

## EDITORIALS

## THE TICHBORNE SENTENCE.

It was a great relief when the Tichborne trial ended, on the 28th of February. For months the British newspapers had been burthened with its wearisome details, and with many of the less educated classes it had been their chief if not almost sole mental pabulum during the time it had slowly dragged its outrageous length along. The circulation of some of the penny papers had increased 40,000 copies from the beginning of the trial, such a hold had the affair taken upon the popular mind. Says an exchange—

"One literary authority has made the interesting calculation that people have wasted in reading the reports of this trial time enough for them to have acquired a couple of languages or read the best classic works of English literature. To the average intellectual reader the daily reports have been like recurring nightmares, yet too curiously and interestingly tempting to withstand perusal."

The following is given as the conclusion of Chief Justice Cockburn's (pronounced Coburn's) speech on summing up the evidence and charging the jury—

"The history of this case may be written hereafter, and, for aught I know, by a pen steeped in gall and venom, that may not scruple to lampoon the living, or to revile and calumniate the dead. I have no fears. The facts will speak for themselves. I have administered justice here now for many years. I cannot hope that my memory, like that of the great and illustrious men who have gone before me, will live in the after ages, but I do hope it will live in the remembrance—nay, I venture to say, the affectionate remembrance—of the generation before whom and with whom I have administered justice here."

Justices Mellor and Lush expressed their approval of the charge of the Lord Chief Justice.

The jury retired at twelve minutes past twelve, and returned at thirty minutes past twelve, when the following scene occurred, according to the New York Herald—

"Gentlemen," said Master Cockburn, "are you agreed upon your verdict?"

"The foreman of the jury replied distinctly, 'We are.'"

"Do you," said Master Cockburn again, "find the defendant guilty, or not guilty, on the first count?"

"Guilty," replied the foreman.

"Guilty, or not guilty, on the second count?" again asked Master Cockburn.

"Guilty."

"You say he is guilty upon both counts; and that is the verdict of you all?"

"That is the verdict of us all," replied the foreman.

"The Lord Chief Justice then said, 'Are you agreed upon all the issues? Are you agreed that he is or is not Roger Tichborne?'"

"The foreman answered—'We are.'"

"The Lord Chief Justice—'That he is or is not Arthur Orton?'"

"The foreman—'We are.'"

"The Lord Chief Justice—'Are you agreed on the issue of the assignments for perjury with reference to the sealed packet?'"

"Mr. Hawkins—'On behalf of the Crown, I pray for immediate execution.'"

"The foreman of the Jury—I will read the verdict. We find, first, that the defendant is not Roger Charles Doughty Tichborne; second, we find that the defendant has not seduced Lady Radcliffe, and, further, we find that there is not the slightest evidence that Roger Tichborne was ever guilty of any undue familiarity with Lady Radcliffe on any occasion whatever (applause); third, we find that the defendant is Arthur Orton."

"The Lord Chief Justice—'That disposes of all the issues.'"

"The foreman then handed to the Lord Chief Justice a written paper prepared by the jury, and asked the opinion of the Court whether it was a proper one to be read."

"The Lord Chief Justice—'Yes, I think it is quite right. This is the general opinion of you all?'"

"The foreman—'Yes, my lord, the general opinion of us all.'"

"The Lord Chief Justice (reading)—'The jury desire to express their opinion that the charges of bribery, conspiracy and undue influence made against the prosecution in this case are entirely devoid of foundation; and they regret exceedingly the violent language and demeanor of the leading counsel of the defendant in his attacks upon the conduct of the prosecution and upon several of the witnesses produced in the case.'"

"Mr. Frayling, one of the officers of the court, then ordered the defendant to stand up to receive sentence—and the Claimant accordingly rose from his seat. Justice Mellor then passed sentence—

"Thomas Castro, otherwise called Arthur Orton, otherwise called Roger Charles Doughty Tichborne, Baronet, after a trial of unexampled duration, you have been convicted by a jury of the several perjuries charged in the counts of this indictment, and which were truly described by your own counsel as 'Crimes as black and foul as justice ever raised her sword to strike.' In the trial of your case the jury have exhibited a care, patience and intelligence never surpassed; indeed it was such as to extort an expression of admiration from your own counsel, and their verdict met with the unanimous approval of the court. You endeavored to impose yourself upon the public as Roger Tichborne, and you endeavored to defraud the youthful heir of his just rights. But great as was this wickedness, it seems comparatively small when compared with the injurious accusation by which you sought to blast the character of a lady of unsullied character, and the false, and foul, and vile accusation by which it was sought to establish the charge. Happily there have not been wanting the means of refuting that cowardly calumny, and these have been supplied to a wonderful degree. That does not diminish the baseness of your conduct. The punishment about to be inflicted is wholly inadequate to the gravity of the offence, the enormity of which was never contemplated when the act of Parliament decreed such a degree of punishment. The sentence of the court, which I now pronounce, is that for the perjury charged in the first count of the indictment you be kept in penal servitude for the term of seven years, and that for the perjury charged in the second count of the indictment you be kept in penal servitude for a further term of seven years, to commence on the expiration of the punishment for conviction on the first count."

## ABOUT THE BUFFALO.

ON the 10th of March, as stated in our dispatches of that time, a buffalo bill passed the United States House of Representatives, making it a crime to kill female buffaloes at any time, and male buffaloes except under certain restrictions. There are no wild buffaloes in Utah. Still, in consequence of early travelling memories and otherwise, the buffalo subject is not without interest to our readers.

The bill was presented in the House, by Mr. Fort, from the Committee on Territories, with a recommendation that the same do pass. The bill was to prevent the useless slaughter of buffaloes within the Territories of the United States.

The first section provides that it shall hereafter be unlawful for any person who is not an Indian to kill, wound, or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States.

The second section provides that it shall be, in like manner, unlawful for any such person to kill, wound, or destroy in said Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured or preserved for the food of other persons, or for the market. It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes; that any person who shall violate the provisions of the act shall, on conviction, forfeit and pay to the United States the sum of \$100

for each offence, (and each buffalo so unlawfully killed, wounded, or destroyed shall be and constitute a separate offence,) and on a conviction for a second offence may be committed to prison for a period not exceeding thirty days; and that all United States judges, justices, courts and legal tribunals, in said Territories shall have jurisdiction in cases of the violation of the law.

The bill is defective in not including the frontier States at least, such as Nebraska and Kansas, and also in not providing for the application of the law in existing Territories when they shall have become States, as Colorado, for instance, soon may. Similar penalties might also have been extended to the destruction of female deer, and of male deer except under specified restrictions, as the Indians depend for subsistence and clothing more or less upon deer as well as upon buffalo.

But it may have been that the committee and the House wished to leave the regulation of the subject in States to the several States themselves. If so, it would be well, in every State where the buffalo does roam in native wildness, to supplement this congressional law by a State law, similar in intent and meaning, unless such a law already exists. The congressional law will practically apply only to Montana, Dakota, Wyoming, Colorado, New Mexico, and possibly portions of Arizona. The States of Minnesota, Nebraska, Kansas, and Texas, and perhaps one or two others, where the buffalo may wander, will not be affected by it, and therefore, so far as they are concerned, it will be entirely inoperative.

In the course of the discussion in the House upon the bill, it was objected to because that it was supposed to be often difficult to distinguish the sex of the animal when hunting it; that it excepted Indians from the operation of the bill; that it was partial in its provisions; that the Secretary of the Interior had said that the Indians could never be civilized until the buffaloes were extinguished; that the buffaloes only fed Indians; that the bill would be worthless in point of fact as a preventive measure; that Indian depredations were committed chiefly by buffalo hunting parties; that it was not wise for Congress to make game preserves for Indians; and that the bill encouraged "informers" and the moiety business.

The following statements were also made, some of them in answer to these objections. It was estimated that thousands of buffaloes were annually slaughtered for their skins alone, thousands more for their tongues alone, and thousands, perhaps hundreds of thousands, in utter wantonness, with no object whatever, except to destroy them. There was no difficulty in reference to the distinguishing of the sexes. Buffaloes were valuable for food and clothing, both for white men and Indians. Many frontier settlers depended largely upon buffalo meat for food for their households. Buffalo meat was regularly served on the tables of stations on the Kansas Pacific Railroad in Kansas and Colorado. The meat was valuable and the wanton destruction of the animals ought to be stopped. The Indians did not wantonly slaughter buffaloes, but white men did, and no one act would better please the Indians than the prevention of such wanton slaughter. Such legislation ought long ago to have been effected. Hunting parties, sometimes of foreigners, would go on the plains, shoot down buffaloes for sport, and leave them to rot, and were protected and escorted by the military in so doing. If it was right to starve the Indians into civilization by destroying the buffalo, it was right to effect that civilization also by destroying all game, birds, beasts, and fishes, and roots and grass, too, which supported the animals and the Indians.

The following extract was read from a Santa Fe paper—

"The buffalo slaughter, which has been going on the past few years on the plains, and which increases every year, is wantonly wicked, and should be stopped by the most stringent enactments and most vigilant enforcement of the law. \* \* \* United States surveying parties report that there are two thousand hunters on the plains killing these animals for their hides. One party of sixteen hunters report having killed 28,000 buffaloes during the past summer."

An extract from a letter from Gen. Hazen was read as follows—

"I know a man who killed with his own hand ninety-nine buffaloes in one day, without taking a pound of the meat. The buffalo for food has an intrinsic value, about equal to an average Texas beef, or say twenty dollars. There are probably no less than a million of these animals on the western prairies. If the government owned a herd of a million oxen they would at least take steps to prevent this wanton slaughter. The railroads have made the buffalo so accessible as to present a case not dissimilar."

An extract from a letter from A. G. Brackett, Lieutenant-Colonel Second United States Cavalry, was also read, the following being the essential part of it—

"The wholesale butchery of buffaloes upon the plains is as needless as it is cruel. Hundreds and hundreds of them have been killed in the most wanton manner, or for their tongues alone. It is time that something should be done for their protection; and I trust you will make an effort to have Congress interfere in their behalf. It is an abuse of language to call the killing of harmless and defenceless buffaloes sport."

So far as the people of this Territory are concerned, carefulness in these matters, as regards both buffalo and deer, was always the rule, although of very late years, owing to the influx of a different class of people, deer have been killed more than ought to have been the case, yet we do not know that they have been killed wantonly, or that their carcasses, when killed, were not made available for food by the persons killing them, or for sale for food to others.

WHEN DOCTORS AGREE.—In Cincinnati the proverb about the disagreement of doctors is not very strongly illustrated on one subject. Dr. Mussey, of that city, who is recognized as one of the leading physicians of the West, has taken strong ground against the adoption of a social evil ordinance in that municipality. He says it is a disgrace to our civilization to talk of such a thing. Nearly every respectable physician in Cincinnati agrees with him. We recently recorded the failure of an ordinance of that kind in the Cincinnati City Council.

## LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, MARCH 24.

Look Out.—Last night a brown mare mule, small white spot on the back of the right hip, branded U.S., was stolen at Ogden. Look out for that mule.

"Self Government."—This is the subject of a lecture to be delivered in the 16th Ward School-house tomorrow (Wednesday) night, by Elder George Teasdale. Admission free.

Her Counterfeit Presentment.—Miss Neilson seems to be a very great and popular favorite in California, as well as in the Eastern States and in England. She is playing to crammed houses, and Houseworth & Co. announce that they regret that they have not been able to supply the demand for the photograph of this beautiful and talented actress.

Return It.—During the last sitting of the Legislature the principal clerk of the House borrowed a copy of the "Statutes at Large" from the honorable Secretary of the Territory. At the close of the legislative session the clerk could not find that book, a circumstance which he, of course, regrets. The party who took or borrowed it from the Legislative Hall, should promptly return it, and thus relieve the Secretary's anxiety.

Strong Piping.—Five hundred feet of the largest wrought iron piping ever brought to this Territory was shipped to the Emma mine on Saturday. It is six inches in the bore, and is intended to be used as a discharge pipe for the new plunger pump. Cast iron is not considered strong enough for the purpose, being liable to break should the mine settle. The new piping cost about \$5 a foot laid down at the mine. The manufacture of that kind of piping requires machinery

of extraordinary power. This wrought iron piping is calculated to stand a pressure of 200 pounds to the square inch.

The Labor Question.—A meeting of mechanics was held in Independence Hall last night, Mr. James Stevens in the chair, for the purpose of effecting an organization with a view to preventing an influx of mechanics from a distance to this City and Territory, it being the sense of the meeting that there was already a surplus of workmen over the number for which there was likely to be a demand. Some who participated in the proceedings exhibited powerful symptoms of a partizan character.

A committee was appointed to report on a permanent organization, at a subsequent meeting, to be called for the purpose. Meantime Utah is as free for working men to emigrate to or from, at their own individual option, as any other part of the globe.

## OLD BENDER IN UTAH—HIS PORTRAIT IDENTIFIED BY HIS OLD NEIGHBORS.

A short time ago we published particulars regarding the arrest and examination of a man who was believed to be the old man Bender, the notorious Kansas murderer. There is now scarcely the slightest ground for the shadow of a doubt as to the individual in question being the hardened old sinner, whose almost unparalleled deeds of atrocity created a sensation of horror throughout the length and breadth of the country, and which even extended through the civilized world.

A photographic portrait of the old fellow was taken at Manti and forwarded to chief of police Burt of this city, who in turn, having lost the address of the sheriff of the county where the Benders lived, sent it to Governor Osborn, of Kansas. In answer to his communication, in which the portrait was enclosed, Captain Burt received the following letters—

Andrew Burt, Esq., Chief of Police, Salt Lake City, U. T.

"SIR:—Gov. Osborn directs me to enclose you the two letters, which you will find herewith, from Col. A. M. York of Independence, Kansas, a brother of one of the victims of the Bender family, and Mr. C. G. Brooks, a man who lives near the scene of the Bender tragedy, in answer to your letter of the 5th inst., enclosing a photograph of the man now under arrest in Utah Territory, awaiting identification as the old man Bender."

"The reward offered is the maximum authorized by law, viz., \$500, for the arrest and delivery to the sheriff of Lobitte County, Kansas, for each member of the Bender family."

"Very respectfully,  
C. A. MORRIS,  
Private Secretary."

"ELK FALLS,  
Howard County, Kansas,  
March 16, 1874."

"Gov. Osborn."

"Dear Sir—I enclose herewith a statement regarding the opinion of Bender's neighbors of the picture you received from Utah. It is the first instance where any of the pictures sent here for identification have even so much as favored any of the family."

"In my judgment it is the picture of the old man Bender, and it seems to me that the statements of his former neighbors fully justify sending for him."

"Very truly,  
A. M. YORK,  
P. O., Independence,  
Kansas."

"CHERRYVILLE,  
March 13, 1874."

"Mr. York."

"Sir—I have let Mr. Brockhouse see the picture. He says his eyes and everything look like Bender, but his face is thicker, that is, more fleshy."

"Mr. Manahan says he had considerable deal with Bender, and thinks he knows his features. He thinks this is him sure, all but his forehead, which is not so high as it ought to be. Mr. Dense and wife and two boys all think it favors him very much. He says when Bender talks he holds his left eye so it looks a little squinty, and, when talking, will sometimes open his lips two or three times before he speaks, and when talking will frequently lift his cap and scratch his head with the same hand, and