DESERET NEWS.

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - APRIL 30, 1879.

THE INFAMOUS PROCEEDINGS AGAINST DR. CLINTON.

APRIL 21st, was the day set for the trial of Dr. Jeter Clinton, indicted for the murder of John Banks. The crime was alleged to have been committed June 15th, 1862. It was one of the Morrisite cases. The particulars of that affair were made familiar to the public by the Burton trial. After the surrender of the Morrisites to the posse under Gen. R. T. Burton, Banks, who was mortally wounded at the time that Morris was killed, was taken with other prisoners to the Burton camp, close by, and was waited upon by Dr. Clinton, surgeon for the posse. During the night he died from his wounds. Some of the Morrisites started the rumor that he had received foul play from the Doctor, and on this senseless and unfounded notion, without a particle of real evidence, he was indicted for wilful murder, the indictment specifying that he stabbed Banks with a knife in the neck, or in the shoulder.

After the indictment had hung over him for many months he was suddenly arrested at his residence at Lake Point, brought to this city and hurried off to the penitentiary, where he was shackled and confined in an iron barred cage, called the "sweat box." Here, though in very feeble health, he was exposed to a south wind which blew the dust over his person, and was thence removed to a room with the roof sloping to the south, the average height of which was only six feet, and which had no ceiling and no covering but the shingles. This was in the month of July, 1877, a time of most intense heat. Dr. Clinton was suffering from neuralgia and disease of the kidneys. His bedding was of the most filthy description, and his friends for a time were prevented from furnishing him with needful medicine. His manacles rendered it impossible for him to undress himself. The District Attorney—the notorious Howard, refused consent that he should be admitted to bail, although the Court intimated that it would be proper. At the intercession of his friends Dr. Clinton was removed from the penitentiary to the county jail, and when the case came up for trial, the prosecution not being ready, he was released under bonds for his appearance.

On the day, when the case was to have been brought up for trial the District Attorney presented the following, which was placed on file:

The People, etc.,	}	Indicted
vs.		for
Jeter Clinton,	}	murder.

Now comes Phillip T. Van Zile, United States District Attorney for Utah Territory, and filed with said Court the following as reasons for dismissing said above entitled cause, *to wit*: That he has made a careful examination of the proofs for the prosecution, and is convinced that he would not be able to succeed in convicting the defendant.

PHILIP T. VAN ZILE,
United States District Attorney.

Dr. Clinton demanded a jury trial, but this was not granted. The case was accordingly dismissed. It ought never to have been instituted. It would not have been if Dr. Clinton had not been a "Mormon." More than that; if anti-"Mormon" rumor had not credited Dr. Clinton with a knowledge of supposed secrets affecting other influential "Mormons," he would not have been subjected to the infamous treatment he suffered at the penitentiary. While placed in the position described above, the U. S. Marshal twice took him out in a buggy and offered to him inducements to reveal the "secrets" of which it was vainly imagined he was in possession. It was openly stated in this city that Clinton was to be "squeezed" until he would "squeal."

Dr. Clinton subsequently entered suit for damages against the U. S. Marshal, but of course he received no recompense, although the confinement in the penitentiary, to say nothing of the villainous treatment he received there, was clearly illegal. The statutes provide that persons charged with crime and committed for trial, when imprisoned shall be detained in the county jail. Dr. Clinton's alleged offence was against the laws of the Territory; but even if it had been against the laws of the United States he might have been held in the county jail, as may be seen from the Compiled Laws of Utah, sections 2362—4.

The whole proceedings in the prosecution of men acting under the orders of the Court in the Morrisite trouble, were absurd as well as shameful. Everybody now acquits Gen. Burton of any wrongdoing in connection with the matter, and sympathizes with him in the trouble and expense which were entailed in his defence. But if the case against him was groundless, as has been abundantly proven, what shall be said of that against Dr. Clinton? Based only on senseless rumor, and prompted simply by inexcusable prejudice, it was an outrage of the grossest character. And when the indignities and cruelties to which the defendant was subjected without any chance of redress are properly considered, indignation is a poor word to express the feeling that is naturally aroused against those who prompted and assisted in the infamy.

Dr. Clinton is now freed from the shadow of the charge trumped up against him. But where is his compensation for the trouble, expense and suffering he has undergone? We take occasion to say that neither the present District Attorney nor Marshal are responsible for the treatment of Dr. Clinton. The indictment and imprisonment complained of occurred previous to their time. But this shameful abuse of a respectable citizen, because he was a prominent "Mormon," should be placed on record as one more item on the long list of outrages perpetrated upon our people, through the bigotry, intolerance and persecuting spirit of our opponents, among whom, shameful to say, men paid out of the national treasury to officiate in the interests of law, justice and equity, have been among the bitterest and most unprincipled. The course taken by District Attorney Van Zile in this case is highly commendable. In what light does it show up the former officials who instigated and conducted the abominable proceedings against an innocent man?

REVERSE DECISION ON RAILROAD LANDS.

MESSRS. WILLIAMS AND YOUNG, attorneys for the Union Pacific Railroad Company, received a telegram, to-day, from L. Burnham, Esq., of Omaha, Land Commissioner for the Company, stating that the Supreme Court of the United States had, this morning, reversed the decision of Secretary Schurz in regard to railroad lands.

This is most a important ruling and should be generally known and understood. It will be remembered that last summer United States Land Commissioner Williamson rendered a decision in the case of Nelson Dudymott *vs.* the Kansas Pacific Railroad Company, to the effect that all railroad lands which had not been disposed of by the companies to which they were granted, by the time specified in the Acts of Congress in relation thereto, were open to pre-emption by settlers under the land laws, at $1.25 per acre, which amount when paid was to be retained by the Receivers and placed to the credit of the companies claiming the land. This decision was sustained and endorsed by the Secretary of the Interior, July 23, 1878, and was based upon a strict construction of the last clause of section 3 of the act of Congress approved July, 1, 1862, entitled, "An Act to aid in the construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean," which clause is in the following words:

"And all such lands so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company."

The railroad companies claimed that the lands in question had been disposed of by mortgage as security for bonds. But the Land Commissioner and Secretary of the Interior held the view that the land must be actually sold to a *bona fide* purchaser to fill the requirement of the law in relation to it, and that therefore the mortgages would not cover the ground.

Instructions were thereupon issued to the Registers and Receivers to accept declaratory statatements of pre-emption from settlers on these lands, with rules and regulations governing such cases, in an official circular, a copy of which was published in this paper, and which contained the following list of railroads whose grants were subject to the Act of July 1, 1862, with the dates of their completion, three years after which their claim expired on unsold lands:

Union Pacific Railroad, completed July 15, 1869.

Kansas Pacific Railway, completed October 19, 1872.

Denver Pacific Railway, completed May 2, 1872.

Sioux City and Pacific Railroad, completed March 2, 1869.

Central Pacific Railrood, completed July 15, 1869.

Western Pacific Railroad, completed January 21, 1870.

The railroad companies, and particularly the Union Pacific, announced their intention to contest this decision in the courts, and so warned all persons who attempted to obtain possession of their land under its regulations. We took the same view of the matter as the Commissioner and the Secretary, who were each very positive of the correctness of their decision. We considered that a mortgage to secure payment of bonds was not a *bona fide* sale or disposition of the property as contemplated in the law, and endorsed the following argument by Secretary Schurz:

"It has been from the earliest history of this government one of the most important and beneficent principles governing its land policy, not to favor the creation of large estates, but to put the public lands at such rates, and in such quantities, within the easiest possible reach of the poor and homeless, that the latter might acquire homes for themselves and their families, and thereby promote a healthy development of the agricultural resources of the country. This principle has evidently been kept in view by the law-making power when aiding the construction of national highways by extensive grants of land, and in accordance with it, it was wisely provided in this grant that unless the lands granted were sold by the companies within a reasonable time, they should be opened to actual settlement under the auspices of the Government of the United States, and under the provisions of the pre-emption law, so that they might be acquired and settled upon by persons of limited means, while the proceeds of such sales are to be turned over to the companies."

But an appeal to the Supreme Court has legally settled the question in the contrary. According to the telegram received, that judicial body has decided that "the land grant mortgage was a disposal of the lands in question, and that therefore they were not open to pre-emption." The great railroad companies are triumphant. The public are defeated. The soulless corporations still grasp the broad acres of the public domain, and can laugh at the meaning and intent of the law enacted to restrict them and give the poor settler a chance to acquire a home. The U. P. Company now announces its intention to "prosecute to the full extent all squatters who do not move at once from their lands." No matter what may be thought of the justice or logic of the decision, it proceeds from the court of last resort and is final. The poor "squatter" must go, if he has followed the rulings of the Land Commissioner and Secretary of the Interior. Of course arrangements will be made for the return of any moneys that may have been paid into land offices for railroad lands, but this will be poor satisfaction to those who have commenced to build a home and have made improvements upon the soil they expected to call their own. Their only course now is to make as good terms as possible with the railroad companies. The singular decision of the Supreme Court should be circulated as widely as possible.

THE REYNOLD'S CASE.

OUR readers are aware that a motion has been filed in the Supreme Court of the United States for a rehearing of the case of Bro. George Reynolds. There are many, however, who do not understand the status of the case. The Court has first to decide whether it will grant a re-hearing, and if so on what points. Before this decision is reached, the grounds put forth why the case shall be heard again must be considered, and also the arguments of the other side against a re hearing. If the Court decides that the case shall not be re-opened, a remittitur, will, in due time be sent to the Supreme Court of this Territory, officially announcing the decision of the higher court, and thence the necessary papers must be issued to the District Court, which will proceed to act upon the sentence. But if the Court of last resort decides to re-hear the case, a time will be set for the re-hearing, when counsel on both sides will present their arguments, with what results remain to be seen.

A Washington dispatch to a New York paper, on the 14th, says:

"Notice was to-day given to the Attorney-General that he might file at any time before next Monday a printed brief in opposition to the pending motion for a re-argument of the case of the Utah polygamist, George Reynolds, against the United States, decided last winter. The only point which will be considered is the alleged error of the lower court in sentencing the prisoner to hard labor during imprisonment."

We hope the case will come up again before the Court, and that, in justice to this community who are all affected more or less by the decision, as much latitude as is consistent will be given to its reconsideration, for there are points in it which are of vital importance not only to the defendant and the people whom in this case he represents, but, as will be seen in the sequel, to the whole nation and people of the United States.

DEATH OF GENERAL DIX.

THE telegraph announces the death of General Dix, at New York, on Monday the 21st inst., at 11.30 p.m. The news of his decease was delayed in consequence of the prostration of the wires.

John Adams Dix was born at Boscawen, New Hampshire, July 24, 1798, and as early as 1812 became connected wirh the United States army, in which he received several promotions while yet a youth, and when only 18 years of age was adjutant of a battalion. He afterwards became aide-de-camp to Gen. Brown, the commander-in-chief, and subsequently was made a captain of artillery. After traveling extensively in Europe, on leave of absence, he left the army and entered the profession of the law, and joining the Democratic party figured prominently in politics. He was elected to several important positions in the State of New York, and in 1845 was returned to the United States Senate for the unexpired term of Hon. Silas Wright. He afterwards filled the office of Associate Treasurer of New York, was appointed postmaster of that city, and from Dec. 1860 to March, 1861, was Secretary of the Treasury under President James Buchanan.

When the civil war broke out he heartily espoused the Union cause, and his prompt and pithy order telegraphed to an officer in regard to a mutinous revenue service captain: "If any one attempts to haul down the American flag shoot him on the spot," has become one of the noted sayings of our age and nation. He served in the army as major general of the New York Militia, afterwards held the same rank in the regular army, and acted as Military Commandant during the New York riots. He became a vigorous Republican in politics and was appointed minister to France in 1866, occupying this important position for two years, and in 1872 was elected Governor of New York.

He was of a literary turn of mind and published several books describing his travels in Europe, besides some volumes of a political character containing his own speeches. He achieved fame and distinction abroad as well as at home, and died at the advanced age of eighty-one years, esteemed and respected and entitled to national honors, which will be accorded at his funeral.

NOT SALARIED.

THE Cheyenne *Leader* recently published very foolish comments on the financial reports presented at our April Conference. The remarks were written by some person in this city who evidently desires to figure as an anti-"Mormon" correspondent, but only succeeds in making himself ridiculous to all who are acquainted with the facts. He says:

"At the late Conference held in *this* city, it was developed that $493,946 in tithing had been collected from 18,870 tithe-payers, an average of $31 per head. Of the above amount, $350,000 went into the general fund of the church, and is used by the apostles, bishops, and other church dignitaries, principally to build themselves fine houses, to enable them to keep additional wives, and otherwise enjoy the high privileges of Latter-day Saints. It is not probable that the priesthood of any other denomination in the world so gluts itself with wealth wrung out of the poor as this."

The truth is that there is not any class of ecclesiastical officials who do so much public work for so little pecuniary remuneration as these same "dignitaries" who are here accused of using up vast sums for their own private purposes. Most of them labor *gratuitously* for the good of the people among whom they minister, and those who receive any appropriation out of the church funds, only accept it because their time is almost entirely occupied in the discharge of their duties, rendering this payment to them necessary. The amounts they receive are voted to them by the body of the Church and the only criticism we have heard among the people concerning the matter is, that those sums are too small.

But they do not receive them as "salaries" nor as "compensation" for ministerial services, neither do they in any way "preach for hire or divine for money." They have most of them spent their lives in the cause, without pay, suffering hardships and passing through trials of the severest character and now duly receive from the church what is needful for common necessities, which is accorded to them by common consent as would a much larger amount if they desired it.

There is no truth in the statement contained in the above quotation. The funds referred to are expended in a variety of ways for the general interest of the Church, which we do not care here to enumerate, and the Latter-day Saints being satisfied with it, we do not think it is any particular business of persons not connected with the Church how much tithing we pay nor in what manner it is expended. Suffice it to say that the people who are most concerned have confidence in the integrity of their leaders, and this proven by the encouraging increase in the tithing receipts which the financial reports exhibit.

EDITORIAL NOTES.

A great Sunday School convention is to be held in the Yosemite Valley, where a building is being erected for the meeting. We are informed that 400 preachers are on their way from the east to attend and that they will pay a visit to Salt Lake.

The marriage of the Midgets has been announced by nearly all the influential papers of the country. Yet it is not correct. In a letter to the New York *Herald*, the father of Gen. Mite, the male Midget, emphatically denies that the little folks are married or intend to be married. Lucia Zarate and Gen. Mite are infinitessimal specimens of humanity, who have been exhibited together, and it was suggested that they ought to marry to keep up the business connection. This was enough for a lively newspaper reporter to start on, and hence the announcement through the public journals. It was just about as reliable as a press dispatch on Utah affairs.