EDITORIALS.

INTERESTING CORRESPONDENCE.

We published on Saturday evening a very interesting letter written by Hon. Moses Thatcher, which appeared in the Chicago *Inter-Ocean* of February 13th. It is an able review of the attacks made by Governor Murray upon the people and Legislature of Utah. The letter was replied to in the same paper, not by Governor Murray, but by J. R. McBride of this city; but this, as some think, amounts to the same thing. We intend shortly to publish Judge McBride's letter in full, and also Mr. Thatcher's response. Altogether these communications will make very interesting reading for "Mormon" and "Gentile," Utah people and the general public.

UTAH'S GRAND MOGUL.

The course of Governor Murray in nullifying acts of the Legislative Assembly was rendered more obtrusive and insulting than common by the language which he used in addressing the Legislature. In illustration of this we refer to his message disapproving of House File No. 60, "An Act revising the Code of Civil Procedure." He says:

"I herewith return H. F. No. 60, etc., without my signature, for the following reasons: On page 27, sec. 198, in line 8 strike out the word "or" and insert in lieu thereof the word "as."

"Page 31, sections 231 and 232 as originally numbered and reported by your Code Commissioners and the Special Joint Committee of the two Houses have been stricken out. Before I can approve this Act I must insist upon their being restored."

Then follow a large number of objections relating simply to errors made in the engrossing of the bill such as "or" for "an," "received" for "revived" and so on. But much more serious objections are as annexed:

Page 97, chapter 5. The whole chapter needs to be remodeled. The evident purpose and intent of the act of Congress, known as the Poland Bill, was, and its effect is, to impose on the United States district attorney the duties theretofore devolving upon the Attorney General under an act of the Legislature of Utah. This act of the Legislature was repealed in express terms by the Poland Bill. Therefore the provisions of this chapter are in the face of this evident purpose and intent of the act of Congress. The chapter deals with a subject which in all States and Territories is left to the highest legal officer. In fact it goes to the extent of making the Prosecuting Attorney of Salt Lake County, in effect, a Territorial officer.

Page 120, chapter 3. I respectfully suggest and insist that the chapter be left as originally reported, excepting typographical errors. The power to compel the production of every book, record or paper essential to the administration of justice should be vested in the courts.

Page 129. In line 4, section 965, I respectfully suggest and incist that the words "and the right to which is not in dispute" commencing after the the word entitled be stricken out.

Other items follow in reference to mere clericrl errors which the Governor calls "typographical." Now in the first place the opening part of the message is in form of a veto, then come a number of references to errors. He does not say he would sign the bill if those errors were corrected. He says "I return the bill without my signature for the following reasons: On page 27 section 198, in line 8, strike out the word "or" and insert in lieu thereof, the word 'as,'" and so on. A very singular manner of explaining his reasons. All these clerical errors were corrected and two sections which the Governor impudently "insisted" should be inserted in the bill were placed therein but not exactly in the form on which he "insisted," while his demands in the three paragraphs we have given above in full from his message were refused by the Assembly. And after repeating the words *I incist*—we use the Governor's orthography as he has a peculiar style of spelling as well as of mathematics—he signed the bill notwithstanding the retention of the provisions which he declared to be in violation of the Poland Bill.

The Legislature had just as much right to "*incist*" upon the Governor's signing the bills they passed as he had to "*incist*" upon their adoption of his mendments. It is a pity that some conquered province cannot be found over which Eli H. Murray can be placed as Supreme High Cockalorum and Grand Mogul where he could "*incist*" to his heart's content, and no one would be able to resist his irrevocable decrees.

HOG BUTTER.

We are reliably informed that a number of firms of this city are importing large quantities of "bogus" butter and selling it to the people as the genuine product of the cow. It is somewhat remarkable too that the rolls go off "like hot cakes." In appearance the article looks like good butter, but does not stand the test of a sensative olfactory, having a more or less decidedly "lardy" smell. Instead of being the product of the cow this "oleomargarine" is principally produced from the pig, refuse fatty substances from other animals being also used.

Merchants are not justified in paiming off this alleged butter upon the public as a pure article, and we allude to the matter to put people on their guard, so that they may know what they are purchasing. In England the law is very stringent upon this subject. Merchants there who dispose of "bogus" butter are compelled to label it "oleomargarine," and those who are discovered having it on their premises without this inscription attached are heavily fined. If merchants are going to continue this illegitimate trade here it might be well for our city fathers to censider the advisability of enacting an ordinance that would prevent deception.

This imported grease is not even an adulteration, but simply the substitution of one article for another. We believe that even an indifferent quality of real butter would be preferable to and much safer than it. There is no knowing how repulsive may have been the raw constituents of the oleomargarine, and it is highly probable that it might be the means of sowing the seeds of disease in people who use it. There is plenty of locally produce dbutter in the market just now, but many people seem to prefer an article from a distance to a home product without reference to quality.

A little more respect should be paid to the cow and a trifle less to the hog, which is out of its sphere when made to assume the role of a butter-making animal.

A TRIUMPH OF JUSTICE.

An important decision was rendered on Monday by the Supreme Court of the United States. It was in relation to the case of O. J. Hollister, as Collector of Internal Revenue, against Zion's Co-operative Mercantile Institution. It involved not only the interests of Z. C. M. I., but of the Brigham City Co-operative Institution and other associations in this Territory, which were in the custom of using orders, which were not payable in money but in merchandise or the products or manufactures of those establishments.

These orders were a great convenience to every co-operative institution in the Territory, and were useful to the people who worked for them in their trading and business with each other. But O. J. Hollister, who was then Collector of Internal Revenue for Utah, thought he saw a chance to cripple these industrial and mercantile establishments because they were "Mormon" institutions. He therefore assessed them ten per cent. on all the orders issued by them, under the pretended provisions of the Act of Congress of February 8th, 1875, as follows:

"Sec. 19. Every person, firm, association other than National Bank Associations, and every corporation, State Bank or State banking association, shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them."

The object of this provision of the law, as we showed at the time, was to prohibit the circulation of notes as money to usurp the place of currency authorized by the laws of the United States. But these orders were not money, nor were they used as or redeemable in money. They were simply certificates of indebtedness-due bills issued by the companies owing certain amounts to individuals, and payable in goods, not cash. However these institutions were compelled to pay, which they did under protest, Z. C. M. I. paying over altogether more $12,000, and Brigham City not quite so large a sum, but enough to injure it materially, which with losses by fire that occurred about the same time tended to break up that institution, when it was furnishing labor for every person who wanted to work in that locality.

The matter was tested in the Courts. The Supreme Court of this Territory decided against the Collector and in favor of Z. C. M. I, which really represented the other defrauded establishments. And now the case has been decided in the court of last resort, which has affirmed the ruling of the lower court, and announced that these orders or due bills are not notes within the meaning of the law and are not taxable. It was no doubt, the Court said, the purpose of Congress in imposing this tax, to provide against competition with established national currency for circulation as money, but as it was not likely that obligations payable in anything else than money would pass beyond a limited neighborhood, no attention was given to such issues as affecting the volume of currency or its circulatory value.

We have discussed this subject several times and have always taken this ground. We are gratified at the result. The next thing will be for Z. C. M. I. to get back its money which, with the interest that has accrued, will reach a little over $19,000. It is a big thing to get money out of Uncle Sam's treasure box when it has once been declared forfeit thereto, but not only must Z. C. M. I. push for the cash, but the Brigham City Co-operative Institution is as much entitled to the return of the money illegally extorted as is Z. C. M. I., and so with other institutions that were phlebotomized by Hollister.

This is a triumph of law and justice, and a rebuke to grasping, conscienceless and unscrupulous collectors.

A VERY INTERESTING CASE.

The case of Andrew Petersen, now on trial in the Third District Court, is of great interest to this community. The defendant is charged with illegal voting in that being a polygamist or bigamist and thus disqualified under the Edmunds law, he took the oath prescribed by the Commissioners, and voted at the Delegate election in November, 1882.

One important point decided by Judge Hunter in this trial, is the right of jurors who believe in the "Mormon" doctrine of plural marriage, to try a case of illegal voting when the ground of the charge is the polygamy or bigamy of the defendant. Efforts were made to exclude jurors who, on examination, admitted their belief in the rightfulness of that doctrine, but announced their readiness to convict for illegal voting if the evidence showed that the defendant had broken the law. Challenges for cause on this question were properly overruled by the Court. For, the section of the Edmunds law which relates to the exclusion of jurors on account of belief in that doctrine, only applies to "any prosecution for bigamy, polygamy or unlawful cohabittation under any statute of the United States." This is not a prosecution for either of those offences, but for illega voting, and therefore those jurors are not disqualified under the Edmunds law.

Judge Hunter was right also, apart from the question of law involved. Some people cannot understand how a juror can decide according to human law when he believes in the virtue of a divine law with which the human law is in conflict. But a juror swears to decide according to the law and the evidence, not according to his opinions of the rightfulness or constitutionality of the law, or its conflict with the revelations of God. It is not his business to be governed by anything but the law relating to the case and the evidence showing that the law has been violated. The conflict between the human law and the divine law has nothing to do with his verdict, and the responsibility is between God and those who enacted the conflicting human law.

Another point decided by Judge Hunter was that the new law passed by the Legislature just adjourned, which repeals the obnoxious provision in a former statute of the Territory in regard to triers, was in force from the time it was filed in the office of the Secretary, therefore no triers can be used in reference to jurors, but the matter of challenges must be decided by the Court.

Judge Harkness, for the defence, demurred to the introduction of oral testimony to prove that Petersen was guilty of polygamy, and contended that only proof of the defendant's conviction for that offence was admissable. For, he soundly argued, Petersen on such testimony might be now convicted of illegal voting and in a subsequent trial be acquitted of the charge of polygamy, and where would that place the first conviction? The argument against this by assistant Attorney Varian that it would render the Edmunds law inoperative was "powerully weak." For law and right should prevail even though the folly and crudeness of a statute which people are denouncing as a failure should be thoroughly demonstrated.

Judge Hunter has overruled the objection interposed by Judge Harkness for "this case only" and admitted the testimony, being evidently a little in doubt as to the soundness of his ruling, but fearing that the whole case would be lost unless he decided in this manner. It was a delicate position to be placed in, and in any other place but Utah, where any official who decides in a manner thought to be favorable to the majority is abused and maligned by a small minority, the question would we have no doubt have been decided differently. The trial now proceeds and testimony that ought to be only adduced in a trial for bigamy or polygamy is being received in a trial for illegal voting.

NEW CITY OFFICERS.

The City Council on Tuesday night reappointed most of the old officers who have served the City well and faithfully. Two changes were made, however, one being in the office of City Attorney, the other of City Watermaster.

The appointment of Hon. F. S. Richards, we believe, will be generally endorsed and received with pleasure, and we hope there will be nothing in the way of its acceptance. Mr. Richards has an established position in Ogden City, the centre of business for Weber County, and has there been identified with both City and County affairs for many years. No attorney in the County has a higher reputation han he, and he therefore need not at any time be without remunerative engagements. Whether he will feel at liberty to break off the ties and inducements which hold him to the Junction City remains to be seen, but that he will receive a general welcome back to Salt Lake City, from which he removed to Ogden in 1869, is beyond all doubt. He is yet a young man, but has acquired great experience in the legal profession, is brilliant, reliable, conservative, up with the times, and thoroughly versed in all the leading questions that concern the community, whether municipal or general, and is one of the people, having been reared and educated in this Territory. His services will be of great value to this city, and without wishing Ogden any harm, we hope soon to see him established in the office to which he has received the appointment, although peculiarly it looks as though it will not at first be anything to his advantage. Yet this is a wider field than that he now occupies, and it will, we have no doubt, yield him in time sufficient to more than compensate him for the change.

Col. J. R. Winder is known to everybody acquainted with our public affairs, as one of the most efficient and able of officials. His great familiarity with the details of many branches of public business, his steadfast fidelity to the public interest, and his persistent industry and ackuowledged honesty qualify him for positions of trust requiring brains as well as labor. He will make an excellent Watermaster, we have no doubt, and will institute such improvements in the system of supply as occasion demands consistent with the general welfare.

The late City Attorney, Aurelius Miner, Esq., has doubtless openings and opportunities for private practice, which his undoubted talents as an attorney secure for him, in which he will have our best wishes for success.

We see no position awarded to the late Watermaster Mr. Chas .H. Wilcken, but suppose that our City Fathers will find a post for him, so that his valuable services will not be lost to the corporation. He is a brave and reliable public officer, and we shall look for his appointment to some position of honor and trust within the gift of the municipality.

The ticket adopted by the Council appears to us an excellent one, and we believe that the interests of the City will be safe in the hands of its public servants.

THE GOVERNOR'S BROKEN OFFICIAL PROMISE.

We have laid before the public some of the arbitrary and inconsistent acts of Governor Eli H. Murray during the recent session of the Territorial Legislature. There is another which should not be allowed to pass unnoticed. It is his course in relation to the bill Apportioning the Representatives of the Territory.

In his message to the Assembly at its commencement, the Governor said on this subject:

The present apportionment of members of the Legislative Assembly is defective in that the districts are in many instances so constructed that several members are chosen on a common ticket, instead of giving each locality—having the necessary population—the right to choose its own member. I recommend that the districts be so constituted that each shall have a voice without being overborne by a larger neighbor, which may be combined with it as now. This is true apportionment and local government; the other is consolidation.

A bill was promptly introduced in the Council making a new apportionment on the basis of the population. It passed both Houses and was sent in due season to the Governor. On the 29th of February it was returned without the Governor's signature, accompanied by the annexed communication:

Territory of Utah,
Executive Office,
Feb. 29th, 1884.

To Hon. W. W. Cluff,
President of Council:

Sir.—I return herewith, unapproved, C. F. No. 34, entitled "An Act apportioning the legislative representation of the Territory of Utah."

The act fails to provide for local representation. The census of 1880 entitles every 12,000 of population to one representative in the Council, and every 6,000 of population to one representative in the House of Representatives. The practice of constructing districts so that several members are chosen upon a common ticket, as is provided in this act, instead of giving each locality—having the necessary population—the right to choose its own member, is defective.

If the Legislature will pass an act apportioning the Territory into twelve Council districts, and twenty-four Representative districts, as near as may be upon the foregoing basis, where each Councilor or Representative is to be voted for separately, I will be pleased to approve the same.

I am,
Most respectfully,
Eli H. Murray,
Governor.

On receipt of this veto and agreement the Council passed a new bill framed upon the Governor's plan, but through some misunderstanding it was not accepted in the House. However, a House bill was drawn up in strict conformity to the Governor's suggestionsf which passed both Houses after full consideration and was sent to him on Thursday March 13th. This bill, which we publish in full to-day, was treated with silent contempt. The Governor neither approved nor vetoed it. He made no sign in reference to it. His plighted word was violated. He counted his own promise over his own official signature as nothing. He dishonored himself while insulting the Legislature. He demonstrated to the whole people that his word is not to be taken, that his agreement is not worth the shadow of a copper cent. That he will make false statements publicly, in his hatred of the people of Utah, has been demonstrated several times beyond dispute. But in this instance he places himself on the public records of the Territory, self-convicted, as the, nullifier of his own official, written voluntary contract.

He cannot creep out of this arraignment by the excuse that he received the message too late for consideration. The bill is brief, simple in construction, framed on his own method with which he certainly ought to have been familiar, and reached him before other bills to which he attached his official signature. The question will be asked, Why then did he not either veto or sign it? For these reasons. He could not give with his veto any valid reasons for disapproving the bill, seeing that it was drawn up as he himself designed; and he did not honestly want the bill at all, because there is a measure pending in Congress, one provision of which gives the Governor alone the power to make the apportionment, and enlarged authority is what his soul lusts after.

His pretensions put forth in his wordy message, that he wished a bill passed for a new apportionment, were all sham, and his promise that he would sign a bill framed in a certain manner was humbug and falsehood. He wants power to do the thing himself, that he may swell and figure as the autocrat that he is, and that he has proved himself to be in spirit and in act, whenever the opportunity has been afforded for the exercise of the one-man-power

Any commercial man who would go back on his written agreement as Governor Eli H. Murray has done, would be so dishonored among his fellows, that his credit and his veracity would not be valued at the price of a grain of sand.

THE VETOED APPORTIONMENT BILL.

H F. 89—A BILL APPORTIONING THE LEGISLATIVE REPRESENTATION OF THE TERRITORY OF UTAH.

Section 1.—*Be it enacted by the Governor and Legislative Asssembly of the Territory of Utah*, That until otherwise provided by law, Representative and Council Districts shall be and the same are hereby formed, and Representatives and Councilors opportioned as follows:

REPRESENTATIVE DISTRICTS.

District No. 1.—Shall consist of Rich and Morgan Counties, and the Precincts of Echo, Henneferville, Coalville, Upton, Hoytsville, Wanship, Parley's Park, Peoa and Rockport, in Summit County, and be entitled to one Representative.

District No. 2.—Shall consist of Park City and Kamas Precincts, in Summit County, and all of Wasatch and Uintah Counties, and be entitled to one Representative.

District No. 3.—Shall consist of the Precincts of Hyde Park, Logan, Richmond and Smithfield, in Cache County, and be entitled to one Representative.

District No. 4.—Shall consist of the Precincts of Benson, Clarkston, Hyrum, Lewiston, Mendon, Millville, Newton, Petersboro, Paradise, Providence, Trenton and Wellsville, in Cache County, and be entitled to one Representative.

District No. 5.—Shall consist of the Precincts of Bear River City, Box Elder, Brigham City, Call's Fort, Deweyville, Malad, Mantua, Plymouth, Portage, Promontory and Willard, in Box Elder County, and be entitled to one Representative.

District No. 6.—Shall cousist of the Precincts of Curlew, Grouse Creek, Kelton, Park Valley and Terrace, in Box Elder County and all of Tooele County, and be entitled to one Representative.

District No. 7.—Shall consist of the Precincts of Ogden City, Lynne, and Riverdale in Weber County, and be entitled to one Representative.

District No. 8.—Shall consist of the Precincts of Eden, Harrisville, Hooper, Huntsville, Marriott, North Ogden, Pleasant View, Plain City, Slatersville, Uintah, West Weber and Wilson, in Weber County, and be entitled to one Representative.

District No. 9.—Shall consist of Davis County and be entitled to one Representative.

District No. 10.—Shall consist of the Precincts No. 3 and No. 4., in Salt Lake County and be entitled to one Representative.

District No. 11.—Shall consist of the Precinct No. 2, in Salt Lake County, and be entitled to one Representative.

District No. 12.—Shall consist of Precincts No. 1 and No. 5 in Salt Lake County, and be entitled to one Representative.

District No. 13.—Shall consist of the Precincts of Bingham, Brighton, Draper, Fort Harriman, Granger, North Jordan, Pleasant Green, Sandy, South Jordan, Union and South Cottonwood and all other precincts on the west side of Jordan River, in Salt Lake County