

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - SEPT. 20, 1876.

U. S. MARSHALS AND THEIR DEPUTIES AND ELECTIONS.

As considerable interest is felt regarding the duties of U.S. marshals and their deputies at the elections for U. S. office or place, we here condense the principal points of Attorney-General Taft's circular of instructions—

1. In elections of members of the U. S. House of Representatives, and in elections of presidential electors, the U. S. marshals are the conservators of the peace, as regards registration of votes, the act of voting, and the personal freedom and security of the voter, and must arrest breakers of the peace.

2. On such registration and election days, the U. S. Marshal, in his district, is held responsible for all preventible breaches of the peace, and for the arrest and securing of the peace breakers, in matters pertaining to election, and for that purpose he must be present, in person or by deputy, at all places of registration and election where there is reason to suspect the peace is threatened.

3. The Marshal's posse as a posse committatus is to be embodied to enforce the law when deemed necessary.

4. Certain special deputies for these occasions can only be appointed in cities of 20,000 inhabitants or upwards, and such special deputies have special duties [of attending registration and polling places, as regards the scrutinizing and verifying lists of voters,] in addition to the general duties of marshals and their general and special deputies. [These particular special deputies are chosen by the marshal on the application in writing of at least two citizens.]

5. Where local sheriffs can appoint an unlimited number of special deputies, U. S. marshals can also.

6. The Marshal and each of his deputies can summon to his assistance every person, above fifteen years of age, in his district, whether such persons belong to civil, military, militia, or marine life, all are liable to serve in the posse committatus of the marshal or of any of his deputies.

7. No State law or State official [and consequently no Territorial law or Territorial official] can oppose the Marshal or any of his deputies on these occasions. Any interference of local authority is to be disregarded, ignored.

8. Any officer of the State [or Territory] may be summoned for embodiment in the Marshal's or deputy marshal's posse. Any State [or Territorial] posse, summoned by the sheriff, may become, with the sheriff included, part of the marshal's or deputy marshal's posse, and be obliged to so serve.

In view of the wielding of these supreme powers by United States marshals, deputy marshals, and special deputy marshals, some of whom, as experience has proved, enjoy by no means the best reputation, the question naturally arises, "What guarantee has the public, especially those members of it who may not be fellow partisans of the marshals, or deputy marshals, against abuses of this extraordinary authority?"

According to the Revised Statutes the public have guarantees provided in several statutes, some of which are embodied in the following extract—

"Sec. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved

thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just."

Section 5,506 provides a like fine and from one month to one year's imprisonment, either or both, for similar offences.

Section 5,520 provides punishment in a fine of \$500 to \$5,000, and imprisonment, with or without hard labor, for from six months to six years, either or both, for a conspiracy to prevent a citizen from voting for candidates for federal place.

Section 5,508 provides punishment of not exceeding \$5,000 and imprisonment for not more than ten years, with ineligibility to future office, for conspiracy to oppress, threaten, hinder, etc., any citizen in the enjoyment of constitutional and legal rights.

So that with a fair minded judiciary it would be a little dangerous for even U. S. marshals or their deputies to grossly exceed their duty on election day.

FIRES AND DESTRUCTION OF PROPERTY.

WE have just had two fires on two succeeding nights, both comparatively small it is true, but too large for all that, reminding one that misfortunes are not apt to come singly. Destruction of property, by fires or otherwise, is not a private loss only, but a public loss also, not a loss to the individual owner merely, but to the whole community also, for thereby the actual aggregate wealth of the community is correspondingly diminished, and the community is so far poorer than it was, that much nearer actual want, as well as the individual. Hence, losses of this kind are matters of moment to all, and all are interested in preventing them if possible, or in confining the destruction and loss within the smallest possible compass. It is held by many intelligent men that the general stringency of the present hard times is largely due to the destruction of property by the wars of late years in Europe and America, for it is evident enough that any loss of property makes people to that extent poorer, unless the destruction brings with it counterbalancing advantages, which is seldom the case to a very great degree.

Thus it should be the constant endeavor of every member of a community to guard against fires and other means of destruction of property, and to be careful to adopt all reasonable preventive means to secure immunity from such losses, as in the true interest of every individual, which it surely is. Thus also does the incendiary come to be regarded as one of the worst enemies individuals or the community may have, and for this reason, when caught under convictive circumstances, he is likely to find himself in imminent danger of being suddenly and seriously hurt.

SHERMAN ON THE SITUATION.

THE Washington correspondence, Sept. 7, of the New York Herald reports this of General Sherman in regard to the army instructions for the ensuing elections—

"Yes," said General Sherman, "the Attorney General is a very careful thorough going lawyer and the people of the south will recognize that he is very conservative in his interpretations of the law. But it is very painful and astonishing to me that any of the southern people should feel called upon to shoot the poor negroes."

"He then instanced the difference of the people of other countries in which he had travelled, and conspicuously, what he saw in Russia, where the serfs had been liberated; in Turkey and Asia, where the whites, blacks and all sorts were all mixed up and not antagonized by prejudice; and subsequently in Brazil, where slavery was still in force, he spoke of having seen a negro who had risen by various gradations to be a judge and was much respected, a fine, dignified, white headed old fellow in robes. He thinks that there will be a quiet election in the

south, and that the people will see that it is to their advantage to have it so. He does not feel that they object to the presence of the troops, for they will see that it will prove as salutary for one side as the other to preserve the peace by a reign of law and order. The negroes, who are a meek and humble class, will behave themselves well. He does not look for any trouble, and believes that the evidence of the Government being well prepared and determined to preserve the peace will dispel all inclinations to violence."

Local and Other Matters.

FROM THURSDAY'S DAILY, SEPT. 14

Bereavement.—Mrs. Thomas Scott, of the 20th Ward, lost her husband, by death, last Spring, and since the commencement of the present month three of her four children have died, the third one having expired about 11 a. m. to-day.

An Excellent Improvement.—The neat and excellent improvement just completed at Flagstaff Centre, where the junction of the several branches of the street railroad occurs, the planking of the track between the rails, is being repeated at the curve at the corner of South and East Temple Streets, opposite this office. We understand the same is being done at nearly all the curves.

Dramatic.—We have before us the programmes of entertainments to be given next week, for the benefit of Mrs. Romania Pratt, at Prove, Payson, Lehi and American Fork, by the Salt Lake Amateur Dramatic Company. The members of this association have, in their performances, evinced considerable native histrionic ability, and keep improving with practice, giving very creditable entertainments. There is a feature connected with the performances named, however, at which we cannot but express regret. On the programmes for each place is named, for rendition, the drama of "Dick Turpin and Tom King." On account of its tendency, viewed from a moral standpoint, we consider it unfit to be performed in the community. This was the opinion we expressed on the occasion of its recent performance in this city at a benefit to Mr. Graham, and we see no reason for changing our views on this point.

We express this view in all kindness to the Dramatic Company, but personal considerations must never stand in the way when a principle is at stake.

As It Was.—The case of Young vs. Young, in divorce, stands now in the same position it was in before the recent decision of the Chief Justice, who awarded to the plaintiff alimony *pendente lite*, amounting to \$100 a month, payment to date back from the commencement of the suit. As before stated in the NEWS, execution was issued and placed in the hands of the Marshal, to levy on the property of the defendant to satisfy judgment for \$3,600 accrued alimony, certain property was levied upon accordingly, but the Marshal demanded an indemnity bond from the plaintiff before he would proceed to sell, and the court acknowledged his right to indemnification, but plaintiff's counsel refused to give it. Accordingly, yesterday, on application, the Court gave an order to lift the levy from defendant's property and directing the marshal to return the execution unsatisfied.

This case has many windings and turnings, and comes around again to the starting point. What action, if any, will now be taken by the counsel for the plaintiff, remains to be seen.

Another Fire.—Exactly at half-past twelve o'clock last night a large barn at the rear of the residence of A. M. Musser, Esq., Second East Street, was discovered to be on fire. Mr. A. Pratt, who was stopping at the house, immediately rang an alarm on the bell of St. Mary's Church, in which he was speedily assisted by a gentleman connected with the church named; the regular fire alarms followed suit, and in ten minutes from the discovery of the flames the firemen were on the spot and had a stream playing upon the fire. Of course it was an impossibility to save the barn, which was enveloped in flames five minutes after the flames were first seen, but the members of

the brigade worked splendidly to save contiguous buildings, in which they were successful, notwithstanding that a wooden building was within a few feet of the burning barn. Besides the barn and surrounding fence, about four tons of hay and four pigs were consumed.

The fire is supposed to have been incendiary. It started in the rear, or west side of the building. The damage amounts to between \$500 and \$600. Mr. Musser himself is absent from home, being in Paris, Bear Lake Valley.

It is strongly supposed that the fire at Mr. Daft's, the night previous, was also incendiary.

FROM FRIDAY'S DAILY, SEPT. 15.

Porcupine.—A day or two since a boy, son of Brother Barton, of the 18th Ward, caught and killed, in that neighborhood, a large sized porcupine.

Disgraceful.—A couple of young women, being intoxicated, made a disturbance upon the street last night. One of was them dressed in male attire. They were arrested and each was fined \$5 to-day.

Blustery.—This has been a blustery, disagreeable day. Overhead has been obscured by threatening clouds, while strong gusts of wind have sent columns and clouds of dust whirling along the streets, and broken down the branches of trees, rendering pedestrianism anything but agreeable.

Preliminary Examination.—The preliminary examination of William J. Williams, Wells Fargo & Co.'s express messenger, arrested on suspicion of complicity in the robbery of last night, was to take place at three o'clock this afternoon, before Justice Raleigh. We understand Mr. Dooley, Wells, Fargo & Co.'s agent, has made the complaining affidavit. Judge Morgan has been retained as counsel for the defendant.

An Intruder.—The peaceful slumbers of a lone woman and her children, living near the 19th Ward School-house, were suddenly broken at 2 o'clock this morning. The noise made by a man crossing the room adjoining the one where the family were sleeping awoke the occupants, and he was soon glad to make his escape. Should he call again he will be likely to carry away a small quantity of lead, which is in reserve for him.

Returned.—Quite a number of the excursionists to Cache Valley returned last evening by the late train, the U. N. R. R. arriving at Ogden too late for the earlier train to this city. Some of the excursionists were unaware that they could have returned with equal facility and no more cost to-day. If such had read the papers, or even their own tickets carefully, they would have learned that the tickets included the 15th as well as the 14th without extra charge. Most of the remaining excursionists are expected back this evening.

Wells, Fargo & Co.'s Express Robbed of \$15,083.

No small excitement was created in the city last night by the news spreading that Wells, Fargo & Co.'s express had been robbed on the Utah Central Railroad of over \$15,000. Last evening when the 8:20 train reached the depot, Wells, Fargo & Co.'s city express wagon driver entered the express car, and there found William J. Williams tied up inside and gagged. He was immediately released by the wagon driver, who cut away the fastenings with which he was bound, Mr. Williams having, however, one hand, the left, loose, which he said he had, by dint of hard pulling and twisting, been able to extricate. It was soon discovered that the treasure box had been opened and its contents of value, \$15,083, carried off by robbers.

On being interviewed by our reporter, Mr. Williams, the express messenger, stated, in substance, that the train slowed at a lane a short distance this side of Woodcross, to let a woman off, and a few moments afterwards there was a sharp bang on the door of the express car, causing it to fly open, and instantly a couple of masked men with pistols in their hands, sprang in on their hands and knees, compelling Mr. Williams, at

the muzzles of their weapons, to hold up his hands, saying, at the same time, if he would be still they would not hurt him. They then tied his hands up to the car, stretched wide apart, with his face to the wall. They also tied both his legs together, and bandaged his mouth, the binding used being strips of bleached factory, about the width of an ordinary surgical bandage. One of them took the keys from his pocket, at once opened the safe, and then commenced the work of pillaging the express matter. After completing this part of the business he states that one of the men opened the end door of the car, said, "All right," and shut it again, when both made their exit by the side door, and jumped from the train. Mr. Williams says he can give no minute description of the robbers, further than that one of them was a large, broad-shouldered man, with long black beard, and the other was shorter and stoutly built. The messenger states also that, not being suspicious of any danger, he neglected to secure the upper fastening of the door.

On account of apparent discrepancies betwixt the statement made by Mr. Williams and a few circumstances, the latter was arrested this morning, about half past one o'clock, and lodged in the City jail. We understand some of the grounds of his arrest to be that the manner of his tying up and the methodical manner in which a large amount of mail matter had been manipulated, each letter having been neatly cut open, money extracted and the letters replaced each in its own particular envelope, besides the men having to choose the right key from a bunch of eight others before the safe could be opened, it is supposed by some, could not be accomplished in the short space of seven minutes, which is the outside limit of the time the train takes to travel between the point at which Mr. Williams said the robbers entered the car and the Hot Springs, near which he asserts they leaped off.

We understand that three Indians came down on the tender last evening, in sight of and within a few feet of the door of the express car, and they state that they saw nobody enter or leave. Attempts have since been made to break in the express car door, but it was found that this could not be done without either breaking the spring fastening or the door casing, and neither of these is damaged. In regard to this latter point, however, Mr. Williams says that the door, when only fastened in this way, has frequently been blown open by a sudden gust of wind.

The major part, \$10,000, of the money of which the express was robbed, was for McCormick & Co., bankers of this city, and \$5,000 for the Deseret National Bank, while the remainder, \$83, was in small sums directed C. O. D. to several parties.

Mr. Cunningham, of the Townsend House, who was up in the vicinity of the Warm Springs Lake when the evening train passed, states that he saw, at the same time, a team and wagon with some men in the vehicle, driving toward the city at a most furious rate, and Captain Bart and other officers found tracks of a wagon and horses this morning, indicating that the animals had been traveling at a great speed, but as to this circumstance having any connection with the robbery it must of course be merely conjectural as yet.

A curious circumstance connected with the affair is, that Mr. Poland, mail agent, and several other gentlemen were in the adjoining compartment of the car, separated from the express compartment only by a thin board partition, and yet they heard no unusual noise.

Officers of the law are exerting themselves to gain a clue to the perpetrators of the robbery, and it is to be hoped their efforts will be crowned with success.

Mr. Williams is a young man who has resided in this City about eleven years, and who has occupied the position of express messenger for Wells, Fargo & Co. for about one year.

FROM SATURDAY'S DAILY, SEPT. 16.

Burglary.—Between half-past 8 and half-past 9 o'clock last night the Excelsior Bakery, next door north of Savage's art gallery, was entered by burglars, who carried off four boxes of cigars.