

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - OCT. 31, 1877.

INDICTMENT AND TREATMENT OF ALLEGED CRIMINALS.

THE treatment of persons indicted for alleged offences against the laws of this Territory has lately been the occasion of much comment. So has the manner in which certain indictments have been procured. And indeed the empanelling of some grand juries which have framed these indictments has been also a subject of considerable discussion.

Taking the last mentioned point first, we think that it would not be at all out of place, nor foreign to the interests of the people, if a strict scrutiny were instituted at the drawing of the next grand jury, to see that the aim and design of the so-called Poland bill be carried into practical effect. One of the objects of that law was to give the opposing sections of this community an equal share in the constitution of grand and petit juries. Passing by the injustice of giving to a minority composed of one-tenth of the population, the same number of representatives on the jury lists as allowed to the nine-tenths majority, we would like to know something of the *modus operandi* by which the names of thirteen of the opposition element out of the total number of fifteen jurors, can be honestly drawn from a box containing equal numbers of both sides. This is a point that needs watching.

When the right of any grand jury to indict a person, even if he be a "Mormon," on the say-so of an official, without the production of evidence sufficient to show probable cause for a conviction, should be questioned and ventilated. And the irregularity, not to say crime, of sending men to the penitentiary, to be locked up in company with convicted thieves, blacklegs and murderers, on indictments framed without the ghost of a chance for the production of proof of guilt, needs to be shown up and presented for public and authoritative reprobation.

Then the incarceration in the penitentiary of persons not under conviction, whether properly indicted or otherwise, is something that needs to be explained, and justified if legal, but if not, condemned and put a stop to.

The Statutes of Utah provide that the common jails in the several counties shall be used, among other purposes, for the detention of persons charged with crime and committed for trial, whether by process or order issued under the authority of the United States or under the authority of the Territory. (See sections 2362-2364.)

But it has been the practice of the U. S. Marshal and his deputies to arrest persons indicted and hurry them off to the penitentiary, not unfrequently in the darkness of night, and thrust them into the society of the worst of criminals. This has been done in regard to persons against whom the Prosecuting Officer who procured their indictment, has not been able to gather sufficient evidence to warrant him in proceeding with their trials.

According to the law, those arrested individuals should have been taken to the county jail, and even there they should be kept in a room separate from those convicted and under sentence, the statute especially providing that untried and convicted prisoners "shall not be kept or put in the same room."

Unconvicted prisoners at the "Pen," if the statements which have reached us with strong corroboration can be believed, have been subjected to treatment for which their jailors deserve the severest punishment provided by law. It is time that these outrages were arrested and their perpetrators punished, and that those who are so zealous, in word, for the law, should be made to observe the provisions of the law or else receive of its penalties.

The course taken by Dr. Clinton in his action for damages, will be applauded by all who have at heart the welfare of society, the upholding of the law's majesty, and the restriction of public officials to the line of their duty, whether it relates to accused or convicted persons.

That men of character and repute should be dragged from their homes and incarcerated among felons, simply to gratify the spleen, or contribute to the notoriety, of men anxious to ride into popularity on their zeal against the "Mormons," is bad enough. But when added to such outrages, wanton cruelty is used to "squeeze" such persons until they "squeal" so as to suit the plans of their captors, and are treated with brutality and in utter violation of the laws governing criminal process and commitment, the whole community should become interested, and the highest powers of the country should be invoked, if necessary, to banish such barbarism, establish justice and punish the officials guilty of these offences.

THE HISTORY OF GREAT SALT LAKE.

THE following letter, from the geologist of the Powell Expedition, contains particulars in relation to the inland sea of Utah, which will be read with great interest by many persons in and out of this Territory. We shall be pleased to receive and publish any definite information that can be afforded in regard to "The Dead Sea of America," and we invite responses to the request of Mr. Gilbert, who has made personal investigations of this matter, and who, in a private letter, speaks highly of the assistance rendered him by Mr. Jacob Miller, of Farmington, Mr. Joseph Barton, of Kaysville, and Dr. Park, surveyor Fox and Professor Barfoot of this city. Brother Miller has undertaken to erect a wooden pillar near Farmington, for future lake observations and a stone monument for permanent reference. Any assistance rendered in this direction will be in the interests of science and for the benefit of the Territory.

Editors Deseret News:

It is a fact familiar to your readers that Great Salt Lake has no outlet. The Jordan, the Weber, and the Bear, besides many minor streams, continually pour their waters into it, and the winds that sweep its surface just as steadily absorb its water, carrying it away in the form of invisible vapor. In the spring of the year, while the snows are melting, the swollen streams contribute more water than the air can carry off, and the surface of the Lake rises. In the summer, while the lessening streams are yet taxed by the work of irrigation, and while evaporation is greatly accelerated by the warmth of the air, the Lake loses more than it gains, and its surface is lowered. Thus every year there is a sort of tide; from early summer to late autumn the water falls, shrinking away from the shore; from autumn till the following summer it rises again. But the rising and the falling are not always of the same amount. In a year of great snowfall or great rainfall the Lake, on the whole, gains in volume; in a dry year it loses; and in an average year it neither gains nor loses. A succession of wet years causes a progressive rise of the water, and a series of dry years a progressive fall.

Thus the fluctuations of the Lake, from year to year, serve to register the fluctuations of the climate of the region round about, and for this reason the history of the changes of the level of the Lake is of great interest to those who make a study of climates. A few years ago the subject was opened by Professor Joseph Henry, Secretary of the Smithsonian Institution for the Diffusion of Useful Knowledge, who addressed an inquiry to Dr. Park, President of the Deseret University; and about the same time a similar inquiry was made by myself of Mr. Barfoot, Curator of the Salt Lake Museum. These gentlemen, aided especially by Mr. Jacob Miller, of Farmington, elicited a number of important facts in regard to the past history of the Lake; and at the instance of Professor Henry, erected at Black Rock a granite pillar, upon which they

marked a scale of feet and inches to serve for the definite record of that history in the future. More recently the facilities for observing the changes have been increased, and we may feel assured that in the future a full record will be kept.

In the past summer I have taken advantage of a sojourn in Utah to carry still farther the investigation of the past history of the Lake. From the settlement of the Territory in 1847 to the placing of the pillar at Black Rock in 1875, no measurement was undertaken, so far as I am aware, of the changes of level, nor was any record made in writing of such changes as were noticed. In investigating the matter I have had to depend entirely upon the recollections of those persons whose interests or pursuits were affected by the advance and recession of the waters. Fortunately for my purpose they were somewhat numerous, and I have already met and conversed with enough to have established the nature and order of the principal changes of the past thirty years.

There is one locality that has proved especially prolific of information, Antelope Island, otherwise known as Church Island or Garr Island, has been used for the whole period as a herd ground, and for many years it was inhabited. Sometimes it has been possible to ride from it to the main land by following a bar of sand which joins it on the southeast, but at other times the bar has been so deeply submerged that boats were necessary for the passage. By enquiry of persons who have crossed upon this bar at different times I have gleaned the following approximate history:

From 1847 to 1850 the water on the ford was one or two feet deep in the summer of each year; but each winter it fell so low that the bar was entirely dry. Then the water rose until about 1856. Until 1854 or 1855 the ford was passable all the year round, but afterward it became impossible to ford in the summer, and a ferry was required. The low water of winter however barely permitted fording on horseback, the depth being then four and a half or five feet. Then began a subsidence which continued from year to year until, in 1861 and 1862, the bar was laid bare in winter, just as it had been in 1847. In 1863 the Lake rose rapidly, and in the following years it continued to rise, so that by about 1865 the ford became permanently impassable. The advance did not cease for several years, and the stage still continues high. A few days ago Mr. Miller and I found, by sounding, that the lowest point of the bar was covered by nine and a half feet of water.

In this sketch many points are indefinite, and some are perhaps in error. It is presented here in its imperfect condition in the hope that its publication will call out the facts necessary to complete it. It will be in the interest of knowledge and general information if every person who possesses any definite knowledge in regard to the height of the lake at any definite time in the past will make himself known. Facts that confirm or that oppose any of the above statements are equally welcome, as well as facts that fill up the gaps of the history.

There are a few points of inquiry that have especial interest. 1st, In what year was the Antelope Island ford last used? 2nd, In what year did the water first rise to the roots of woody bushes, such as sage, rabbit brush, or greasewood, so as to kill them? Did this occur in the first period of rising (1850 to 1856), or not until the second (1862 to 1868)?

Responses may be addressed to Dr. John L. Park, or to Mr. J. L. Barfoot, both of Salt Lake City, or to the writer.

When the evidence is all in, a fuller account will be sent you.

Very respectfully,

Your obedient servant,

G. K. GILBERT,
Geologist of the Powell Survey,
Washington, D. C.

At Painesville, Ohio, the other day, a man was working in a well when thirty feet of earth and stones fell in on him, burying him over forty feet down. It took eighteen hours and a half to release him. Then he walked home and took his breakfast; but it is reported that he was much fatigued. If the rest of the account is believed there will be no great effort of credulity in accepting the last clause.

FALL PLOWING.

Now is an excellent time for farmers to prepare for good crops in the year of grace eighteen hundred and seventy eight.

Fall plowing is of very great value to Utah agriculturalists, particularly of land designed for small grain. Weeds and stubble are turned under, helping to enrich instead of cumber the soil; the ground has an opportunity of receiving the action of the atmosphere, and incorporating elements necessary for that vigor required to bring forth in abundance; the land, by exposure through the winter, becomes friable in the spring and falls into pieces easily, under the harrow; spring sowing can be done much earlier than after spring plowing; the soil becomes warm much sooner in the spring in consequence of open furrows; and in the fall it is generally in better condition for good plowing than in the spring.

It is not necessary that the land be wet for fall plowing. It does not matter much how dry it is so that it is capable of being turned up. The lumps will imbibe essential nutriment, and will break up by the action of the weather. Now is the time, before the frost sets in, to do the work effectually. The hurry of spring causes careless cultivation, and is the forerunner of scanty crops.

Fall plowing and spring sowing and harrowing, have been proven by our most experienced farmers to be the best agricultural policy, and we advise our country friends throughout the Territory to carry it out as extensively as time and circumstances will permit.

WOMAN SUFFRAGE IN UTAH.

THE Beaver Square-Dealer of the 23rd inst., has an editorial on the Woman Suffrage question. The writer considers that the Colorado people acted wisely in their rejection of the proposition to confer upon women the right to vote at elections. His argument is that the tendency of woman suffrage would be "to breed discord and division in the families composing the commonwealth." But he closes with the statement that in Utah "the women invariably vote with their husbands or the Church. We don't believe that two dozen independent ballots were ever cast in Utah by women."

This seems to us rather contradictory. The objection offered to woman suffrage is that women will oppose their husbands, politically, if endowed with the elective franchise, and yet the women of a Territory where it is practised, never vote independently.

If the objection be valid, which seems to be disproved by the writer's own statement, no young man, who still remains under parental influence, should be permitted to vote, for fear he might side with a party opposed to his father's views, and thus create discord in the family. We are surprised to see a pronounced "Liberal," who contends for the "perfect equality of the sexes," opposed to giving one "half of a man" the same political privileges as the other half.

And we deny the truth of the implication that the women of Utah do not vote independently. It is possible that the writer means that the ladies of this Territory do not generally vote in opposition to their husbands. We grant this, and feel proud to think that it is so. It shows a unanimity of sentiment that is desirable in any community. But we know that the ladies who go to the polls here, vote with as much freedom as the men, and the men as freely as others in any part of the world, whatever may be said by their enemies to the contrary. There is nothing to prevent them from casting their ballots in opposition, if they choose to do so.

It was supposed that if the women of Utah were endowed with the power of the franchise, plural marriage would become a doomed institution. The popular fallacy of the bondage of women in Utah gave rise to this idea. But facts have proven otherwise. The "Mormon" vote is strengthened by woman suffrage, and although many esteemed ladies may feel plural marriage to be a hard trial, yet they believe it to be right when

practised according to the teachings of the Church, with quite as strong a faith as that of the men.

It is true that, in a very large majority of instances, "Mormon" women vote with their husbands; and this is an evidence that they are in true union with them. And those who were formerly such strong advocates of the franchise for the women of Utah, being disappointed in the results, are now as bitterly opposed to it as they were once ardently in its favor. And the very women—the plural wives—for whose benefit this scheme was originally advocated, are now pursued with the pains and penalties of the law, for daring to vote as the wives of citizens, and threatened with imprisonment in a States House of Correction for two and a half years, if they refuse to pay a fine of five dollars, and costs amounting to over \$80, on which the gallant prosecuting officer claims \$50.

We dispute the *Square Dealer's* argument and also its implied reflection of the freedom of the ladies of this Territory.

Local and Other Matters.

FROM FRIDAY'S DAILY, OCT. 20.

Notice.—At a meeting of the Council of the Apostles held in this City on the 25th inst., Elder J. H. Freeman was honorably released from his mission to Michigan, to which he was called by the vote of the last General Conference.

JOHN TAYLOR,

President of the Twelve Apostles.

Stealing.—Last night a man broke into the premises of Dr. Corbett, and stole therefrom articles amounting to about \$15. He was arrested this morning.

Cattle for the East.—This morning the Bennions, of North Jordan, disposed of 200 head of cattle to Mr. Barker. They are to be shipped east to Iowa.

On Business.—Bishops Edward Hunter and L. W. Hardy returned yesterday from a visit to Box Elder County, on business. They found matters moving along very satisfactorily in that part of the Territory.

Croup.—Croup of a dangerous type is somewhat prevalent among children in this city. Mothers should guard their children against exposure to taking colds, particularly when the ground is damp and the air humid and chilly.

Change of Time.—The Utah Northern trains on and after November 1st will run at a more convenient time for the general public. The train northward will leave Logan at 9.30 a. m., and that southward will leave Franklin 9.20 a. m. See time table.

Personal.—Mr. E. S. Baker, representing E. J. Bowen, the well-known seed merchant, of San Francisco, is in town. He will start next Monday for a trip through the southern settlements, where he expects to do considerable business.

Missionaries Returning.—Elder Richard G. Lambert, wife and two children and Elder Hyrum S. Woolley, wife and two children, reached San Francisco, from the Sandwich Islands, yesterday. The party left Honolulu on the 9th inst. They will arrive in this city on Monday morning.

With the Emigrants.—We understand that the father of our respected townsman Mr. John Liddell, is with the company of emigrants now on their way to this City. The old gentleman is seventy-eight years of age. He comes from the vicinity of the city of Glasgow, Scotland.

The Cricket Match.—The match between the Ogden and Salt Lake clubs was won by the latter by five runs, not nine, and one innings.

A single wicket match was subsequently played by Mr. Tudden, of Ogden, and Mr. J. Payne, of Salt Lake. The former made one run in two innings, and the latter fifteen in one innings.

Drought.—Mr. Charles Bird, who returned this week from a visit to Santa Clara, Washington County, advises us, so says the Beaver Square-Dealer, that the people of said town have been hauling their water for more than four months and that an entire failure of crops has re-