

and yet Nevada taxes the net proceeds of all mines and mining claims, and the State tax is nearly three times as much as the Territorial tax of Utah.

"Our governor is here, and, I understand, for the special purpose of opposing statehood for Utah. He has kindly had himself interviewed in order, I suppose, that we might not be taken by surprise either by his appearance before this committee or by the arguments he intends to advance in support of the position he has taken. As reported in the *New York Herald* and other papers, he declares that 'of the 220,000 people within the limits of the Territory, four-fifths are Mormons.' Now four-fifths of 220,000 are 176,000, so that according to Governor West there are 44,000, all told, in Utah, who are not Mormons. He insists that if the 176,000 are given the power, the 44,000 will be completely at the mercy of the majority. He, of course, knows that this is a gross exaggeration, but it suits his purposes, and it is popular to talk in this way. He knows very well that it would not be possible for these 44,000 non-Mormons to be deprived of a single right of property or power by the 176,000 Mormons. He knows, moreover, that the 176,000 Mormons would not attempt to do anything of the kind. He knows that the Mormons are not fools, whatever else they may be."

Mr. Caine continued to show up the fallacy of Governor West's statements and the modesty of his coming here to accomplish the disfranchisement of the people of Utah, and said:

"And now what does our government propose?"

"A Territorial commission, acting in conjunction with the governor, which would control all appointments, would answer our purpose exactly."

"I have no doubt it would, provided he was the governor and the commission was in perfect accord with him. I verily believe that if he could be guaranteed this he would consent, out of pure patriotism, of course, to serve his country in such capacity during the balance of his natural life. What would he do? He tells us, 'we could break down the power of the church, and Utah would enter upon an era of prosperity such as no other Territory has ever known,' which being interpreted, gentlemen of the committee, means having deprived the 'Mormon' majority of power, we, Governor West & Co., would enter upon an era of prosperity such as no other set of patriots in this world ever dreamed of."

The speaker made a strong appeal to the committee not to attempt to apply a religious test in the case of Utah and closed by saying:

"The people of Utah are entitled to all rights, privileges, and immunities of citizens of the United States who have built up a new Commonwealth and are in number equal to the ratio of representation in the House of Representatives, and when they come with a constitution re-

publican in form, they have complied with the only constitutional requirement. As Congress is the arbiter, so far as the full enjoyment of statehood is concerned, it may prescribe extra constitutional requirements, so far as the Constitution of the United States does not forbid; and in so far as the laws respecting polygamy and kindred offenses are concerned, we do not object to any reasonable provisions which may be prescribed. But into the domain of religious thought, church organization, church creeds, and purely ecclesiastical rules, you cannot go. If you could, how soon would there be an end of religious liberty in this country? Thomas Jefferson would not think of accepting the Constitution of the United States without an amendment which embodied the principle of the great ordinance on religious liberty which he drew for Virginia. Well might he desire to have the fact engraved upon his tombstone, that he was the author of two of the greatest papers composed by mortal mind—the Declaration of Independence and the Virginia statute on religious liberty."

This is about enough for one letter. Delegate Dubois spoke his little piece, which did not meet with favor. On Friday Governor West had full swing except when he was interrogated by Mr. Caine, also by Mr. Richards, whose critical questions roused him not a little. On Saturday Mr. Baskin made a lengthy attack on "Mormon" institutions and repeated his assertions made before the Senate committee and refuted last year; and Judge Wilson spoke in favor of the statehood question for an hour and a half, when an adjournment was taken till today. Judge Wilson finished his masterly presentation of the matter this morning, after a neat little speech from Delegate Smith of Arizona. Of these matters more hereafter.

X.  
WASHINGTON, D. C., Jan. 21, 1889.

### ZANE WITHDRAWS.

The Territorial Supreme Court met on Tuesday evening, January the 22nd, the special purpose of the session being the settlement of the order of court relative to the charges made against Receiver Dyer and his attorneys, by the intervention of certain school trustees represented by Zane & Zane and R. N. Baskin.

Before this matter was taken up, decisions were read and filed in the following cases:

The People vs. Wm. Gillis; grand larceny; appeal from the First District; opinion by Judge Sandford; decision of court below affirmed.

The People vs. Wm. M. Robinson; assault with intent to murder; appeal from Third District; opinion by Judge Boreman; judgment of court below reversed, and case remanded for a new trial.

The interest in the proceedings centred in the order of court relative to the receiver.

Judge Sandford inquired whether the order of reference had been agreed upon.

Judge Powers replied that he had drawn the order of the court, following the opinion of Judge Henderson.

Judge Zane said the order of the court as drawn was not satisfactory to him. From Judge Boreman's opinion he understood that he would be allowed to introduce evidence to show that the claim of the receiver for \$25,000 was excessive, exorbitant and unconscionable.

Judge Powers thought the order was sufficient, and that the examiner could pass upon the questions that might be asked.

Judge Zane—I want to know if we will be permitted to offer evidence to prove that this claim for \$25,000 is excessive, exorbitant and unconscionable. In that case we want to amend the order by inserting after the words "Contained in said petition of said school trustees heretofore filed in this court" the following: "Also, testimony as to whether \$25,000 is an excessive, exorbitant and unconscionable charge for what said receiver has done, and in proof of such issue, any evidence may be offered of what the receiver has done or what he has not done that he should have done." As to the time allowed, I wish to say that we cannot get in our evidence in four days; one of our witnesses is in Arizona and another is in Idaho.

Judge Powers—In handing this order up, I wish to say that my brother Zane comes back to the contest over the amount of compensation to be allowed the receiver.

The order as handed up by Judge Powers is as follows:

At the session of said court, held at the city of Salt Lake, on Monday, the 21st day of January, 1889; present, the Honorable Elliot Sandford, chief justice, and Honorables Henry P. Henderson and Jacob S. Boreman, associate justices.

In the above entitled action a motion to amend the journal entry of this court having been made and argued by the attorneys for the receiver in said cause as well as a motion by the attorneys of certain school trustees in a matter pending before this court, and heretofore referred to Robert Harkness to take testimony concerning certain charges against Frank H. Dyer, receiver, and George S. Peters and Parley L. Williams, his attorneys, the said petitioners last aforesaid moving this court to punish the said Dyer, receiver as aforesaid, as for contempt for his refusal to answer certain questions put in the course of the examination before said examiner, and both of said matters having been fully argued by counsel, and the court having taken the same under advisement, and being fully advised thereon, it is ordered that the motion to amend the journal entry be and the same is hereby allowed, and that the said Robert Harkness, the examiner heretofore appointed, proceed and take testimony as may be produced by either party to this proceeding respecting any and all allegations of fraud, corruption, miscon-