DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Dec. 10, 1873

OPENING OF CONGRESS.

THE Forty-third Congress commenced its first session yesterday (Monday). The President's message was not received in Congress till to-day.

In the Senate a civil rights bill, constitutional amendment, resolutions, a currency bill, a kidnapping bill, a bill repealing the bankrupt act, a bill for a branch mint at Chicago, and a bill for the repeal of the salary act were entered.

In the House James G. Blaine was elected Speaker. Notice was given of a bill to repeal the increase of salary law, and a resolution to admit three Louisiana members was offered. A resolution was offered by Merrimon to refer to the committee on elections the question of the right of George Q. Cannon to a seat as delegate from Utah, opposed by Cox, Butler, Maynard, and others, and on motion of Niblack was tabled. Consequently Mr. Cannon was sworn in and he took his seat, a result expected here as a matter of course.

THEIR STOCK IN TRADE.

THE sort of stuff that is sent East to bias public opinion upon Utah matters may be understood by a sample or two from a dispatch, from Salt Lake City, Nov. 26, to the New York *Herald*. Here they are—

Brigham never spends a dollar out of Washington.

Brigham swears by all the gods that he will conquer Congress.

Any person who would write such vile stuff as that, and send it to the public, to excite prejudice against individuals or a community, is worthy of everybody's contempt, and we only notice the matter here as another evidence of the extremes to which men will go to accomplish infamous purposes.

PRESIDENT GRANT ON UTAH.

IN his message to Congress, President Grant honors Utah with a notice and recommends Congress to legislate, early and specially, upon affairs pertaining to this Territory. This was expected, as intimations had been given some time previously that he would remember Utah before the federal legislature.

The recommendations which the President makes show that he has been but partially informed as to the situation here. Fuller and more impartial information is desirable, and Congress would do well to acquire it, before any legislation materially affecting the interests of this or any other Territory is consummated. So far as can be seen from the message, the President has acquired much of his partial information from or through those who have not the welfare of the Territory at heart. Such information is unsound, and legislation based upon it would be based upon an untrustworthy basis.

It may be, but it is hardly likely, that Congress will make a law in this direction before the holidays, if it should after, so that there is ample time for a more perfect understanding of the situation here before any legislation affecting the same is likely to be effected. In fact it is better not to legislate at all, unless it be done understandingly and in a way manifestly conducive to the welfare of the people, for that should be the chief end of all legislation, though perhaps it often is not so, and we positively know that some who have been eager to "inform" the President upon Utah matters have a very different object at heart.

WATER AT PIOCHE—The Pioche *Record* of Nov. 30 says that on Friday, Nov. 28, the Pioche Water Company struck a fine stream of water in the left hand tunnel, at Highland, in which the company had been working in the expectation of finding the aqueous element. The stream struck runs not less than 60,000 gallons every twenty-four hours, of excellent quality. The work of supplying Pioche with water is to be pushed rapidly forward, and the price of the water to be supplied is to be considerably reduced. The company recently filed a certificate of incorporation in San Francisco. The object of the company is to supply all persons and incorporations in Pioche, and within a radius of ten miles of the town, with pure, fresh water for all purposes. Trustees—L. L. Robinson, Oliver Eldridge, Irving M. Scott, Charles J. Brenham and Maurice Dore. Capital stock, $100,000 in two thousand shares of $50 each.

For this City we have abundance of excellent water, in City Creek, for domestic purposes, and more or less for irrigation, and probably, if the adjacent mountains were properly tapped in the right places, plenty of water would be found there also, when needed.

UTAH.

OUR readers will perceive by perusing that portion of the telegraphic dispatches headed "Congressional" in to-day's NEWS, that, though so early in the session, Utah is already receiving attention from the law-makers of the nation, for we are informed that among the bills introduced into the Senate of the United States yesterday was one to "Aid in the execution of the laws in Utah." This is the old password and war cry of the clique, composed chiefly of carpet-bag U. S. officials, with which Utah is cursed, whose head-quarters are in this city, and who have so persistently labored for several years past to create a disturbance between the General Government and this Territory, and, to bring trouble and distress upon the industrious and peace and order-loving population of this portion of the national domain.

All classes of people in Utah, no matter what their religion or politics may be, know that the cry for aid to execute the laws of Utah is mere claptrap, and none know this better than they who, though clothed with the authority of the General Government to administer the laws, are loudest in calling for aid to enable them to do so.

It is only in one judicial district of the Territory—that presided over by the Chief Justice—that any pretension of this kind is now made. It is well known that in the Third Judicial District of the Territory, no grand jury has been empanneled for the past year or two, and there is not the least probability of one being empanneled for the present. This is not because of obstruction caused by the anomalous condition of the laws, but wholly because of a wicked combination on the part of those administrators thereof appointed by the General Government, who, having come to Utah with the avowed determination and self-assumed mission of interfering with and subverting the domestic institutions of the people who have made the Territory, are resolved to carry out that programme if possible, even if to do so they have to disgrace the father of lies by their mendacious efforts to obtain special legislation to clothe them with the necessary powers.

The assertion contained in the above needs no proof from us, it has been demonstrated by events which have transpired since the deposition of the late associate justices of the Territory, and the appointment, in their places, of men who have evinced a disposition to honor the judicial ermine by acting justly in administering the laws of the Territory according to the spirit and letter thereof, as their oath of office requires. In both of the judicial districts presided over by those gentlemen—the first and second grand juries, we believe, have been empanneled during the present year, and criminals convicted under their indictments. But in the Third Judicial district, in which precisely the same laws prevail as in the first and second, murderers, burglars, highway robbers, and criminals of the vilest classes, have been turned loose to continue their villainies and crimes under the slim pretext that the laws are anomalous, and that a legal grand jury can not be formed to indict such scoundrels. All righteous and justice loving people in the Territory know the motives which prompt the officials of the Third Judicial District to pursue their present course, and it is needless to comment upon it here; but no words can do justice to the atrocity of such proceedings, and no punishment, however severe, would be more than the perpetrators of such iniquity deserve.

But to return to our item in the dispatches. The new bill is to aid in the enforcement of the laws in Utah, and we are further informed that the bill contains all the amendments to the bill introduced last year. By the "bill introduced last year," we suppose is intended the notorious Frelinghuysen bill, passed by the Senate of the United States on the 26th of last February, but which failed to become law because the House of Representatives took no action thereon.

That infamous document was published in the NEWS last winter, but our readers have probably ere this forgotten the scope and intent thereof. As the new bill contains all the amendments to that one, and as the subject of legislation for Utah and her people is likely to be revived, and to become of great local, if not general, interest, we will refresh their memories on the main points of said bill and the amendments thereto.

The bill contained twenty-six sections, the first of which empowered the U. S. Marshal of the Territory to appoint deputies in each judicial district, said deputies to enter upon their duties upon being approved by the judge of the district and taking the oath and giving the surety required.

SEC. 2 provided that the marshal or his deputies should attend the courts, and serve and execute all process, orders, judgments, or decrees issued, rendered, or directed by said courts or by any judge thereof.

SEC. 3 empowered the U. S. district attorney to appoint assistants in each district, said assistants, before commencing upon their duties, to be subject to the same conditions as the deputies of the U. S. marshal. Sec. 4 provided that the district attorney or his aids must attend all the courts and act as prosecutors in all criminal cases therein.

SEC. 5 enacted that none but male citizens over twenty-one years old could act as grand or petit jurors. Sec. 6 that the grand jury must consist of fifteen good and lawful men, the concurrence of twelve being sufficient for an indictment.

SEC. 7 prescribed the mode and manner of summoning grand and petit jurors, which must be done when the judge should decide it necessary, and by the United States marshal; such jury to constitute the regular panel of the court in all cases, whether arising under Territorial or U. S. laws. No challenge should be allowed on the ground of a juror having been summoned or served at a previous term of court. Six peremptory challenges should be allowed each party, whether in civil or criminal cases, and in criminal cases the judge, not the jury, should pronounce the punishment, being limited by law.

SEC. 8 prescribed the manner of taxing costs in proceedings at law or equity, also the fees of the jury.

SEC. 9 provided that the fees of the marshal, and jurors, grand and petit, in criminal cases under the laws of the Territory, should be the same as allowed in similar cases under United States laws, said fees to be paid from the Territorial treasury.

SEC. 10 related to marriage, and prosecutions for bigamy, polygamy or adultery, and provided that in such prosecutions it should not be necessary to prove either the first or subsequent marriage by registration certificate or recorded evidence thereof, but the same might be proved by proof of cohabitation by the accused with more than one woman as husband and wife, his declaration or admission that such women were his wives, his acts, recognizing, acknowledging, introducing, treating or deporting himself toward them as such, should be admissible as evidence.

SEC. 11 provided that persons convicted of crime might be confined in any military prison or camp of the U. S., if there were no other jail or prison in which he could be kept in safety.

SEC. 12 authorized the U. S. marshal or his deputies to call upon the military for aid in case they were resisted in the performance of their duties.

SEC. 13 empowered the Governor of the Territory to inspect, as often as he thought necessary, the jails or prisons of the Territory and the manner in which prisoners were treated; to prescribe rules for the government of prisons, and to remove wardens and other officers of prisons and appoint others in their stead.

SEC. 14 said that no alien living in polygamy should be admitted to citizenship. Sec. 15, that in case of the sickness of the judge in any district, the judge of any other might act therein if directed or requested by the Governor.

SEC. 16 provided that the probate judges and notaries public of the Territory should be appointed by the governor. Sec. 17 prescribed the cases in which appeals might be made from the inferior to the superior courts, and empowered the Territorial Supreme Court to make rules to regulate the mode of taking such appeals.

SEC. 18 was about the ballot, and made it a felony, punishable by fine and imprisonment, to place a figure, number or device upon a ballot cast by any person.

SEC. 19 gave district courts exclusive jurisdiction in all actions for divorce and alimony, or in chancery proceedings; deprived the probate courts of all criminal jurisdiction, and in civil cases confined them to those in which the debt claimed did not exceed five hundred dollars.

SEC. 20 empowered the district courts to employ a short hand reporter, and prescribed the amount and method of paying him. Sec. 21 provided that any person attempting to vote without having the right to do so, or voting more than once for the election of the same officer should be guilty of misdemeanor, and on conviction should be fined or imprisoned, or both.

SEC. 22 declared the district courts Territorial courts when trying cases under Territorial laws, and empowered the legislative assembly to prescribe the pleading, practice and procedure in all cases in chancery or at common law, provided that nothing in said act should be construed to interfere with the pleading and practice of said courts when exercising jurisdiction in cases arising under the laws of the United States. It also provided that in all such cases grand and petit jurors should be summoned and empanneled and process served the same as in the district courts of the United States.

SEC. 23 provided that the common law of England in force in the colonies at the date of the Declaration of Independence was in force over the Territories as far as applicable, but might be modified by the Legislature.

SEC. 24 declared that election precincts should be established and designated thirty days before election, that the Governor might appoint additional precincts, and also judges and clerks for each precinct.

SEC. 25 declared that insane persons, infants, persons in prison, &c., should have one year after the removal of their disability, to file the statement required by law to entitle them to the benefits of the act of March, 1867, for the relief of the inhabitants of cities and towns on the public lands.

SEC. 26 repealed a large number of the acts passed by the Territorial Legislature.

In the bill as amended and passed Sec. 1 provided that a district judge might remove deputy marshals at pleasure, and the offices of Territorial attorney - general and marshal were expressly abolished.

In Sec. 2 a provision was included expressly providing that Territorial courts be served by the U. S. marshal.

SEC. 3 provided that assistant U. S. attorneys should be subject to approval of district judge and removable at his pleasure.

SEC. 4, contained an express provision for U. S. attorney or assistants to attend Territorial and U. S. courts.

SECS. 5 and 6 passed without amendment.

The principal amendment in Sec. 7 provided that the clerk of district court should assist in selecting two hundred male citizens of the United States, residents of the district, and over 21 years old, to be drawn from, as by lot, for jurors for terms for the year following; the number drawn to be such as the judge might consider necessary for the term; twelve men the panel, and three more than each panel to be drawn; talesmen to be drawn from said list in open court; each party to be allowed three peremptory challenges.

SEC. 8 as amended declared that lawful costs should be taxed and collected, and jury fees be advanced by plaintiff, to be taxed as costs if plaintiff recovered.

SEC. 9 provided that the deputy marshal in Territorial cases should be paid out of Territorial treasury; no time for payment of him, attorneys, marshal, or jurors stated.

Principal amendment in SEC. 10—prosecutions for marriage, or for adultery should apply only in future occurrences.

SEC. 11 provided that a spouse or consort might obtain in the district court freedom from that relation, with possession and control of her minor children, and a portion of the property of her husband; existing laws against plural marriage not repealed or annulled, except as regarded evidence admissible.

SEC. 12 same as Sec. 11 of original.

SEC. 13 same as Sec. 12 of original, except an amendment empowering U. S. marshal to call for civil or military posse at his option.

SECS. 14, 15, 16, and 17, much the same as 13, 14, 15, and 16 of original.

Principal amendment in SEC. 18 provided for appeals in law and equity to U. S. Supreme Court of Territory; no appeal in civil cases unless more than $20 were involved; only the supreme court and judges thereof should have power to issue writs of *habeas corpus*.

SEC. 19 much like Sec. 18 of original.

SEC. 20, Section 19 original, with amendments, the principal of which limited the jurisdiction of probate courts in civil cases to $200; executive functions of county courts not abolished; supreme court judges might fix times and places for holding district courts, and establish judicial districts authorized under the organic act; proceedings of district courts in condemnation of private property for public uses subject to review by the Supreme Court.

In Sec. 21 (Sec. 20 original) the principal amendment decreed that the district court short-hand reporter should report and transcribe testimony and proceedings in all criminal cases, and be paid not exceeding $10 per day while necessarily so employed.

SEC. 22 much the same as Sec. 21 original.

SEC. 23 (Sec. 24 original) provided that election precincts be established and designated at least thirty days before any general or special election.

SEC. 22, 23 and 25 of original not in amendment.

The final Section—26—of the original was remodelled, and formed Sec. 24 of the amended bill. In it the Church of Jesus Christ of Latter-day Saints was forbidden and disqualified from being the owner, directly or indirectly, of an amount of property in value greater than six millions of dollars, forbidden from solemnizing or forming, or authorizing to be solemnized or formed, any marriage or similar relation, contrary to the provisions of existing statutes against bigamy and polygamy, or contrary to the common law; said ordinance should be subject to be altered or repealed by Congress, and by the State at any time formed out of the Territory of Utah, and the said corporation subject to be dissolved by Congress or by such State.

In addition to the above, Sec. 24 of the amended bill provided that the eighteenth and twenty-second sections of an act entitled "An act in relation to the judiciary," approved January nineteenth, eighteen hundred and fifty-five, and the first, fourth, twentieth, and twenty-sixth sections of an act entitled "An act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," approved December thirteenth, eighteen hundred and fifty-two; also, sections four and thirteen of an act entitled "An act in relation to justices of the peace," approved February fourth, eighteen hundred and fifty-two; also an act entitled