

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Aug. 12, 1874.

THE "LIBERAL" CONSPIRACY.

THE conspiracy of the "Liberal" partisans on Monday to create a violent disturbance of the peace at the City Hall, with a view to intimidate electors, break up the voting, seize the ballot-box, destroy the contents, and thus annihilate the proper evidence of the state of the polls, was the most disgraceful exhibition of party malice and lawlessness ever witnessed on any similar occasion in this city, but it proved an ignominious failure. Although, as an ex-U. S. judge observed at the time, the "thing was all cut and dried," and notwithstanding the apparent fact that a number of, so-called at least, deputy U. S. marshals were among the most forward of the conspirators, yet the miserable attempt was a most miserable abortion. One thing it did manifest once more—the cunning, unscrupulous, malignant, vindictive character of the "Liberal" men and measures. Principles they have none. Purposes, they have one—one supreme purpose, to which all others are made subordinate, as is every day more fully exemplified.

The chief purpose of this "Liberal" party is a most unpatriotic and disloyal one, contrary to all American principles of government, utterly revolutionary to and subversive of the genius of American liberty. The genius of American liberty is that the people shall rule by choosing their own rulers, and that they shall not be taxed except by their own consent. But the "Liberals" of this region have another doctrine—that the people shall have no voice in anything; neither in the choice of their rulers, the making or the administration of the laws, nor the levying, collecting or disbursing of their taxes. This is what the "Liberals" are after. They are striving all the time to this end. Their unmistakable chief object is to break down and destroy all local government in the Territory, all at one fell swoop if possible; if not, then by degrees, a little at a time. Their last dodge is to presume that in election times all local authority is swept away, and a mixed up sort of U. S. civil, martial law substituted for the usual local civil authority, a presumption so utterly preposterous as to be unworthy of answer, except by way of defence in a court of law.

The "Liberals," with the open assistance of U. S. officials of nearly all classes in the Territory, have manifested a remarkable proclivity for opposing and coming in contact with the local laws and local authorities, with the undisguised object of breaking down all local rule. So that their disreputable conspiracy of yesterday was only a characteristic part of their general and settled purpose. We are well convinced that it was for this object only that deputy marshals were distributed around at the polling places, and that for this object they behaved themselves so abusively towards the municipal authorities and other citizens, and riotously disturbed the peace and good order of the community. It could be for nothing else, because on all the elections in this Territory, for a quarter of a century past, with the single exception of "Liberal" disturbances upon two or three occasions, election days have been as peaceable as other days, and the polling places as quiet and peaceable as other places of public business, the voters being considered gentlemen and ladies and treated as such. All the disturbances are due to the riotous "Liberal" element, of which many of the deputy marshals seemed to be eager on Monday to demonstrate that they form a conspicuous part.

Whatever may be the judicial result of the investigation of Monday's riotous proceedings by the U. S. authorities in this vicinity, we are not prepared to believe that the supreme court of the United States will affirm any such reckless riding

over local government as was attempted by the "Liberals" on Monday, and therefore we are satisfied that their brutal conspiracy will be a failure to the end.

EXCITING SCENES, ETC.

Of course accounts of the outrages upon local officials and other citizens on election day in this city have been telegraphed East, West, North, and South, not wonderfully softened in their melodramatic character. The San Francisco *Chronicle*, commenting upon the news, says—

"Nothing but the presence of the United States Marshal and his force seems to have prevented a serious riot that would probably have culminated in bloodshed."

This inference by the *Chronicle* is "conspicuously inexact." As for the United States Marshal himself, we do not suppose that even the most enthusiastic of his friends, if he has any, would claim that he was an adept at pouring oil upon the troubled waters. He is not that sort of a man at all. Men of blurtive disposition, profane speech, and bibulous habits seldom are.

Instead of the presence of "his force," that is, the deputy marshals, "preventing a serious riot that would probably have culminated in bloodshed," the presence and conduct of those deputies were evidently the very cause of the riot. A riot was manifestly intended by them, as any one could see from their condition and the animus they displayed.

One little thing, if understood by parties at a distance from Salt Lake, would help greatly to explain most difficulties of the above kind, and give a tolerably correct understanding of the situation here on many unpleasant occasions. This little thing is the fact that most of the more prominent federal officials, appointed for Utah, entertain a settled purpose to oppose, thwart, defy, and if possible overrule and involve in costly and harassing litigation the municipal and other local authorities, in all which disreputable business these unworthy officials and the self-styled "Liberal" party are hand and glove together, hail fellows well met.

These are the parties which create the disturbances in Utah elections, and where they are sufficiently strong they soon make their peace-disturbing and riotous proclivities lawlessly manifest. One thing which increases the lawlessness of the "Liberal" partisans, and strengthens the backbone of their wicked resolves, is the confidence which they evidently have that those U. S. officials are heart and soul with them in their unscrupulous opposition, and will stand by them when they get into a scrape and drag them out scatheless, if possible. That is the kernel of the nut.

THE U. S. MARSHALS AND THE POLLS.

Many of our citizens are aware that, on last Monday, during the election, a large number of deputy U. S. marshals were on duty at the polling places, their presence being notably conspicuous at and in the immediate vicinity of the City Hall; and that on that occasion they assumed the exclusive right of guarding the ballot boxes, claiming that, so far as the polling places at least were concerned, the functions of the police officers were suspended during that day.

In his closing speech for the defence of the police officers arrested on Monday, on a trumped up charge of interfering with the rights of a voter in the exercise of the suffrage, before a U. S. commissioner yesterday, Judge Sutherland showed the utter lack of authority in law for this proceeding, the last and one of the most flagrant acts of usurpation of and encroachment on the rights and powers of the people by that mendacious crew, the anti-"Mormon" ring and their tools. As the subject is one in which all citizens are interested we append a verbatim report of Mr. Sutherland's remarks, taken by our reporter:

"If your honor please, my learned brothers on the other side have made very happy speeches, and I

congratulate them on having the faculty of making such speeches, but they have entirely failed to meet the points that I have made in this case—they have not shown that the complainant in this case, giving his testimony full force, was entitled to vote; and second, they have not shown that these persons who are accused, either individually or collectively, did any act which hindered or forcibly prevented the complainant from voting, or that was designed to have that effect. On the subject of what constitutes a legal voter, I do not desire to say anything more; but on the other subject I do; but before I dismiss the first point I desire to correct my brethren on the other side in a statement made during their argument. I understood Mr. Carey to say that the witness Ahlun testified that he was a tax-payer otherwise than in paying or being liable to pay a poll tax. Your honor will not find in his testimony any intimation that he possessed a dollar of property in respect to which he was liable to pay taxes."

Mr. CAREY. "I do not know whether I said that, I said I did not care whether he did or not."

JUDGE SUTHERLAND. "He made no such statement. We insist that all that he did say on that subject was, in relating his conversation with the Judge of Election, he said he stated, that he had not paid any taxes because he had not been called upon," but he did not state that he had any property in respect to which he was liable to be taxed.

"Now, on the other side, does it not distinctly appear, in the testimony in this case, that his vote had been rejected before these defendants meddled with him? Does not Ahlun himself say it had been rejected—finally rejected? Does not Mr. Ford say so? Does not Mr. Appleby say so? Is there any conflict of testimony on that point? How does my brother McBride answer that point? He says that the complainant had a right to remain at the polls and importune the Judge of Election until the polls closed, in the hope that his vote, in the end, would be received. Your honor can see the absurdity of that, by considering the multitude of persons that must be permitted to pass in their ballots, and the time that is given them for that purpose, and how the Judge of Election is necessarily employed in receiving their votes. Now, if every person who is challenged and rejected, is entitled to remain immediately in front of the Judge of Election and continue to argue there until the polls are closed, then all the rest of the community must be disfranchised."

"It was evident that these defendants, assuming to be policemen, and having no other duties to perform than to keep the passage open, that the voters, after depositing their ballots, might have free egress from the room, were endeavoring to perform only that duty; Mr. Appleby and the complaining witness both say that all that was done by the defendants was for that purpose. They did not discuss his right to vote, or assume to deal with or dispose of that question in any way whatever. Their whole motive was to keep that passage open, and all that they did was done after the Judge of Election had finally rejected the vote of the complaining witness."

"Now I desire to reply to an assumption boldly made on the other side, which, in the mouth of my learned brothers, gives me great astonishment, that is, that the United States marshals had charge of the polls, and that the functions of the municipal police were, for the day, suspended. Has any law been presented here that authorizes such displacement of the police? Not any. Does any such law exist? No, your honor, there is not a law in the Federal statute books that has any tendency to support any such assumption; these United States marshals, who were so numerous and conspicuous on election day, and who assumed to exercise such exclusive authority, were officious intermeddlers; they had no more authority there than if they had not gone through the ceremony of receiving an appointment, and taking an oath of office. The city police were on duty, and there is not a particle of proof here that tends to show that they went outside the proper discharge of their duties. If there were others there that really assumed authority for the same purpose, is it not very remarkable that persons deriving authority from different sources,

and having one aim, should not have found some way of co-operating and acting in harmony to prevent any outrage? Is it not a matter of astonishment that nearly all the disturbance that occurred that day arose from collisions between the different officers? that they, whose duty and mission it was to keep the peace, were the first to break it, and nearly the only ones? Is it not an unseemly spectacle that here, before your honor, is the whole police force of this municipality, charged with disturbing the peace and violating the law? And who are their accusers?"

"I have been at some pains to ascertain the foundation of this assumption, that the United States marshals had the exclusive control of the polls, and the exclusive duty to keep the peace on election day, but I have been unable to find any, and I challenge every member of the bar, and especially my learned brethren on the other side, to find any which gives them any such authority. Those marshals were subject to the police regulations and liable to arrest by these gentlemen who are here accused, as much as any other citizens; and when these persons were arrested in this case, without a warrant, they displayed commendable moderation in submitting though arrested without authority, for there was no authority for this arrest, and it might have been resisted and treated as a violation of the law, as disorderly conduct, that ought to and might properly have subjected the arresters to be put in the lockup, as a disturber of the peace, as an attempt to cripple the powers that be, that were being exerted in a salutary way to prevent any breach of the peace."

"I have examined the amendment to the act of Congress under which this complaint was made, the act of Feb. 28, 1871. It provides that, in certain cases, on certain preliminaries, the United States marshal shall perform certain duties; but by no possibility can these provisions be made to apply in the city of Salt Lake. They apply alike, or may be made to apply alike, in the States and in the Territories, but in all other cases, both in the States and the Territories, these acts have no application at all; and if the United States marshals may have the supreme control of the polls here, they may have it in every town and hamlet throughout the United States, and it is made their peremptory duty to assume such control. But this is the first instance since the passage of that law where United States marshals have assumed any such control under such circumstances as exist here."

Mr. CAREY. "How do you know that?"

Mr. SUTHERLAND. "It is presumable that officers perform their duty."

Mr. CAREY. "In New York city the Marshals have charge of the polls."

Mr. SUTHERLAND. "I admit that in New York city that act may be brought into force, but in a city of less than twenty thousand inhabitants it can have no application. Are there twenty thousand people here?"

Mr. CAREY. "Your folks say you have twenty-five thousand."

Mr. SUTHERLAND. "How is it to be determined, your honor? Are you to assume, independent of any official count, that there are twenty thousand inhabitants in this city? That would not answer, it must be an ascertained fact. Under these statutes one thing is plain, that is, they can not be made to have any effect except in cities of twenty thousand inhabitants or more. Now the last census of this city showed that it contained a population a little less than thirteen thousand; that was the last official count."

Mr. CAREY. "When you want the United States to furnish mail carriers here, you tell them you have twenty-five thousand."

Mr. SUTHERLAND. "An officer cannot take judicial notice of the number of people in a city except from the official count."

Mr. CAREY. "If there is anything to pay you are willing to have a big population, that is all there is of it."

JUDGE SUTHERLAND. "There is no ascertained number of people here but that shown by the last census. If your honor can take judicial notice of that, as doubtless a court can for the purposes of this act of Congress, then there is a population of a little over twelve thousand in Salt Lake City, and no higher number, there having

been no official count since 1870. Your honor cannot admit that it is competent to go into the proof of a fact on the trial of such a case as this, nor that it would be justifiable in executive officers to assume that number of people without a count, and exercise such startling authority as though it were an ascertained fact? But it is not ascertained. The case of the government is closed, and they have not pretended that there are twenty thousand people here, nor proved it, and even if they were able to prove it, the fact that there has been no official count showing this to be the actual population—the statutes which are supposed to give these marshals this ample and exclusive authority have no application here, and can not be made to apply."

"And again, if there were twenty thousand inhabitants here, and more, the marshals cannot, on their own motion, exercise the authority contemplated in that statute. Certain preliminaries are necessary. There must be a call for the appointment of supervisors of the election to scrutinize the proceedings; they must have been appointed ten days before the election; and there must be a request in writing for their appointment, and a court must be in session for the purpose of administering that law, all the time from their appointment until after the election. And in addition to that, ten days before the election, there must be a request to the Marshal in writing, of two citizens, asking that these supervisors be assisted and protected in the discharge of their duties by special deputies. No such thing is proved here, and no such proceedings took place. These marshals must have been acting under bad advice; they may have acted in good faith, but they must have been inspired with undue zeal. A great deal of zeal is natural on such occasions; but while they effervesce, they ought to treat effervescence on the other side with some degree of toleration; and they ought not to have suspended or in any manner embarrassed these officers, whose duty it was to keep the peace, for if there is a time when, more than any other, it is necessary that police officers should be left free, and when they should be supported morally, and physically if necessary, in the discharge of their duties, it is on the day of an excited election. That is the day when all thinking men are desirous that the law in favor of quiet may be enforced, and when every thinking man will deprecate any act or any expression that tends to weaken the arms of those who are risking their lives in order to protect the masses and to promote the general quiet."

"How much censure ought to be expressed against either side this is not the occasion to say; but the arrest of the head of the police and of most of the force under him on that very day is, itself, suggestive, it is significant, it tends to inspire a great many comments which I forbear to express on the present occasion."

"It is perfectly evident, I say perfectly evident, for it does not seem possible to come to any other conclusion, than that these defendants in all that they did in respect to this Ahlun was to keep him out of the passage for the ingress and egress of voters, that they might have free access to the polls, and be free to depart from them; that his right to vote was no question that they were considering at all; that their whole purpose was to keep that passage clear, and knowing that his case had been disposed of, all that they did to him—and it is no matter, so far as these charges are concerned, whether it was done rudely or not—was to remove him out of that passage because he had no more business there. There being no proof, therefore, that the offence here charged has been committed, I ask that they be discharged."

A. C. Burton, a colored candidate for the Legislature, was fatally shot in Tennessee during the recent elections; in the same State, on Friday last, at Somerville, a noted colored politician was shot dead by the mayor, a melee then ensued in which two persons were mortally and others dangerously wounded.