

THE DESERET NEWS: WEEKLY.

POSTAL SERVICE.

We understand that the House of Representatives has passed a Bill repealing the restrictions on the Postal Service for the Territories west of Kansas. The Senate Committee to whom it was referred contemplate amending the Bill so that it will not go into operation until after September, at which time the new contract for the carrying of the mails will take effect. This amendment to the Bill is with a view to save the present contractors from loss, as whenever the restrictions are removed, there will, doubtless, be an increase in the quantity of mail matter carried. Books, &c., will then come through at the ordinary book postage, as they are transmitted by mail in the States east of the western line of Kansas and west of the eastern line of California. In previous articles we have endeavored to show how unjustly the people of this and the adjacent Territories have been treated in the levying of letter postage on miscellaneous matter, and we are glad that there is some prospect of this obnoxious restriction being removed. Our delegate, Hon. Wm. H. Hooper, has interested himself in trying to obtain a repeal of this law, and in having our postal service placed on an equality with the other portions of the Republic. Whether this law shall be passed during the present Session of Congress or not, will make but little difference in view of the speedy completion of the Railroad. It is confidently anticipated that by the time Winter will put an end to labor on the Railroad for the season, the cars will be running to a point within our borders. The carrying of mails will be greatly simplified and facilitated by the completion of the Railroad.

THE UTAH CONTESTED ELECTION CASE.

The farcical attempt of McGrorty to contest the seat of the Delegate of this Territory, Hon. Wm. H. Hooper, has excited no other feeling than ridicule in the mind of every man who is familiar with the circumstances of the case. The miserable creature is beneath the contempt of every respectable person, and no notice would have been bestowed upon him, had not Congress, by entertaining his case and referring it to its Committee on Elections, and the press in various parts, given it undeserved importance. We have never alluded to him or written his name without being ashamed and disgusted. We viewed him while here as a contemptible lick-spittle, and never was thrown in his company without being disgusted with his fawning obsequiousness and servility. His manner gave evidence, notwithstanding his constant attendance at meetings and the loud and repeated professions of friendliness and sympathy which he made, that he was a thorough-paced hypocrite. In conversation it would be difficult for an observant listener to have any other idea than that he was being licked preparatory to being swallowed.

While he thought he had any prospect of making money out of the "Mormons," he was most friendly. If they had believed him, there never was another man who had felt quite the same amount of sympathy for them that he had. But when he found he was becoming known, and his little game of hypocrisy did not succeed, then the mask was thrown aside, and he appeared in his true colors. With the aid of C. B. Waite, who was once a Federal Judge of this Territory, he got up an argument before the Committee on Elections which was intended to be very formidable. Garbled extracts from discourses, misrepresentations of writers, affidavits of apostates and extracts from their works, made up a tissue of slanders that has rarely been excelled. It was this strange medley that was offered as an argument. The whole of the claim and "argument" might be summed up in a few words: "The contestant ought to have the seat, because if he did not get the majority of votes and was not elected, it was not his fault. He was a candidate and was willing the people should vote for him; and if they did not vote for him, because 'there was no inducement,' Congress ought to punish them for their obstinacy and make him Delegate any how."

Captain Hooper in his reply took high ground. He, very properly, did not admit that McGrorty was legally in court. He refused to recognize him as a legal contestant, he having failed to

comply with the law of Congress, which requires notice of contest to be filed within thirty days after the result of the election has been ascertained officially. He did not, therefore, condescend to place himself upon a level with McGrorty by replying to his lying statements; but offered the following statement of the positions relied upon by him. They cover all the ground, and thoroughly demolish and annihilate all the pretensions of McGrorty and Waite.

"The sitting Delegate, William H. Hooper, objects to the course of proceeding in this case, because it does not conform to the law in any respect, nor to any established precedents.

SECOND.—No reason whatever is shown why contestant has not complied with the law regulating contested elections. His own affidavit, filed and sworn to more than eleven months after the election was held, is wholly unsupported by that of a single other person whose statement he has taken, and is pointedly contradicted by the statements of men of character and position, residents of said Territory, and not members of the Mormon Church, to wit: The affidavits of F. H. Head, Superintendent of Indian Affairs, Utah Territory; Amos Reed, late Secretary and Acting Governor; S. P. McCurdy, late Associate, and now Chief Justice, of Utah; Frank Fuller, late Acting Governor of Utah; and also to the statements of forty-one citizens, not Mormons, who are the leading merchants, bankers, and business men of Salt Lake City, all of whom state that contestant could, at any time since the election, held on the 7th of February, 1867, have proceeded with this case in the manner prescribed by law, with entire and perfect safety to himself, without the least possible danger of personal violence, and who state further that the fullest freedom and expression of opinion is indulged in and tolerated in said Territory, and that McGrorty himself publicly announced it often and repeatedly upon the streets in Salt Lake City, prior to his leaving said Territory, that he was contesting the seat of the sitting Delegate; was in no manner molested on account of said announcement; and yet, in the face of all these facts, he took no steps towards preparing his notice of contest even, either before the regular session of March, 1867, nor in July following, nor yet again before the beginning of the December term of the same year, but waited until the 18th day of January, nearly a whole year after the election, and when near half the term of the Fortieth Congress had expired. Under these circumstances the sitting Delegate insists that there is neither a shadow of law nor of fact, under which the contestant can ask the Committee on Elections or the House to act in this case. The law regulating contested elections, requires notice of contest to be filed within thirty days after the result of the election has been ascertained officially. (See Statutes at Large, Vol. ix.) The sitting Delegate ventures to assert that this is the first time in history that a contestant has asserted that the laws of Congress, regulating the rights of persons claiming seats in its body, do not apply to Territories.

THIRD.—The *ex parte* affidavits cannot be used as evidence to try this case on its merits, no law or precedent would authorize this, and these of themselves show no reason why contestant should be allowed an order of the House to be permitted to take testimony under the law. Such being the case, the contestant has no right to be heard upon the merits of the case, and the House has no right under any law or precedent to act upon contestant's claim as it now comes before it.

FOURTH.—The sitting Delegate specifically objects to the notice of contestant as not legal, not being filed under any law or precedent, (near twelve months after said election.) The law not having been complied with, the sitting Delegate was not bound to answer. An answer would have been a waiver of his rights to have this case tried in the usual manner prescribed by law and established by precedent.

FIFTH.—For the same reason he objects to the use of the depositions of Smith and Williamson. He did not appear to cross-examine, because an appearance would have been a recognition of the illegal proceeding which would have committed him to a defence before the committee—the notice itself of contest being illegal, all proceedings under it fall.

SIXTH.—These two witnesses do not agree in their statements and prove nothing against the sitting Delegate, who denies that he has ever at any time taken any oath which could in any manner interfere with his duties as a loyal and law-abiding citizen of the

United States; and he further states, that to the best of his knowledge and belief, there is no oath taken or required to be taken by the people known as Mormons, under any rule of their church, inconsistent with their duties as loyal and law-abiding citizens of the United States.

SEVENTH.—On contestant's printed affidavits, all that he has filed as well as on the statement of Smith and Mrs. Williamson, he makes no case for himself, and none against the sitting Delegate. By these *ex parte* statements, taken before he had even filed his notice of contest, he only shows what he has alleged as irregularities in two voting precincts; and should the vote of the two whole counties in which the precincts are located be rejected, the sitting Delegate still has over (12,000) twelve thousand majority, McGrorty but (64) sixty-four votes—these being the only two counties to which *ex parte* statements have been taken as to irregularities, and the evidence is not sufficient as to these.

EIGHTH.—The returns of the election, as shown by the papers filed by contestant, are made in strict conformity to the laws of the Territory.—(See Territorial Laws of Utah, pages 89, 90, 206, 92, and 26.

NINTH.—All the alleged occurrences of outrages cited by contestant in his argument, occurred there, by his own showing, from eight to fifteen years ago. Even if true, which is not admitted as charged by the contestant, they fall far below the number and degree of outrages which occur in all newly settled Territories, and are not worse either in acts or words than are of constant and almost daily occurrence in the oldest and most thickly peopled States of the Union, can have no kind of relation to this contest, and the sitting Delegate denies their competency as testimony herein, not bearing on him or this case in any manner whatever.

TENTH.—Re-stating his objection to the whole proceeding because contestant has in no manner complied with the law, and has shown no reason for not complying with the same, and not waiving any right he has by reason of this failure, the sitting Delegate insists that contestant has made no show of claim for himself and no case whatever against the sitting Delegate. He states further that if it be the object of the contestant, McGrorty, and his friends, as would appear from the opening sentence in the printed argument of the counsel, Mr. C. B. Waite, "to induce the people through their National Legislature to take hold of the complicated political problem arising out of the settlement of Utah Territory, and solve it upon principles of justice, of moderation, and of sound statesmanship," the sitting Delegate has no sort of objection to their doing so in the proper manner, and here challenges the fullest and fairest examination by Congress in a legitimate manner into all that pertains to said Territory and its people, and he here pledges himself, and the people of said Territory of Utah, to give every facility that may be needed to throw light upon all that may be desired to be examined into, to the end that the whole status of said Territory and its people and their relation to the Government of the United States may be fully understood.

ELEVENTH.—As to the indirect personal allusions made by contestant's counsel in his printed brief, which he has furnished the committee and circulated among the members of the House, wherein, by insinuation, he seeks to implicate the sitting Delegate in crimes, the sitting Delegate has no hesitancy in denouncing such as untrue in every particular, and there is not a particle of justification for such insinuations, even upon the *ex parte* statements upon which alone contestant rests his case. He does not deem it is duty, nor this the time or place, to notice them further. Neither does he here notice the great mass of matter, which counsel has brought out in his printed brief, reflecting upon the people of Utah, and charging disloyalty upon them, and to hostility to the United States, for the reasons heretofore assigned. "contestant in no manner having complied with the law, and having shown no reason for not complying therewith." To have entered into a refutation of these calumnies, which can be done by the same authorities from which contestant has selected his extracts, would have been an acknowledgment of the right of contestant to have had the committee to act upon and decide this case upon the mere *ex parte* statements of contestant, his counsel, and his friends, thereby disregarding every principle of law, as well as the rules and statutes regulating the production of testimony.

The whole course of said people of Utah challenges history for a parallel in devotion to that Government of which they form a part. Persecuted and driven from their homes more than twenty years ago, while stripped of almost everything necessary to life, and homeless and homeless on the west bank of the Missouri, they promptly answered the call of the United States then engaged in "a foreign war; furnished all the men asked for soldiers; penniless they took up their line of march, and westward moved with their families, their wives and their little ones; over barren plains, through hostile bands of savages; twelve hundred miles from civilization, after having endured untold hardships they came to a halt, in what was then a desert. This desert, in this short space of time, they have filled with more than 100,000 (one hundred thousand) people, and by their industry and frugality have made it a prosperous land, enabling them thus to add greatly to the rapid settlement and development of the country surrounding them. The very first step taken by the expelled exiles after once being settled in their new homes, was to seek to connect themselves again to the Federal Union, and to ask a government guaranteed by its laws; and although they have been constantly abused, and almost continually denounced, even by many who have held high places, they have never ceased to seek and cultivate more intimate relations with the Government and people of the United States, and no people look forward with more eagerness and earnest delight to the completion of that great work which is soon to bring them and their once isolated country, in reality, almost to the very doors of the nation's capital."

REMARKS

By President BRIGHAM YOUNG,
at Bountiful, May 17th, 1868.

REPORTED BY EDWARD L. SLOAN.

There is a large congregation of people before me who profess to be Latter-day Saints, though they are few in number when compared with the people at large. But those who are here, are here because of our religion. It is very seldom that you find a person in our midst, who is one of our citizens, who has come here with any other object than to serve God, be numbered with His Saints, help to build up Zion and establish peace and righteousness upon the earth. We look upon each other as though we ought to be Saints indeed; but while we are looking at our brethren and sisters we are very apt to behold their faults instead of their virtues. We are all liable to err; we are subject to weaknesses and liable to go astray; to do that which we should not do, and leave undone that which we should do. This seems to be interwoven with the nature of all mankind through the fall. Still, we are here as Latter-day Saints; we have assembled ourselves together to become one; to become the people of God, the children of Zion, the children of light. We are here for the express purpose of separating ourselves from the world and establishing that order of government that we read of in the Holy Scriptures; and we desire to see the glory of Zion upon the earth, that has been spoken of by the Prophets of God.

The mass of the people in Christendom are taught to believe in the Bible, and they are taught to believe that Jesus is the Christ, the Redeemer and Savior of the world. This is the tradition of our fathers. This has been taught to us. And the Christian world have sought to understand enough with regard to the plan of salvation to prepare them to enjoy the happiness and bliss of a world where righteousness reigns triumphant. A portion of the Christian world say they are preparing for the Millennium and the Second Advent of the Savior; but their lives and conduct do not agree with their professions. They are taught to believe the sayings of Jesus and the Apostles and Prophets, sufficient to die by, and that they may be prepared to enjoy heaven hereafter; but they have no idea of making a heaven here on earth, of building up the Kingdom of God, that Jesus can come and receive his own. Our traditions have been to try and get through this world, having religion enough and belief enough in Christ so that we could leave it and go where we could enjoy heavenly bliss forever. The Christian world have very limited ideas with regard to the Kingdom of Heaven on the earth. We as Latter-day Saints have confessed before Heaven, before the heavenly hosts, and before the inhabitants of the earth, that we really believe the Scriptures as