subjected to too much temptation. The judicial system has been a radical failure in the mining Territories. * * *

My friend who has charge of this bill may not think this is a serious question. I have seen a great deal of it, not in Utah so much as in other Territories.

I do not think it is any more impossible to create these judicial circuits than it is to bring on the millenium in Utah by legislation at this short session.

Mr. Frelinghuysen. Then go against the bill.

Mr. Stewart. That I shall do or not do, as I think best when the proper time comes; but I say this proposition should have been considered, and it would be better if there was a little labor put on the organization of the judicial system for the Territories, so that the money which is expended should be expended to give you the same class of judges, standing as high as they do in the States. The matters that come before your circuit judge in New Jersey amount to nothing compared to the questions before the district courts in the Territories. Where he has the consideration of ten dollars, the district judges in the Territories have the consideration of hundreds of thousands of dollars. Millions are involved in suits there. The circuit judges in the States have no responsibility compared with them. The responsibility is merely trifling compared with the responsibility thrown on judges who receive only $3,000 a year, and who are removable at the pleasure of the President. One resigned the other day because he could not live there.

Mr. Edmunds. Who was that?

Mr. Stewart. One of the district judges resigned.

Mr. Edmunds. Strickland?

Mr. Stewart. Yes.

Mr. Edmunds. Because he could not live there?

Mr. Stewart. The statement to me was that the salary was inadequate.

Mr. Edmunds. No; it was because he had got richer there.

Mr. Stewart. If he resigned because he got rich on the bench there, is not that a reason for my amendment? Is not that an admission? Will the Senator from Vermont propose to place the destinies of the people in the hands of men who can get rich on $3,000 a year? That is the trouble. You take a class of men who may get rich on $3,000 a year, and you say you have not time to consider the matter of appointing judges with sufficient character that the people of the United States may have confidence in them * * * But here you have a supreme court organized, and one of your judges left because he got rich on $3,000.

Now, I say it is time that you gave the Territories an appellate tribunal which shall be equal in dignity and standing and equal in learning with that which you furnish to the States. They have greater responsibilities. The development of the mines has produced a new order of things, and the responsibility is tenfold greater than that of your circuit judges in the States.

I say what you want in Utah more than anything else is a judiciary that will satisfy the people, a judiciary that shall be sufficiently paid to support them, so that they will be above want. With this bill, and with an appellate court that can hear cases, there will be no difficulty in it; there will be satisfaction. * * *

I do not believe in attempting to regulate the affairs of that country with three thousand dollar judges or men who can get rich on $3,000 a year. If that be so, it is certainly a disgrace to the country. It seems to me like running a great steamship with a teakettle for a boiler. It takes six or seven thousand dollars for a judge there to live in the most economical way; and yet you give but $3,000. Such men as you can get at that salary are picked up and put in to determine cases involving millions. There is the difficulty about the administration of justice in the Territories. You do not pay enough, and you have not service enough. You have not resorted to those means that have secured the best legal talent in the States. That is the trouble, and you will have confusion until you resort to the same means that are resorted to in the States to get judicial talent to administer the law. You cannot pile up laws enough to give a fair administration of justice in these Territories that have millions involved in their mining litigations, unless you give them judicial character and standing to determine the cases and to execute your laws.

Mr. Edmunds. May I ask the Senator a question?

Mr. Stewart. Certainly.

Mr. Edmunds. I ask him how much money he thinks it would take to persuade a judge to be honest?

Mr. Stewart. Well, it appears it took more than $3,000 according to the suggestion of my friend with regard to one of the judges. I think that if you are going to get good lawyers, with sufficient capacity and ability to proceed to hear and determine cases that involve millions, who are required to live in the most expensive part of the country, they cannot be procured for $3,000 a year. If any one undertakes it he is sitting there at a great sacrifice to himself, and his stay is only temporary. If a man sufficient for the office goes there and attends to it he is making a personal sacrifice every hour, and he will stay but a little while. You do not pay enough to secure that kind of talent which is necessary; and I am surprised to hear it intimated that you could hire a judge on the same principle that you could hire the cheapest man that you could get to do some little job, without regard to qualifications, that a judge need not necessarily be a lawyer. The idea of hiring a lawyer for $3,000 a year to live where it will cost six or eight thousand dollars anyhow, is strange to me. Will my friend from Vermont go to that Territory and work for $3,000 a year? Would he think of doing it? We need bright lawyers as he is. Does he think that the circuit judges of the United States appointed under the bill of 1869 would have taken those offices at $3,000 a year? Does he think he would get any one of them to go to Utah and stay on $3,000 a year, and stay temporarily at that until there is a change of administration or until the President removes him? You may launch just as many bills as you please for Utah or the other Teritories, but as soon as they come to have business there, when they develop the mines, when there are people and business in that interior of the country, you will find that you have no judiciary.

Mr. Windom. I saw when the Senator [Mr. Carpenter] was on his feet just before I spoke, that he said he approved the bill reported by the honorable Senator from New Jersey, but he took it as a very bitter pill. He said he would vote for it, but he did not like it; and I thought perhaps if I told him the character of men it would apply to it would sweeten the pill and he could swallow it easily. [Laughter.]

Mr. Carpenter. That shows how little my friend from Minnesota appreciates the motive which I think should actuate every Senator in passing such a bill as this. The safeguards that should be thrown around criminal trials ought to be devised in coolness, not in passion. The safeguards that the Constitution establishes against conviction for treason, the safeguards which all criminal jurisprudence has established to defend men accused of crimes are devised not in the sight of blood-shed, not in the heat of passion, but coolly before crime is committed and apart from the indignation excited by the sight of blood.

Mr. Windom. I ask my friend whether in considering a law he is not always required to consider the old law, the mischief, and the remedy; and if that be true, whether in making a law we should not look to the mischief we are to remedy at the same time.

Mr. Carpenter. I am not more surprised at this question in this connection than I was at a discussion of the Mormon theology on this bill. One is no further from the point I was discussing than the speech of the Senator was from the bill before the Senate. What surprises me in this debate is, that because we want to frame this bill so as to be sure that it will not work oppression, so that it will be certain that men accused of the most heinous crimes shall have a fair trial, so in other words that the ermine of this nation shall not be drabbled in the dust; we are to be inflamed and heated by a recital of enormities * * *

The Senator has yielded to that fashion of debate, which has become very common in both Houses of Congress. A man to establish his own purity commences by assuring the country that a majority of both Houses are utterly corrupt. The Senator says that here is a bill touching the material interests of Utah that ought to be passed, and yet Brigham Young holds his rod over this Senate and they cannot and dare not pass it. If I believed that I would resign and get out of this Mormon church No. 2. [Laughter.]

The gentleman seems to be in a perfect panic about Mormonism. I do not participate at all in his fears. I have not the slightest apprehension that I shall wake up some morning in the arms of two wives. [Laughter.] I do not think there is the slightest danger; and if my honorable friend struggles against that as he does against all other improper things he will be safe. * * *

Mr. Stewart. I sympathize with the motives and desires of the Senator from Ohio in an effort to place justice to be administered in Utah upon such a basis that it shall meet the approbation of all honest men, for when you punish criminals, and when you punish a body of criminals, which includes so large a portion of the community as those charged with crime in Utah, you must see to it that you do it on such principles and with such safeguards that the judgment of mankind will say you have acted wisely, fairly and honestly, and that what you have done has been for the cause of justice and for no other purpose. * *

There have been atrocities in all Territories and in all new countries, but they should not influence us in providing a remedy against them; on the contrary they should make us more careful that we get such remedies as shall not lead to further bloodshed; shall not lead to anarchy; shall not lead to disorder. If the case is a grave one, if the criminals are strong and powerful, if the community believe in them and believe them to be honest, so much the more necessity that justice shall be so meted out that the world can understand that the Government of the United States has meant nothing but justice.

Mr. Thurman. It is proposed to strike out these words, "or to imprisonment for six months or upward, or to pay a fine of $1,000 or upward."

Before that motion is put, I will modify my amendment by striking out "six months" and inserting "two years," and by striking out "one thousand" and inserting "two thousand," so that it will read:

"Where the accused shall have been sentenced to capital punishment or to imprisonment for two years or upward, or to pay a fine of $2,000 or upward."

Mr. Edmunds. * * * There is the difficulty, Mr. President; there must be an end in the determination of criminal as well as civil questions somewhere and at some time. Appeals are allowed under the laws of the United States now in civil cases where they are not in criminal cases, for this obvious reason: that in civil cases complicated questions of property arise and difficulties which do not exist in criminal cases. Criminal statutes, as a rule, are directed against plain offenses, where the offense itself, without the statute, shocks the moral sense of the community, and where every man, criminal and victim, and the whole body of the community who surround them, know perfectly well that a crime has been committed. There is no such doubt in the application of criminal law as there is of the civil law. It depends upon the simplest principles of the moral consciousness of human nature; and therefore there is not the reason for allowing long reviews and ultimate appeals in criminal cases that there is in civil cases; because in ninty-nine cases in a hundred the only question that is to be determined is one which no court of appeal can determine on a writ of error or otherwise, and that is that determination of the fact that a jury alone are competent to find, and which finding when once recorded stands as the judgment of the court, and which no court can review.

It is true it may be said that there may be a wrong verdict. Sir, there may be a wrong everything. * * *

Now, then, if we can assume, and I have no doubt my friend from Ohio would agree if we could assume that the Supreme court of this Territory or any other was a court in which public confidence could be well placed as being composed of men learned in the law and pure in character, there would be no reproach upon justice in saying that their judgments should be final, that there we might readily, for the interests of society and for life and liberty, say there shall be an end of the dispute; and the whole basis of this amendment is that we are to presume that the President of the United States—he who now honors the chair of State, and whose brave, pure character is the admiration of all just men—will ask us to put in place men who are not pure in their lives, and men who are not learned in the law, and that the seventy-four men who represent the thirty-seven States, who, by the Constitution, hold an advisory check over him, are also unable to advise him against any misappointment he may have been led to make; and therefore we are called to legislate upon the assumption that three judges appointed in that way by the supreme Magistrate of the nation, advised, too, by the representatives of all the States, cannot be confided in so far as to say that they may exercise the same functions in the administration of the plain criminal laws as are exercised by the judges of the States themselves. That is the proposition, and that is all of it. The Senators therefore ought not to urge upon us that it is a reproach of Federal jurisprudence that appeals are not allowed in criminal cases.

* * * * * * * *

Mr. Thurman. I am sincerely sorry to occupy a moment more of the attention of the Senate, but having offered this amendment and believing it ought to be adopted, and having listened to all that has been said, I feel it a duty I owe to myself to submit a very few observations in reply to some remarks that have fallen from other Senators.

First, in reference to what has just been said: I can imagine that if any of the safeguards that we and our fathers before us for many centuries deemed not only necessary, but to be the brightest page in the judicial history of the United States and of Great Britain, were pressed upon the attention of the Sultan of Turkey, or the Shah of Persia, or the Khedive of Egypt, he would answer in almost exactly the terms employed by the Senator from Vermont in the outset of the speech he has just delivered. He would say: why the criminal law is plain; there ought to be speedy trial and speedy punishment. Why have a jury? Why not let the cadi convict, sentence, and execute on the hour, on the minute? Why not have speedy justice like that? Why trammel it with a jury trial, with an indictment, with lawyers to puzzle bother and confound the trial? Why not let the cadi at once try, sentence, and execute? Sir, the argument is simply the argument of despotism the world over, the argument that despotism always has employed.

Why, sir, how ignorant, how unwise were our fathers. Our fathers adopted the Constitution of the United States without a bill of rights, and so dissatisfied were the people that almost every State that had ratified the old Constitution said there should be a bill of rights, so much so that ten sections, all bills of right, were proposed by the conventions that ratified the Constitution and were adopted within a year or two after the Constitution was ratified by nine States. * * * *

Why, how unwise, how foolish were our fathers to put that in the Constitution if the argument of the Senator from Vermont is correct!

But, Mr. President, let me go one step further. The Senator says that the questions that arise in a criminal trial are plain. Are the legal questions plain? Are not your books of report full of the most difficult questions arising in criminal cases, and full of cases in which the court of last resort has reversed the decisions of the inferior courts? Take one single question arising under this very clause of the bill of rights that I have read: "to be confronted with the witnesses against him;" take the question that has arisen, whether that clause allows the testimony of a deceased witness to be given against a person on a criminal trial, or whether it allows a deposition. But take the case whether that allows the testimony of a deceased witness to be proved against a criminal in his trial; see how that question has been argued before the highest State courts; see how much learning has been expended upon it; see how difficult its solution has been; see the contradictory decisions that have been made, and then ask yourself whether there is no difficult question that can arise in a criminal trial. Why, sir, can there be no question whether a law is constitutional or not which arises in a criminal trial?

But it is unnecessary before the lawyers who are here to-night to argue such a proposition as that. Why, sir, from the time that John Hampden was indicted for resisting the payment of ship-money to this day the most difficult questions in jurisprudence that have ever arisen have been questions arising in the course of criminal trials. That will not do.

The Senator says that it is usually a question of fact in a criminal case, and that is determined by the jury. Certainly the verdict of the jury settles the question of fact. The writ of error that I propose does not touch that, it only goes to erroneous rulings of the court, and to that alone.

But the Senator thinks it is no reproach to our jurisprudence that no writ of error lies from the Supreme Court of the United States to the Federal inferior judiciaries in criminal cases. I say it is a reproach, and I say further, that this is the only civilized country on the face of the globe in which such a state of things exists. I affirm that this is the only civilized country on the globe in which a man can lose his life by the judgment of an inferior court and no appeal, no revision whatever be had.

Why, sir, how is it in England? There the court of king's bench has power to issue writs of error in all criminal cases. There, without having a writ of error at all, it is the universal practice, and has been for centuries, whenever any difficulty of law arises in a case, for the judge to reserve that for the decision of the court in banc, and the most important points in criminal law have been decided again and again by all the twelve judges of England, when there were but twelve, and by the whole fourteen, and now sixteen, and that is the daily practice in England.

How is it in France? There a criminal cause involving severe punishment, or a question of the constitutionality of a law, or a question of the legality of the conviction can be taken to that high and most magnificent court, the court of cassation, examined first by the criminal section of that court, eight judges, and if a case is made in the opinion of those eight judges for review, then submitted to the judgment of the whole twenty-four.

I have spoken of the reserved crown cases in England. Why, sir, a criminal case there can go to the House of Lords, as O'Connell's case did. Yes, sir, a criminal case in England can go to the highest judicial tribunal known to that country, the House of Lords.

Mr. Edmunds. Without limitation?

Mr. Thurman. Oh, no, not without limitation. But Daniel O'Connell was not sentenced to death, and yet his case was decided by the House of Lords. Sir, I say it is a reproach to the jurisprudence of the United States that a district judge in Florida, or Maine, or Ohio, or anywhere else, can take the life of a man without his having the least opportunity to have the errors of the judgment reviewed.

One word more, sir. The Senator from Minnesota, [Mr. Windom,] in the very extraordinary speech that he made here to-night—I say very extraordinary, because it seemed intended to inflame the passions of the Senate when they were considering provisions for criminal jurisprudence, and to make the jurisprudence depend upon the enormity of the offenders rather than to depend upon those safeguards which our Constitution requires to be thrown around even the worst criminal—in that extraordinary speech he seemed to think it would be a very unwise thing, an unheard of thing to put this provision in this bill, when there is no similar provision in regard to the United States in general. Sir, it is no fault of mine that there is no such provision in the general statutes of the land. There would have been if I could have put it in long ago. But, sir, it is right in this bill, for the reasons so forcibly stated by my friend from Delaware, and which I will not repeat, and some which I also endeavored to impress upon the Senate.

Mr. President, both Senators speak of judges appointed by the President and confirmed by the Senate, and say that that is a sufficient security that you will have an honest administration of law there. As was well said by the Senator from Wisconsin, and as we all know, the most honest and upright judge may commit error. But that is not the state of the case exactly. Who are these judges? Suppose you raise their salary, as the Senator from Nevada proposes, that will not help the judiciary a bit. There are two of them in office, and we do not hear of anybody proposing to turn them out, and there is one vacancy now, and the Senator from Vermont knows as well as I do whether that vacancy is likely to be filled as it ought to be filled.

Mr. Edmunds. It is not likely to be filled wrongly just now.

Mr. Thurman. I am glad to hear it. It was in great danger, I apprehend, not long ago. I know, sir, how that matter is. Here, however, is the fact, that is now history, that that supreme court took a course in regard to the laws in that Territory and the prosecutions in that Territory which rendered it exceedingly obnoxious to the people there, and that required the correction of the Supreme Court of the United States; and now it is into the hands of those same men there in whom the people, whether rightfully or wrongfully, have not confidence, that you are to commit the execution of this act.—*Congressional Globe.*

FOREIGN NOTES.

The Lord Chamberlain of England interdicted the barmaid shows which for a number of years have constituted a feature in the recreations of the Woolwich Gardens.

While the hated Saxon occupies the green fields of the Gem of the Sea, her sons have invaded England in rather an odd fashion. It is stated that since the civil service examinations were introduced into England, giving every one a chance to obtain a position under government, fully 66 per cent. of the entire appointments have been taken by Irishmen.

The Austrian *Exhibition Gazette* calls attention to a new and important industry, viz., the incorporation of rabbits' hair with wool and cotton in weaving textile fabrics. The shorter hairs, which are incapable of being woven, are readily purchased by felt-hat manufacturers at $3 per pound. When properly prepared the hair affords a good, strong yarn, which is said to be in no way inferior to wool.

ADDRESS OF CHURCH EMIGRATION AGENT;—Mr. William C. Staines, Box 3957, P. O., New York City.

☞ TO-DAY'S paper contains a list of the names of some of the most prominent Organists and Musicians in the United States, who have given their Testimonials in favor of the Estey Organ, for which Mr. C. W. Stayner is agent in this city. Read his advertisement, it speaks for itself. The Organs speak for themselves too. Go and hear them. ds&w,1e

DIED.

At American Fork, March 15th, JAMES, son of Samuel and Sarah Clark.

Born Dec. 30, 1824, at Clifford, Yorkshire, England; baptized in 1846, at Waltham, Yorkshire; emigrated to St. Louis, April 30, 1851, and S. L. City in 1852; moved to American Fork in 1854, where he since lived, beloved and respected by all. In 1870 was appointed associate councilor to Bishop L. E. Harrington.—COM.

At Paragoonah, March 8th, SARAH JANE, daughter of Margaret and Thos. R. Owens.

Born, Sept. 19, 1860, in Young's Town, State of Ohio.

Also, at the same place, Nov. 11th, STEPHEN SMITH BARTON.

Born at Paragoonah, Dec. 3, 1865.

At Fairfield, March 12, of cancer, WILLIAM THOMAS, son of Abraham and Sarah Kilbourn.

Born February 6, 1826, at Dovercourt, Essex, England; Baptised at Cambridge, England; emigrated to Utah in 1855; died in full faith and fellowship of the gospel.—COM.

Mill. Star, please copy.