

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Dec. 23, 1874.

PAYING U. S. OFFICERS.

PRESIDENT GRANT said nothing about Utah in his message because, according to one of his organs, there was no present necessity to do so. Attorney-General Williams, however, must have considered there was a necessity, for in his report he refers to Utah and recommends further legislation by Congress to enforce that part of the Poland Bill which provides that the service and execution of judicial process by the United States Marshal, in Territorial cases (criminal), shall be paid for out of the Territorial Treasury, also the obtaining of funds to keep Territorial prisoners.

The Poland Bill, taking the service and execution of judicial process in territorial cases out of the hands of territorial officers and putting them in the hands of U. S. officers, did not become a law until after the last sitting of the territorial Legislature. Therefore that body has had no opportunity for action in regard to the provisions of that bill, nor will there be any such opportunity, as the law now stands, before the winter of 1875-6, Congress having provided by law that territorial Legislature the shall meet biennially.

The Attorney General says it is not likely that the territorial Legislature will make any appropriation for the purpose in question. Possibly it won't, possibly it will. As the Legislature has had no opportunity of acting on the matter, it would be premature, unauthorized, and in bad taste in us to say what it would or would not do, even if we knew, which we do not pretend to do. The remark of the Attorney General, however, as to the probabilities shows that he is aware that the Poland bill implies an extraordinary course of action by the Legislature of this Territory in regard to the provisions of that bill, a course which he might consider their duties to their constituents and their fealty to the ruling principles of American government would not permit them to take, and therefore he wants Congress to enact another enforcement law, specially applicable to Utah, the aim of which shall be to authorize U. S. officers to disburse a not inconsiderable portion of the Territorial taxes, *nunc volens* as regards the will of the Legislature and the people of the Territory.

Congress, a Republican Congress, has already enacted an enforcement law, partly to which the present unsatisfactory condition of the South particularly, and of the whole Union generally, and also the late disastrous Republican defeats, are attributed. It is an open question whether, under these conditions, the present Congress, during this its short and last session, will care to add to its present and likely future unpopularity by enacting any further legislation in that odious enforcement direction, though the object thereof should be only Utah, for whatever the supposed insignificance of the object the bad precedent would be established none the less surely.

The provision in the Poland Bill, requiring the Territories to pay for services performed by U. S. officers, is directly antagonistic to the common rights of individuals and organized bodies, and is therefore of the nature of a despotic or war measure, rather than the legislation of a republic in time of peace. It is an established rule, having the force of a fundamental principle, that those who employ persons shall pay them, and not out of other people's pockets either. The United States appoints and employs U. S. marshals, and therefore the United States is the proper party to pay them. The Territory of Utah does not appoint U. S. marshals, does not employ them, does not direct or in any manner control their services, has nothing of the kind to do with them, and therefore it is a rank in-

justice for the Territory to be compelled to pay those officers for their labors. There is as much justice in U. S. officers dipping into county or municipal taxes as into territorial taxes. The United States is one special organization with its special revenue, a State is another special organization with its special revenue, a Territory is another special organization with its special revenue, a county is another special organization with its special revenue, and a city is another special organization with its special revenue. Neither of these special organizations has any constitutional right to seize upon and disburse the special revenue of any other of these special organizations. Such a course of procedure would be an unwarranted stretch of authority, in our opinion, and should be uncompromisingly opposed by all true Americans.

We are aware that the U. S. marshals, under the Poland bill, execute processes of law under the title of "The People (of Utah) vs. So and So." But so far as the U. S. marshals are concerned this is a legal fiction, for the "people" of the Territory do not employ those marshals, nor do they act in any manner under sanction or authority of the people of the Territory, because the people elected or caused to be elected territorial marshals to perform those duties, and have had nothing whatever to do with the appointment or employment of the U. S. marshals.

Therefore, if Congress shall proceed to any further legislation in this regard, it will be perfectly right for that legislation to provide that United States marshals be paid out of the United States treasury for their services, and not out of the territorial treasury. The United States, like all other bodies, should pay its own employees.

SOME OFFICIAL PEOPLE AT WASHINGTON.

THAT portion of the year when Washington, D. C., is especially interesting to all the rest of the country is Winter, or rather during the time when Congress is in session. In order that our readers may have a better understanding of Washington movements we insert here the names of some officials at the seat of federal government. That U. S. Grant is President and Henry Wilson Vice-President we need not re-state. Some other officials of prominence are as follows—

Secretaries.—Hamilton Fish, State; B. H. Bristow, Treasury; William W. Belknap, War; George M. Robeson, Navy; Columbus Delano, Interior; George H. Williams, Attorney General; John A. J. Creswell (Marshal Jewell when confirmed), Postmaster-General.

U. S. Supreme Court.—Mr. Chief Justice Waite, and Messrs. Justices Clifford, Swayne, Miller, Davis, Field, Strong, Bradley, Hunt.

Senate.—Henry Wilson, president; George C. Gorham, secretary; Wm. J. McDonald, chief clerk; Rev. Byron Sunderland, D. D., chaplain; John R. French, sergeant-at-arms.

Some Senate Committees.—On Judiciary, Messrs. Edmunds (chairman), Conkling, Carpenter, Frelinghuysen, Wright, Thurman, and Stevenson; on Public Lands, Messrs. Sprague (chairman), Windom, Stewart, Pratt, Oglesby, Wadleigh, Boutwell, Kelly, and Tipton; on Territories, Messrs. Boreman (chairman), Hitchcock, Cragin, Clayton, Patterson, Cooper, and Hager; on Revision of Laws of U. S., Messrs. Conkling (chairman), Carpenter, Stewart, Alcorn, and Ransom.

House.—James G. Blaine, Speaker; Edward McPherson, clerk; Rev. J. G. Butler, D. D., chaplain.

Some House Committees.—On Elections, Messrs. Smith of New York, Thomas, Hazelton of Wisconsin, Todd, Pike, Robinson of Ohio, Harrison, Hyde, Speer, Lamar and Crossland; on Public Lands, Messrs. Townsend, Dunnell, Orr, Bundy, Morey, St. John, Phillips, Bradley, Hereford, Herndon, and Clymer; on the Judiciary, Messrs. Butler of Massachusetts, Wilson of Indiana, Poland, Tremain, Frye, Cessna, White, Ward of Illinois, Eldredge, Potter, and Jewett; on the Territories, Messrs. McKee, Curtis, Williams of Indiana, Havens, Hoskins, Crouse, Fort, Hynes, Schumaker

of New York, Brown, Mills, and Chaffee; on Revision of Laws of U. S., Messrs. Poland, E. Rockwood Hoar, Lawrence, Duell, Barber, Pendleton, Moore, Cason, Stephens, Knapp, and Saylor of Ohio.

Territorial Delegates.—Messrs. K. Armstrong, Dakota; Geo. Q. Cannon, Utah; Jerome B. Chaffee, Colorado; Norton P. Chipman, District of Columbia; S. B. Elkins, New Mexico; John Hailey, Idaho; Martin Maginnis, Montana; Richard C. McCormick, Arizona; Obadiah B. McFadden, Washington; William R. Steele, Wyoming.

CHRISTMAS WEEK.

THIS is Christmas week, the first secular day thereof, and everybody will have begun to think of the holidays and the festivities and the necessities for the good time to be enjoyed. With our well-to-do citizens and especially their children, there will be no lack of good things, the very component elements of good times and holiday festivities, and this is a thing to rejoice at. But there are other and darker shades to the picture, which could well bear a little relief. The passing year has not been a bright one for labor and pay, and many people in this city, as well as in other parts of the Territory, are not and do not feel as well off as they were last year, not able to do much for their families in the way of holiday festivities, if indeed they will be able to provide for them the actual necessities of life, with a very few of the comforts, at this inclement but recreative season.

We shall probably be excused for referring to this subject more than once, for it is one that is ever present, per force of circumstances, with very few of our citizens, good, industrious, honorable people too, and it is not unbecoming in those who may be more highly favored with temperamental to take competent and compassionate cognizance of the contrary condition among their less fortunate fellow-citizens. Those who are pretty well blessed with the good things of this life might do many worse things than to spend a little time and means this week in assisting those who are less favored to a realizing sense that human brotherhood is not a thing of sentiment merely, but a living, soul-warming, heart-cheering reality, and that the heart that can feel for another is not a solitary nor absent thing in this community, but that such fraternal hearts beat warmly in the bosoms of many of our citizens.

It will be a matter of rejoicing if every worthy member of the community shall not have wanted for any reasonably good thing during this Christmas and New Year festival season. But in order to the effecting of a consummation so devoutly to be wished, it is absolutely necessary, in a number of instances, that the richer portion look a little after the poorer portions.

GOING FROM OUR GAZE.—As it seems to be in the order of things mundane that our elongated and spread-eagle Governor will shortly bid adieu to the Great Basin and gubernatorial duties therein, we may be pardoned for expressing the opinion that Utah may have a worse governor, but she hopes for a better, one who will not give to party that which was meant for the people. The out-going incumbent has not proved so popular that he could not have been popularer, nor has he proved so great a success that there could not be a greater success. He has been very facile in the use of a veto power which was never conferred upon him, and that he is not likely to exercise it any more may prove a source of great regret to him, but not to the people. For all the good that he has done and for the bad that he has not done he should receive due credit. If the former had been greater and the latter not so small in quantity, there would have been still greater credit due him. The people did not ask him to come, and they will not beseech him to stay among them. He came of his own option, and he goes on the same, and we do not hear anybody saying, "Wherefore?"

Correspondence.

The Temple—The Tabernacle—U. O., Etc.

ST. GEORGE, Dec. 10, 1874.

Editor Deseret News.

The Temple is progressing rapidly. About fifty tons of rock is laid on the walls daily by the energetic labors of some twenty rocklayers. There are about thirty cutters and dressers engaged in the quarry and on the ground preparing the rock for the layers; also at present twelve teams are engaged in hauling rock from the quarry. On an average they haul thirty-five hundred each trip, making from three to four trips per day. At present the walls all around are some thirty-five feet above the level of the ground, and every one engaged thereon appears to work with a determined will to accomplish the labors assigned him. Each week shows to the eye a material difference in the height of the walls. Exclusive of the quarry there are some ninety-five hands engaged on and around the walls of the Temple, with nearly as many hands in the quarry. The general impression is that with our present help and these expected shortly to arrive, they will be enabled to rear the walls of the Temple to their full height by the first of April. Lumber from Mt. Trumbull is coming in a little more lively, and now that the teaming department is thoroughly organized, under the experienced management of Bro. John Harvy, of Provo Valley, we all feel satisfied that the carpenters will have no excuse for a lack of lumber in forwarding their branch of the business. The plastering of the Tabernacle has commenced, under the efficient labors of Bro. Wm. Burt, of Beaver, and his corps of workmen. Already their labors have made quite a pleasing effect in the appearance of the interior of the building. I may also state that with the instructions and wise counselling of President E. Snow the U. O. of St. George will be more successfully carried out in the farming department the coming season than it has been in the past, and in fact in all departments more satisfaction and confidence will be established than hitherto.

The health of President B. Young is still feeble, but improving. The people feel sorry that his health will not permit him to meet with the Saints in their public meetings. President Smith meets regularly every Sunday in our public services and his teachings and instructions are fully appreciated by the people. The health of the people generally is good, weather pleasant and favorable for farming and other outdoor pursuits. Our northern brethren are well satisfied with the winter weather of Dixie, it being so mild and pleasant compared to their winters in the north.

THISTLE.

Court and Other Doings.

BEAVER CITY, Beaver Co., U.T., Dec. 12, 1874.

Editor Deseret News:

Dear Sir,—I now take a few minutes to inform you of the proceedings of the Second Judicial District Court for the week ending December 14.

On Monday, the entire session of court was occupied in hearing the arguments of Judge Hoge, on motion to quash the indictment in the case of the United States against William Fotheringham for polygamy.

Mr. Hoge took the position that the Poland bill is not in conflict with the Utah statutes, hence the court had no right to dictate the number of jurors to be drawn or empaneled, the local laws fixing the number, the court having designated the number to be drawn at twenty-three and empaneled fifteen, therefore the indictment should be quashed, not being found by a legal grand jury in accordance with the statutes of Utah.

The first count of the indictment was bad, because the offense was alleged to have been committed in 1857, before there was any law making it an offense, polygamy not being an offense at common law, and for the further reason, that the alleged offense was charged to have been committed in Salt Lake City, and out of the jurisdiction of this court.

The second count was also bad, for the reason that there was no venue laid, the marriage being alleged to

have taken place in 1863, in some town to the jurors unknown, not even giving county, district or Territory, and that the alleged offense in both counts of the indictment was barred by the statute of limitation.

The prosecuting attorney made a rather feeble reply, saying, if the Court thought the indictment was bad, it was the Court's duty to hold the defendant under bonds to appear before the Third District Court. The Court has not yet ruled on the motion.

Tuesday and Wednesday were occupied in the trial of Gilbert B. Smith for the crime of adultery. It appears that Smith, a few years ago, married a woman at Minersville by the name of Barnes. The parties not living happily together, separated, having no divorce. G. B. Smith afterwards went to Nevada, where he married again, and brought this wife to Minersville. An indictment was found against him nearly two years ago for the crime of adultery with the woman he married in Nevada. Judge Spicer, counsel for the defendant, made a very able argument, showing that if the defendant was guilty at all, it was not adultery but bigamy, and that the prisoner ought to be acquitted and go hence without day.

The Court charged the jury that if a man was married to several wives, he was guilty of adultery with all but the first.

The jury, which was composed of six miners (outsiders) and six "Mormons," retired to their room, and after a short deliberation brought in a verdict of not guilty. This verdict rather took the Court and prosecuting attorney alike, for they supposed that Smith would go to the penitentiary, and a few "Mormons" would be likely to follow. I understand a government official remarked to a correspondent of a Salt Lake paper that the Gentiles on the jury voted on the first ballot to acquit him, so it was time for the Gentile papers to stop howling about "Mormon" jurors.

Absalom Porter Dowdell, who was under bonds to await the action of the grand jury for bigamy, was brought into court on Tuesday, and Simeon Hond and Edward Nelson gave bonds for his appearance in court next morning at 10 a. m. Dowdell concluding to clear out and leave his bondsmen to foot the bill, went as far as Minersville in the night. A friend of his advised him to go back and not betray his bondsmen, and brought him back to Beaver. In the meantime his bondsmen were on his track. They gave him up to the court and were released from their bonds, and Dowdell was lodged in jail to await his trial, which will not come off till the next term of court. Mrs. Dowdell, the other night asked the sheriff the privilege of living in jail with her husband, and claimed it to be her right as an American citizen, but the sheriff could not see the point.

Court has been occupied for the last two days in hearing the case of Isaac Riddle vs. Minn Prisy, being a civil suit for damages, Hoge and Christian for plaintiff and Beall and Spicer for the defendant. This case is adjourned till Monday.

Weather beautiful. All is quiet and peaceful.

BENARES.

Local and Other Matters.

FROM THURSDAY'S DAILY, DEC. 17.

Another.—Robert Kennedy, arrested yesterday for stealing two pistols and a watch from the Pacific House, was tried this morning. He made a statement that himself and two others put up the job on Sunday; his part of the programme was to sing songs and amuse the boarders while two others went up stairs and made the robbery. The Justice fined him fifty days' work. He was also fined \$15.00 last night for pounding Fred. Stockfield in jail, because he thought the latter had reported him.

Made a Mistake.—The party who cut himself in breaking into Curtis's store proved to be Fred. Stockfield. When arrested yesterday on the shoe and raisin stealing affair, one of his hands was lacerated badly. He said he had cut it with a piece of glass. He finally confessed to breaking into Curtis's. He said he thought it was a boot and shoe shop and wanted to make a raise. After breaking in and finding nothing but tents and the