

EDITORIALS.

AN OBJECT OF SYMPATHY.

PERHAPS every person who read the report of Chief Justice McKean's lengthy ruling in the matter of challenging the jury, published in the News of last Wednesday, noticed the evidences of perplexity and doubt in the mind of the learned judge, and came to the conclusion that he was as well aware as the general public of the glorious uncertainty of the law, and consequently of the unsatisfactory nature of an appeal thereto.

Now it was plainly enough manifest, in that ruling, that his honor was a proper object for sympathy. However anxious to rule correctly he might be, he was like a cat on a hot floor, he did not know where to step, he was greatly puzzled over the matter, feeling conscious that whichever way he moved he would be sure to "put his foot in it." Said he, he would be glad to hold one term of court without these great questions being sprung every week in one shape or another, but he was not sanguine that he could; they must do the best they could; embarrassment would grow out of any decisions they might make in those matters; if a judge did his best, he might even then make some mistakes; but it was a consolation that mistakes were made elsewhere as well as in Utah; it was a consolation to know that the ablest lawyers were as perplexed as himself over those perplexing questions, and after making the ablest speeches and most elaborate arguments, they would frankly confess they were far from confident they were right, and that the positive law on those questions could never be positively known until the Supreme Court of the United States had declared it.

His honor possibly forgot that there is a great difference between a judge and a lawyer. The judge should always be right. That is his duty, so far as is possible. A lawyer is not supposed to care a fig whether a case is right or wrong, nor on which side of it he is engaged, so that he (the lawyer) has a fat case, wins it, and is well paid for it. It is a judge's business to make the law clear. A lawyer sometimes considers it his business to mystify the law and the judge too if he can, as in the instance wherein an English judge hinted to Sir Roundell Palmer, during a long drawn out speech, that it would be satisfactory to know what view of the case and the law the gentleman was taking. Perhaps Sir Roundell didn't care, so that he could help the judge and jury not to see the right side.

The next day, his honor Judge McKean gave a decision relative to the special jury, in some respects as to principle reverse of the decision he gave the day before. If his honor was afflicted with doubt and perplexity over the first decision, that affliction certainly appeared to have increased greatly on him by the time he gave his second decision, for he announced that he would carefully reconsider his decision, without bias, in the appellate court, as it was on a question not agreed, thus showing that the steps he was taking were by no means firm and solid ones, as he was treading upon debatable, dangerous and uncertain ground, but that no one could know whether it was good ground or bad ground until the Supreme Court had determined the question for everybody.

When we read all these things and began to comprehend the dilemma in which our friend, the Judge, found himself, we felt quite concerned for him, as he appeared to be in, if not so good a cause, at least as bad a predicament, as Paul who, when he would do good, found evil ever present with him. We also felt like extending our sympathy to his honor, who evidently needed it. Thought we, here is a learned judge, who wields great power over an important portion of the Union; he has an important office, and he does as he pleases in it; he is supported unflinchingly by the highest authority in the nation; he has considerable power over the lives, liberty and property of thousands of people, and the only serious check upon his course is the action of the Supreme Court of the United States, which, though it does not come upon him often, means something when it does

come; and yet he is not happy. Surely every heart knoweth its own sorrows, and there is, as the proverb says, a skeleton in every closet, even in that of a chief justice. It seems that he is by no means exempt from the trials and sorrows, losses and crosses of mortality.

Now in the fullness of our sympathy for his honor, in the midst of his sore perplexity and doubt, we can hardly refrain from respectfully and modestly tendering a few suggestions for his benefit. In the first place, if, when he came to Utah, he had come simply as a judge, to administer the law impartially, and not as a sort of judicial missionary to destroy "Mormonism," his mind would have been a great deal clearer now than it is on very many questions both of law and fact. Having begun his judicial career here by perverting and consequently mystifying the law (as per the Supreme Court decision in the Englebrecht case, which, by the by, his honor has become quite fond of quoting), it is no wonder at all that an air of mystification, perplexity and doubt should still hang around his court, enshroud his mind and envelop his decisions.

Second, in quoting the Englebrecht decision, his honor should not try how he can wind around and meander through it unscathed, but how he can most fully act in accordance with the principles therein announced.

Third, in all decisions of courts, as in all other official business, instead of acting upon the idea that all powers not expressly delegated to the people are reserved to the Court, but reversely, on the constitutional principle, that all powers not expressly delegated to the Court, or other official body, are reserved to the people.

If his honor the judge would think of these things, and act faithfully upon them, he would be in a fair way of soon emerging from the foggy region of uncertainty, doubt and perplexity, into the sunshine of clear and sharply defined conviction, amounting to moral certainty, and he would send us a letter of thanks, acknowledging his obligation for the kind and friendly advice we have freely offered him.

Correspondence.

OGDEN CITY, Utah,
Oct. 26, 1873.

Editor Deseret News.

Quite a number of our citizens who went to the depot yesterday morning expecting to get a sight of the noble red men of lava bed notoriety were disappointed, as the warriors did not arrive. But in the evening an extra train rolled into the station yard, bringing about one hundred and fifty of the Modocs to this point, en route to their future home in Wyoming Territory. They occupied three cars. The bucks were chained together in pairs, all except Scarfaced Charley; he, now being captain, was entirely unshackled, but made no attempt to get away. They all appeared very contented, and some of them very happy, and resigned to their future lot. Steamboat Charley said he was twenty-six years old and didn't care where they took him, nor what they did with him. As one of the squaws was alighting from the car, her foot slipped, and she fell backward and hurt her head, but not seriously.

The officers and all others in charge of their dusky wards appeared to be very kind and attentive to them. After debarking, they were, in a short time, transferred to another train and sent forward to their reservation.

Weather here very fine.

L. P.

We are indebted for the following to the courtesy of R. L. Campbell, Esq., Secretary of the D. A. and M. Society:

CHICAGO, Oct. 23, 1873.

Robt. L. Campbell, Esq.,
Salt Lake City, Utah.

Dear Sir:—Yours of Oct. 13th, addressed to O. F. Davis, Land Commissioner U. S. P. R. Co., together with fruit, &c., have been forwarded to me. The latter has been placed in the Exposition here for exhibition, and it is not saying too much to say they surpass anything of the kind on exhibition here. No fruit or vegetables attract so much attention. Mr. Davis, who is now

here, desires me to express to you, and through you to your Society, his sincere thanks for this favor. Please extend to J. R. Winder, Esq., thanks for box of very fine fruit. Yours truly,
O. W. HERRICK.

The Grange.

Editor Deseret News.

Dear Sir—Appreciating your courtesy, I gladly accept the kind offer of your columns to define in brief the mission of the new order now sweeping over our country, and that is destined, very soon, to work a peaceful and most healthful revolution, not only in our moral, social and industrial systems, but also in the business and political world.

The order of Patrons of Husbandry, familiarly known as the Grange, is a movement of the great producing class, in the interests of manhood and justice. The farmers of our country, as a class, have not entered the field of political strife, nor have they been schooled in the tactics of speculation or of business chicanery now so rife. The duties and tendencies of their calling have not led them (as have been others) into contact so frequently nor so fully with the defiling currents of this mercenary age. Fortunately it is for our country that it has been so, and that this moral reserve force, now so potent for reform, should have been held as ballast to the ship of State.

The seeming indifference of this class of our people to occurring events has been surprising, and at times even censurable. They have been wont to commit to others keeping the interests that, as prudent men and good citizens, they should have guarded most faithfully themselves. The fruits of this neglect, in part at least, are found in the following evils, which it is the hope of this order to remedy: There has grown up between the producer and consumer a class known as middle or transfer men. These men, in defiance of legitimacy and justice in trade, have inaugurated a system of gambling that is not only unscrupulous and wicked, but that is chargeable in most cases with the periodic financial disaster so afflicting to all classes of our people. Through the completeness of their organization they are enabled to prey with impunity upon both producer and consumer, and, forming rings and corners, not only on gold and stocks, but also on the bread and meat of the world, they succeed in flanking the "law of demand and supply," and in throwing our markets into a state of painful uncertainty and demoralization.

So mad and so unrighteous has come the scramble for money, that the true standard of manhood is lost sight of by the masses, who are wont to accord their respect of individuals with reference much more to the amount of their property than the purity and usefulness of their lives.

A sentiment that is as false as it is ruinous seems to be possessing the public mind and poisoning the public heart, viz., that it is not quite respectable to labor. This sentiment is at open war with the spirit of our government and the wellbeing of society. It is the progenitor of crime, and is filling our towns and cities with young men who should be on the farm. Other evils have come to us with this generation, of which we will but make mention in this connection, prominent among which is professional office seeking, office selling, salary grabbing, wickedness in high places, corruption manifold and multifarious. "History," it is said, "repeats itself," which is surely true in the case now in hand.

The honest, trusting, husbandmen have waited long on those having charge of public affairs, hoping for reform and relief at their hands. "Suffering so long as the evils were sufferable," at last they have reached a point where forbearance longer on their part becomes treason to manhood. They have, with earnestness and determination, set about the work of reform, to accomplish which they find it necessary to organize and fraternize as they have never done before.

Viewed from this stand point, the main incentive to the establishment of the order and the multiplication of granges is founded upon the acknowledged principle that to accomplish a great work unity of action is necessary to insure success, and that to make success progressive this unity must be of interest complete and enduring.

The grange is established upon the axiom that the products of the soil comprise the basis of wealth, and that individual happiness among all classes depends largely upon the prosperity of this, the material and paramount interest. The order will labor to benefit the entire body politic; but to do this more surely will address itself first to the defense and enhancement of the great underlying interest of the country, which is agriculture.

It has no politics of a partizan character, yet it could hardly be expected that those consecrated to the work of reform and purification would consent to be longer in the leading strings of political tricksters and demagogues, who have bartered their trusts for money. In fact, this order proposes to invite office seekers to back seats, while the people shall seek and designate their servants.

The order is no respecter of persons, color, sects, or sexes, but has reference most positively to character, declining to admit drunkards, gamblers, professional politicians, or those whose pursuits or associations place them antagonistic to farm interests.

The order means business, and will labor to bring the greatest good to the greatest number. Some of its general objects may be stated as follows, viz.:

1st. The ennoblement of labor and the fraternity of the producing classes.

2nd. Mutual instruction, and the lightening of labor by diffusing a better knowledge of the aims of labor.

3rd. Social culture, as also mental and moral development.

4th. Mutual relief in sickness and adversity.

5th. The prevention of litigation.

6th. Prevention of cruelty to animals.

7th. Bringing more nearly to gether the producer and consumer.

8th. The overthrow of the credit system.

9th. Building up and fostering of our home industries.

10th. Mutual protection to husbandmen against sharpers and middlemen.

The way the order proposes to accomplish this work might be interesting to your readers, but I am admonished that it is what some call a secret society, and some of its plans are a part of its secrets.

The astonishing success which it has already achieved is, I am persuaded, attributable largely to the privacy of its councils. Through this order, though organized July 15th in California, the farmers of that State claim to have realized two million dollars more for their wheat than they could otherwise have done. N. W. GARRETSON.

MONTANA NOTES.

The annuity goods sent to Montana to be distributed among the Indians at the Blackfoot Agency, some of which arrived at Fort Benton some three months ago, are still there lying in a warehouse, and the Indian mutterings are loud and deep against the agent for not distributing their goods before the cold weather sets in, as several of the tribes have to come a long distance for their scanty share. We cannot throw any light on the subject at present.—*Helena Gazette*, Oct. 22.

As the cold weather sets in, the Montanians find that thieving increases, horsethieving included.

A party of Pen d'Oreille Indians slipped up to some Piegian Indian lodges, about three hundred yards from the Blackfoot Agency, Oct. 18, cut their horses loose and stole some twenty head.

Lieutenant Woodruff, who has been out nearly all summer on some kind of a northern expedition, with seven or eight soldiers, returned lately to Fort Shaw.

From the *Helena Gazette*, Oct. 23—

The annuity goods belonging to the Blackfoot Indians, which have been lying in a warehouse at Fort Benton for the past three months, will be distributed among the tribes soon after adjournment of the next term of court at Deer Lodge, which will be some three months hence. In the meantime Mr. Lo can suck his paw.

A Flathead Indian who became acquainted with Ben Stickney, jr., in one of his hunting excursions, borrowed two dollars of him, some two years ago. Yesterday Ben was somewhat surprised when the stal-

wart son of the forest stalked up to him on the street and handed him the money borrowed so long ago, with the apology that he did not visit white man's tepees often.

Who is that army officer "stationed at Montana," going about in the East publishing to the world that our people are in a distressed condition and that "the coming winter will go hard with Montana, for the season just closing has been anything but propitious?" Having noticed several items of this sort going the rounds of the press, credited to the authority of an "army officer from Montana," giving a doleful picture of our Territory and its prospects, we would be glad if any of our friends at the military posts in the Territory would post us as to his identity. We are of the opinion that the Eastern newspapers are gulled by some traveling blk, claiming to be an army officer from Montana, as his picture of our affairs here is, of course, untrue. Our Territory to-day is blessed with plenty of resources, and never in the history of Montana, was her people more inspired with hope and confidence for the future than at present; after the close of a season which blessed our farmers with teaming crops and supplied our Territory with a surplus of produce. Our mines have been productive and our people are enjoying the healthiest and most prosperous country in the world.

PIOCHE NOTES.

From the *Record* of Oct. 22—

Yesterday Justice Van Hagen did not have a fighter to pass on, as he usually does every day. This must be a sad thing for the fighting population to contemplate. Once there was a time when not a day might pass during which different brands of poison did not fall out and have a fight three or four times in the course of twelve hours. Now, alas, the hoodlum may seek all day and not find a fight—with fists.

D. Holland, acting deputy Sheriff of Nye County, who went out to Bristol to sell the effects of the National Mining Company, brings good news from the Cave mine, in Bristol District. C. L. Roe, the Superintendent, as well as the workmen in the Cave, informed him that in a winze from the main tunnel, a body of rich high grade ore had been struck last Saturday.

From the *Record* of Oct. 25—

The first flakes of snow, very slight ones, of the season fell Oct. 24, before daylight.

The *Record* has a soul harrowing account of a midnight bloody combat between Thomas Fells, alias Tom Katt, and another ruffian of the same species. Next morning blood and "bar," scattered around, bore further testimony to the fierceness of the conflict.

WESTERN NOTES.

Coal has been discovered in Clayton canyon, four miles north of Pintah canyon, Cal.

Three boys stole a horse and phaeton in San Francisco, Oct. 22, and took a drive on the beach.

Peter Napp, a fruit dealer in Post street, San Francisco, burst a blood vessel, October 22, while chopping wood, and died from internal hemorrhage.

The Alameda new railroad drawbridge, connecting that place with Oakland, Cal., was wrecked, Oct. 23, by being run into by the C. P. tug boat *Vallejo*.

James B. Appleton, a teamster on the road between Jacksonville and Crescent City, was run over by a wagon and killed on the 18th instant.

The revolution in Sonora is evidently of a serious nature. It is against the authorities of Sonora, and started with 300 well armed men, under vigorous and intelligent commanders.

Thomas Reed ran away with and married Alice Peyton, of Stockton, Cal., and is now languishing in jail in consequence. It all hinges on the young lady's age. She says she is, and her parents say she isn't.

DIED.

At Lehi City, October 21st, of worm fever, ESTELLA GERTURDE, daughter of Thomas F. and Eliza M. Trane, aged 17 months.