

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - FEB. 27, 1878.

JURISDICTION OF JUSTICES.

THE new act in relation to Justices of the Peace is a very wise measure, and in signing it the Governor has done a good thing. The principal points in it were embodied in the law which passed both Houses at the last session of the Legislature, and the difficulties which have since arisen sprang from the refusal of the Governor to sign it as it was framed by the Assembly. That bill provided that Justices should have jurisdiction in criminal cases in which the penalty was any sum less than three hundred dollars fine, or six months' imprisonment, or both. The Governor thought this was too much power to be placed in the hands of local Justices, and therefore declined to sign the bill unless their jurisdiction was reduced to cases with a penalty of one hundred dollars fine, or a hundred days imprisonment, or both. The Assembly accepted the change to save the bill, and so it became a law with this amendment. But at the same time the penal code was passed and signed, which arranged the various classes of crime. By this classification certain petty offences were entitled misdemeanors, and the maximum penalty for them was placed at three hundred dollars fine and six months imprisonment.

The effect of this, under the ruling of the higher courts was, to deprive the precinct Justices and city Aldermen of power to punish a case of common assault or petty larceny. If a ruffian knocked a person down in the street, he could not be dealt with summarily, but if arrested must be committed to await the action of the Grand Jury, and if they found a true bill, to go through the process of trial in the District Court. So with a petty thief who stole a pocket handkerchief, a lump of coal or a loaf of bread. And all the expenses attending a indictment and trial in the District Court, with the services of the prosecuting attorney, marshal, &c., were incurred, the fees of the latter officers being immense and extortionate as we have shown on a former occasion. The present grand jury have to entertain cases in which the fees of the jury, to say nothing of the expenses of the trial, are far in excess of the value of the property alleged to be stolen.

The new law extends the power of the Justices, as designed in the bill of last session; therefore they can now handle these petty cases and a class of offences with which the District Court ought not to be troubled. This is as it should be, and is in consonance with the provision of the "Poland" bill, which extended the jurisdiction of Justices of the Peace in civil cases to \$300.

We believe the District Courts are just as sick as the public, of the policy of clipping the power of local Justices and crowding every case of crime into the higher courts, and that while in times past they strenuously supported that policy, they are now just as willing that the precinct justices should exercise this extended jurisdiction as any body who takes any interest in the matter.

The enlarged powers conferred upon these local magistrates suggest the propriety of their qualifying themselves for the onerous position they are called to fill. Of late years many of them have made it their business to become acquainted in some respectable degree with the general principles of law, the provisions of our statutes and the proper manner of conducting cases, and have shown a knowledge of these matters, and an aptness in the application of the law to the causes in court highly to be commended. Others who have not taken this interest in their calling should at once turn their attention to its duties and requirements, and prepare themselves for an intelligent discharge thereof. If they take this course, the new law will be of great benefit to the public; crime will be

checked or promptly punished; the lawless will have a wholesome terror of the local courts; litigants will have confidence in the rulings of Justices and respect their decisions; the higher courts will be relieved of much unnecessary labor and have more time to devote themselves to the consideration of important causes; and that harmony which should exist between the former and the latter will be promoted; all of which will tend to the general public welfare.

THE NEW ELECTION LAW.

We publish this evening the full text of the new election law. It should be read carefully and its various provisions be noted and digested. Every unprejudiced mind must acknowledge that it is a good and liberal bill. We do not think any objection will be raised against it except by the few malcontents who make most of the strife that exists in Utah, who live in a chronic state of dissatisfaction, and who have been the chief clamorers for the changes embodied in the bill.

Our old election law has answered every necessary purpose for nearly twenty-five years. Its chief obnoxious feature was the marked ballot. But opposition to that was only stirred up by persons, who, being eager for office but in a hopeless minority, hated the means it afforded of preventing illegal voting. They influenced others with better motives, and the cry of anti-republicanism had considerable effect upon those who are carried away with mere sound. We repeat what we have previously stated, the marked ballot was retained as the best known method of securing an honest election, and with no other object than the public good. All the stories that have been told about espionage, intimidation and the use of the marked ballot system for discovery how any person voted except in case of a contest, are sheer inventions without any foundation in truth. The charge which has been frequently made that the "Mormon" leaders desired the retention of the old law for the purpose of improperly handling the ballot box in this Territory, is simply ridiculous. The "Mormon" people are overwhelmingly in the majority in this Territory, and while they are united and retain that majority it is clear that no honest election can fail to be carried by the "Mormon" element.

The new law provides a little too much for those who have made so much noise about the old one. The registration system adopted does not suit their schemes at all. Some of the most violent denouncers of the old law and the most malicious of the conspirators against the peace of the people, will be unnamed on the list of legal voters. They are not taxpayers; they contribute nothing to the support of the Territory; they only plot and misrepresent and complain. The chief spokesman for the party of discord, who is now working at Washington for pay in the interest of that small clique, has contributed the munificent sum of thirty-five cents to the revenue of the Territory during a residence of several years. Others of the same clique have paid no taxes at all. They do not want to pay, they only want to control revenue. The registration of voters which they clamored for at first, is now the object of their hatred. It will cause a great falling off in the very districts which they call their own. The great majority have had no objection for illegal voting if they had entertained the disposition, and those who have tried it and failed, and who clamored for a "secret ballot" simply because they wanted to stuff the boxes, are foiled by the simple system of registration adopted.

The honest objectors to the marked ballot will be perfectly satisfied with the new law. And we will say here that the Legislature, at the session of '74 and that of '76, contemplated the abolition of the marked ballot in deference to the views of some and to stop the silly cries of others, but were deterred in consequence of the great expense of the registration plan then proposed; and they knew that an unmarked ballot without registration, in the peculiar surrounding circumstances, was impolitic and suicidal. The method

adopted secures the rights of all, and is the most inexpensive and efficient that has been suggested. It will be perceived that the bill provides for the rights of the minority, by giving to it one judge of election out of three in each precinct where there was any contest at the last previous election. This is more than they would have done for us, but we should endeavor, as far as consistent, at all times to return good for evil. It has been stated that this provision was pressed upon the Assembly by the Governor. The statement is an error. The change was voluntarily made to the bill in the Council and adopted by the House. The Governor signed the bill as passed, and we do not see how he could have consistently refused so to do. It contains all that the opponents of the old law demanded, and is in every respect a consistent and honest measure. And those who would blame the Governor for signing it would have denounced him vehemently if he had withheld his signature.

It becomes now the duty of every citizen to take care that he or she is registered by the time appointed, so that no votes may be lost at the next general election. The Assessors will have to be careful and prompt in attending to the new duty imposed upon them, and should they fail in any degree in discharging it, no legal voter should neglect to have the error rectified.

If we were living in any other part of the country we should indulge in the hope that the noise which has been made over our election laws would now subside. But knowing the disposition of the strife-breeders who raised the previous din, we only expect a change in the tones of the discord. However, the great masses, "Mormon" and "non-Mormon," endorse the measure as wise and acceptable, so we need pay little attention to the small tumult of the incurables.

THE TWENTY-THIRD SESSION.

THE twenty-third session of the Legislative Assembly closed shortly before noon to-day, the last sitting having continued from seven o'clock last evening. A great deal of hard work has been done and some good bills have been passed, most of which have been signed by the Governor and will become part of the established laws of the Territory as soon as published. Following are the bills which have received the executive sanction:

Council File No. 4, Amending titles 21 and 22 of the compiled laws. This act places certain crimes within the jurisdiction of Justices of the Peace and rectifies the evils arising from the rulings of the courts on the penal code, which took a number of petty offences from the Justices' jurisdiction and placed them under that of the District Courts.

C. F. 6 Amending 1806, 1253 and 1750 Compiled Laws. This makes some necessary corrections in the civil practice act.

C. F. 10, Amending the charters of incorporated cities, extends the powers of city Justices to correspond with that of the precinct Justices and provides for the assessment of certain property for municipal purposes.

C. F. 11. Criminal procedure, A comprehensive measure directing the mode of action in criminal cases.

C. F. 13, In relation to Special Elections. This Act makes provision for elections to fill vacancies that may occur between the general elections.

C. F. 22. Changing the names of certain persons from Littlewood to Rigby.

C. F. 26. Reducing the boundaries of Washington City and amending its charter.

C. F. 27. For the preservation of game.

C. F. 28. Changing the names of certain persons from Powell to Bolton.

C. F. 31. Supplemental to the Act on Incorporations for General Purposes. This extends the provision of the Act to incorporations for social, religious, scientific, literary and benevolent purposes, and defines their powers and manner of formation.

House File No. 2. To Amend Sections 1151 and 1154 of the Act

in relation to Divorce. This repeals the obnoxious section of the old Act, which made it impossible for non-residents to obtain divorces in this Territory. It provides that none but residents for a year can file a suit, and that a wife may obtain a divorce for the following causes: Impotency at time of marriage; adultery subsequent to marriage; wilful desertion for more than one year; "wilful neglect of defendant to provide for his wife the common necessities of life;" habitual drunkenness; conviction for felony; cruel treatment. The section left unrepealed in the old law provides that, "The husband may in all cases obtain a divorce from his wife for the like causes and in the same manner as the wife obtains a divorce from her husband."

H. F. 13. To approve of the Compiled Laws of Utah. This accepts the labors of the commission appointed to compile the laws at the previous session.

H. F. 18. Revenue Bill. Considerable controversy arose on this bill, the Governor objecting to certain provisions. Finally a compromise was effected and the bill was signed with a few changes, the most important of which was one exempting from taxation mining claims, their products and the ore therein. Patented mines, of course are subject to taxation. A tax of three mills on the dollar, assessed and collected with general taxes, is required by this Act for district school purposes, in the place of the one-fourth of one per cent. which was formerly assessed by the trustees.

H. F. 24. Changing the county seat of Piute County.

H. F. 26. Providing for the purchase of record books and safes for the District Courts.

H. F. 35 Amending the Act on Irrigation Companies. This makes the tax for irrigation canals a land tax alone; changes the time for election of officers to the second Monday in October, the election to be in public meeting, by ballot; provides that no person who refuses or neglects to pay the tax shall vote or hold office in the company or use the water from the canals; and settles the manner in which the right of way can be secured.

H. F. 36. To incorporate Silver Reef City, Washington County.

H. F. 37. To incorporate Richfield City, Sevier County.

H. F. 38. Election bill. It provides for an unmarked ballot and the registration of voters, and is an entirely new election law in this Territory.

H. F. 39. Amending an Act in relation to proving records and rules.

H. F. 42. For the equalization of taxes on transitory herds. This defines the relative rights of counties in taxing stock removed from one county to another.

H. F. 45. Reducing the boundaries and amending the charter of Springfield City.

H. F. 50. Amending the laws relating to fish.

H. F. 52, Appropriation bill.

The Assembly has done a good work. Several bills introduced in either House failed to pass in the other, and other bills were either vetoed or remained without the Governor's signature, for which refusal or neglect to sign, shameful to say, there is no remedy in this Territory. The general feeling of the Assembly towards the Governor is that he has done well. Members make allowances for the difference between his sentiments and theirs, and the pressure brought to bear upon him by influences hostile to the Legislature and the general public here.

The great difficulty in our legislative affairs is the lack of time. Forty days is too short a period in which to prepare and enact laws for this growing section of the country. Either a commission should be appointed by the Legislature to prepare bills before it convenes, or there should be a preliminary unofficial session, when bills could be framed and changes discussed, so that when the legal session commenced business might be attended to without hindrance and without that haste which always characterizes its deliberations towards the close.

We congratulate the legislators upon their efficient labors and the Territory upon having a body of men to represent its interests who work so faithfully and unselfishly for the general welfare.

Cardinal Pecci, elected Pope, will be called Leo XIII.

Local and Other Matters.

FROM SATURDAY'S DAILY, FEB. 23.

Priesthood Meeting.

The general monthly Priesthood Meeting of this Stake will meet at the Fourteenth Ward Assembly Rooms on next Saturday, March 2nd, at 11 o'clock a.m., when it is expected that each Bishop will be prepared to make a full report of the condition of his Ward. It is desirable that the Quorums of Priesthood be fully represented.

ANGUS M. CANNON,
President of Salt Lake Stake of Zion.

Call and Get It.—There is a message at the Western Union Telegraph Office for J. R. Murdock.

Home Missionaries.—The regular monthly meeting of the Home Missionaries of this Stake of Zion will be held at the Council House on Wednesday evening, 27th inst. at 7 o'clock. A general and prompt attendance is requested.

Personal.—Mr. S. A. Kenner of the Ogden Junction is in town having come down to be present at the closing "exercises" of the Legislature. He sat up all night with them and took notes of their doings. He returns to the Junction city this evening.

Departed.—It will be seen by obituary notice in another column, that Sister Ursenbach died this morning. She was a lady of superior education and attainments, and true to her integrity in the work of the Lord. She leaves one son, who is now in New York, employed as a scenic artist at one of the leading theatres. She has also two daughters in St. Petersburg, Russia.

Deceased was a native of Switzerland, but resided for some time in Russia.

Information Wanted.—John Tear, wife and family; baptized by Elder Coombs, at Barnet, Herts, in 1867, left there same year, supposed for Wales or Scotland, and believed afterwards to have gone to Utah. Address—Mr. J. Benwell, 18 Bolton Road, St. John's Wood, London, N. W.

Also of Mrs. Sarah Saunders, who emigrated to Utah from Poplar, London, some 16 or 17 years ago, by her son Thomas Wilkins, care of Mr. J. Benwell, 18 Bolton Road, St. John's Wood, London, N. W.—*Millennial Star*, Feb. 4.

Musical.—"An Observer" hands in the following:

The anniversary of the birthday of the illustrious Washington was observed yesterday with more than ordinary respect. At 7 o'clock in the evening, the 16th Ward School-rooms were well filled with a bright, cheerful audience, to listen to and be cheered by the sweet singers of Israel of both sexes, in the form of a concert, got up for the entertainment of all, the proceeds to go for the benefit of the Sunday School. In every way it was a success. All seemed happy, cheerful and well satisfied. Much credit and praise is due to the manager, C. H. Gould, Brother John Vincent and others, and in fact all who took part in the affair. Good order and harmony prevailed throughout.

OBITUARY.

We have to record the demise of another noble daughter of Zion, Sister Josephine de la Harpe Ursenbach. She was a native of Switzerland, and of a very ancient family, some of the male members of which have left an honorable name in the history of their country, as military men. General De La Harpe served under Napoleon the 1st. Her father was Seigneur De La Harpe a man of wealth and position. She was reared in affluence and received a liberal education; early in life she married Monsieur Luedert, a Russian official at the Court of St. Petersburg, and she moved in the highest ranks of life; in a few years she was left a widow with three children. Her two daughters are now residing at St. Petersburg in high life; her son Joseph is at this time in New York. She embraced the Gospel in her native land, and shortly after emigrated to Utah, bringing her young son with her. She crossed the Plains in "the Hand-Cart Company," and suffered much, drawing her hand-cart all through that long journey. She has ever been a faithful Latter-day Saint; has borne her testimony to many of the nobles of the earth, among them Victor Hugo, who answered her letter under his own hand, giving her credit for being a sincere and noble woman. She has lived and died in obscurity, being but little known or appreciated. But she has made her calling and election sure, and her name will yet be held in honorable remembrance in the Church of Jesus Christ of Latter-day Saints. *Requiescat in pace.*

H. T. K.
Salt Lake City, February 19, 1878.