

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, -- Dec. 30, 1874.

CHRISTMAS.

This is "Christmas Eve," and consequently to-morrow is Christmas Day, a festival, solemn or jovial more or less throughout Christendom, and, being held at the close of the working season and so near the end of the year, is a very appropriate occasion of relaxation, amusement and general enjoyment. In no country is this festival more jovially observed than in Old England, and especially was this the case in the older times when "Merrie England" is supposed to have been a more appropriate appellation than it is now. Here is a brief poetic description of Christmas in those "good old times"—

On Christmas eve the bells were rung;
On Christmas eve the mass was sung;
That only night, in all the year,
Saw the stoled priest the chalice rear.
Then opened wide the baron's hall,
To vassal, tenant, serf, and all;
Power laid his rod of rule aside,
And ceremony doffed his pride.
The heir, with roses in his shoes,
That night might village partner choose.
All hailed, with uncontrolled delight
And general voice, the happy night
That to the cottage, as the crown,
Brought tidings of salvation down.
England was merry England when
Old Christmas brought his sports again.
'Twas Christmas broached the mightiest ale;
'Twas Christmas told the merriest tale;
A Christmas gambol oft would cheer
A poor man's heart through half the year.

In this Territory we can be as merry on Christmas eve, and on Christmas day too, as innocently merry, as ever they were in medieval England, or as they will be in that "tight little isle" to-night. We have as good cause to rejoice and be merry as any people have, and therefore we consider it perfectly appropriate for the News to wish all its readers as merry a Christmas as their hearts can wish.

ANOTHER EXECUTIVE OUT- RAGE.

In an obscure city journal we find the following—

"A PROCLAMATION BY THE GOV- ERNOR.

"To whom it may concern:

"Know ye that whereas by Proclamation by me issued on the 14th day of July, A. D., 1874, fixing the times and places of holding the District Court in the Second Judicial District of this Territory, a term of the District Court in and for the Second Judicial District was designated to be held at the City and County of Beaver on the first Monday in February, A. D., 1875,—and whereas it appears that it will be an accommodation to the citizens of said District to change the time for holding said term of said Court to a later period:

"Now, therefore, I, George L. Woods, Governor of Utah Territory, do, by the authority in me vested, change the time for holding the said term of said Court from the said first Monday in February, 1875, to the second Monday in July, 1875, the said term to begin at the hour of eleven o'clock in the forenoon of said day.

"In testimony whereof, I hereunto set my hand and cause the great seal of the Territory of Utah to be affixed.
[L. S.] Done at Salt Lake City, on this 21st day of December, A. D., 1874.

"GEO. L. WOODS,
Governor."

As the sheet referred to is generally considered exceedingly untrustworthy, and as the above "Proclamation" has not appeared, from the Governor, in any other public journal, it is possible that it is not a genuine document, and that his Excellency may not consider him-

self responsible for it, but may repudiate it. If so, the columns of the NEWS are open to him, as, being emphatically the people's paper, and having the largest circulation of any newspaper in the Territory and in the entire Rocky Mountain region, it was open to him for the more effective publication of any proclamation, or other important communication which he might have had to lay before the public. There never has been any necessity for the Governor of this Territory, or any other public officer therein and therefor and thereof, going to any obscure and disreputable journal to publish what it may be of advantage to the public to know, and especially official documents of importance, while such an acceptable and widely circulated medium as the NEWS has been in existence.

If Governor Woods does not father the above "Proclamation," the following strictures will go for nothing, but if he does, then, *vice versa*, let them stand and be of effect. Hence we proceed to observe that by a proclamation of Geo. H. Woods, now ex-Governor of Utah (his successor, Hon. S. B. Axtell, having been nominated by President Grant, and in pursuance of such nomination confirmed on Monday last, Dec. 21, by the U. S. Senate), it will be seen that his last official act is in perfect accordance with the tenor of his whole political career, now, happily for the people of Utah, ended. We say his last official act, but we say it presumptively, the document, as published, bearing the same date as the confirmation of his successor. Whether the "Proclamation" was written yesterday and antedated, or whether it was written on Monday before or after the news of his successor's confirmation was received, is a legitimate subject for discussion, but we do not presume to decide it just now.

Returning to the subject matter of the document, it is very well understood that at the last October term of the Second Judicial district a large number of indictments were found, one for polygamy committed many years ago in the Third Judicial District, and nineteen for murder committed at the Mountain Meadows, in September, 1857, and that two of those defendants, John D. Lee and W. H. Dame, have been arrested, denied bail, and are now in close confinement, the former in heavy irons at Camp Cameron, near Beaver, and the latter in the Penitentiary near this city. Both these defendants, as we learn from their counsel, are ready and anxious for a speedy trial, to which they are entitled under the Constitution. But now, by virtue of the last executive rescript, they must remain in close confinement for the period of seven months. Was ever official infamy more complete? Of the other persons under indictment for connection with this affair, we think we are not mistaken in saying that whenever the judiciary is ready to try them, they will, one and all, surrender themselves. Indeed we have been assured that they have requested their counsel to so notify the Marshal; but we also hear that they will endeavor to avoid arrest until that time comes. Thus, while they are all anxious and ready for a fair and just trial, they will not, if they can avoid it, be placed in Camp Cameron in irons for seven months, nor kept in close confinement in the Penitentiary here until the heats of July.

For the honor of the executive and judicial authorities of the Territory, we trust that this whole matter, indeed the entire judicial affairs of Utah, will be made the subject of an immediate examination by Congress, under the direction of honorable and impartial gentlemen. Not only will it be found, we believe, that the judicial expenses of Utah, since the Poland bill came into effect, have been more than quadrupled, while very little business has been transacted, save in the First Judicial District, but also, we believe, that the officers of the courts, instead of exacting such costs as are established by the Act of Congress of 1853, demand, and receive in advance, more than these legal fees, in direct violation of that Act, and for which, if so, they are made guilty of high crimes and misdemeanors, punishable by fine and imprisonment.

Now, why was this term of court in the Second Judicial District thus postponed for five months, while persons, possibly innocent, possibly guilty, but presumably innocent until proved guilty, are lying in prison and in irons under indictment? What was the real, not the ostensible, reason for such extraordinary gubernatorial action, apparently on the last day of the Governor's official career? Did he wish to give somebody a last, spiteful, parting kick ere he retired to the shades of official oblivion? Or was it a device of the "ring" to pre-punish persons indicted by confinement in durance vile, in order, if possible, to squeeze something out of them? Was it a part of a plan to endeavor to break their spirits and, if possible, induce them to perjure themselves by "confessing" something with the purpose of criminating others? We pause for a reply.

THOSE ACCOMMODATED CITIZENS.

As the ostensible reason for issuing that "Proclamation," postponing the next term of the Second (Beaver) District Court from the first Monday in February to the Second Monday in July, upwards of five months, the following is given in the body of that remarkable document—

"Whereas it appears that it will be an accommodation to the citizens of said District to change the time for holding said term of said Court to a later period."

Who are "the citizens of said district," to whom the change will be "an accommodation?" In what will this "accommodation" consist? Or are those "citizens of said district" a counterpart to the three tailors of Tooley Street, who imposingly announced themselves as "We the people?" Or is the whole affair simply another piece of official plotting to aid another piece of official rascality? "The citizens," actual, *bona fide*, want a little light upon this murky subject. In the pithy if not very grammatical style of a certain vigorous free school orator, we may ask, "Where's them accommodated citizens?"

A NEW GOVERNOR.

It will be seen by reference to our dispatches that S. B. Axtell has been confirmed by the U. S. Senate Governor of Utah Territory, and now we may exclaim, more in pity than in anger, alas! poor Web-foot! The official guillotine has descended below his bump of philoprogenitiveness and severed the same from his quivering trunk. No more vetoes, no more 4th of July's, no more Bible lectures, no more spread-eagles. But is there no balm in Gilead to soothe his wounded spirit, no physician there to reconnect the official head with the official trunk? The secretaryship, the attorneyship, the full marshalship, and the revenue and land office ships are all full. But there is one ray of hope remaining—possibly the genial marshal might find him a place as deputy. A wooden deputy-m. might be of more service even than a wooden governor. Let the gentleman apply to Mr. Max., in this forlorn hope, rather than die in despair, with a sore opinion of the gratitude of republics generally, and of the Republican party in particular.

COURT FEES.

In what is termed the U. S. Fee Bill of 1853, or "An Act to regulate the Fees and Costs to be allowed Clerks, Marshals, and Attorneys of the Circuit and District Courts of the United States, and for other purposes," approved Feb. 26, 1853, are the following among other provisions—

"Clerk's Fees. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, summons, or subpoena for a witness, one dollar.

"For filing and entering every declaration, plea, or other paper, ten cents.

"For administering every oath or affirmation to a witness, or other person, except a juror, ten cents.

"For entering any return rule, order, continuance, judgment, decree, or recognition, drawing any bond, or making any record, certificate, return or report, for each folio fifteen cents; and for a copy of any such entry or record, or of any paper on file, not exceeding one folio, ten cents; and for each additional folio ten cents.

"For making dockets, and indexes, and for all other services on the trial or argument of a cause, where issue is joined and testimony given, including venire and taxing costs, three dollars.

"For making dockets and indexes, and for all other services in a cause where issue is joined and no testimony given, including taxing costs, two dollars.

"For making dockets and indexes, and for taxing costs and other services, in a cause which is dismissed, discontinued, or a judgment or decree is made or rendered therein without issue, one dollar."

"No district attorney, marshal, or clerk, or their deputies, shall receive any other or greater compensation for any services rendered by him than is provided in this act; and all acts and parts of acts, allowing to either of them any other or greater fees than is herein provided, are hereby repealed, and to receive any other or greater compensation is hereby declared to be a misdemeanor. And if any officer hereinbefore mentioned, or his deputy, shall, by reason or cover of his office, wilfully and corruptly demand and receive any other or greater fees than those allowed in this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be had."

"That before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill, shall prove by his own oath, or some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated."

These provisions have not only a general application to district courts in the Territories, but are made specially applicable to this Territory by the following in the Poland bill—

"The act of the Congress of the United States entitled 'an act to regulate the fees and costs to be allowed clerks, marshals and attorneys of the circuit and district courts of the United States, and for other purposes,' approved February twenty-six, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah."

A legitimate and proper question now is, "Are the fees exacted by the court officers named, in the district courts of this Territory, in accordance with the above rates, and if not, then why not?"

U. S. MARSHALS AND ELECTIONS.

THE New York Tribune of Dec. 16 has the following concerning the doings of U. S. marshals at elections—

"This holding of elections in the Southern States by United States marshals, backed by Federal troops, is not a subject which a majority of the republicans in the House care to hear much about. An innocent little resolution introduced on Monday by Mr. Caldwell of Alabama, directing the Secretary of War to report to the House how many troops were stationed in Alabama on the last election day, and whether they acted independently or as a posse to United States marshals, also to give a detailed statement of the manner in which rations and clothing were distributed to persons who suffered from the overflow of the rivers,

who received them, and whether the distribution was made by other persons than army officers, brought a score of republicans to their feet to object. In the midst of the confusion the Speaker declared the motion to suspend the rules and pass the resolution seconded, and was about to put the main question when Mr. Kasson raised the point of order, that the resolution must lie over a day. This point was overruled as made too late, and then Mr. Hale of New York moved to reconsider the last vote. This was agreed to on a division, but when the Yeas and Nays were called enough republicans, who were afraid to go upon the record as voting against investigation of an alleged political outrage, dodged or went over to the other side, to carry it by a majority of more than thirty votes. The resolution was then agreed to with few dissenting voices."

GOVERNED TOO MUCH.

THE Oakland, Cal., Transcript thinks the people of the United States are governed too much, and that they pay dearer for their government whistle than any other people. Says the Transcript—

"Notwithstanding the expense of supporting royalty in England, the government of Great Britain costs the people less than does the multiplicity of governments of the United States, our own people. What with a national Government; State Governments; County governments; city and town governments, the people pay far more for the privilege of being governed than does the people of Great Britain with its extravagant royalty. The great trouble with the United States is, we have too many governments; we are governed too much; we have too many law-making powers and too many laws; we support a system of governmental machinery that would swamp any other nation on the globe."

The Transcript concludes that the great question to solve is "how to get along with fewer governments and less law-making," and suggests the abolishing of all local governments, a thing which it confesses is not to be hoped for.

"Less law-making," in some particulars, would be an excellent thing, but the Transcript seems to forget that the present Republican government of the United States has been the most centralizing of any, and has done more to abolish local governments than any government since the formation of the Union, and yet has been by far the most expensive government the Union has ever had, the annual public expenditure now being quadruple that when the party which preceded the Republican party was in power, which former party was essentially for "local government." The Republican party, so far, has not demonstrated the essential cheapness of centralization. "On the contrary, quite the reverse."

TWO BAD HABITS.

Two of the worst habits which in these times are continually before the young men and boys of this community are smoking and drinking, smoking tobacco or cigars, sometimes of vile quality, and drinking intoxicating liquors, sometimes of quality equally vile. These habits are expensive, and, as frequently indulged in, filthy and debasing to a great degree. They are also, in many instances, destructive alike, physically and morally, to those who indulge in them.

If persons could see plainly beforehand the expense, the slavery, the debasement to which they render themselves subject by acquiring these bad habits, they would adopt a fixed, unwavering resolution to abstain from them, and remain masters of themselves while they have the power. The folly of putting into one's mouth an enemy, insinuating but treacherous, and sure to take absolute possession, dethroning sense and reason, and often metamorphosing the decent man into almost a demon, one would think, would not need any comment to cause