

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Nov. 14, 1877.

## THE CLINTON CASE.

THE case of Dr. Clinton against Marshal Nelson, which was non-suited yesterday in the Third District Court, has been watched with great interest by people of different views, political and otherwise. The decision of Chief Justice Schaeffer is received with much dissatisfaction. If the complaint had been made against any of our local officials who do not receive their appointment from Washington, it is believed that a very different result would have been obtained.

Dr. Jeter Clinton was indicted for murder by a Grand Jury which, singular to state, was composed of twelve "non-Mormons" and three "Mormons," whose names were drawn from a box containing equal numbers of either party. The charge against him has not a shadow of evidence to bolster it up, and is so weak that the Prosecuting Attorney dared not bring it to trial at the time designated. The Doctor was arrested by the U. S. Marshal and thrust into the penitentiary, where he was ironed heavily, afterwards put into a machine of torture facetiously denominated the "sweat box," then confined in a room in which he suffered greatly from exposure to the heat, and after certificates from his physicians and the intercession of his friends, was removed to the legal place of confinement for indicted persons—the county jail, where he remained until released on bail.

The question naturally arises, why were such infamous and unlawful measures adopted in his case? The answer is, as shown to the Court yesterday, the Marshal wished to make the Doctor "squeal." It was supposed that the prisoner knew some things, which, if revealed, would be damaging to the leaders of the Mormon Church, whom certain persons here were very anxious to imprison and hang if possible. The Marshal, after these nineteenth century tortures were applied to the prisoner, so the latter testifies, took him out for a ride and tried the arts of persuasion, to induce him to tell something that would implicate certain prominent gentlemen. Neither force nor persuasion prevailed and the infamous plan was defeated. In the first place the suspicions entertained were groundless; in the second place the Doctor was not pumpable.

On his release, Dr. Clinton entered suit for \$20,000 damages against Marshal Nelson, for illegal imprisonment and inhuman treatment. Evidence was adduced in support of the charge, but Judge Schaeffer would not permit the case to go to a jury, but sustained the motion of defendant's attorneys for a non-suit, on the ground that the statutes are wholly silent as to where prisoners should be kept after indictment and before conviction, and therefore the place of confinement must be left to the discretion of the Marshal.

Here is judgment for you with a vengeance! There is no question in the minds of the best informed lawyers as to the proper place for the confinement of persons charged with, but not convicted of, crime. The penitentiary, as its name implies, is a place of punishment, not mere detention. It is designed for convicted prisoners as a house of penance or correction. This is the plain meaning of the word, and the Statutes of the United States as well as the laws of language sustain this view of it. Section 1892 of the United States Revised Statutes provides that the penitentiaries in the Territories shall be used by the Marshals "for the reception of convicts," and section 1895 further provides that any person convicted by a competent court of jurisdiction for a violation of Territorial laws, may be imprisoned in the penitentiary under certain conditions. The penitentiaries are, then, clearly places of punishment for persons tried, convicted and sentenced.

The Statutes of Utah provide that the county jails shall be used,

among other purposes, "for the detention of persons charged with crime and committed for trial." Dr. Jeter Clinton was charged with murder, a warrant of commitment was issued by the Grand Jury, and the time was set for his trial. Is not the law plain enough? On such a flimsy pretext, then, was this case thrust out of court! And how long has it been established as a legal doctrine, that an officer can incarcerate an unconvicted person just where he chooses? The object of defining by law the place for such confinement is the protection of the accused, so that proper access may be had to him by his friends and legal advisers. If this matter is left to the "discretion" of a malignant officer opposed in faith, feelings and politics to an accused person, he might hide him away from the light in some place where no assistance could be rendered, and the deeds and doings of the Bastille be re-inaugurated, the despotism of French royalty set up in the heart of the American Republic.

There can be nothing clearer than that the Marshal has violated the laws of the land and the principles that should govern officers in the treatment of prisoners. Dr. Clinton's is only one of many cases that could be cited. This plan of punishing persons only detained out of legal necessity must be stopped now and for ever.

If a Grand Jury can be empaneled, by some mysterious hocus pocus, of such persons as will indict on the *ipse dixit* of a prosecuting officer anxious to make himself a name by proceeding against prominent "Mormons," indicted persons hurried from their homes without preparation or a moment's delay and thrust into places not provided by law for their detention, where they can be subjected to punishment, shackled, tortured, or put to manual labor before any crime has been proven against them, and officers of the Government are permitted to induce them by force and bribes to criminate themselves and others, let us boast no more about living in a land of law and liberty, but proclaim to the world that the Spanish Inquisition is revived in the United States, and that our boasted freedom and equal rights are only a sham and a snare.

This case must not be allowed to rest on the ridiculous ruling of Judge Schaeffer. If necessary, let it be carried up to the highest court in the land. There is something more involved in it than the indignities inflicted upon a respectable citizen. It affects the welfare of the community. It touches a principle in a vital point. Let us see first if three Justices will unite in shutting their eyes against the plain meaning of a statute of Utah and a law of the United States, to sustain an officer who has overstepped the line of his duty just because he is of the same party and faction. If so, appeal the case to the Supreme Court of the United States, and let the whole nation understand what Judges and Attorneys and Marshals are trying to do with the people of Utah, in defiance of law, humanity, justice and common sense.

## THAT PETITION AND SUBSCRIPTION LIST.

THE petition in favor of the "white-souled" does not meet with much favor. The signatures are few, and the signers, chiefly, insignificant. The three-thousand dollar subscription is, measurably, in the same fix. A trifle over seven hundred dollars, after all these months of begging, and the covert threats and oily persuasions that have been brought to bear, is a miserably poor showing.

The "Liberals" made a great mistake in putting such a very dead duck at the head of the delegation as a decoy for dollars. Almost any deposed official, who had made as great a failure in obtaining practice as a common attorney, as he did in the position of the autocrat of the bench, would be quite willing to sacrifice his valuable time wintering in Washington, nominally in the interest of the howlers, really to work for the Governorship of Utah and its salary, and be paid a thousand dollars for the job.

The pretext is altogether too thin to draw money. It might be made effectual, as in past times,

although not to the same extent, in arousing some cheap enthusiasm and some hard swearing against the "Mormons;" but the miners and merchants who were informed of how much was "expected" of them, do not feel for this cause very deeply in their pockets. Finding money for three men to pay the expenses of wire-working for offices for themselves, is not a likely thing to be many times repeated. A great deal of money has been enticed and scared out of persons pledged to the anti-Mormon crusade, and the results have been of the most meagre character. Those who have been duped the heaviest would rather brave the threatened denunciations of the schemers, than submit again to this "Liberal" phlebotomy to any great extent, particularly when it is so evident that the financial fluid now demanded to run the "Liberal" machinery, is to be used almost entirely for the grinding of three private axes.

The consequence is, the dollars do not come jumping into the triune delegate pouch, and the trio are low-spirited and despondent. We confess to having done something towards letting daylight into their comfortable little scheme, and can bear with equanimity the Maledictions launched against us for our interference, feeling satisfied that they will only have a boomerang motion, and when they return will roost upon the heads of the cursers. The petition and the subscription are sadly deficient of bona fide signers and likely to remain so, until those bogus names are added, and not one of them will count a dollar for expense account.

## Local and Other Matters.

FROM FRIDAY'S DAILY, NOV. 9.

### NOTICE.

Elder Joseph L. Wall, of Glenwood, Sevier County, who was called by the vote of the late General Semi-Annual Conference to take a mission to Michigan, has been honorably released therefrom by the Council of the Apostles, on account of sickness in his family and other adverse circumstances.

JOHN TAYLOR,

President of the Council of the Apostles.

Eastward.—Mr. C. R. Savage went east this morning, on artistic business.

Continued.—The case of the People &c., vs. John James, indictment for assault with a deadly weapon, was continued to-day till the February term. No other business was done this morning.

Overcoat.—Overcoats are coming into requisition. The crossing between the Deseret National Bank and the Lawrence corner received one to-day, from Mr. Bassett. It is made of concrete. No shoddy about that tar coat.

Temple.—The masons at work on the Temple walls completed, yesterday, the laying of seven courses of face rock and six of rough on the south side. To-day they commenced laying one additional course on the north side. This will make seven face and six rough courses all around the building laid this season.

Mr. Savage has taken a very fine photograph of the structure and workmen.

Street Repairs.—Last Fall and Winter that portion of the State Road (First East Street) that is within the corporate limits was put in excellent repair by the City. The supervisor is now at work treating the street leading out of the City to the northward after the same fashion. Something over a block in length has already been placed in good repair.

Reports Wanted.—Some time since Presiding Bishop Edward Hunter requested, through the News, the Presidents of the several Stakes to forward to him, at the earliest practicable date, a report giving the names of each settlement within their ecclesiastical jurisdiction and the names of the Bishop or Bishops in each.

We learn from him that only about half the Presidents of Stakes have responded, and he now asks us to remind those who have not yet complied with his request, that he will be necessarily hampered in his business relations with a large portion of the Church unless the list be speedily completed.

First and Tenth Wards.—The Elders, Priests, Teachers and Deacons of the above wards met in the First Ward School-house last evening at seven o'clock, for the purpose of being organized into quorums. Angus M. Cannon and David O. Calder of the Presidency of the Stake were present; also Bishops Joseph Warburton and Adam Spiers. The following brethren were unanimously sustained in the positions named.

James E. Malin, President of the Elder's Quorum, composed of the Elders in the First and Tenth wards; Wm. Crouch and Oliver Hodgson, Counselors.

George Kinghorn, President of the Deacon's Quorum of the First ward, David Kinghorn and Joseph C. Warburton, Counselors.

All the above brethren were set apart excepting David Kinghorn, who was not present.

The Deacons in the Tenth ward, not being fully represented, it was thought best to defer their organization until they could be more generally notified.

The Presidency of the Stake will meet this evening with the Priesthood of the Second, Third, Eighth and Ninth wards, for the purpose of organizing the above quorums there.

Nearly Ready.—This morning our reporter visited the premises of the Tanning and Manufacturing Association, and was somewhat surprised at finding so great progress made since a previous visit a few weeks ago.

The puddling of the thirty-four tanning vats is just being completed, and the four lime vats, one baiting vat, and two soaking vats, in the work room, are also about ready. In a short time hides will be in the vats and active manufacturing business will begin.

Next week the engine and boiler, now being made by Mr. Thomas Pierpont, are expected to be in position. Besides the extensive new buildings which we have heretofore described, the old ones that were on the ground when purchased by the Association will be of considerable utility, for storing hides, bark, chemicals, &c., and the bark mill will be placed there.

The upper room of the new main building is one of the finest for the purpose for which it is designed that could be imagined. It is 108 feet long by 26 feet wide in the cellar, with a large sliding door at each end. It is lighted by means of 22 windows, and will be heated by steam pipes, the laying of which is to be proceeded with immediately.

The design and arrangement of the whole premises, which have been constructed under the immediate supervision of the President of the Association, Mayor F. Little, show the application of much ingenuity and tact.

Those who subscribed for stock in the company should not fail to step up and purchase the shares they agreed to take. There appears to be no room for doubt that the enterprise, which is under most able and efficient management, will be a gratifying success.

All the means thus far expended have been paid only for actual physical labor performed and for needed materials, not a dollar having been laid out for clerk hire, transacting business or superintendency. The policy of the Association is to pursue a course in strict conformity with the principles of genuine economy, and to constantly operate with a view to the success of the undertaking.

FROM SATURDAY'S DAILY, NOV. 10.

Returned.—Brother George C. Lambert, who has been to Cache Valley in the interests of the News and *Juvenile Instructor*, returned last evening, after a successful trip.

Lehi.—A co-operative furniture factory at Lehi is doing a very fair business. The goods turned out at it are said to be excellent. The only article in which it cannot compete, in quality and price, with importations is that of chairs.

Missionary.—Elder O. H. Eggleston, of Ogden, called upon us to-day. He recently returned from a mission to the State of Michigan, where he was busily and successfully engaged in the ministry about eight months. Since his return, he has suffered severely from the effects of a fall from a building in Ogden, on which he commenced work soon after his arrival home.

Returning.—We understand that Elder Thomas G. Webber, recently laboring in the Swiss and German Mission, is on his way home.

Logan Temple.—The northern wing or extension of that building is now receiving the parapets and roof. The latter will be covered with matched flooring lumber and finally with painted canvass.

Manti Temple.—Elder William H. Folsom is up from Manti. We learn from him that the preparatory work for the erection of the Temple there is progressing finely. Last week 161 men were busily engaged. The second terrace wall is well advanced. Over 800 cords of rock have been laid this season. The grading of the building site is about half completed.

Re-Organized.—On Thursday night the Firemen's Mutual Improvement Association elected their officers for the ensuing year, as follows: President, R. Simpson; Vice-Presidents, Alma Kendle and Joseph Saulsbury; H. H. Goldard, Secretary and Treasurer; Board of Directors, Geo. Openshaw, Rufus Hardy, Cyrus Drake, Frank Platt, John Busby, Andy Stevens, George Timpson.

Short Route to Arizona.—H. Pearce, of St. George, writes that he has a ferry on the Colorado, south of St. George, and that there is a road open so that Prescott, Arizona, may be reached by that route in 270 miles from the former city. Also that any point in Northern Arizona may be reached in from sixty to eighty miles shorter distance than by any other road. Travelers southward should make a note of this.

Grain.—On Thursday evening Miss E. R. Snow and Mrs. E. B. Wells held a meeting at Farmington, in the interest of storing grain against a day of need. The assemblage was a large one, the young people of both sexes, being especially numerous represented, and considerable interest was manifested in the subject under consideration. Addresses were delivered by the two ladies named and by Bishop John W. Hess.

Utah Northern.—A short time ago the good people Cache appointed a committee, composed of Bishop M. W. Merrill and W. D. Hendricks, of Richmond, and Col. T. E. Ricks of Logan, to confer with Mr. Dunn, superintendent of construction of the Utah Northern Railroad, in relation to the prices of grading. After consultation between Mr. Dunn and the committee, an average of eleven cents per yard, for six miles was agreed upon, and nearly the whole of that distance has already been let to small contractors. A large force of men and teams from Logan and the settlements north of there are at work on the grade, which is expected to be finished for the stipulated six miles some time next week. When that is completed it is probable that the people will undertake another similar distance to grade.

The old extension grade has been abandoned, and the line will not go by way of Soda Springs, as formerly intended.

The six miles on which the graders are now at work takes the line from the old grade, immediately north of Franklin, to Bear River, in a north-westerly direction.

More Organizing.—The Presidency of the Stake, met with the Elders, Priests, Teachers and Deacons of the Second, Third, Eighth, and Ninth Wards, last evening, in the Eighth Ward School-house, when the following organizations were effected:

Thomas Gerrard, President of the Elders' Quorum, composed of the Elders in the four Wards named above; Paul Olson and Jacob Piercy, Counselors; Theo. J. Angell, Clerk.

August Cutler, President of the Deacon's Quorum in the Second Ward; Samuel Peterson and Ernest Bassett Counselors.

Herbert Picknell, President of the Deacon's Quorum in the Third Ward; John Berrell and David Sinclair, Counselors.

Albaroni Woolley, President of the Deacon's Quorum in the Ninth Ward; Wm. W. Wilson and Wm. A. Taylor, Counselors.

The above brethren were unanimously sustained in the positions named, and were all set apart, excepting Theo. J. Angell, and Wm. A. Taylor who was not present.

The Deacons in the Eighth Ward were not fully represented, so the organization of that Quorum was deferred.