

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - July 7, 1875.

## COMMISSIONER'S FEES.

In our article in yesterday's NEWS upon "Court Fees," it was stated that the fees and compensation of clerks in district and circuit courts for administering oaths, taking acknowledgments, taking and certifying affidavits and depositions, were the same as those of commissioners.

The fee law of 1853, which the Poland bill expressly extends over Utah, fixes the fees of commissioners as follows—

For administering an oath, ten cents; taking an acknowledgment, twenty-five cents.

For hearing and deciding on criminal charges, five dollars per day for the time necessarily employed.

For attending to a reference in a litigated matter in a civil cause at law, in equity or in admiralty, in pursuance of an order of court, three dollars per day.

For taking and certifying depositions to file, twenty cents per folio of one hundred words, and ten cents per folio for each copy of the same furnished to a party on request.

For issuing any warrant or writ, or any other service, the same compensation as is allowed to clerks for like service.

For issuing a warrant for any crime set forth in the tenth article of the 1842 treaty with Great Britain, or the 1843 convention with France, two dollars; and for hearing and deciding upon any criminal case under said treaty, or convention, five dollars per day for the time necessarily employed.

**WHAT THEY WANT.**—"The citizens of Utah," says a rabid journal, and meaning the small, rabid and unscrupulous minority, "do not ask for proscriptive legislation of Congress—one short bill if it is only properly framed and to the point, will suffice."

Just so, a short bill, prohibiting all "Mormons" from sitting on a jury, holding office, exercising the suffrage, or enjoying any kind of a right which said small rabid minority of "citizens of Utah" are bound to respect, is all that is wished. A lengthy, cumbersome law is not necessary. Short and simple is the thing.

The Roman emperor is said to have wished that his people had only one neck, that he might have destroyed them all at a single blow. So easily this reckless minority of "citizens of Utah" would wish to destroy "Mormons" and "Mormonism." But Banquo's ghost was troublesome.

These gentlemen of the ferocious minority must have been reading De Foe's "Shortest Way with the Dissenters."

"The citizens of Utah!" Yes. "We, the people of England!" Yes. But to compare these "citizens of Utah" with the three tailors of Tooley Street is an insult to those presuming three-ninths of a man.

**A CLEVELANDER'S OPINION OF SALT LAKE CITY.**—The Cleveland, O., Plain Dealer of June 19 says it has been favored with the following extract of a letter from a Cleveland, James M. Allen by name, who was on a tour to the Pacific coast, to a friend in that city, and dated Salt Lake City, June 15—

"I have been completely astonished at what I have seen here. Here is a population of 20,000—gas, street railroads, steam fire engines, large hotels, beautiful Euclid Avenue residences, and every convenience pertaining to an Eastern city. Strawberries and other fruits in great abundance. I was in the Tabernacle this morning, which has a seating capacity for 12,000 people. In brief, it is a wonderful city. I could have seen Brigham this morning, but was ashamed to go with a crowd of sightseers, as if a wild beast was to be trotted out."

## THE CONWAY-CLINTON CASE.

In the decision of the Supreme Court of the Territory in the Conway-Clinton case, reversing the decision of the Third District Court, and setting aside the verdict there in obtained, the following are in brief the points of error by the lower Court, on which the reversory decision was based—

1. Denying the challenge of the juror Crowell, for not being a taxpayer.

2. Denying the challenge of the juror James Lowe for bias.

3. Disallowing questions to William Hyde, defendant and witness, concerning his motives in destroying the property of plaintiff, and whether or not he had any ill-will towards her."

4. In instructing the jury that the defendants had admitted that they destroyed the property of the plaintiff and were therefore bound to prove the lawfulness of their acts, the Supreme Court not finding such admissions, and also holding that inconsistent defenses must be taken advantage of by motion or demurrer, otherwise the defect is waived.

The Supreme Court decide that the destruction of the private property was unlawful, the warrant issued by Justice Clinton for that purpose being clearly unconstitutional, and "void on its face."

This additional reversal of decisions and rulings of the late Chief Justice is additional evidence of his abundantly demonstrated unfitness for the office which he held and so long disgraced, and of the soundness of the discretion which dictated his removal, tardy though it was. Justice is slow but sure. The gentleman whose decisions were thus reversed made for himself a most extraordinary record. His action, in nearly every case which has been appealed, has been reversed, and although he came to Utah with all burning zeal to punish a host of people for something or other, because they professed a certain religion, we do not recollect a single criminal case, during his whole five years of office, which came before him, in which his action was not reversed, on some point or other, actually or virtually, by the superior courts, when he and his bail fellows did not constitute those courts. This is a most remarkable thing, and goes far to prove that judicial prejudice cannot cope with judicious principle, and that judicial fairness and impartiality will not fail to triumph over judicial partizan partiality in the long run.

## THE FOURTH.

THE Glorious Fourth of July, this year the 99th anniversary of the nation's birthday falling on Sunday, it seems to be the general idea to celebrate it on the fifth, that is, Monday, which will certainly be better than Saturday, the latter being the universal great business day of the week.

Formerly the custom hereabout was to observe the day with processions and other public ceremonies of a more or less imposing character. This was not always very enjoyable in some respects. To parade the dusty streets in this arid atmosphere, sweltering and roasting in the heat of the day under a white-hot sun in a cloudless sky, with the mercury ranging among the eighties or nineties, may be a very patriotic, but can scarcely be considered a very sensible, manner of celebrating this great American holiday, and many of our citizens are very well satisfied that these public processions have been abandoned of late years in their festivities in honor of the Fourth. In the fervent heats of July is the time when prudence would suggest the seeking of the cooling shade rather than the open, glaring, blazing, burning sun, as the most proper scene for recreation and pleasurable festivity. Prudence and patriotism are in perfect harmony with each other. On Monday there will be no gen-

eral public celebration, but everybody will observe the day in a manner to suit himself, so far as he can. There are excursions by rail on the Utah Central to Lake Side and Ogden, and some on the Utah Southern and its connections. The Utah Western runs four trains each way in connection with the steamer General Garfield at Lake Point (Clinton's). There are to be big doing at Lindsey's Gardens. Then there are Glendale Gardens, Spring Lake Pleasure Grounds, Fuller's Hill Gardens, and other Gardens, the various canyons, and many other places and means whereat and whereby the day may be passed and rejuvenating festivities indulged in, by individuals, families, and parties great or small. So that there will be no lack of opportunities for the full and perfect enjoyment of the greatest festival day in the year to Americans.

## Local and Other Matters.

FROM FRIDAY'S DAILY, JULY 2.

**Adjourned.**—The Twentieth Ward Institute has adjourned for the season, to meet on the second Thursday in next October.

**Vacation.**—At noon to-day the Twentieth Ward Seminary adjourned for a six weeks' vacation, during the heated term.

**Woman's Exponent** for July 1st contains—"Letter from England," "The Wife's Appeal," "R. S. Reports," "A Woman's Thoughts," "Eve's Curse," "A Modoc at Church," "About Letter-Writing," etc.

**Fugilistic.**—Last evening a couple of East Temple Street merchants were unable to see alike on certain matters, which made one of them so indignant that he undertook to pound his arguments into the head of the other with his fist, for which Justice Pyper fined him \$5.

**General Holiday.**—The coming Fourth of July will not be celebrated by any special demonstration, in this city, further than by making Monday, the 5th, a general holiday among all classes, which we understand to be almost the universal intention.

**That Medal.**—The match game of croquet, for the Lindsey championship medal, was played yesterday, at the Gardens, between the Daynes and Stayner clubs, resulting in victory for the former, who carried away the trophy.

The medal can be seen at Daynes & Son's store, and Mr. Daynes is ready to receive challenges to contest for the medal, in accordance with rules, which are understood.

**Home Again.**—Our genial friends, C. R. Savage and R. F. Neslen, Esqs., arrived home from their trip to the Bay, at one o'clock this afternoon. They left this city June 20. The latter gentleman calling on us, enables to say that he enjoyed his trip immensely, thinks California a great country and the people there enterprising and liberal. He looks tanned and more rugged, has lost his cough, and feels considerably set up in health generally, as well as highly pleased with his excursion experiences.

**Return of Utah's West Point Cadet.**—By this evening's train, Second Lieutenant Willard Young is expected to reach home.

In June, 1871, the young gentleman received the appointment to the U. S. Military Academy at West Point, N. Y., having prepared himself for the examination of that institution at the Deseret University.

By close attention to study and a marked interest taken in every department of the Academy, he has risen in all his classes, until now he graduates fourth in the class of forty-three representative young men of every State in the Union.

In acknowledging the credit he has done himself and the honor to the people he represents, in graduating so high in his class, the government has appointed him to the Corps of Engineers, which is the highest distinction that can be conferred upon a graduating cadet, and one that is enjoyed by but three others of the class.

The success of Utah's first West Point cadet further confirms the erroneousness of the idea that the minds of polygamous children are inferior to those of monogamic parentage. The Chicago Times of June 28th says—

"A son of Brigham Young has graduated from the military academy at West Point, standing third in his class. It has been said that polygamy results in the impairment of the mental faculties of the offspring, but this does not seem to prove the theory."

A number of the relatives and personal friends of Lieutenant Young go to Ogden this afternoon to meet him and Mr. Spencer Clawson, his traveling companion from New York.

FROM SATURDAY'S DAILY, JULY 3.

**Disturbance.**—A person who resides in the vicinity of the intersection of Third South and Seventh East Streets informs us that a number of lads have congregated thereabouts every night lately and shot off pistols and other fire-arms, and shouted and yelled, to the great annoyance of the neighbors living within the radius of a few blocks of the spot. They should be attended to by the city officers.

**Be Careful.**—Small boys and boys not so small are apt about this time to be handling and shooting off firearms, the city regulations to the contrary notwithstanding, and to parents and guardians of children we offer a word of caution, on this subject, for it is grievous to have to record distressing Fourth of July accidents, as is the case nearly every year, about some child or children being shot, scorched or otherwise injured through carelessness.

**Personal.**—C. R. Penrose, Esq., the handsome editor of the Ogden Junction, showed his pleasant countenance in this office yesterday afternoon, looking well in health, tanned in complexion, buoyant in spirit, and elegant in apparel. Charles says he did not go to Soda Springs, with his good wife, to preempt a few quarter sections, but to drink the sparkling soda water from Nature's fountains, and to get a little sun and air. Judging by his beaming countenance and joyous manner, his desires in that direction were crowned with success.

**The Newly Married Pair.**—This morning Henry and Mary Miller, the couple who were united in wedlock but a few days since, by Justice Pyper, appeared before that functionary on business of a different nature. Their appearance was involuntary, both having been arrested for indulging in their extensive bibulous propensities and creating a general uproar, to the disturbance of the public peace.

They were each fined in the sum of \$10, which they were unable to furnish, causing them to be under the surveillance of the City officers for the space of ten days.

**Grand Ball at Coalville.**—A complimentary comes to a "Grand Opening Ball" and social picnic party of the Summit County Court House at Coalville, on Monday next. Dancing to commence at 2 p. m., recess 6 to 8 p. m. Hon. Elias Asper, Charles Richins, Esq., Robert Salmon, Major H. W. Brizzee, J. Woolstenholme, Esq., Committee of Arrangements.

Hon. W. W. Cluff, Wm. Lauder, Esq., Hon. Ward E. Pack, G. G. Snyder, Esq., Committee of Reception.

Floor Manager, Major H. W. Brizzee.

Music by Olsen's Band. James Currie, prompter.

**Charged with Subornation of Perjury.**—Yesterday afternoon Bp. L. H. Hatch, of Franklin, having been brought to the City on a warrant issued by Judge Lowe, appeared before that official, to answer preliminarily to a charge of subornation of perjury, for which alleged offence he had been indicted at the March term of the Third District Court of Idaho. He was released on giving bonds of \$7,500 to appear at the next regular term of that court.

The charge grows out of allegations to the effect that he procured witnesses to swear falsely in behalf of the railroad company, in the entering up of public land.

**A Watery Squabble.**—This morning Frank Hirth, a resident of the First Ward, was before Justice Pyper, on a charge of assaulting, striking and threatening the life of another resident of the same locality, named Camilly. The evidence showed that the squabble arose from that ever fruitful source of disagreements, the water. Witnesses who saw a part but not all of the dispute saw the two princi-

pals on the ground upon the sidewalk opposite Camilly's lot, shortly after six o'clock yesterday morning. Hirth grasping a pistol in one hand and a hoe in the other. They scrambled to their feet, when it was discovered that Camilly had been struck on the arms and cut very badly, and also over the head with Hirth's hoe. The latter threatened to send the other to another state of existence in a twinkling, at the same time flourishing his pistol. Camilly said, "I'll go and get my pistol too," and he entered the house and soon reappeared, pistol in hand, and it seemed then as if there was going to be hot work, but as Camilly approached the other his courage failed him, and, at the command of Hirth, he dropped his weapon upon the ground.

It was all about a little water. It was allotted to Hirth from three o'clock till six, and Camilly claimed that it was after that hour that he turned some water upon his ditch, while Hirth claimed he did it in his allotted watering time. Anyhow, whether Camilly stole the water or not, pistols and hoes are not legal weapons with which to settle such a dispute, and therefore Hirth was fined in the sum of \$15, which he paid.

**Silk Raising.**—To-day our reporter visited the cocoonery of Justice A. C. Pyper, at the rear of his residence, in the 12th Ward. It is of a temporary character, being in the upper part of his barn, where he has about thirty thousand as fine, large, healthy silk worms, French Annuals, and a small number of Japanese worms, as it has ever been his fortune to see, most of them busily engaged in spinning. The Japanese are considerably smaller than the other kind. Mr. Pyper has demonstrated, to his entire satisfaction, that there is no difficulty whatever in raising silk in this Territory, providing a little care be exercised in the manipulation of the worms. A large amount of the want of success attending the efforts of some in that direction has been the crowding of too many worms upon the hurdles, not giving them sufficient room, and through placing the leaves for them to feed upon always in one place, causing some of the worms that cannot get at them to starve. Also on account of the dilatory worms not being separated from the healthy ones in good time and destroyed. Disease among them appears to be contagious, and will spread and destroy them *ad libitum* unless checked by the separation and destruction of the infected ones. When diseased worms are allowed to die and lie around, the survivors are sure to become affected. Select and preserve the healthy ones, those which moult the last time, if you want to be successful in silk raising.

The silk worms are very fastidious regarding the place they select to spin in, and take most readily to oak and other kinds of brush. However, in Mr. Pyper's cocoonery they are not only spinning in the brush provided for that purpose, and in racks which have been erected, but have climbed up into the roof and sought out every available nook and corner. It has been observed that they like to spin and have a catch or rest at right angles, and Mr. Pyper is satisfied that there can yet be a great improvement made in the character of the spinning apparatus, and he is making observations with a view to an improvement in that direction.

The 30,000 worms mentioned have been attended to almost solely by Mr. Pyper's son George, who is not quite fifteen years old, and the result of fifty days of his work will be that the quantity of worms named will produce sixty pounds of cocoons, worth \$120, or, when reeled, \$300 worth of silk.

Besides the full grown worms, most of which are spinning, there are 15,000 half-grown, which will be spinning in between ten and fifteen days from now. The 30,000 were raised from only one pair, which were first owned by Prof. Barfoot, from whom Mr. Pyper obtained 500, which had been raised from the pair, four years ago, with the present comparatively large result. As to the profitability of silk raising here there can be no question. Mulberry trees can be raised in orchards without interfering with the fruit trees, and women and children can attend to the worms without difficulty, the work being light and, to people generally, of an interesting character.