

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 25.

Salt Lake City, Wednesday, July 21, 1875.

Vol. XXIV.

ESTABLISHED 1850.

THE DESERET NEWS, WEEKLY.

One copy, one year, with postage, \$3 65
" six months, " " 1 85
" three " " " 95

THE DESERET NEWS: SEMI-WEEKLY.

One copy, one year, with postage, \$4 25
" six months, " " 2 15
" three " " " 1 10

THE DESERET EVENING NEWS.

One copy, one year, with postage, \$10 50
" six months, " " 5 25
" three " " " 2 65

TERMS IN ADVANCE.

DAVID O. CALDER,

EDITOR AND PUBLISHER.

OUR SUBSCRIBERS in the country can at any time ascertain the date on which their subscription expires by referring to the numbers attached to their name on their paper, namely, 1-6-4 means first day, sixth month, fourth year, or 1st June, 1874, 15-12-4 means 15th December, 1874, &c.

Those names having no numbers close with the end of the volume.

Subscribers understanding this will be able to renew their subscriptions prior to the time of expiration, so that their papers may continue without interruption.

By Telegraph.

AMERICAN.

NEW ORLEANS, 12.—Attorney General Field, to-day, filed information in the First District Court against George C. Benham, for obtaining \$35,000 from the State on a fraudulent voucher. The transaction on which the charges are based was developed during the recent investigation against Auditor Clinton.

LOUISVILLE, 12.—A Clarksville, Tenn., special says that two Irishmen attacked a colored boy with a knife on Saturday, and that on Sunday a body of about twenty negroes attacked the two men and ran them into a grocery, where they killed them.

NEW YORK, 12.—Two well dressed men obtained admission to the house of Mathies M. Dancer, when they seized Mrs. Dancer, and bound and gagged her, and then let in five others, who proceeded to ransack the house from top to bottom, and obtained \$40,000 in Virginia bonds. There is no clue to the robbers.

WASHINGTON, 12.—The Treasury Department recently presented to the Attorney General for his opinion, two questions arising under the act of July 14, 1870, as re-enacted in the revised statutes, and under the act of March 3, 1875, providing for an increase of duties upon certain classes of merchandise. The first question was whether damage received during the voyage from a foreign port to a port of first arrival, by merchandise entered for immediate transportation to an interior port of destination, under the above statutory provisions, is to be ascertained at the port of first arrival, or at the port of destination, and if at the port of destination, then whether the ten days within which the proof of damage is required to be lodged is to be computed from the landing of the merchandise at the last port. After reviewing the law the Attorney General says he is clearly of opinion that damage received during an ocean voyage by goods entered for immediate transport under section 2,990 of the revised statutes, should be ascertained at the port of final destination. Sec. 2,027 prohibits any allowance for damage to merchandise that has been entered, unless the proof to ascertain such damage be lodged in the custom house of such port where such merchandise has been landed within ten days after the landing of such merchandise. The phrase "port where such merchandise has been landed" is not, by its terms, exclusively applicable to the port of first arrival, but may be applied to the port of destination; and in the case of merchandise entered for immediate transportation it must be understood to signify the port of destination, since it is at the custom house of that port that proof is to be used. The words "after the landing of such merchan-

dise," must be taken to mean after the landing at the port of final destination. The Attorney-General decides that the computation of the ten days is to be made from the landing at the last port.

The next question submitted was whether merchandise imported into New York prior to the date of the act of March 3, 1875, but which arrived at an interior port under an immediate transportation bond, without appraisal after that date, is liable to the increase of duties therein provided. The Attorney General says the severe verbal construction of the statute would perhaps make merchandise thus liable, but the operation of such a construction would be to impose increased duty on one case of goods which arrived in a particular ship at the port of New York, and exempt another case of the same goods by the same ship, and arriving at the same date. It could not have been the intent of Congress thus to discriminate between goods which went into a public store in New York, and those which, arriving at the same date, passed on to a port of final destination under an immediate date transportation bond. A construction which would make such goods liable to increased duty would be unequal and severely oppressive, and it is a sound rule in the construction of a statute of the U. S. which imposes a tax or burden on a citizen, when there may be a doubt about the true construction, to resolve the doubt in favor of the citizen on whom the burden is imposed. The Attorney General, therefore, decides that such goods are not liable to the increased duty. These conclusions having, after due consideration, been adopted by the department, collectors and other officers of customs are instructed to govern themselves accordingly.

A private letter received here to-day reports the outbreak of hostilities on the part of the Hoopa Indians on Klamath river; they shot and killed Raymond Carpenter, of the Florence mine, and then surrounded the mine and forced the men to quit work. Word was sent to Camp Gaston, and a detachment of soldiers was sent to the mine. The Indians say the miners must leave, and the situation is critical, as the soldiers are not numerous enough to control them. A letter from the superintendent of the mine was to-day laid before General Schofield, who promises prompt reinforcements.

NEW YORK, 13.—The people and temporary residents of Peekskill and neighborhood, preceded by a band of music and a company of militia, marched to Rest Hill last evening, and serenaded the Rev. H. W. Beecher. After an address by Judge Wells giving expression to confidence in him as a man and as a Christian minister of the gospel, Beecher spoke for nearly an hour.

A dispatch from Raleigh, N. C., states that a most inhuman murder, committed in this country in March last, has just come to light. Scott Portin, a white man, cut his wife's throat, then cut her head off, unjointed her at every joint, then cut the flesh off her bones, and attempted to burn her body up, but he did not succeed; then he murdered his little boy, a child eight months old, in the same manner, and buried the two bodies in March where they were found last week by infuriated neighbors. Circumstances show that Portin's father and one of his brothers were accessory to the murder.

CINCINNATI, O., 13.—The Licking river commenced rising rapidly yesterday, and at two o'clock this morning was reported ten feet higher than the Ohio river at that point. The floating coal elevator of Gordon and McClure, moored at the Cincinnati Landing, was struck by a large tree and immediately sank, together with four barges and thirty thousand of coal; quite a number of other barges were torn from their moorings and carried down the stream. One fleet carried with it four men who were rescued at great risk of life. The loss by this freshet, so far as ascertained, is estimated at over \$20,000.

SARATOGA, N. Y., 13.—12.28 p.m.

—The Cornell crew won by nearly a length; time 17 min. 22½ seconds; Harvard second, Brown third, Princeton fourth.

PHILADELPHIA, 13.—Wool is steady, the demand moderate, and the supply increasing. Colorado washed 28 @ 35; Colorado unwashed 22 @ 26; extra and merino pulled 40 @ 45; No. 1 and super pulled 40 @ 42; Texas fine and medium 28 @ 35; Texas coarse 24 @ 25; Cala. fine and medium 28 @ 35; Cala. coarse 22 @ 26.

FOREIGN.

MONTREAL, 12.—Monsieur Charles La Rigue, Bishop of St. Hyacinthe, died at Beteuil this a. m.

Yesterday afternoon, a carriage with Mrs. Bernard, two daughters and a son and two neighbors, was run into by a special train near Beloeil bridges; two ladies were killed and Mrs. Bernard and one daughter were so badly hurt that they are not expected to live.

MADRID, 12.—An official dispatch says that General Delatre has driven Dorregaray from Torrecilla, Guara, Sieste and Boltam. The Carlists resisted the Alfonsists stoutly, and lost many men in killed, wounded and prisoners. They retreated to the Valley of Uran, in the Pyrenees. General Delatre is still pursuing them. General Martinez Campos is making forced marches to join in the pursuit.

The government announces that military combinations are made which will force Gen. Dorregaray to take refuge in France or to accept battle under circumstances which are sure to result disastrously, and if made desperate he should attempt to turn back on his line of retreat.

The *Epoch* reports that 1,000 Carlist prisoners have arrived at Valencia. The populace threatened to lynch some of the Carlist officers, and the authorities embarked them on a man-of-war to prevent a massacre.

LONDON, 13.—At the Moody and Sankey farewell meeting, last night, 188 clergymen of the Church of England were present, far outnumbering those of any other denomination. Canon Conway, of Westminster, occupied a seat on the platform. All present were deeply affected. Moody, while speaking, was so overcome by emotion that he had to stop, and was unable to conclude his address.

SANTANDER, 15.—The Spanish steamship *Bayones* has been wrecked near Motrico, on the Biscayan coast; the crew were saved by Carlist fishermen, and it is said that they will be held as hostages, and that the Carlists threaten to shoot them if the Royalists bombard any more coast towns.

Our Country Contemporaries.

Beaver Enterprise, July 15—

The long-eared nuisances, the rabbits, having cleaned out everything, or nearly so, at Minersville, are now turning their attention to Beaver. We hear that one field of grain has been destroyed by them, and suggest to the boys to get their shot guns and turn out *en masse*. Blue pills are the best remedy.

The Bates contempt case was finally disposed of yesterday, Judge Boreman making the following decision:

"In the matter of Geo. C. Bates, attorney-at-law:

"This proceeding is upon an order to show cause why George C. Bates be not punished for contempt and be disbarred. Said Bates made a very improper application to the Judge of this Court for an order in behalf of certain alleged criminals fleeing from justice, to allow them to give bail. The statute does not allow bail to be taken when the party is not before the Court or officer, which it is reasonable to suppose was or ought to be well known to their attorney; yet without bringing in these parties, but notifying the Court that they are out of the Territory and proposed to remain concealed from the officers of the law unless the Judge should

agree to decide in their favor, he asks the Court that they be allowed to give bail, thus seeking a decision beforehand upon the question as to whether they will be allowed to give bail, even if present, as they are charged with capital offenses; all in the same connection he notifies the Court that they do not propose to obey its order unless that order be in their favor. Common sense, even without acquaintance with law, ought to teach one that no Judge or Court should be asked to make an order which cannot be enforced. Had the court listened to this application and made an order not favorable to the alleged criminals, these parties would not have paid the least respect to it and it could not have been enforced. To ask for such an order, to give bail under such circumstances and with notifications to the Court, shows great bluntness of the perceptive faculties, or an effrontery not creditable to the attorney.

"Mr. Bates, in his answer, under oath, says he never advised either of the alleged criminals to go or stay beyond the jurisdiction of the Court, and he never saw or conversed with them; yet in his application he answers of his own knowledge that they have left the Territory and concealed themselves, which he could not know had he not seen them; and he further says in his letter accompanying the application, that if the Judge consent to give them the order desired, they will come to Beaver forthwith and give the bonds—all of which shows plainly that his advice controls their actions. He, however, further says that if he had no right to make the application he did not know it and he intended no disrespect to the Court or Judge; and he says further that 'Respondent disclaims on oath in the most solemn manner all thought, purpose or intent to treat this Court or its Judge in a disorderly, contemptuous or insolent manner.' He thus solemnly protests that he acted in good faith and disclaims any other interpretation of his application.

"This Court has not the slightest desire to humiliate the respondent, and my whole nature is opposed to anything like undue severity. Nor am I unmindful of the fact that in cases like this, the Court is prosecution, Judge and jury, and should be correspondingly careful of the rights of attorneys as well as of the respect due to the Court. But in this case we have a remarkable spectacle of an attorney making an application and notification to the Court, that I had supposed no sane man would make, and then the attorney comes forward and voluntarily says he did not know any better and he swears to this. Under all the circumstances, as such cases are looked upon somewhat as personal matters, and although the provocation is very great, the Court desires to lean to the side of mildest mercy; and although the respondent could not rightfully complain of an order disbarring him, notwithstanding the provocation, and in view of the old age of the respondent and of the fact that this is his first offense in this Court, and in view of the sworn disclaimer of any and all improper motives on the part of the defendant, and in view of the fact that he has asked to withdraw the application, although done at this late date, he will not be disbarred, but a fine of \$50 will be entered up against him; and upon the payment of said fine to the Marshal, the order heretofore made temporarily disbarring him will be vacated."

The *Enterprise* has the following in reference to the Lee case—

Yesterday afternoon the rumor became circulated throughout the town that John D. Lee was about to turn state's evidence. The report spread throughout the neighborhood with the rapidity of a prairie fire; it was on everybody's tongue, but nothing definite or certain was known. In order to ascertain exactly the status of affairs, that our readers might be in possession of facts, we last evening went to the law office of Mr. Bishop, for the purpose of ascertaining what had taken place. Mr. E. D. Hoge,

another of Lee's counsel, was also present, and without much preliminary we informed them the object of our visit. The former gentleman made a lengthy statement, which we give in his own language as nearly as we can remember it:

"On coming here some days ago, we found ourselves in a peculiar position as regards this trial. We found that scarcely any of the witnesses we had summoned were here; some could not be found, others would not come. We found that a feeling of general disapprobation existed in regard to Lee and the course he had taken; that every one we asked in regard to him gave us the one reply—'If he is guilty, let him suffer—we have no desire to interfere'; that so strong is the general belief, that he is a guilty, blood-stained man, that but very few seem to desire aught else but that he shall be punished. We find that the prosecution have now in this city and on the way here an array of witnesses and a mass of testimony which are overwhelming, and, though we have not been idle by any means, we have failed in this respect. There seems to be a fixed determination on the part of all—even those who professed to be Lee's friends at one time, to let him be sacrificed that justice may be appeased and the clamors of the people stilled for ever. Even I, myself, who not long since was met by every one with the greatest of courtesy and hospitality, have almost been frozen in the last few days by the way parties would meet me and merely say 'good day,' and pass on, as if they did not wish to be conspicuously impolite, but could not afford to be seen talking with me upon the street. We find every avenue to a fair trial barred, our client deserted and alone, without even the means to pay us for our labors, neither Mr. Hoge nor myself having received a cent, but we will not go back on him. Only yesterday I was conversing with a gentleman, and in the course of the conversation I asked him how he thought the trial would result. 'Why,' said he, 'it will result in a conviction, of course, and Lee will go up. He deserves it; he's guilty, isn't he?' I replied, emphatically—'By the Eternal, No! He is as guiltless of the offense with which he is charged as I am; and he will not be hung. There is no justice in the accusations heaped upon him.' You can probably understand some of the difficulties we have to encounter in the matter; things have taken such a shape that the only hope I can see for my client is in taking advantage of the means of escape which the government holds out to him—and turn State's evidence. I have been talking with him seriously and have advised this step. Then the whole truth will come out, the mystery will be unraveled, and the stain that has blackened Lee's reputation for more than seventeen years will be effaced. Why, you would scarcely believe how patiently he has endured this stigma upon his name, or how he has been hounded about the country; having half a dozen homes, he has not been able to enjoy or live in either of them any length of time. Even little children have been taught to execrate his name and regard him as a monster incarnate. Well, this kind of thing could not last forever, it is not right nor just that it should; and those who have so often expressed a desire that the truth may be made known, are very likely to be gratified. We certainly cannot more fully comply with their desire than by placing Lee himself upon the witness stand."

Ogden Junction, July 17—

Vernon Vaughan, ex-Governor of Utah, has been declared insane by his wife, who made affidavit to that effect in San Francisco, but when legal proceedings were instituted for his restraint she refused to say anything and the case was dismissed.

Deposits of silver of extraordinary richness are said to have been discovered on Rifle river, Michigan, and the people propose to rifle the earth of its treasures.