

Lancaster Intelligencer.

THURSDAY EVENING, DEC. 6, 1883.

The Law of Murder.

Through inability to get a jury in Fayette county from men who had not formed an opinion as to the guilt or innocence of Nutt, in slaying Dukes, the trial has been removed to Pittsburgh, where the friends of Nutt declare that they expect to have a jury that will acquit, since they think public opinion there is strongly in favor of the prisoner. If this be so, there ought to be the same difficulty in getting an impartial jury in Allegheny county as in Fayette. One boon to the newspaper reading public in the removal from Fayette will be their release from the necessity of reading the dispatches which have been sent from Uniontown by the associated press agent there, who has constantly given most grossly partisan statements in this Nutt-Dukes matter, and has exerted himself unjustifiably to create a public feeling in favor of Nutt. It is quite probable that such a feeling exists generally, and that in any community Nutt would have a fair chance of acquittal. When we find lawyers, who claim to be esteemed even in the front rank of their profession, claiming that Nutt should be acquitted, and that in his place they would have done just as he did, it is impossible to measure the degree of extravagance in lawlessness to which public feeling will lead the public judgment. Ex-Judge Curtis is the lawyer of reputation who is said to have seized an occasion to declare that Nutt should be acquitted; and yet Nutt was clearly guilty of murder in the eye of the law. Mr. Curtis would hardly deny this. Nutt shot a man to death, with whom he had at the time no encounter, but who, in fact, was avoiding and even fleeing from him. It was not done in the heat of conflict nor under fear of assault. For such an act, done by one in sound mind, there is no possible definition but murder. And yet Judge Curtis says that under like circumstances he would have done the same. He does not therefore consider that it was an insane act; he could not do so without pronouncing himself insane; concerning which, we may incidentally say, his position in this matter affords strong presumption that he is at least "cracked" on it. Perhaps his theory is that Nutt was deranged on the one question of the necessity for his shooting Nutt; which is quite likely to have been just the fact; and the question to be determined on his trial is whether a man who thinks it his duty to slay another, and who does it deliberately and when he is in no peril from him, is thereby guilty of murder or of a praiseworthy act of divinely directed justice.

The idea seems to be becoming quite prevalent that the law is played out as the arbiter of murder, especially in cases where female relatives are believed to have suffered wrong; then the brother, the father or the husband is summoned to act; if he should happen to be wrong in his information, and kill an innocent man, it is somewhat unfortunate, but still his praiseworthy intention releases his act, and he is entitled to acquittal if not applause. Phil. Thompson, now member of Congress, killed, since the last session, in cold blood, a friend whom he suspected of having wronged his wife; the wrong was not proven and probably it was a mistake; but Phil. Thompson was acquitted, and now appears on the floor of Congress instead of on the gibbet, which he certainly would have adorned if justice had been meted out to him according to its theory. Nutt was no more guilty than Thompson. The deliberateness of the slaying in each case was marked, and in each case the victims were unarmed and were simply slaughtered. We await with interest to see whether in Pennsylvania as in Kentucky a supposed wrong to a wife or sister will justify such deliberate murder. If it does, we will need to amend our laws, and dispense with public executioners. Then let us give free play to private vengeance and have the vendetta in all its luxuriantance.

Concerning Congressional Contests. The present Democratic House has a fair opportunity to make a new departure and establish an honorable precedent in the determination of contested election cases. Heretofore the rule has been too common, regardless of what party was in control, to decide everything in favor of the contestant who was of the same political faith as the majority. When the case for the one who was to be seated against the weight of evidence was too offensive for toleration, it has been the custom of his party friends to let the sitting member unmolested and in the enjoyment of full pay and privileges until near the close of the session when the other man was rushed through, given a full term's salary and an allowance for expenses.

Both parties have indulged in this scandalous business to the shame of fair play and the disgrace of Congress. The Republicans played the game recklessly and remorselessly during the reconstruction period and, as Stevens used to say, the only question asked was "which is our d--d rasal?" Its climax was reached by the electoral commission, in the proceedings of which the Republican members twisted and tortured millions of people in the South. The New Era is mistaken. It has been imposed upon. Mr. Carlisle made no such utterances. The story is a fabrication.

SECRETARY FOLGER paid his respects to Dukes and his surplus distribution policy when he said in his annual report that it must not be assumed that the scheme which has been proclaimed of exacting money from the people for the purpose of returning it to them by filtering distributions through state governments will find any favor with the people. The "plumed knight" as he sits in his secluded study engaged in the pastoral occupation of his tory writing and looks out upon the troubled political scene where his little bark, lately put out, is being knocked into the

Whether these shall be counted for Chalmers or not is the question. Under Republican precedent in Pennsylvania they would not be. In 1880, Edgar Pinchot was a candidate for an elector in this state and ran 5,101 behind his ticket, because that many votes were returned for "Edward" Pinchot, and the Republican returning board would not tabulate them for Edgar Pinchot, for whom they were obviously intended. If this technical rule be applied to Mississippi it would work to Chalmers' advantage and seat the Democratic contestant.

In the Mayo-Garrison case from Virginia, the case is reversed: Mayo is a Readister and Garrison is a Democrat. The latter had a majority of 20, but the board of canvassers threw out 14 of his votes from Hog Island because, owing to an accident to the steamboat in which the messenger who carried the returns traveled, the returns were not received until late; and 37 votes from Gloucester county, because the word "county" was written on the seal and not impressed, although the votes for Gov. Cameron and all the members of the Legislature from Gloucester county had been certified under the same seal. The governor refused to endorse the decision of the board, and, therefore, Mayo's majority of one was certified by only a majority of the board of canvassers.

Here the Democrat was equitably, but not technically, elected. There are two sides to both cases. Obviously if the equities are to be observed in one they must be regarded in the other; if the letter of the law is to reign its supremacy must be acknowledged in both.

At the November meeting of select council a resolution was passed transferring \$1,500 from the contingent fund to the uses of the street committee. At a subsequent special meeting of common councils this action was not concurred in, by a vote of 9 ayes and 15 nays. On that occasion Councilman William K. Beard led the opposition to it, maintaining that "as there was already about \$3,000 given from the contingent fund to the street committee no more should be transferred," "he did not want so much taken from the contingent fund; he could not see the propriety of doing it." Last night, in violation of parliamentary law and without any explanation of how his Seal-like conversion came about, Mr. Beard led a successful movement to reconsider the resolution which he had previously succeeded in defeating. It would be as interesting to know what influences wrought this miraculous change in Mr. Beard and his fellows, as it will be refreshing to see what the mayor will do with the outrageous proposition to take \$1,500 out of a fund that has not that amount in it and put it at the service of a profligate committee that has already spent \$18,000, and furnished so little to show for it.

The New York World again most forcibly illustrated the indecencies of journalism the other day by printing a story that Mr. Tilden intended when he had finished his gorgeous new house and library to present them to the city for public uses. The insufficient authority given for the story was an alleged mysterious and unmentioned "friend" of Mr. Tilden, but on its face it bore evidence of being manufactured in the World office; and as it was not pretended that the best information on the subject, Mr. Tilden himself, had been consulted, it was all too obvious that the publication was simply a piece of impertinence of the kind that marks montebank journalism.

The Legislature adjourned finally today; the mountain's labor has resulted in the birth of an infinitesimally small mouse. "EMOTIONAL insanity" may be good enough to acquit James Nutt of the murder of Dukes, but it will not have power to consign him to an insane asylum. The government officers ask for \$243,125,002 to run the machine next year. The present import duties will yield this much more likely; and the \$123,000,000 estimated internal revenue will be surplus.

CURIOUSLY markets are well enough when no other can be had, but the asper marketing facilities that this city now enjoys make their further continuance a nuisance that cannot be too soon abated. The carbureted market must go.

The anti-Semitic hero, Dr. Stoesser, is having a hard time of it. He has received a bulletin from the German court that he must button his mouth or resign his chaplaincy to the emperor; and he has also been challenged to fight a duel by a Berlin editor. Strange to say, he refuses the latter proposition in toto on the ground that he is a clergyman. Agitators of this type usually fight best with their mouths.

The butter, egg and cheese dealers are having a convention in Cincinnati; at the same time the farmers' congress is in session in Louisville, clamoring for the recognition of agriculture's claim to be represented by a cabinet officer. All the same, the news from these conventions are not awaited with the feverish impatience that will attend public interest in the presidential conventions next summer.

The New Era says that in a public speech after the war had ended, Speaker Carlisle said: "I deny that the United States is a nation. It is a vicious system that has destroyed sovereign states and oppressed millions of people in the South." The New Era is mistaken. It has been imposed upon. Mr. Carlisle made no such utterances. The story is a fabrication.

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CITY GOVERNMENT.

THE MEETING OF OUR COUNCILS. Action in Select Branch—The Street Railway—New City Hall—Doing in Council Chamber. A stated meeting of select council and common council was held in their respective chambers last evening. SELECT COUNCIL. Present:—Messrs. Baker, Baldwin, Brown, Diller, Evans, Wiso, Wolf, Zecher and Berger, president. The report of the city treasurer and receiver of taxes for the past month was read, showing a balance in the treasury on the 1st inst. of \$38,414.49. The monthly report of the street committee was read. It contains nothing except the recommendations for crossings at the Eastern and Western market houses, a few street repairs and the laying of a few gutters. The finance committee's monthly report contains the amount of bills examined and approved during the past month.

The fire committee and board of committees recommended that new mattresses and bedding be procured for the firemen who sleep in the engine houses; and that the telephone company be requested to put one of their telephone instruments in each of the engine houses. Mr. Baker moved that the recommendations of the committee be approved. The inclement season of the year is coming on and the firemen ought to have comfortable beds in which to sleep. Mr. Evans said the appropriation for the fire department was nearly exhausted; he advised that the purchase of the beds be postponed. He believed the men could get along comfortably with their present accommodations. It has only been a year or two since beds were purchased for them, and it showed bad housekeeping if they were already worn out. Mr. Baker's motion was adopted. The water committee in their report state that they had met and approved bills contracted for their department; visited and inspected the water works; and recommended certain repairs. The new street railway. A petition from the subscribers to the stock of the Lancaster city street railway company, asking permission to lay their rails in the public streets from the Pennsylvania railroad depot to the Lancaster park, was introduced by Mr. W. E. Sheridan, common council, granting the prayer of the petitioners, provided they use flat rails and keep the street in repair in and two inches outside the track.

Mr. Evans thought the philosophy of the resolution was not wisely conceived, and moved to amend by requiring the railroad company to keep in repair that part of the street between their track, and four inches on the outside of the track. The amendment was adopted, and common council adjourned. The new city hall. A petition from the subscribers to the stock of the Lancaster city street railway company, asking permission to lay their rails in the public streets from the Pennsylvania railroad depot to the Lancaster park, was introduced by Mr. W. E. Sheridan, common council, granting the prayer of the petitioners, provided they use flat rails and keep the street in repair in and two inches outside the track. Mr. Evans thought the philosophy of the resolution was not wisely conceived, and moved to amend by requiring the railroad company to keep in repair that part of the street between their track, and four inches on the outside of the track. The amendment was adopted, and common council adjourned.

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