

DESERET NEWS:

WEEKLY.

THE LAND LIBERTY.

WEDNESDAY, Oct 20, 1875.

AN ASSOCIATE JUSTICE'S DISCOURSE.

YESTERDAY, as appeared in the NEWS, Associate Justice Boreman delivered an address to the grand jury in the Third District Court. The address is long and thin, being sixty-six inches long by two inches wide, superficial measure, and is technically termed a charge, though, from the fact that about forty-seven inches of its length is taken up with a discussion, directly or indirectly, of the religion of the Latter-day Saints, the whole production appears to us in the light of a theological discourse, or at best a sort of judicio-religious sermon. If we can do it, therefore, without any offence to its learned author, we propose here and now to briefly consider this effort as a theological discourse, in accordance with what appears to us to be its distinguishing characteristic.

We may first remark upon the unusual custom, except among federal judges in Utah, of using the judicial bench as if it were a church pulpit, and of mixing up an exposition of human law with an exposition of the mysteries of theological doctrine and religious practice. This is rather an extraordinary custom to take, but then it will be remembered that the people of this Territory are favored with some extraordinary judges. They are neither ordinary judges nor ordinary men, in several very curious particulars. Some of them appear to be laboring under strong delusions. As poor Cruden, of Concordance fame, imagined himself to be the censor of the press, so do some of these judges appear to imagine themselves to be authoritative censors of religion in Utah, in a country in which they paradoxically assert that the utmost freedom exists in religious matters. This is a very curious delusion. It is equal to an employer telling an employee that he is getting very good wages, he (the employer) being the absolute judge of what constitutes good wages. It is equal to starving a man and assuring him that he is well fed. It is like binding a man hand and foot and casting him into prison and assuring him that he is in the enjoyment of liberty in the glorious land of freedom par excellence.

We may be permitted to point out a few other delusions under which the author of this theological discourse appears to us to labor. The discourse declares that the jury are called to act under the laws of Congress, and not under the territorial acts. What does this mean? Does it mean that the jury are to ignore the territorial laws? Does it mean that there is no law of the Territory in any wise controlling the jury, in their organization or in their deliberations? If so, it seems to us that the author of the discourse is laboring under a delusion here, for we have an impression that a late decision of the supreme court of the Territory pronounced a late chief justice's jury illegal on grounds similar to these.

The discourse evidently refers to what is known as the Poland bill. But if the author of the discourse means to convey the idea that the bill mentioned abolishes all the territorial laws concerning juries, we cannot resist the impression that he is laboring under a strong delusion herein. For instance, the Poland bill does not declare the number of members constituting a grand or a petit jury. Where then shall the correct number be obtained? Under what law shall the juries be organized as to the number of their members? The fact is, the Poland Bill covers the ground that it does cover, and no other, but does not abolish or supersede every law of the Territory. The United States laws cover the ground that they do cover, and no other, but they have not abolished nor superseded every territorial law, not even of Utah. The

Poland bill nowhere says that all the territorial laws concerning juries are by it abolished or superseded.

Again, the Poland bill prescribes certain qualifications for jurors, but it nowhere abolishes the territorial law prescribing other non-conflicting qualifications for jurors. Are these territorial qualifications therefore abolished? Or are the jurors called under them as well as under the qualifications mentioned in the Poland bill? The Poland bill says a juror must possess certain qualifications, but it does not release him from the territorial law requirement that he shall also possess other qualifications. Nor does the Poland bill abolish or supersede the territorial provisions concerning persons exempted from jury duty. These provisions still apply, and under them, as well as under the provisions of the Poland bill, juries are legally constituted.

MORE OF HIS DELUSION.

IN that judicio-theological discourse, the author, speaking of the Poland bill, said, "The general government caused the enactment of this law for the reason that the laws under the territorial acts could not be enforced. Crimes could not be punished, criminals could not be dealt with in any way as their cases required, therefore Congress had to step in."

The above statement is false throughout, and therefore, to speak it mildly and charitably, is evidence that the author of the same was laboring under strong delusion when he uttered it. This valley was settled in 1847, twenty-eight years ago. The Poland bill has been passed a little more than a year and a quarter. Does any man of sane mind believe that the laws could not be enforced, that crimes could not be punished, that criminals could not be dealt with during the period of more than a quarter of a century that this section was settled anterior to the passage of the Poland bill? Who, upon calm reflection, would commit himself to such an egregiously false assertion? Nobody who knows the facts, and very few who do not know them. Nobody would make any such baseless assertion, unless he had a purpose in view in making it, and in that case his honesty or his sanity would be perforce impugned.

In March, 1849, more than twenty-six years ago, the provisional government of the State of Deseret was formed, the Legislature of which enacted a number of laws, which were administered accordingly.

In 1850, or upwards of a quarter of a century ago, Congress passed the organic act constituting this part of the country the Territory of Utah. Accordingly the territorial Legislature enacted a number of laws, and periodically thereafter, according to U. S. and its own laws affecting it, carried on the law-making business. Federal judges have been sent here, who at various times have tried cases and administered the law, cases including the generality of crimes known to the law, even the extreme crime of murder. Yet the author of this theological discourse has the effrontery to assert, in this year of our Lord, that previous to June of last year, the laws could not be enforced, crimes could not be punished, criminals could not be adequately dealt with in this Territory! The enforcement of the law in Utah, the punishment of crime, the proper dealing with criminals, in Utah all date from June, 1874! Previous to that date, the history of the Territory is a judicial blank, the courts, federal and territorial, virtually did nothing, the judges and other court officials pocketed their salaries, fees, and perquisites for doing nothing, and persons who found themselves in the penitentiary or mulcted in fines must have been dreaming, they could not have been in their senses, because Judge Boreman says that previous to that memorable month of June the laws could not be enforced, crimes could not be punished, and criminals could not be dealt with in Utah! If what Judge Boreman says is true, Ferguson was not hung for murder on the 29th Ward bench, nor Cook-

roft shot to death for murder at the County Court-house, there never were any convicted and sentenced prisoners in the penitentiary, nor in the city or county jails, nor elsewhere in the Territory. All these things, heretofore held to be facts, must have been mere phantasies of the imagination, not of the imagination of one citizen alone, but of the imaginations of all the citizens of the Territory, and a great many citizens outside of the Territory too.

Further, how stupid the various presidents of the United States must have been, to appoint judges and other officers for Utah, a territory where the laws could not be enforced, where crimes could not be punished, where criminals could not be dealt with. How remarkably obtuse Congress must have been for a quarter of a century not to see in that long time what Judge Boreman saw in a minute—that the laws of Utah were of such a character that neither they nor the laws of the United States could be enforced here, nor crimes punished, nor criminals be dealt with! What a saying it would have been if Judge Boreman's wisdom had been possessed by the administration and by Congress a quarter of a century ago and ever since! That is, provided it is wisdom, but, as we have above contended, most people are of the opinion that delusion is preferable to wisdom as a name for it.

Local and Other Matters.

FROM FRIDAY'S DAILY, OCT. 15.

Joseph not James.—In the list of names of missionaries called at conference James Standing should have been Joseph Standing.

Gone East.—Mr. James Dwyer, bookseller of this city, left this morning on a business trip to the east; he expects to be away four or five weeks.

Large.—To-day Brother John Osgathorpe, of MHI Creek, presented us with a monster apple, grown in his orchard. It measured exactly fifteen inches in circumference. That is pretty hard to beat.

Communication.—Parties hereabouts having friends or relatives in Australia or New Zealand, and who wish to communicate with them through the missionaries, who will shortly leave for that quarter of the globe, can do so by leaving letters at the Historian's Office for Isaac Groo or any of the other Elders called to go to that part of the world.

Tanks Filled.—The large tanks of the waterworks, in City Creek, were filled yesterday afternoon, and it is probable that water will be flowing through the pipes, in the central part of town, within thirty days from now, unless some unforeseen circumstance should occur to prevent the attainment of that degree of progress in the work.

The Silken Bonds.—The Rev. Josiah Welch, pastor of the Presbyterian Church in this city, and Miss Emma Coyner, daughter of Prof. J. Coyner, were united in the bonds of matrimony last evening, in the Presbyterian Church, by Rev. Mr. Gillespie of Corinne. The church was beautifully decorated for the occasion. After the ceremony the happy pair and attendant friends repaired to the basement of the church, where the tables were spread with creature comforts, and bridal presents. May the Rev. gentleman and his excellent bride jointly see many happy days to come.

Another Brutal Case.—Another aggravatedly brutal case of rape upon a young girl has occurred in this city, particulars concerning which, however, we refrain from publishing until further developments are made in the matter, the alleged guilty party not having yet been arrested at the hour of writing. Two such cases within a day or two of each other may well cause alarm to respectable parents and guardians of young girls. There is, we understand, some question as to whether the victim in the last case will survive the injuries she received in the brutal assault upon her person.

Burning Timber.—To-day a dense thick column of smoke has been issuing from a fork in the Wasatch Mountains, east of this City, and a short distance south of Emigration Cañon, indicating that the timber in that vicinity is on fire. Some of these fires may possibly be the re-

sult of accident, but one may reasonably believe that they are more frequently the work of wantonly and destructively mischievous persons, who set them agoing purposely. When such parties are known they should be punished. This new country needs all the timber available to build it up.

Relics.—Some relics recently received at the Deseret Museum, for the Indian cabinets, brought from south by Mr. G. Rawlings, of Kanab, were exhibited to us this morning. There are a sash, woven of woolen material, in bright green and red colors and also black, the workmanship is excellent and the article is of great durability and of Moquis manufacture; a bridle bit, of ingenious form, made by Navajos. There was also a couple of pieces of horn, presented by Mr. Sorenson, which had been dug out of the ground in the 15th Ward of this city, at a depth of five feet four inches.

Poisoning Case.—Last night a Chinaman, known by the name of Ah Fook, was found lying in a lot on South Temple Street, near the Market Square, in a state of insensibility. He was taken to the City Hall. He had taken too much opium, portions of the drug still adhering to his fingers. A Chinese doctor endeavored to restore him, without avail, and Dr. Benedict was sent for, but he could see at once that the man was too far gone to be resuscitated, and the opium-eater expired about midnight.

The Chinamen assert that they do not believe he intentionally took his life, but that he swallowed an overdose of the drug, while temporarily insensible under its influence.

Held to Answer.—Yesterday afternoon Hans N. Chlarson was held, by Justice Pyper, in \$500 bonds, to await the action of the grand jury as to a charge against him of placing a forcible obstruction in a road leading to a mill belonging to Thomas Jenkins. Chlarson had deeded the mill to the other, to secure him for the loss of the \$1,000 belonging to him, of which it will be remembered Chlarson claimed to have been robbed. Chlarson claimed, however, that he was the owner of the land on which lay the road to the mill, so he dug a deep trench across it and stood guard with a double-barrelled shot-gun, for the purpose, he declared, of performatory any team or teamster that had the temerity to cross that way.

The Justice was of opinion that shot gun law was worse than no law, and hence Chlarson was bound over.

FROM SATURDAY'S DAILY, OCT. 18.

Time Table.—The Utah Southern Railroad Company have made some changes in the running of their trains. No. 5 freight, for Sandy, will now leave this City daily, Sundays excepted, at 1:30 p. m., and No. 4 passenger, for Salt Lake, will leave Sandy each day, except Sundays, at 9 a. m.

The Margetts Troupe.—The Margetts dramatic troupe, encouraged by the excellent patronage they met with on their last trip to the North, will leave the City on another tour of the same description, on Wednesday morning. On Wednesday and Thursday nights they will play at Huntsville and on Friday and Saturday at Ogden. Monday and Tuesday at Brigham City; and after that they will make their way direct to Franklin, and give entertainments in the various settlements on their way South.

That Other Case.—The party charged with committing a rape upon a young girl, alluded to in last night's NEWS, was arrested last evening, and was committed to the City jail, to await preliminary examination, in default of finding \$3,000 bonds. His name is George Hartwell, a hotel waiter, and the name of the alleged victim is Minnie Anderson, a chambermaid in the same establishment, and between fifteen and sixteen years old. She is still suffering from the effects of the brutal treatment she received.

Land Patents.—The following have been published—

U. S. LAND OFFICE.
Salt Lake City, Oct. 14, 1875.

Cash patents have been received at this office and are now ready for delivery to the following named persons:

Samuel L. Adams	Austin M. Brown
Wm. A. Morrow	James Palmer
Abraham M. Hanks	William Turner
Thomas Crowther	Richard Crowther
Jam. A. Newman	Ulrich Amer
Richard Johnson	And M. Barrenson
Jam. A. Gargmau	M. F. Thomson
Ruben Carter	Francis Condict
Marion DeGraw	N. S. Hollingshead
George W. Bunnidge	

OLIVER A. PATTON,
Register U. S. Land Office.

Stumps.—Seeing that a quantity of brush and small timber has been burned in a fork of the mountains, a little south of Emigration Cañon, the question as to how the government stumpage is to be collected arises. The difficulty might possibly be solved by a government agent visiting the spot, where he would probably find the stumps still upon the ground, but the labor of collecting them together would require several able-bodied deputy marshals to be along; or better, a little exercise would conduce to the better digestion of the stump orators of the "ring," although their inordinate desire to live by the sweat of other people's brows might give them a disinclination to undertake so interesting a job.

Beautiful Insects.—To-day we were shown by Mr. William Sugden, of the 15th Ward, a splendid collection of butterflies, moths, and other insects, with a couple of bats by way of variety and a tarantula for a centerpiece. The insects, to the number of about three hundred, are all arranged tastefully on a pink ground about three feet square, and framed. They include a very large number of varieties, all indigenous to Utah; in fact, we were scarcely aware that there were so many kinds of that description of insects in this locality, and they do not embrace one half the existing varieties, those described being almost exclusively day moths, each of which is said to be duplicated by a night one of similar species, but differing in color. Mr. Sugden has a passion for this branch of natural history, and his collection of insects shows that he must have devoted considerable attention to it. The collection will probably be placed in some store window in East Temple Street for exhibition to the public.

Mutual Improvement Association.—The following was handed in by "Th," this morning—

The Scandinavian Young Men's meeting, last night, in the City Hall, Elder John Halvorsen presiding, was well attended, and those present were highly edified in listening to the remarks of Elders Junius F. Wells and Edward Stevenson. Brother Wells addressed the Saints for about an hour, exhorting young and old to acquire all useful knowledge, stating that the acquisition of all that was worth knowing was in reality part of our religion. He took a lively interest in the upbuilding of the kingdom of God, the divinity of which he had gained a testimony of through personal investigation. Formerly he had often wondered what could induce his parents to leave a comfortable home in the east and join a people in the wilderness, where apparently nothing but danger and want stared them in the face. This led him to investigate the principles of the gospel, and he had been fully established in the same faith that his parents had striven for.

The first Elders of the Church were now getting old, and younger forces would soon have to shoulder the burden; but were the young men preparing themselves to honor the calling that awaited them? Were they training their minds and developing their mental faculties under the guidance of the Lord's Spirit, that had been sealed on them by the priesthood? Paul said, in his day, to Timothy, "Let no man despise you for your youth, but cultivate the gift that was sealed upon you by the elders." Two months ago President Young had appointed the speaker to travel through this Territory and organize mutual improvement societies among the young, and though he now had been called to take a mission abroad, he hoped that the work he had started would continue to grow and that other young men would exert themselves to promote the good cause. He referred to his visit to Copenhagen a year ago, where he, though a stranger, was greeted as warmly as anywhere where he could understand the language.

Madame Paton, at the age of ninety-four, is dancing with a French circus.