fist. The only evidence, seemingly, against Captain Burt was that he was present, that he was seen with an iron weapon of some kind in his hand, and the last witness said that he, Burt, held it over his, the witness' head; but nobody saw him strike or do any other harmful act.

The Court took a recess until half-past 2 o'clock.

A Cool and Daring Robbery.—A cool and daring garrotting case occurred on the Folsom block, 14th Ward, on Saturday night. Mr. Guy Foote, son of Mr. Timothy Foote, of Salt Creek, lives in a house next to the

house of Mr. E. W. East, in the locality mentioned. Near ten o'clock he went out and got a bucket of water from the well, and, as he was returning to the house, he was accosted by a man, who asked him to step over in the direction of Mr. East's, as there was a gentleman over there who wished to see him. Mr. Foote unsuspectingly and unthinkingly accompanied the stranger, and got over the fence into the adjoining lot, when all at once it occurred to him that there might be some foul play intended. He said, "I will go no further," and turned to walk southward by the side of the fence. The moment he did so he was seized by a strong hand, by the collar, drawn backwards, and another hand was placed over his mouth, to prevent an outcry. The man who accosted him also grappled him, and he was laid flat on his back, one of the villains with his knee on his chest, and a hand on his mouth, into which latter one of the fingers found its way, which Mr. Foote readily seized with his teeth, causing the scoundrel to utter an exclamation of pain, and the other to strike Mr. Foote a violent blow on the cheek.

Luckily Mr. Foote had nothing valuable on his person. He had a coin, resembling a twenty-dollar gold piece, which, they took, evidently thinking it was money, so they got nothing for their trouble.

The above narrated circumstance took place in a short space of time, and the surprise of Mrs. Foote may be imagined when her husband returned, after an absence of ten or fifteen minutes, with his face bruised and bleeding, and related his rather unpleasant experience.

The number of robbery cases of the last few days should make our citizens careful about exposing themselves after dark, where they would be unable to protect themselves against attacks from the gang of thieves which now infests this city, and who have so suddenly commenced operations.

The "Missionary Judge."—The missionary judge was at the Methodist "love feast," at the M. E. Church, yesterday and delivered himself of a speech. There is nothing remarkable in his speaking in a Methodist meeting, it being well known that his honor is a Methodist, but the spirit he manifested was the peculiar part. He eulogized the Methodist religion, which he had a perfect right to do. He said his "sainted father" had been a Methodist for sixty-five years, his mother was still a Methodist, and his only brother was a Methodist clergyman. It was an earnest religion, just such a religion as was needed in Utah to combat the stronghold of fanaticism. It required an earnest religion and earnest men to accomplish this work; furthermore it required aggressive measures to break down the stronghold of fanaticism.

Everybody is acquainted with the Judge's crusading proclivities, as manifested all through his judicial course in Utah, but here is a new phase of his position; he even steps out of his judicial position and, assuming the full role of a religionist, recommends, also in that capacity, aggressive measures against a religious body other than his own. How frequently men like him, in their movements to bridge the liberties of the people of Utah, say they have no desire to interfere with the religion of the "Mormons," yet the true spirit of the crusade crops out ever and anon.

Had a prominent "Mormon" preacher, in a "Mormon" meeting, advocated aggressive measures against Methodism, what a hue and cry of "Mormon" intolerance, despotism, and persecution would have been raised about it, and yet the "Mormons" have just as much right to consider Methodism the stronghold of fanaticism, as the Methodists have to consider "Mormonism" in that light. But the "Mormons" believe in everybody enjoying their own peculiar religious views, and no one has the constitutional right to interfere with them in that capacity, by the instituting of aggressive measures for that purpose. The religion of the "Mormons" is just as dear and sacred to them as the religion of any other people is to them, a fact amply testified to by their past history, and they are as much entitled to respect therein as any others. Furthermore the "Mormons" purpose adhering to and sustaining their religion by every rightful means and under the blessing of that God, on whom they always rely for support, aggressive