

Correspondence.

Justices of the Peace, Commissioners, and Coroners.

SALT LAKE CITY,
May 21, 1875.

Editor Deseret News:

A few days ago Mr. John Wiggins was arrested by the police of this city, charged with the murder of John Kreamer. At the same time John Kreamer's body was taken to the City Hall and the Coroner of the County, Mr. George J. Taylor, was notified, and he, in the exercise of the power imposed on him by law, called a coroner's jury and entered upon the inquisition. While the inquest was being held, one Campbell went before Mr. Kimball, a United States Commissioner, and made oath of the alleged murder of Mr. Kreamer by Mr. Wiggins. Mr. Kimball, as it was his duty to do, not knowing where Mr. Wiggins was, issued his warrant for his arrest and delivered the same to the United States Marshal, to be served. The United States Marshal, by one of his deputies, came to the City Hall with the warrant at the time Mr. Taylor was engaged in the business of the inquiry. I, being present, and understanding that the Commissioner was authorized to enter into an inquiry in relation to the charge against Mr. Wiggins, as well as any justice of the peace of the county, advised the city police to permit the deputy marshal to take the custody of Mr. Wiggins. With this advice they complied. As this has been the subject of some comments, I deem it a duty to make a few remarks on the subject and call attention to a few laws having a bearing on the question.

By an act of Congress, approved February 20, 1812, 2 Statutes at Large, 679, it was provided that the Circuit Courts, whenever the extent of their districts rendered it necessary, may appoint such and so many discreet persons in different parts of their districts, as such courts may deem necessary, to take the acknowledgment of bail and affidavits, which acknowledgment of bail and affidavits shall have the like force and effect as if taken before any judge of the said Court.

The powers of these officers have from time to time been enlarged by Congress, until it was conferred on them as follows—That they shall and may exercise all the powers that any Justice of the Peace or other magistrate of any of the United States may now exercise, in respect to offenders for any service or offence against the United States, by arresting, imprisoning or bailing the same, under and by virtue of the thirty-third section of the judiciary act of 1789. Conklin's Treatise, 233. Subsequently the superior courts of the Territories were authorized to appoint commissioners in the Territories for like purposes and with like powers and duties. Finally, by the act of June 23d, 1874, it was provided, sec. 6, that the Supreme Court of said Territory (Utah) is hereby authorized to appoint commissioners of said court who shall have and exercise all the duties of commissioners of the Circuit Courts of the U. S. and to take acknowledgments of bail; and in addition they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

Our laws, from the earliest period of our Territorial existence, have authorized Justices of the Peace to act as examining and committing magistrates. These several enactments constitute commissioners and justices of the peace co-ordinate branches of the government, with like powers and duties. When therefore a writ for the arrest of a person for an offence is issued by any one of them and the officer to whom the writ is directed finds the person in the custody of an officer, upon the same or upon another charge of equal degree, he should arrest him not nor attempt to take him from the person in whose custody he may be found. But if the officers can agree, which they ought to do, the custody may be surrendered or retained. Whichever way the officers may arrange the matter, the person accused is in the custody of the law and is to be dealt with as the law provides. And it does not alter the matter that one of these officers is a U. S. marshal and the other a Territorial officer.

The act of Utah on the subject of coroner's inquests provides that the coroner shall hold inquest only on the bodies of such persons as are supposed to have died by unlawful means, found or being in his county, and that the coroner's jury shall return a verdict to him in writing, stating the substance of the matters found. If the inquisition find that a crime has been committed, and name the person by whom the jury believe it was committed, then and not till then the coroner may issue his warrant for the arrest of such person. This warrant is to recite the facts with the verdict, and it commands the peace officer to whom it is issued to take the arrested person before a justice of the peace for examination.

In this proceeding it will be perceived that the accused is also in the custody of law, and the proceedings are such as to enable this branch of service to continue proceedings until the accused is convicted or discharged as the law provides.

Yours truly,

Z. SNOW.

Alexander H. Stephens and two other gentlemen were turned out of a car reserved especially for colored people, on the Macon and Western Division of the Central Railroad, in Georgia, a few days ago. The Great Commoner remarked that it was the first time he had ever been called on to vacate a car because he was not as good as a negro. If the car had been reserved especially for hogs, Alexander would have been turned out just the same, not being as good as a hog there.

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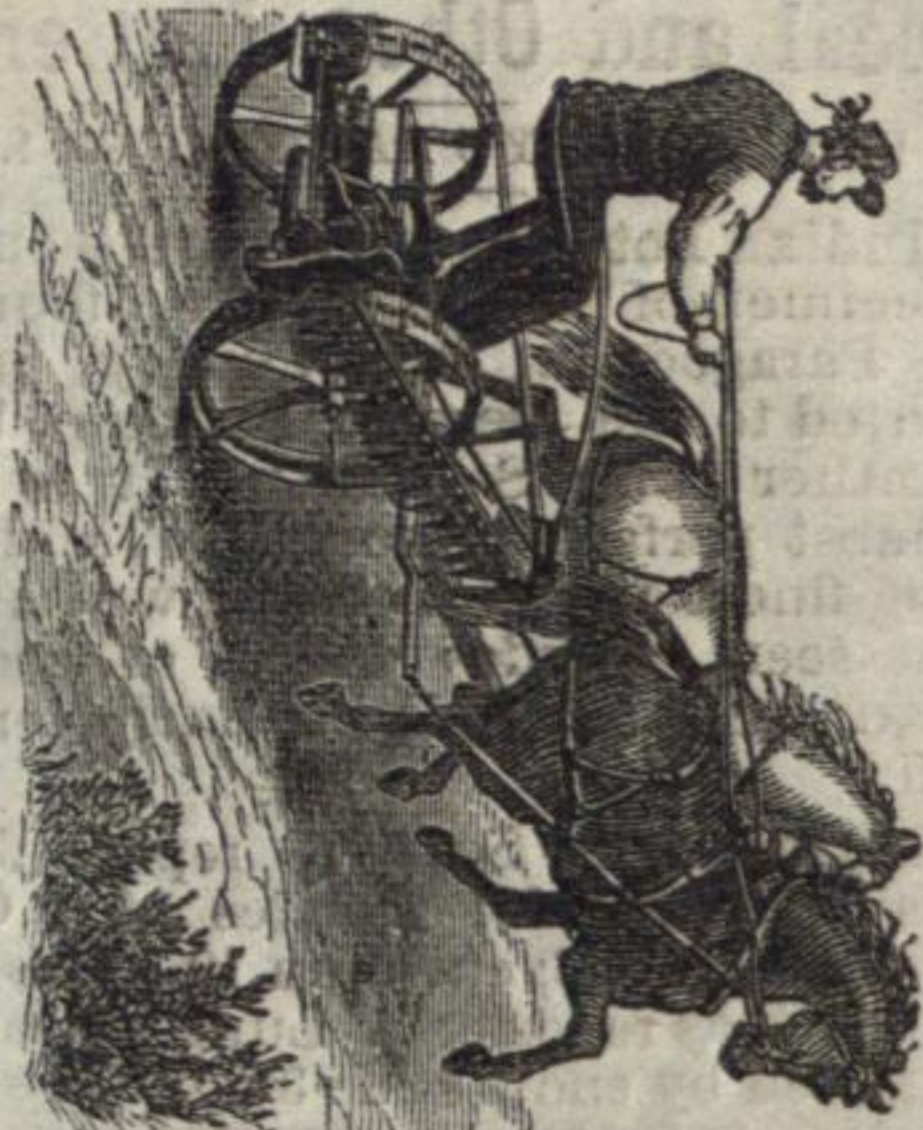
H. B. CLAWSON,

SUPT.

Salt Lake City, 1875.



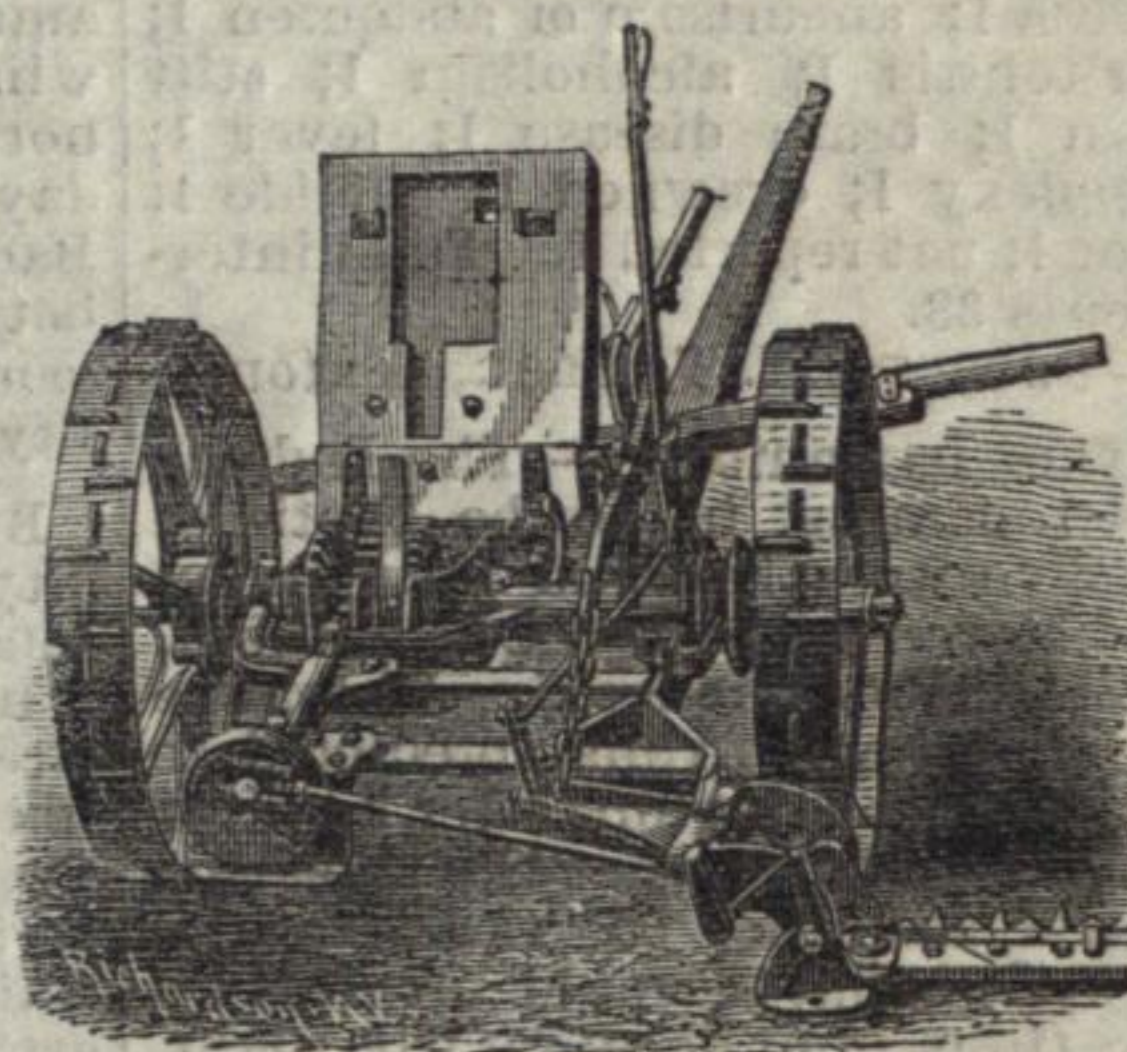
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NOTICE.

TO BENJAMIN F. BUTLER, or to whom it may concern, take notice: That I, M. T. Gisborn, have done work on the Silver Tail Mine, Ophir Mining District, Tooele County, Utah Territory, to the amount of sixteen hundred (\$1600) dollars, and your share amounts to four hundred (\$400) dollars, and if you fail to pay your portion within ninety days, your interest in the said mine will be forfeited by operation of law. MATT. T. GISBORN.

Dated Ophir City, March 3rd, 1875. w6

NOTICE.

TO John Sullivan, George T. Henry, J. H. Walker, Daniel Driskel, Charles Adler, or to whom it may concern, take notice: That we, Frank Worthing, Michael Enright and John Gillooly have done work on the Harrington Mine, Ophir Mining District, Tooele County, Utah Territory, to the amount of four hundred and sixty (\$460) dollars, and your several shares amount to two hundred and twenty-five (\$225) dollars, and if you fail to pay your portion within ninety days, your interests in the said mine will be forfeited by operation of law.

FRANK WORTHING,

MICHAEL ENRIGHT,

JOHN GILLOOLY.

Dated Ophir City, Feb. 25th, 1875. d84