

Local and Other Matters.

FROM FRIDAY'S DAILY, NOV. 13.

Discharged.—Last evening the two young men who were arrested on suspicion of stealing a sum of money from the Walker House till were discharged, there being no evidence to show they were guilty of the charge.

Dividing Off.—The police court room, where Justice Pyper holds forth, is being divided off by a hand rail and bannisters, which run across the room from east to west, which is for the purpose of keeping spectators separate from the judicial stand, and from prisoners and witnesses.

That Murder Case.—Last evening deputy sheriff Martin Florida reached this city from Evanston with a prisoner named John Smith, who is charged with participation in the murder of Mr. Simpson last July. That makes five persons now in custody in this city, charged with complicity in that crime.

Most Extraordinary Proceedings.—Yesterday afternoon John T. Caine, W. C. Dunbar, —Fuller and Byron Groo, of the Salt Lake Herald, were subpoenaed to appear before U. S. Commissioner Dennis J. Toohy, to testify in some case before him, of the nature of which they were not made acquainted. Messrs. Dunbar & Groo appeared at the Court House at three o'clock, the other two gentlemen being delayed until later. When everything was ready for the play to begin the Hon. James B. McKean arose to his feet and read the following:

"Territory of Utah, } s.s.
Salt Lake Co. and City. }

"James B. McKean, of the said Territory, county and city, being first duly sworn, deposes and says: That the Salt Lake Daily Herald, a newspaper published in the said city, in its issue of the 11th day of November, inst., contained an editorial paragraph in the words and figures following to wit:

"A Utah letter to the New York Republic of November 4th, in regard to the 'Mormon Theocracy,' as his Honor delights to term it, bears all the ear marks of Judge McKean. We are bound to say that there is no more industrious man in this Territory than the Chief Justice, who, in addition to his arduous duties of four hours per diem upon the bench, finds time to write elaborate editorials in his own defence and press letters *ad libitum* for the manufacture of public opinion. But the judge might as well lay aside his pen. He can never convert 40,000,000 of people to his views, or render his method of dispensing justice popular."

"This affiant further says that he is Chief Justice of the Supreme Court in and for the said Territory; that one George Q. Cannon has been indicted for a high crime, and is bound to appear for trial in the District Court over which this affiant presides as Judge aforesaid; that the said 'letter to the New York Republic of November 4th,' comments freely upon the indictment of said Cannon, and severely denounces and condemns the said Cannon; that the Salt Lake Daily Herald in and by the editorial paragraph aforesaid, in substance and effect, charges this affiant with malfeasance in office, in this that he has written for and caused to be printed in the said New York Republic, an article which, if written by this affiant, would show that he, this affiant, has prejudged the case of the said Cannon, and is guilty of what, in this affiant, would be, under the circumstances, the high crime of laboring to create popular prejudice and hatred against an indicted person at whose trial this affiant is to preside as Judge aforesaid.

"This affiant therefore prays of Dennis J. Toohy, Esq., Supreme Court Commissioner in and for said Territory, that such process may issue as will lead to a thorough investigation of these charges; and first, that subpoenas issue for such witnesses as can throw light thereon. And further this deponent says not. JAMES B. MCKEAN."

"Subscribed and sworn to before me, this 12th day of November, 1874. DENNIS J. TOOHEY,

"U. S. Commissioner."

At the request of Judge McKean, J. H. Beadle was sworn and testified that he was the author of the article in question which appeared in the New York Republic.

Judge McKean, turning to the

gentlemen of the Herald, informed them that they had the privilege of cross-questioning the witness.

Mr. Groo asked if himself and colleague were on trial for any offense, and being answered in the negative, he said he did not see any necessity for them to cross-examine the witness.

Judge McKean said the Herald gentlemen could be sworn and testify in the case (What case?), which sentiment or idea was echoed by the Commissioner; but as Messrs. Dunbar and Groo could not see the necessity of testifying, as no party was under examination or on trial for any offence, they declined the privilege so magnanimously tendered them.

When this stage of the proceedings was reached, it was considered time to "let off the fireworks," according to the apparently pre-arranged programme, so Judge McKean arose and informed the Court that he had jotted something down (which showed the cut and dried nature of the affair), and here is the result of his jottings, which he then read:

"May it please your Honor: Two weeks ago it was proven before the Grand Jury, and published to the world, that the editors of the Salt Lake Herald are calumniators and liars. Having now proved again before your Honor, that they are calumniators and liars, I withdraw the complaint."

Mr. Groo, naturally feeling indignant, arose to reply. He commenced by saying, "Judge McKean I thank—", during the delivery of which fragment of a sentence he was twice preemptorily ordered to take his seat by the Court.

The Commissioner then expressed his regret at the withdrawal of the complaint, and then immediately adjourned the Court.

Everything about those most extraordinary proceedings had the color and form of minute pre-arrangement, each actor in the judicial farce reminding one forcibly of the "Marionettes," whenever the governing spirit pulled a string the figures jumped, sat down or danced, and that in a kind of loose-jointed way.

There was no trial nor examination of any party for any offense, and the Herald gentlemen were there, it appears, in the capacity of witnesses.

Is a witness entitled to the protection of the court before which he is called to give evidence? How much protection is afforded to a witness when he is called a liar and calumniator in the presence of the court? Are courts supposedly, at least, for the administration of law and justice? If so, can they be properly used as a cover under which to administer personal abuse, without any intention of using them for the legal punishment of parties for an alleged offense, for the alleged commission of which the personal insult is administered? Is it noble, magnanimous, or generous to direct abusive language towards a party, when the person to whom it is directed has no opportunity of defending himself, but instead of having the privilege of even replying is authoritatively told to "sit down?" Even supposing a person to be correct in his allegations against another party, is that a legal, magnanimous method of seeking redress? Should the blush of shame mantle the cheek of those who inaugurated and conducted such unheard of and unmitigatedly peculiar proceedings, which many denounce as an unmeasured farce?

Judge McKean's jotting showed that he did not have the gentlemen called up to take legal proceedings against them, and people are not slow to judge, also from that jotting, what he did have them summoned for.

The Shoshones.—"A. C." writes from Brigham City, Nov. 12, as follows—

"The Shoshones Indians, who have been encamped around this town lately, were in town to-day en masse, and felt exceedingly joyful and well pleased. Bishop Nichols had just provided for the distribution among them of beef and general produce on a liberal scale. They now take their departure for the mountains in the neighborhood of the Promontory regions, where they say they will kill rabbits and bring their skins to our hattery to make hats of."

Fraternal.—To-day we had a call from Mr. Bliman, of the Cheyenne Leader, a very lively, well edited

paper, of the same age as the place in which it is published, and after which it is named. Mr. Bliman is in this City in the interest of the Daily and Weekly Leader and the Wyoming Monthly Souvenir, the latter being a magazine published at the Leader office.

Boggy.—We are informed that there is a rather boggy piece of street not pleasant for animals and not safe for vehicles, on First West Street, two blocks south of Townsend House, caused by the flowing of the ditch waters in the loose soil of a gaspipe excavation.

FROM SATURDAY'S DAILY, NOV. 14.

Choir.—There was a party at the Twelfth Ward School House last night, under the auspices of the choir of that ward, which was a very pleasant affair.

Fatal Accident.—It will be seen by an obituary notice, in another column, that a lad, named John W. Rees, was accidentally shot, near Adamsville, Beaver Co., on Oct. 22nd, and died from the effects of his wound the following day. It appears he was out with another lad, on Indian Creek, when, in getting upon his feet, after having taken a drink at the stream, his pistol fell from his person, struck a rock and was discharged, the bullet passing through his bowels.

Extensive Improvement.—Z. C. M. I. are about to erect a large addition to their present premises, for warehouse purposes, having leased a portion of the Blazard property for that purpose. The building will be 100 feet long by 40 feet wide and two stories high. The first story, which will be partly underground, will be built of rock, and the upper story of brick. Obed Taylor is the architect for the building, and the contract for the mason work has been awarded to Watson Brothers. The work of excavating for the basement is proceeding in a lively manner.

Prosperous.—The Fifteenth Ward co-operative store has declared a dividend for the preceding year of twenty-five per cent., and the statement showed the concern to be in a prosperous and promising condition. At the annual meeting it was agreed to give the store over to the management of Brother Thomas C. Griggs, who will superintend it on commission. Brother Griggs has an excellent experience in the line, and has been considered one of the most popular salesmen in the City. The Fifteenth Warders are fortunate in securing his services.

Illegal Voting Again.—Yesterday, in the Third District Court, Chief Justice James B. McKean, who was presiding, delivered the following address:

"Territory of Utah, } October
THIRD DISTRICT COURT. } Term,
"The United States } 1874,
vs. } S. L.
Matthias Nelson. } City.
"The United States }
vs. }
Charles Walters. }

"These are indictments for unlawful voting. The facts are stated in the opinion of the Court."

"William Carey, U. S. Attorney, for the Government."

"McKean Ch. J.—Each of these defendants pleads guilty to the charge for which he is indicted. Each being an alien, had declared his intention to become a citizen of the United States, and had procured a certificate of such declaration from the Clerk of this Court; and each had procured what purport to be evidences of naturalization from the Probate Court of Tooele county. On a similar state of facts, this Court, a few days since, adjudged Wrathall and Jeffries each to pay a fine of \$20 with \$10 cost. They might each have been fined \$500, and imprisoned for the term of three years. The Court has since been led to doubt whether such extreme lenity was not a mistake. Those who create and control public opinion in this Territory, taking advantage of such lenity, and misunderstanding or misrepresenting the motives of the court, have labored to convince such indicted persons that their course was right, and that the Court was wrong. The great mass of the people of this Territory would not be a disturbing element in the body politic, were it not for the undeserved and malign influence of comparatively a few men. And if lenity

does not secure more respect for the administration of the laws, than is conceded to disloyal leaders, then severity must gradually take the place of lenity. Without going far, the Court will now take a short step in the direction of severity, and will progress in that direction just so long as there shall be any necessity for it."

"The judgment of the court is that each of these defendants pay a fine of thirty dollars, with ten dollars costs, and stand committed till the fine be paid."

We should judge from his honor's ruling and general handling of the cases in which it is given, as well as previous ones, that he holds the opinion that people who took out papers of naturalization years ago are not citizens. We republish the validating clause of the Poland Bill:

"All judgments and decrees heretofore rendered by the Probate Courts, which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed."

While we are far from being inclined to berate his honor because he does not appear to recognize that clause as validating the doings of the Probate Courts, we respectfully hold to the view that it does not and furthermore see no consistent way for his honor or any other person, judicial or otherwise, to get over, on one side, or around it and at the same time appear consistent and legal.

That Murder Case.—Shortly after three o'clock to-day the examination of Williamson, Phillips, Smith and Barton, accused of complicity in the murder and robbery of Mr. Simpson, last July, was commenced before Justice Pyper.

FROM MONDAY'S DAILY, NOV. 16.

Returned.—Governor Woods returned from California on Saturday.

Selling on Sunday.—To-day Justice Pyper fined a saloon keeper and his bar tender \$25 each, for selling liquor on Sunday.

Abusing His Wife.—This morning a dispenser of intoxicants, of Teutonic nativity, was fined \$10, in the police court, for assault and battery upon his better half.

Day of Thanksgiving.—It will be seen that his Excellency, the Governor, has issued a proclamation, conformable to that of the President of the United States, for the observance of Thursday, Nov. 26, as a day of public thanksgiving and prayer throughout this Territory.

Cedar City.—A resident of Cedar City informs us that the United Order progresses favorably and encouragingly at that place. In that organization from 15,000 to 20,000 bushels of small grain was raised the past season. A boot and shoe shop has been established in connection with the Order there and has been running for some time.

Fighting in Jail.—Sam Rogers and "Jack" MacDonald, two city jail prisoners, got to calling each other hard names this afternoon; from that they got to hard blows, and had a regular rough and tumble, till the jailor placed an iron door between them, which brought them back again to the use of epithets and expletives.

Arrested.—On Saturday, a dispatch was received by officers in this city, requesting them to arrest Mr. George M. Norton, who some time since, shot Dr. Bredemeyer, at Bingham. He was therefore taken into custody and soon after released on giving bonds to the amount of \$1,000, that being the amount fixed by Justice Mineer of Bingham precinct.

Personal.—Elder W. C. Staines gave us a call to-day. He was in good health and in his usual jovial spirits.

Mr. John M. Neals, of the firm of Benedict, Hall & Co., New York, dropped in for a few minutes, he having been on a business visit for a few days, accompanied by Mrs. Neals. They leave on their return to New York in the morning. Mr. Neals is always an agreeable visitor.

Industrial Association.—We understand a meeting will be held in the 8th Ward Assembly Rooms on Wednesday evening for the purpose of taking steps with a view to es-

tablishing a hat factory in that part of the city. It is the intention of a number of people of that locality to form an organization and incorporate under the name and title of the 8th Ward Industrial Association. Those wishing to subscribe for stock should attend the meeting.

Taken to the Penitentiary.—James Dunn, alias Dublin, imprisoned in the city jail for robbery, having been indicted by the grand jury for another offense, committed in company with Jack Beegan, was handed over to the custody of the U. S. Marshal to-day, by whom he was placed in the penitentiary. The indictment was for garroting and robbing a miner, named Wm. Sharp, on South Temple Street. Dunn was committed to the Probate Court for the same offense, but was liberated, on Habeas Corpus by Ass. Justice, C. M. Hawley.

Assaults at Alta.—We are informed that on the night of Nov. 9, a person connected with the Prince of Wales mine, while in a state of intoxication, struck one of the men on the side of the head, addressed abusive words to him, exhibiting a knife and a five shooter, told him to heel himself, and, on being answered that the victim had nothing to heel himself with, ordered him to quit the mine immediately, which he did, tramping a mile and a half through the snow to Alta. The intoxicated individual also, we are told, when on the trail from Alta to the mine, knocked down another man, kicked him in the head, and in the language of our informant, "put a very bad head on him."

Street Railroad Extension.—The South Temple Street extension of the street railroad is being constructed on the south side of the north half of the street, causing the company considerable expense in making a fill. The company, in grading up for their line, are doing some of the work which was purposed to be done, as soon as practicable, by the City. We understand it to be the intention to level up the south side of the street, dividing the street into two, having the north side some feet higher than the south side, and run a wall or fence along to form the division, making a kind of terrace. Should this be done, with a carriage drive on each side and the street railroad in the middle it will be a very desirable part of the City.

Inquest in Sanpete.—The following is the report of an inquest recently held in Sanpete county—

(Copy.)
"Territory of Utah, }
County of Sanpete, }
Fairview Precinct. }

"An inquest holden at the residence of Hans Carlsen, in Fairview Precinct, Sanpete county, on the 8th day of November, A. D. 1874, before H. W. Sanderson, a Justice of the Peace in said Precinct and County, upon the body of David James, there lying dead, by the jurors whose names are hereunto subscribed.

"The said jurors upon their oaths do say that the deceased came to his death by an affection of the heart or quick consumption."

"In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid."

"ELAM CHENEY, Senr.,
"LYCURGUS WILSON,
"L. A. BRADY, Junr."

"HENRY W. SANDERSON,
Justice of the Peace."

The Murder Case.—In the examination of Williamson, Phillips, Carroll, Barton and Smith, accused of murdering Thomas Simpson, four witnesses testified on Saturday, the names of whom were Messrs. Price, Harveybooth, Madison and Captain Day. Mr. Price was a former partner of the murdered man, having bought out his interest in a stock-raising business, in payment of which he gave him \$400 in cash and \$1,800 in notes. The latter amount was in two separate notes, one of which had an endorsement of \$350. These notes are now understood to be in possession of the officers of justice, and traceable to the possession of the accused, subsequent to the murder.

A curious circumstance connected with the case is that Mr. Simpson had a dog, a faithful creature, which was taken to the scene of the murder, by the parties who conducted the Coroner's inquest. When the spot was reached the poor brute ran under Mr. Simpson's wagon, which was still there, and