

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Aug. 26, 1874.

## VERMONT DOING WELL, BUT UTAH DOING BETTER.

It has been the custom in Utah for the local public treasurers to have a balance in favor of their treasuries whenever their balance sheets were made out. Colorado has learned to put herself in that condition, and so have two or three other States. Vermont has a claim to the same prudent policy and management. The St. Albans Messenger says—

"The State 'owes not any man,' or, if it does, it has on hand more than enough to pay him. Last year the balance of liabilities over assets was more than \$100,000. It has been overcome, and there is now a balance of assets of upwards of \$20,000. Some \$50,000 of our bonds are not due till December next, \$110,000 are not due for two years, and \$65,000 are not due for four years. The holders like to keep them, and it is next to impossible for the Treasurer to buy them in, even at such times of distress as the last year's panic brought, and the result is that he deposits in the leading banks of the State the surplus accumulations, awaiting the time when they will be needed, and affording a great advantage to the business interests of the State."

This is all very encouraging, and the Messenger waxes enthusiastic over the relation, and is specially laudatory over the Treasurer, Hon. John A. Page, whom it praises in this fashion—

"During the last eight years, this model Treasurer has credited the State with nearly \$50,000 received for interest on bank deposits, and this is what none of his predecessors did. Where is old Diogenes? Let him blow out his lantern—the 'honest man' is found. Would it be treasonable or impious to wish that Mr. Page could become a railroad man?"

Nevertheless Vermont has something more to do. According to the above showing, that State has a bonded debt of \$225,000, which her creditors will not let her pay before due, as her credit is so excellent. Still Vermont is doing very well, seeing that public debts are fashionable.

But Utah is in a far better condition, as she manages to have a balance in her favor, with no bonded debt, or any other debt at all. So Utah is ahead, yet, even of Vermont.

## THE HAWAIIAN ARMY.

On the 3rd of July the Legislative Assembly of Hawaii passed an item in the Appropriation Bill, of \$47,470 for the support of the military. The following were considered as the actual expenses for the Military Department for two years—

50 Soldiers, \$3 per month each, \$7,200.  
4 Corporals, \$7 per month each, \$672.  
4 Sergeants, \$8 per month each, \$768.  
1 Orderly Sergeant, \$10 per month, \$240.  
2 Lieutenants, \$50 per month each, \$4,400.  
1 Captain, \$80 per month, \$1,440.  
Clothes and food, \$300 per month, \$8,400.  
Repairing arms, \$500.  
Flags, ammunition, &c., \$3,650.  
Purchase of new arms, \$5,000.  
22 Bandmen, \$10 per month each, \$5,280.  
1 Band master, \$100 per month, \$2,400.  
Instruments for the Band, and incidentals, \$2,300.

A LAW-SUIT ABOUT IT.—An eastern exchange represents that Judge Morris, Tilton's counsel, says that Tilton will bring a suit against Beecher for crim. con. in the Supreme Court, that the suit will be independent of the action of Plymouth church committee, that the amount of damages claimed will be in accordance with the magnitude of the suit, that Tilton's purpose will not be pecuniary benefit, but to vindicate his good name, and that the case will be pressed for trial at the earliest possible day.

NO MORE PEACE.—A correspondent of the New York Herald commences a lengthy letter in the following style, indicating his belief that the carpet-baggers and other "Liberals" intend to incite riots at every convenient opportunity, in order to effect their nefarious purposes—

"SALT LAKE CITY,  
August 5, 1874.

"For the first time in the experience of Utah we have just had an intensely exciting election, attended with rioting and broken heads. The boasted peace of Brigham Young's dominion has come to an end, and the Saints of the latter days may hereafter look for all the riotous and bloody work attending the polls of the Gentiles in the less favored parts of the world. It is safe enough to utter the prediction that there will be no more peace in this modern Zion till there is some decided action on the part of Congress that will change entirely the election laws of Utah and remove the great bone of contention between the orthodox Saints and the radical Gentiles.

"Hopes have been entertained that some understanding would be reached by the Mormons and Gentiles, and that a compromise of some kind would be effected by which the non-Mormon population would have some representation; but any further efforts in this direction are utterly useless. Brigham Young is still master of the situation, and he is going to keep it as long as he can. It is now clear to the most obtuse that he will fight to the bitter end, and any other conclusion is but a deception, and in this he is doing no more than every politician throughout the land."

SENSATION AT TRUCKEE.—The Truckeeites are dumbfounded over a mystery in that town, which occurred Aug. 12. About 10 p. m. the screams of a woman were heard, says the Truckee Republican, in an alley way, "begging for her life most piteously, and shouting 'Murder! my God, you will kill me!' etc. Above her agonizing shrieks were heard the sound of blows and the rough, angry voice of a man speaking in the accents of pent-up rage, as though blood and death alone would satiate his murderous wrath." Neighbors, police, railroad men, and everybody else within hearing ran to the rescue, with lanterns and such weapons as guns, sticks of wood, and anything else they could get in a hurry, and found—"nothing nor nobody." There were no scuffling persons, no blood, no hair, no evidences of a struggle, and now everybody thereabout would like to know what all that fuss was about, and who made it.

A GOOD PLANK.—One of the planks in the platform of the Democratic platform in Wyoming Territory, is the following—

"That we favor the management of our domestic affairs by the people of this Territory, free from any interference or intermeddling of the federal officials, who are sent here without our consent to discharge the duties of their respective officers for the benefit of the whole people of the Territory and not for any political party."

In Montana, the people are of the same mind, so they appear to be in Colorado, and so they certainly are in Utah. In fact, the carpet-baggers are getting out of favor everywhere they are sent.

A FRANK CONFESSION.—Here is a deliciously frank confession of foolish criticism by the Woodland Mail—

"After investigating the matter thoroughly, and getting a fair expression of public opinion, we are led to believe that our criticism of the performance of the Coleman Sisters was unjust and altogether wrong. \* \* \* What streak of fancy could have visited us on that occasion we cannot conceive; but we, in conformity with the general opinion of the people, have concluded to retract and consider our remarks on that occasion the criticism of an ass."

"Write me down an ass," is proper from more than Shakespearian

mouths. Some scribblers in foolish papers hereabout would do well to make such a frank confession.

## OH! THE HOUNDS!

THAT is the way in which the Sacramento Union introduces the following pungent paragraph concerning the rule and ruin doings of carpet-bagger domination—

"Prior to the year 1863 the cost of carrying on the State government of Arkansas—a purely rural State—was \$225,000 a year. Since Senator Clayton and his hounds, in the name of the Republican party, have been at the head of the State, the annual expenditures have exceeded \$1,000,000. In the county of Little Rock and several others the rate of taxation is 6 per cent, and still rising. At one dash these rascals, through their purchased Legislature, voted a State debt of \$5,200,000 in aid of railway managers. The State issued the bonds, not a mile of road has been constructed, and the railway thieves and the political thieves have possession of the entire amount, and have quarreled with Baxter because he refused to allow the issue of \$6,000,000 more."

The above is a picture of what Utah would be if the carpet-bag "Liberals" were to get the upper hand. An annual territorial or State expenditure of \$1,000,000 with a new public debt of five and a quarter millions ostensibly for railway men, would be nice things for the carpet-baggers to inflict on Utah. In such case our citizens would not only exclaim, "Oh! the Hounds!" but would be likely to "Hoe the Hounds."

Then again to think of a pretty little moderate tax of "six per cent, and still rising." "Oh! the Hounds!"

## GOT THE WORMS.

A FEW years ago there could be found in Utah neither fleas, peapods, currant-grubs, apple-worms, riotous "Liberals," drunken and profane marshals, lobbying U. S. attorneys, spread-eagle governors, missionary judges, nor carpet-baggers and "bummers" generally. It never rains but it pours, and it does really seem as if the above classes of parasitic vermin, or most of them, and some others, came along to Utah together, at least they now seem to be good company for each other. There was a time when all fruit grown here was passing fair and entirely innocent of grubs and worms. But it is not so now. The peas are grubby, the currants are grubby, the apricots are grubby, the apples are grubby and the pears a little so. The peaches, plums, and cherries are free yet, and the grapes are little hurt by insects.

California formerly, if not free, was much in the condition of Utah as to the fruit being grub or worm free, but, as in Utah, that favorable condition appears to be departing from the Golden State, otherwise so abundantly blessed in horticultural matters, for thus saith the Sacramento Record, of Aug. 18—

"Heretofore California fruit has been unusually free from worms of all kinds. So much so that this fact has been considered one of the best recommendations to our State as a fruit growing country. We are sorry to learn, as we have it by report and personal observation, that this year worms are making their appearance among the pears and apples to an alarming extent. These varieties of fruit are dropping from the trees much more this year than heretofore, and we have no doubt the presence of the worm is the cause of it. Fears were expressed by some of our fruit growers when the Eastern fruit was sent out here and exhibited at our State Fair some years since that the fruit worms would thus be introduced. If the fruit about Sacramento only are affected in this manner it is impossible that these fears were but too well founded and that they are being realized."

If the vermin spread throughout the State, as in all probability they will, it will be a serious thing for California, which has boasted so much, and with good cause, of its large and fair fruit crops.

## LOCAL AND OTHER MATTERS.

FROM WEDNESDAY'S DAILY, AUG. 19.

### CONCLUSION OF ELECTION CASE.

Upon the re-assembling of U. S. Commissioner Toohy's court yesterday afternoon, the prosecution called several witnesses to the stand, including Governor Woods, Judge Sutherland, and one S. Carlyle, a somewhat notorious apostate "Mormon," the object being to rebut the testimony of the twenty-one witnesses for the defence, in relation to the riotous condition of the mob round the City Hall on election day, and the intoxication of certain U. S. officials.

The counsel for the prosecution waived the opening argument; the counsel for the defence then reviewed the facts, as testified to by their witnesses, and also presented their view of the law; they were followed by Mr. Carey for the prosecution, when the Commissioner delivered the following

### DECISION.

The defendants, Andrew Burt, Stephen W. Taylor and Nathaniel V. Jones, are charged with an assault on W. F. Belding, with intent to do bodily injury. The offence is laid on the 3rd of August, 1874. Without going into details, I may sum up that the proof is that Mr. Belding was assaulted, actually struck and beaten by the two defendants, Jones and Taylor. As stated by the counsel on both sides, there is no proof that Andrew Burt struck any blow on any part of the body of Mr. Belding.

It is claimed in justification that during the time of this assault there was a riot, and that these persons, Burt, Taylor, and Jones, were employed in suppressing it. I have to depend upon the evidence to determine whether there was a riot or not on that day. It appears that up to a particular time—between five and six o'clock on the evening of the 3rd of Aug., there was free ingress, though through a narrow passage, to the polls, that is, up to the time that Daniel H. Wells appeared in the doorway of the polling room. That upon his appearance in that particular place Mr. Wells assumed what was taken to be an attitude of authority, and attempted to prevent at least one person from entering the hall.

Then it is set up that Mr. Wells attempted to address the multitude in front of the Hall, and that thereupon the people rushed or approached, came near to, him, and then a scuffle ensued, which may be narrowed down into a difficulty between Mr. Wells and Mr. Orr. Mr. Orr tried to enter the house; Mr. Wells objected to his going in, and stood in the doorway. Mr. Orr insisted upon his right, and the difficulty became a physical dispute, which continued for a moment, a great many people taking part therein whose names are not known. The result was that Mr. Wells retired into the house, being drawn in, as I understand, by deputy United States marshal Butterfield and others. It appears to me that Mayor Wells had friends on both sides, that is, inside the house and outside, that his friends were not confined to policemen or to marshals, but that he had friends among both these bodies.

Well, Mr. Wells, as I have said, retired, and the next we know is, he is on the balcony; and while he is going to the balcony or standing upon it, the doors of the polling places are closed, and so are the doors of the main hall or entrance to the building. It does not appear when they were closed, but they were at that moment. Mr. Wells then, it appears from the testimony of the witnesses for the defence, some twenty in number, I believe, issued a proclamation by authority of his office of Mayor of Salt Lake City. The exact words of the proclamation are not given, but all the witnesses agree that it was a conditional one, that is, that he addressed the crowd and told those who had voted to depart, to go to their homes, and those who had not voted, and the challengers, and one other class—persons engaged in keeping the peace, to remain. That, I believe, is the kind of proclamation that was given out—a conditional proclamation. I have not been able to glean from the evidence that the Mayor denounced any penalty upon or against the people if they did not scatter in accordance with that conditional proclamation.

It appears that Captain Burt, the

Chief of Police, followed the Mayor in an address from the same place, and immediately afterwards Captain Burt passed through the front, or main hall, door of the building on to the street, on the north side of the building, and that he there again attempted to command the people to disperse, in accordance with the Mayor's proclamation. What Captain Burt said does not appear at all, but it is described by all the witnesses, that from the moment of Captain Burt's appearance through the door until the attack upon the people was terminated, did not occupy over half a minute.

Now then, let us take it for granted, for the sake of argument, that there was a riot; that the Mayor was there officially; that he issued his proclamation as I have described; that Captain Burt, as his chief police officer, undertook to execute the order of the proclamation. Did Captain Burt scrutinize that crowd and find out who had voted and who had not? Did he, in that half minute, determine who should be dispersed and who should remain? Does it appear from the testimony that the crowd immediately near the door were voters and had not yet voted, and were waiting to vote? Does that appear in the testimony? It does not, and yet the strongest legal presumption is that the class of persons who were nearest the doors of the building were there to vote, and that the attack was made upon the very persons whom the Mayor wished should be saved.

JUDGE SUTHERLAND. Will your honor permit an interruption?

COURT. Yes.

JUDGE SUTHERLAND. The proclamation was that they should preserve order, and when they had come to order that those who hadn't voted should vote, and the others disperse.

COURT. I am reviewing now from the testimony. I say that Captain Burt and those who assisted him in making the attack did not act like officers who were about to quell a riot. If, as has been charged, or has been attempted to be proven by the defence, the riot had continued say for an hour or more, in full sight of the Mayor and his police officers, I ask myself this question—Why is it that the ring-leaders of the riot, or any one or more of their number, were not arrested, or attempts made to arrest them? That is the way riots are put down, that is the way the law decides that they shall be put down. The law provides for the punishment of rioters, but the law does not justify an indiscriminate onslaught upon people, even if they are in a mob state, or in a riotous condition; it does not authorize that the first agency for putting down a riot should be that strong physical force which destroys life or limb. That is my understanding of the law, and I have read it with some care.

Now, to go back to the testimony. In weighing it carefully I have concluded that there was no riot. There was noise, some people were boisterous, as what people would not be boisterous where there are contending principles at stake in an election? Was that reasonable excitement, reasonable noise, and an ordinary peaceable tumult, in contradistinction from a riot? That is the question for me to decide, and from the testimony I am satisfied that there was no riot. There was no disturbance at the time of the arrival of Mr. Wells at the entrance of the polling room. The difficulty that he had with Orr, taking them both as citizens or both as officers, gathered an audience of persons to see what the issue would be, I presume—so it appears in this testimony, and I am satisfied that the chief officer of the city, if he had not been in an excited condition, the result of that fracas at the door, would have issued a proclamation in better grace and in more certain terms, and would not have been liable to such a series of mistakes as occurred afterwards; for, under the terms of his proclamation, Andrew Burt or any other officer there, had no right, whatever, to make an indiscriminate attack with deadly weapons.

Public meetings the law recognizes as lawful assemblages when carried on in an orderly manner; and our American system of law is particularly careful not to take away the privileges of the people when they assemble in public in regard to elections. It would be very difficult to conclude that there was a riot at this political gathering of the people who happened to