

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Sept 1, 1875

WANTS MARTIAL LAW.

The Denver News is in favor of martial law in Utah. It says—

"The general government would do its duty, its whole duty, and nothing but its duty, if it declared Utah under martial law, and tried and convicted by military commission the entire galaxy," etc.

Perhaps our neighbor and partial name-sake will have all the martial law it wishes for some time. For our part we are not sufficiently in love with it as to wish to see it established in Utah. We are pretty well satisfied with good republicanism, the republicanism of the constitution of the United States, pure and simple. That is good enough for us, at least until something absolutely better prevails. Martial law is not endowed with that absolute, superlative goodness, never was, and never will be. The constitution of the United States was established by our patriot forefathers as a model government, the very best they could devise and agree upon. It served them well. They lived and prospered under it. We can live and prosper under it. They preferred it to martial law. So do we. Any sensible people would. Martial law is in nowise comparable with constitutional civil law. Therefore we infinitely prefer the latter to the former. This preference is always sound, excepting possibly in case of unavoidable, dire necessity. Such necessity does not exist in Utah. So far as our wishes and aims are concerned, that necessity never will exist, only in the perturbed and the diseased imaginations, or the wicked concections, of bad men, unscrupulous and reckless demagogues, who neither fear God nor respectfully regard men, good men, far better men than themselves.

Ten to fifteen years ago, the nation had a little experience in martial law, extended over a large part of the country. What was the result? An aggregation of four or five thousand million dollars, perhaps more, of public debt, federal, state, and municipal, not counting the heavy interest on the same. This debt caused taxation to an enormous extent, under which the country groans and languishes until now, and may be expected to continue to groan and languish for at least a generation to come.

But this enormous debt and excessive taxation were not the only bad result? The blood of thousands of brave men was shed, thousands more were crippled or debilitated for life. Thousands of fathers, mothers, brothers, sisters, wives, and children suffered untold anxiety and fearful privation. A large part of the country was desolated. Commerce was destroyed, or the balance of trade was turned against this country. The United States mercantile marine was driven off the ocean, and it has never recovered from the blow. A legacy of intense sectional hatred was bequeathed to the country, which it will probably take a whole century to fully die out. Perhaps the very worst result of the war was the overwhelming wave of demoralization which it threw over the whole country, the painful evidences of which are everywhere present, penetrating and permeating every strata of society, official and unofficial, civil, military, and religious, from the highest to the lowest in the land. There have been extravagance and dissipation on every hand, and we see speculation, peculation, and all sorts of corruption cropping out everywhere, in office and out.

These are some of the results of martial law on the grand scale tried by this country a few years ago. The picture is not very inviting. In fact, it is extremely repulsive. But, repulsive as it is, the Denver News and a number of other representatives of the press seem to be over head and ears in love with it, and they are forward to call for the establishment of martial law in

Utah. They are exceedingly anxious that our citizens should enjoy its wonderful blessings. We think those who so wish are very impolitic, unwise, foolish in making this demand. We are decidedly opposed to it. We should be sorry to be in anywise responsible for the disastrous and demoralizing results which might naturally be expected to follow if it were established. The experience of the past, the extensive experience of the nation at large, entirely suffices for us in this respect.

Our advice to any people therefore would be, try all honorable arts of peace, exhaust all the honorable arts of peace, before you try the arts of war, for all the latter are disagreeable and demoralizing, and some of them are often dishonorable in their development.

As to this Territory, there exists not the slightest necessity nor excuse for the establishment of martial law, and if by any untoward possibility it shall be established here, those who call it into existence must be left to bear the full weight of the responsibility of the same. They ought to be answerable for all its obnoxious consequences.

LAWYERS, COURTS, AND CLIENTS.

EVERY person charged with an offence against the laws has a right to legal counsel, and to make the best defense that can reasonably be made for him. But no counsel has the moral right, at least, to endeavor to prove innocent a man whom he knows to be guilty. A reasonable mind would consider that in such case the efforts of the counsel, even for the defence, should be for the portrayal of such mitigatory circumstances as attended the case.

Upon this subject Mr. Charles S. May, addressing the law department of the University of Michigan recently, and in answer to the question whether a lawyer ought to endeavor to obtain the acquittal of a man whom he knew to be guilty, said—

"I protest against such a doctrine as a wrong to society and a slander upon the law. I insist that the first duty of the lawyer is to society and the law, and that his duty to his client is always subordinate to his higher duty. He is first of all sworn to uphold the Constitution of the state. Upon this rests the whole civil fabric of society. Next he is to be true to the court. The court represents and stands for the sanctity and majesty of the law itself. It is the interpreter and vindicator of the law. Last, he is to be true to his client. But he cannot be true to his client in any just sense while he is false to society and the law. That is not the kind of truth he is to keep with his client. His oath presupposes no conflict between his client's interest and the interests of the state. He is not sworn, therefore, to help a guilty man, whom he knows to be guilty, to escape at the expense of law and justice.

"The indiscriminate and over-zealous defence of criminals without thought or care as to their guilt, the unreasonable theories, the unscrupulous tactics, the browbeating of witnesses, the reckless assertions and the bold affectations of truth and innocence—these are things which have brought criminal advocacy into disrepute with the people, which have kept so many able, self-respecting lawyers from this department of practice, and made the very term, criminal lawyer, signify want of character and honor, have almost made, indeed, the adjective stand for a designation of the kind of lawyer rather than the kind of practice.

"No, the highest public duty is always to the state, and nothing must conflict with that. The lawyer should never forget that he is a citizen. He should never lend himself or hire himself to any which will harm or hurt society. His noble profession does not require him to do this. It does not demand that he be the unscrupulous aider and helper of ruffians and law-breakers, nor a mere unthinking human machine of advocacy. It has other and higher commands for him, other and nobler work for him to do."

The Legislature of Utah, twenty-three years ago, passed "an act for the regulation of attorneys," which was approved February 16, 1852, portions of which are of much the same tenor as these healthy utterances by Mr. May. The following is the fifth section of the act—

"Any attorney or person otherwise assuming to appear before any court in this Territory, in any cause whatever, shall present all the facts in the case, whether they are calculated to make against his client or not, of which he is in possession, and shall present the best evidence that he can in the case to the intent that the true state of the case in litigation may be presented before the court, and for a failure to do so, or to comply with all the requirements of this act, shall be liable to all the penalty hereinbefore provided for, and the further penalty of not less than one dollar at the discretion of the court."

"The penalty hereinbefore provided for" is shown in the following section of the same act—

"It shall be the duty of the Judges of all courts in this Territory to forbid and prevent all indecent and exciting language and behavior in their courts; and in case of a rebuke to counsel being disregarded and resented by said counsel, it shall be the duty of the judge giving such rebuke to nullify the right to plead of such counsel, and to take measures to prohibit him from being heard as counsel in any court in this Territory, until such time as satisfaction has been given for his good conduct in future. And it shall further be his duty to impose a fine not exceeding one hundred dollars, on such counsel, as he may deem just, and he may commit said counsel to prison during the term of the court then being holden."

In the recent trial at Beaver, one of the counsel for the prosecution, in the opinion of many intelligent citizens, rendered himself heavily amenable to the provisions of the above section. He even went so far as to openly insult the jurors by virtually telling them that they were not fit to sit upon a jury, basing his assertion on false assumptions of his own. This was palpable contempt of court as well as transgression of law and even of the bounds of the wide latitude and license frequently taken by and allowed to the profession. For, in the judgment of the prosecution, the defence, and the court, the jury were fit to try and capable of sitting in the case, having been so accepted by those parties. That the indecent and abusive and contemptuous counsel was not promptly silenced, and, if the rebuke were resented, fined, and committed, one is reluctantly compelled to think, must have been due to favoritism or some kind of bias that should not have been allowed any influence on the court.

Local and Other Matters.

FROM WEDNESDAY'S DAILY, AUG. 25.

Departure.—Elder Albert Carrington, wife and son left for England this morning. We wish them a prosperous journey and pleasant sojourn abroad.

Second Offense.—This morning Joseph Reed was before Justice Pyper on a second charge of abusing, assaulting, and threatening Mr. Baumgartner, for which he was fined \$20 and placed under \$100 bonds to keep the peace.

Rampageous.—Sam Rogers, having put himself outside of an immoderate amount of bad whiskey last night, created a disturbance of the peace, and also made an assault on a Chinaman, for which he was fined \$30 this morning, which amount he will liquidate in labor, for the city.

Take Care of Them.—The health of young children, and even grown people, is apt to be seriously affected by the present sudden atmospheric changes, and therefore those having the care of little ones should be careful to change their clothing to suit the varying temperature, and thus prevent either chilling or overheating, from which causes spring many of the ills to which humanity is subject.

Sudden Death.—Last evening, at half past five o'clock, Thomas Day was found lying dead in a lot oppo-

site the M. E. Church, Third South Street. He had been subject to very severe epileptic fits for a long time, and the reasonable presumption is that he expired while under an attack of that malady, such being the verdict of the jury, at an inquest subsequently held over the body. Deceased was a native of England, and about forty-five years old.

Keep Up Your Cows.—This morning a man was in the police court on a charge of allowing his cow to run at large, break into lots and destroy the property of his neighbors. This particular cow, according to the evidence, was of a remarkably frisky character, her agility being such that gates and fences offered no impediment to her getting within reach of any particular toothsome patch of green stuff that took her fancy. Her owner was fined \$5.

The fining of persons who are in the habit of feeding their cows at the expense of their neighbors should become a little more general, as the practice, a dishonest one, when intentionally indulged in, is by far too wide, and needs checking; the only way to reach some people's consciences apparently being through the medium of their pockets. The law relating to the allowing of stock to run at large on the streets should be enforced.

City Council.—The regular weekly meeting of the City Council was held, at the City Hall, last evening, Mayor Wells in the Chair.

Petition of M. J. Snedaker stating that he had received notice from the assessor and collector of an attachment on a portion of his property, to be sold Aug. 30th, unless his delinquent taxes for five years were settled before that date, and the petitioner asked for further time; referred to the assessor and collector, who had already been instructed, by resolution, relative to the collection of delinquent taxes.

Petition of Robert Dunn and eighteen other residents and property owners on the east bench, southwest of the Insane Asylum, asking that they be permitted to use one-half the waters of Emigration Creek, for irrigation purposes, and for the appointment of Robert Dunn as the watermaster for that district; laid on the table.

Another petition of the same import, from H. H. Harris and eleven others, residents and property owners in that neighborhood, was similarly disposed of, it being remarked in the Council that settlers themselves could decide regarding whom they should have for watermaster, and that the land in the locality alluded to was taken up with the express understanding that the settlers would have no definite water rights to Emigration waters, further than the use of any surplus there might be.

Petition of E. Ashworth, for a remittance of her delinquent city taxes for the past five years, on certain stated grounds; laid over for consideration at the special meeting of the Council for the transaction of such business.

A bill was presented from the committee on water works of \$192.92, for fencing lumber to guard the excavations made on the streets for the pipes; appropriated.

Councillor Carrington tendered his resignation, on account of his intention of leaving for Europe in the morning, and the probability of his absence being somewhat protracted. The resignation was accepted and George W. Thatcher was elected to fill the vacancy thus created.

The Mayor was authorized to distribute to each of the officers of the city a copy of the Revised Ordinances of Salt Lake City, and also to forward copies of the same to some other municipal corporations. The price of the volumes, in calf, to other parties, was fixed at \$2.50.

A Pleasant Surprise.

SALT LAKE CITY, Aug. 25, 1875.

Editor Deseret News:

Last evening, the Officers and Visiting Committee of the Relief Society of the 17th Ward made a surprise call upon Mrs. R. M. Carrington, who left for Europe this morning, with her husband, Elder A. Carrington.

A few lines appropriate to the occasion were read by the Secretary, Mrs. G. A. Alder, after which Coun. Mrs. S. Reese stepped forward and presented a silver cup, beautifully engraved R. M. C. to

the lady, in the name of the Society.

It was a happy surprise, and all present joined in wishing them a safe and pleasant journey to and from the Old World.

MRS. G. A. ALDER.

FROM THURSDAY'S DAILY, AUG. 26.

Recipe For Cholera Morbus.—The following is the latest—

New buttermilk and sweet milk, equal parts boiled together and strained, and taken inwardly by the sufferer.

Living on the Cheap.—Yesterday a man was arrested on a charge of living on the cheap, by obtaining meals under false pretenses, at the Valley House, and not paying for them. He will be tried to-morrow, before Justice Pyper.

A Petrified Stockade.—The Bozeman (Montana) *Avant Courier* tells of Tom Tignor, an old mountaineer, finding a stockade and building, the timbers of which were petrified. It was in the Gallatin basin, "about one mile this side of the Wyoming line."

Fixing Up.—The late residence of Mr. Henry W. Naisbitt, now the property of Mr. William Jennings, on the Hill in the 20th Ward, is in process of being altered and improved in various ways, preparatory, it is reported, to Mr. Thomas Jennings taking up his abode in it.

Any Amount of It.—A brisk wind this afternoon stirred up the dust from the parched streets, whirling clouds of it through the air, filling the eyes, ears, noses, hair and clothing of pedestrians. It has been gathering up cloudy overhead to-day, as if portentous of an approaching storm.

Rush and Skull Valleys.—A gentleman just in from Rush Valley states that the crops in that part of the Territory are good, the only drawback being that about a fourth of those of the settlement of Vernon have been destroyed by crickets.

About two weeks ago some of the people of St. John's were baptized for a renewal of their covenants, preparatory to commencing living in a united condition, temporally and spiritually.

There is scarcely any feed for stock in Rush Valley, owing to the range being overstocked and the intense heat of the season, and Skull Valley is, if possible, in a still worse condition in that respect.

Homestead Patents.—The following has been published:

United States Land Office,
Salt Lake City, Aug. 25, 1875.

Homestead patents have been received and are now ready for delivery to the following named persons, at the United States Land Office, Salt Lake City, Utah:

Jonar Erickson,
Joseph Crooke,
Peter Borup,
John Bose,
William R. Smith,
Llewellyn Mantle,
Christian Hansen,
Joseph Harder,
George Hansen,
Matilda M. M. Dudley,
William W. Cosper.

OLIVER A. PATTON, Register.

Speculatory.—Speculations are being indulged in with regard to who is likely to be the next Chief Justice of Utah, the general supposition being in favor of Judge C. W. Bennett, of this city, a gentleman who has a good reputation among his brethren of the bar for sound legal attainments. Some of the rabid "ring," probably without much hope, are anxious for the reappointment of Mr. McKean to the position from which he was so summarily hoisted. So far as we are concerned it is a matter that gives us no anxiety whatever, although, like every right-minded person, we desire to see a man in the position who will administer the law strictly, firmly and impartially, but we have an abiding faith that truth and justice will eventually prevail, and that intermediate conditions of an opposite character, at this stage of things, will but tend to hasten that desirable result.

Officers' Quarters.—The work on the officers' new quarters, at Camp Douglas, is going ahead rapidly. All four of the buildings are rock structures, and the walls are already up, the roofs of two of them are finished, the workmen are laboring