

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - MARCH 10, 1880.

## THE NEW GOVERNOR.

THE question, "Who is Governor of Utah?" is now settled, at least for a season. General Eli H. Murray has taken up his abode in this Territory, and has qualified by taking the oath of office before Chief Justice Hunter. It is scarcely time enough yet for any brother official or other needy person to plot for his removal in the hope of stepping into his shoes, and as it is not probable that the new Executive will have occasion for awhile to do anything either to evoke praise or excite anger, he will doubtless occupy his position in peace and have leisure to study the situation.

Usually the appointees of the Government come here strongly prejudiced against the great majority of the people for whose benefit they are clothed with official power. It would be strange if it were otherwise. So much has been said and done to misrepresent us, our views, our aims and our desires, that it would be marvelous if persons unacquainted with us were free from unfavorable bias. Most Utah officials commence their career under impressions derived from common rumor and strengthened by their first associations on arrival. Individuals who take delight in repeating old and oft-refuted stories of "Mormon" horrors and heresies, find fresh ears for their absurdities, and such tales, corroborating popular reports, are generally devoured without a grain of the salt of common sense, and unseasoned by the condiment of ordinary judgment. Time, however, in many instances, removes the effect thus produced, and if the new-comer has not committed himself rashly to a radical and hostile policy and an alliance with strife-promoters in the start, he learns by experience that there is wisdom often in waiting, and prudence in studying both sides of a subject before hurrying to a conclusion.

One great mistake frequently made by men who come here as representatives of the Government is, that they are required to specially favor a small minority, and either ignore or attack the great majority of the citizens. There should be no partizanship in their course. There ought to be no question of "Mormon" or "Gentile" in their official minds. A Judge should decide according to the law, without regard to such considerations; a Governor, so far as he holds legitimate authority, should execute the law in the same spirit of impartiality. We have had Judges here who turned their courts into camp meetings for the promulgation of sectarian attacks against what they imagined was "Mormon" theology, and Governors who have taken the stump to harangue the multitude against what they pleased to call "Mormon" politics. Both were entirely out of place, and while they disgusted all sensible beholders of every creed and party, they accomplished nothing against the objects of their folly and spleen.

We can say this for the great body of the people who have settled and built up this Territory. Every man who attends honestly to the duties of his calling, no matter what may be his religion or his politics, is and will be respected and sustained by them therein, even if those duties sometimes require him to take a course contrary to their wishes. They have no quarrel with any impartial officer, no resistance against the legitimate exercise of rightful authority. It is only when official power is used outside of its prescribed limits, and laws are wrested out of their plain intent for the special injury of the great bulk of the people interested, that they ever complain or stand up in defense of their position and their rights.

From what we read and hear of the new Executive, we judge that he is not a man likely to be captured by a clique or whipped into line by the lash of any party, like some of his predecessors. He bears a fine reputation in his own State, and on leaving for the West received quite an ovation from leading citizens of various shades of political opinion. We join the people of Utah in extending to the Governor and his

family a cordial welcome, and hope that his new home in the valleys of the Wasatch will become as pleasant and agreeable as it could possibly be in old Kentucky, and that as Governor of Utah he will succeed in gaining alike the confidence of the great bulk of the people, and the approbation of the authorities at the seat of government.

## STARTLING DECISION.

A MOST remarkable decision was given by Judge Hunter in the Third District Court on Wednesday, in the case of Helen Bankhead vs. the Union Pacific Railroad. Suit for damages was brought by the plaintiff, for the killing of several mules by a train belonging to the company a year ago last November. The law on the subject is to be found on page 214 of the Compiled Laws of Utah, sec 493, which reads as follows:

"It shall be the duty of any company operating lines of railroad in this Territory to make and maintain a good and sufficient fence on either or both sides of their entire railroad, where the lines run through lands which are now or may hereafter be enclosed or improved; and in case they do not make and maintain such fence along their entire line, if their engines or cars shall kill, maim or destroy any cattle or other domestic animals, they shall pay the owner thereof a fair market price for the same, unless said owners shall be proven negligent or at fault."

Counsel for the Railroad Company moved a non-suit on the ground that the Union Pacific Railroad Company had derived its charter from the United States, and was therefore not subject to the laws of the Territory in regard to fencing, nor liable for damages through neglect thereof. It was also urged that the plaintiff had not observed due caution in taking care of her animals. The Court sustained the motion and a non-suit was entered, the plaintiff's attorney excepting to the ruling.

This is a most astonishing decision. We hope the case will be carried up and thoroughly tested. If the plaintiff is unable to bear the expense, assistance ought to be rendered by farmers and stock men in the neighborhood of the railroad. According to this, local laws may be set at defiance by corporations organized by virtue of a charter from the General Government. If this is good law, no damages could be recovered for the destruction of property by fire from a locomotive, or any other cause proceeding from the Union Pacific or Central Pacific Railroads. Neither can any taxes be collected from those companies. Damages for an animal killed on an unfenced line in the neighborhood of Ogden, by a Utah Central train, can be recovered; but if the animal was killed by a Union Pacific train, damages cannot be recovered. Laws enacted in this Territory will apply to the former, but not to the latter. This is judicial ruling with a vengeance. And yet the Legislative Assembly is endowed, by the Organic Act, with power over "all rightful subjects of legislation not inconsistent with the Constitution of the United States." Is not the preservation of property "a rightful subject of legislation?"

What Constitutional provision or Congressional law exempts a corporation created by the United States, from the operation of laws duly enacted in the State or Territory in which it is located? A Federal Judge or other officer who derives his authority from the United States and not from any local appointment, might as well argue that he is independent of the local laws. Corporations are as amenable to the laws as are individuals. The Act from which we have quoted applies not only to railroad companies organized under the territorial statutes, but to all those "operating lines of railroad in this Territory." Its validity as applied to local railroads is not questioned, but as affecting the Union Pacific railroad, by this ruling is denied. By what process His Honor has arrived at this singular conclusion we are at a loss to understand, and we do not think it will bear the test of an appeal to a higher tribunal.

If the plaintiff was to blame for not taking care of her animals, that is another question. We have heard of people troubled with old and breechy stock placing them in proximity to railroads that they might be destroyed, and their owners not

only be delivered from the trouble of taking care of them but be enabled to recover a sufficient amount to buy younger and better animals. Railroad companies have rights as well as private citizens and should be protected therein, and all attempts at fraud or imposition should be promptly suppressed. But this case does not appear under such a category and the main point at issue is the one we have stated. Let the matter be tested fairly and thoroughly, and if corporations created by the United States are independent of the laws of States or Territories where they exist, or through whose country they may pass, the sooner it is understood the better, that such a senseless state of affairs may be changed and all corporations and citizens be made equal before the law.

## MANAGING THE "MORMONS."

"General Murray, of Louisville, has started for Utah. He will find it harder to manage a crowd of Mormons than a daily Republican newspaper in Kentucky. This is not cheerful, but it's true.

The above is from the Cincinnati Times, and shows how much the average smart editor knows about the duties of the Governor of a Territory, or about the majority of the people here. General Murray is not sent here to "manage a crowd of Mormons," but to act as the Governor of Utah. Whether they are "Mormons" or Methodists, Catholics or Protestants, Baptists or Quakers, has nothing to do with his official calling. And as to the question of managing "a crowd of Mormons," the Times editor knows nothing about it. When they are treated like other citizens, they are the most easily managed people in the United States. For they desire to live at peace with all mankind, and, taken as a community, are the quietest and most law-abiding of any to be found in the Union. At any rate they will very favorably compare with a crowd of Cincinnatians. "Managing the Mormons" is not an Executive duty required by law of any Government official either in Utah or at Washington, and is a subject not understood at all in Cincinnati. If a "Mormon" breaks the law he is amenable to the courts just like any other person; that and nothing more. The Times remark is not any more "true" than it is "cheerful" or witty. Try again, friend, but learn something before you speak again on this subject.

## MEXICO AND THE "MORMONS."

THE editor-in-chief of the Omaha Herald must be "abroad." An article in that paper of the 3rd inst., entitled "Mormons in Mexico," contains several statements evincing ignorance of the "Mormon" question, with which the well-informed Doctor cannot consistently be charged. The writer has taken for granted that certain rumors about "Mormon" colonization of Mexico are correct, and refers to "The recent response of the Mexican Government to a Mormon bishop that they would permit the establishment of Mormon colonies in Mexico, but would not permit polygamy," as though these were matters of fact instead of newspaper fictions. On this foundation the Herald writer proceeds to build a homily on the "Mormon" faith and its relation to civil government.

Now, we are not aware of any application of a "Mormon bishop" to the Government of Mexico for such a purpose as the Herald writer has imagined, nor of any such response as it is alleged the Mexican government has returned. That writer is as far from the mark on this matter as in his reference to "the edicts of the Book of Mormon" and the requirement of "absolute obedience," remarks which indicate his absolute ignorance of "Mormon" theology and the "Mormon" situation. We agree with him that "It is evident that the Mormons will not go to Mexico in any great numbers," for the simple reason that we have contemplated no such removal. We are very well satisfied with Utah, thank you, and do not propose to vacate in favor of those who would like very much to profit by a "Mormon" exodus to Mexico, the Sandwich Islands, Canada or Jerusalem; anywhere so long as

they could enter into possession of our homes and the control of the Territory.

So long as newspaper scribes, and other would-be enlighteners of the world on "Mormon" affairs, take groundless reports and the fabrications of our enemies as the basis of their efforts, they will always go astray and expose their own ignorance instead of imparting information to others. If they desire authentic intelligence they should seek for it in the proper quarter. But when we see them eager to seize upon every statement of our opponents, and blind to all that is set forth by those who know the truth, we naturally come to the conclusion that facts are not palatable and fiction is what they are after.

We have some missionaries in Mexico, as we have in other parts of the country, whose business is to preach the gospel and labor to bring the people to the knowledge of divine truth. And we expect, by the help of the Lord, to carry or send the glad tidings to every nation, kindred, tribe and people under the whole heavens, until all have had an opportunity of hearing in their own tongue the plan of redemption revealed in the latter days. If any of the governments of the world object to this, either they or their objections will be removed in due time. As to colonization, that is another matter, and neither the Herald nor any other paper should trust to rumor concerning "Mormon" migration. We are here to stay.

## POLITICAL PROSPECTS.

A GREAT many speculations are indulged in concerning the probable nominees of the two great political parties for the Presidency of the United States. At present, notwithstanding all the objections that have been urged against the "third term"—which by the bye is nothing more than a traditional bugbear—General Grant's is the strongest name yet mentioned by the Republicans, and in spite of all the ridicule and invective hurled against Samuel J. Tilden, his is the most potential name that has been put forth by the Democrats. The conviction that Tilden was deprived of the position through fraud at the last presidential election is fastened upon the minds of the great majority of the people, and were it not for divisions in the Democratic ranks, the man of Gramercy Park mangle the outcry about "bars of money" and "ciphers" would poll more votes than any other man in America. The loss of the Presidency to the Democrats has been laid by many at the door of Tilden, who has been accused of cowardice in refraining from taking that which was plainly his right. In answer to this the Louisville Courier-Journal recently came out in a strong editorial from which we make the following extract:

"This is the offspring of three years of the basest, and also the most senseless, injustice. The loss of the presidency in 1877 was in no wise the fault of Mr. Tilden. As a candidate he had done more than commonly falls to the lot of a candidate. He had vindicated all that had been promised in his name, and had won his party its first national triumph in twenty years. It is not the business of candidates to count the votes cast for them, to sum up the returns, to declare the result of election and to seat themselves in office. With respect to Presidential elections these post-electoral duties are lodged with Congress. Nevertheless, Mr. Tilden prepared a plan of procedure sustained by constitutional precedents, which was submitted to the House by the chairman of its judiciary committee, Proctor Knott, who made a very able speech upon it. Mr. Tilden contributed to this plan a magazine of material to support a peaceful constitutional battle in the House, and he held himself ready to carry out, at the risk of his life, whatever resolution his party friends in Congress would come to. Mr. Tilden's plan, Mr. Knott's report, was set aside in favor of the Electoral Tribunal bill, hatched in the secrecy of a committee-room and precipitated upon Congress and rushed through the two houses as if it were an egg in danger of rotting by exposure to the air. This took the whole case out of Mr. Tilden's hands, and those who thus betrayed him have ever since, and are now, doing their best to defame and degrade him. This is a plain and faithful statement of facts which

have brought the Democratic party to the verge of ruin."

The Democratic party is on the verge of ruin from a cause which will ruin any party, association, church or family—internal dissension, prompted by selfishness, and that personal ambition which would sacrifice the general good to individual vanity and aggrandizement.

## LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, MARCH 5

**Bishop's Meeting.**—The Bishop's meeting last night had the usual good attendance. The speakers were Bishop Edward Hunter, Elder William Paxman, of Provo, and Counselor Jos. E. Taylor, of the Presidency of this Stake. Some excellent remarks were made, but we are compelled, through lack of space, to omit a synopsis of the meeting until another time.

**A Good Idea.**—Apostle Moses Thatcher informs us that it is a custom with our missionaries in Mexico, to use visiting cards containing on the back, a list of the "Articles of Faith" of this Church, translated into Spanish for the purpose. The card being presented, its peculiar character at once excites interest, which is precisely what is required by the Elders as a means of becoming acquainted with the people. The idea is a good one, and proves very effective in the work of preaching the gospel.

**"Junction" Jots.**—Ogden was treated to a shower of salt Wednesday evening.

Wm. Rice, the man who was hurt by a falling rock, in the Weber Quarry last Monday, has died from his injuries. He leaves a wife and seven children.

And now it is Judge P. H. Emerson who is looking around Ogden, with a view to renting and settling there.

In a card in the Junction last evening, Elder D. M. Stuart, who recently lost his house by fire, tenders his thanks to Mayor Herrick, the members of the Fire Brigade, and the many friends who so kindly assisted in saving so much of his household goods from the fire fiend, and conveying them and his family to a temporary home, where, under the circumstances, they were as comfortable as could be expected.

**An Incestuous Parent.**—Ammon P. Pitkin, of Millville, the person charged with the hideous crime of incest with his 12 year old daughter, a notice of which appeared in this paper last evening, has been brought to this city by Sheriff Crockett, and is now lodged in the Penitentiary awaiting his trial. He confesses his guilt, and admits practising the crime for the last four years. It was finally brought to light by the girl's telling her schoolmates. When the revolting facts were first made known, the public indignation rose to such a pitch that the wretch barely escaped lynching at the hands of his nearest neighbors. He was removed by the Sheriff from Cache Valley to this city for fear of his personal safety. We cannot blame the citizens of Millville, nor of any place, for their feelings of horror and execration toward a man who would be guilty of such an act as the prisoner confesses, but it is always better for the law to be allowed to take its course in such matters, without the unauthorized interference of mob violence.

**Another Thief Caught.**—A young man named John Platt was arrested last evening, in the billiard saloon of the White House, suspected of complicity in the recent burglaries in Ogden, the proprietor of one of the stores which had been robbed swearing on "information and belief" that Platt was a party to the robbery of his store. On the person of the defendant was found a narrow canvas bag, stuffed with sand, which could be used as a club, in the same manner as the ordinary police "billy." At the examination, held before Justice Pyper, this afternoon, Platt was identified by Messrs. Madsen and Brooksbank as having visited their places of business—second hand stores—to sell a pistol some time ago. The pistol was produced in court, which had been sold to Madsen, who again sold it to Mr. Kaighn. Platt said he sold Madsen the pistol but did it for another man, who was to give him a dollar for selling it. He also stated that he found the sand club near the Overland House. At the conclusion of the examination, Platt was bound over in \$1,000, to await the action of the grand jury.