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In our issue of last evening we gave a sketch of the case of Aaron Burr, the nature of the accusations against him and the course pursued towards him in the matter of bail. The case of Jefferson Davis was also alluded to by the U. S. Attorney last Tuesday when President Young made his appearance in Court. The occurrences which made the name of Jefferson Davis notorious are so recent and familiar that there is no necessity to dwell upon them at length. After the surrender of Lee and his army on the 9th of April, 1865, Davis and his Cabinet fled. On the 14th of April President Lincoln was assassinated, and a proclamation was issued, upon evidence obtained by the bureau of Military Justice, by President Andrew Johnson, on May 2nd, which declared that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of Hon. Wm. H. Seward, Secretary of State, were incited, concerted and procured by and between Jefferson Davis and other persons named in the proclamation, and one hundred thousand dollars were offered as a reward for his arrest. Eight days after the issuance of this proclamation he was arrested. The most of our readers will remember the embittered feelings which were entertained against the rebel President in many quarters. The almost universal feeling in and out of Congress was that he should be punished. He was denounced by the newspapers as the man who above all others was guilty of precipitating the South into civil war and of deluging the country with blood. Yet, notwithstanding the gravity of his case and the magnitude of the interests involved therein, when his counsel applied for bail, the U. S. District Attorney, on behalf of the Government, with Mr. Evarts who was associated with him in the prosecution, seconded the motion of the defendant's counsel. The District Attorney even went so far as to argue that the Supreme Court, or a judge of a district court of the United States, may, in any case, even in capital punishment, taking into consideration all the circumstances, admit to bail, and speaking for himself and associate counsel he said they would be satisfied with bail in the sum of \$100,000. That amount of bail met with the approbation of Judge Underwood, recognizances were entered into and the prisoner was discharged. Subsequently a *nolle prosequi* was entered, and the case was finally dismissed.

In mentioning the cases of Aaron Burr and Jefferson Davis in the present connection we do not mean to institute any comparison between them and the case of President Young. Their cases are the complete antipodes of his; they have nothing in common, there is not the slightest analogy between them. We only refer to them to illustrate the difference, on the question of bail, between the decisions of the courts before which they were brought for trial and that before which he appeared. When President Young was refused bail on Tuesday last the entire community, "Mormon" and non-Mormon, with the exception of but few persons, were shocked. And well they might be. The case was an unprecedented one, and every unprejudiced man felt that the court, in refusing bail, exhibited a prejudice and vindictiveness unworthy of the ermine.

Where in the annals of judicial trials can a parallel case be found? It is usual for men to shrink from contests in which all the odds are against them. We do not believe there is a fair-minded man in the nation who, if he understood all the circumstances of the case of President Young, would have blamed him for keeping himself out of reach of process of the Third District Court. In fact we have heard public and prominent men thus express themselves, and some have gone so far as to say that he ought to keep

out of the way until he would have some assurance that he could have a fair trial. But he has traveled four hundred miles, at a most inclement season of the year, from the southern to a northern region, to confront his enemies and to meet the accusations made against him. And after thus exhibiting his willingness to boldly meet the issue, the Court, whose requisition he voluntarily meets, refuses him the poor privilege of bail, even though numbers of non-Mormon, as well as "Mormon," citizens stood ready to go security to any required amount for his appearance in Court at any time that might be prescribed! We think that in thus refusing bail the Court did a stupid thing. Never was there a better opportunity for obtaining credit for magnanimity on cheap terms, suffered to pass unimproved.

Were there any good grounds for supposing that President Young was guilty of the deeds of which he is charged, then the refusal of the Court to accept bail might be less exposed to unfavorable comment. But who believes him guilty? Is there a person in this city, not interested in his conviction, who does not feel assured that this is a put-up job against him? Of what is he accused? Why a self-confessed murderer says that he was counseled by him to commit his murders; or, if not this, he informed President Young that he had committed them! And who is President Young, what is his life, what his past career and actions, to base suspicion upon that he could be the accomplice of a murderer? He has lived to the age of nearly 71 years, and most of that time in active and very prominent public life, the cynosure, in fact, of thousands of eyes, and who can point to a single well-authenticated incident during his long life that would justify the suspicion that he could be the confederate or the confidant of a murderer? True, his name has been reviled, and his character has been denounced; but by whom? Not by the pure, or by those who have been brought into personal contact with him. That others should declaim against him is no more than might be expected. The world has hounded to death the best and holiest that ever trod the earth's surface, not excepting the Son of God himself, and President Young has to endure his share of its hatred. Yet, though this is the case, he possesses the love and respect of his fellows to an extraordinary extent. By those who know him best, and who have had ample opportunities of knowing the leading men of the nation, he is viewed as the greatest of living Americans, and this opinion is shared by thousands of his countrymen who never saw him, but who rise superior to petty prejudices and clamor, and judge him by his works. If good works accomplished are the measure of a man's greatness, who of his contemporaries can compare with him? True, he has not fought bloody battles; but "peace hath her victories, no less renowned than war," and these he has achieved. From early manhood he has labored with all the ardor of his strong and energetic nature for the salvation (we use the word in its broadest sense) of his fellow-men. Comfort, worldly ease, his good name, and popularity have never been sought for, and the loss of them have never been shunned. Before the death of the Prophet Joseph Smith, he was famous for the devotion, zeal, self-abnegation and energy with which he labored for the benefit of mankind. Since that event he has stood forth as the greatest leader of modern times. Under his guidance a foully-wronged, plundered and stripped people were led forth from the midst of their persecutors into a far-distant and repelling wilderness. Not only were they led here in safety; but, through his wise management, thousands from the United States, from Europe and from every quarter of the globe have been brought to people the wilderness, to open farms, to build cities, to plant settlements, to establish factories, to create industries, to change the desert into a country of marvellous beauty, the joy and admiration of every visitor. Where was once a howling wilderness President Brigham Young, under God, has founded a prosperous and happy State. Travel from Idaho in the North to Arizona in the South, from Colorado in the East to Nevada in the West, and in every village, on every road and cultivated piece of ground the visitor will see the impress of his genius; and not only upon these limits has his busy and fertile brain bestowed benefits; but the neighboring States and Territories have profited by the lessons which he has taught. If Utah is to-day filled with a thrifty, well-governed, peaceful

and happy people, to whom under the Almighty is the credit due? If her valleys resound with the hum of industry, if her fields and gardens teem with fertility, her granaries with grains and fruits, if her streams are utilized to turn the tireless wheels of mills, factories and the multiplied industries of a great people, if her various governments, municipal, county and Territorial, are not burdened by debt and her people are lightly taxed, if drunkenness, prostitution, profanity and other vices are hardly known in her borders, and school and meeting-houses abound in every neighborhood, and the voices of prayer and praise to the Great Supreme ascend from nearly every family circle throughout her wide extent, who above all men has been mainly instrumental in producing these results? Let the people of Utah be asked, and with one loud and united acclaim, they will make the valleys and mountains reverberate with the name of BRIGHAM YOUNG as their greatest earthly benefactor. Can they be made to believe that he is the confederate or accomplice of murderers, that he connives at or sanctions crime? Perish the thought, it is a libel on common sense, a stupendous lie, which those who framed, propagated and acted upon know to be a lie—which every thinking mind in America and in the world is satisfied is a lie, which will yet be proclaimed world-wide as a lie, and which will yet cover its authors with confusion and disgrace as one of the foulest lies ever attempted to be palmed upon the world.

If the Court had been capable of unprejudiced reflection, if it would have let the least glimmer of common sense penetrate its obfuscated intellect on Tuesday last, it would have felt, without other evidence, that for a man of deeds so illustrious, of life so distinguished as President Brigham Young, to be refused bail because a vile criminal accused him of crime, would be a gross outrage, and it would have instantly released him upon his own recognizance.

THE spectacle presented before the world, by the representatives of the Federal Government in Utah, is one of the most extraordinary that has ever been offered to the public gaze. It is that of a man, whom every honorable person among both friends and foes believes to be innocent and whose word would be relied upon by a greater number of persons than that of any other man in the country, arraigned before a judge voluntarily confessed by his panegyrists to be fanatically opposed to "Mormonism," and who perverts and twists the law to his own purposes, upon an indictment presented by a grand jury carefully organized from the ranks of the enemies of and aided by two attorneys brutally opposed to the defendant, said indictment based upon the deposition of a self-acknowledged polymurderer, for years an outcast and virtually an outlaw, whose word or oath not one intelligent and honest man in the country would believe, the defendant to be tried by a petit jury whom it is universally believed, so far as the Judge is concerned, will be organized in the same spirit and composed of the same sort of material as the grand jury was, the defendant to be deprived of all appeal from the action of said court (for the appeal to the present U. S. Supreme court of the Territory, can scarcely be considered worthy of the name of appeal), and all this palpably unjust and in many respects illegal and unconstitutional procedure under the sanction, as reported by enemies of the defendant, of the Federal Government in Washington, and, unless an effectual protest shall be quickly made, under the virtual sanction of Congress and the nation at large.

We say unless an effectual protest shall be made. Sidewise protests have been made in some localities and by some individuals, and more open, bold, and thorough protests have been made by a few individuals, but we have seen no protests, from men in authority, of such a vigorous and effective nature as to insure a just and equitable trial.

The *Alta California*, noticing the recent court proceedings in this matter, says of President Young, "Upon one thing he may rely: that the people of this country will insist upon his having a fair and impartial trial."

The *Alta* does not understand the situation here, or the animus that characterizes those who have been instrumental in getting up the situation, so well as we do. If it did, it would not be so sanguine of a fair trial being had, or of an available insistence by the people of the country that a fair trial shall be had in the case.

Perhaps it is just as well that the country at large should understand the situation as it is here, and not as it is misrepresented by sensational and unscrupulous correspondents and others, well known to be interested or prejudiced against the defendant and indeed against all who bear the name of "Mormon."

"A fair and impartial trial" is all that any accused man, innocent or guilty, can claim, with the exception, if innocent, of indemnification, in some equivalent shape or other, for damage sustained from the false charge and consequent circumstances. Nor are we anxious to believe that the country at large desires anything more than "a fair and impartial trial" for President Young, especially such portion of the country as possesses anything like a proper appreciation of the circumstances of the case in consideration. But there are some things connected with the matter that the public might wish to understand.

In the first place, the Judge before whom the trial is expected to take place, has publicly and officially announced that it is not Brigham Young that is upon trial, but the religious system which he represents, consequently, so far as the Judge is concerned, the court, forgetting its proper character, as the impartial minister of law and of justice, takes upon itself the character of a special antagonist of "Mormonism," and consequently of all who practice or profess "Mormonism." It is useless for the Judge to deny this, for he has effectually acknowledged it, and his many rulings and other judicial actions have amply confirmed his own acknowledgment, inasmuch that nobody expects an equitable judgment from him when a "Mormon" is a principal party in the case.

Second, so notorious is this prejudice of the Judge against "Mormonism" and the "Mormons," and so universal throughout the Territory is the belief that, so far as he is concerned, the conviction of President Young, at all hazards, on all charges, capital or otherwise, preferred against him in court, is deliberately and determinedly resolved upon by the Judge, that if a vote had been taken of the inhabitants, excepting of those who are prejudiced against President Young, the vote would have been overwhelmingly, if not unanimously, in favor of his keeping himself out of the power of such a Judge, to the last extremity, unless the privilege of appeal to the Supreme Court in Washington were open to him, for the charge and the trial, so far as the Judge's influence is concerned, are held, by those not opposed to the defendant, to be nothing less than a deliberately premeditated, carefully prepared device for his entrapment, leaving not the shadow of chance for escape.

Third, all the charges preferred in court against President Young, so far as we have learned, are open to the damaging objection that they are made and sustained by confessed or understood criminals, bitter apostates, or other avowed enemies, and consequently by persons who may well be suspected to be by no means superior to perjury, nor impervious to bribery. Seeing this, and considering the refusal of the court to grant bail, the official proposition to place the bail, if granted, at an unprecedentedly high figure in such cases, it is difficult for the community here to understand how it is that "a fair and impartial trial" can be expected by the country at large, unless some official means be adopted to prevent the fanatical proclivities of the Judge toward war against "Mormonism" and the "Mormons" from so warping his understanding, his interpretations of law, his rulings and his decisions, as to utterly preclude any approach toward justice or even acknowledged good law.

In what we have said, we wish it to be distinctly understood that we entertain no personal prejudice against Chief Justice McKean. On the contrary, if we could reasonably have done so, it would have given us unalloyed pleasure to commend his whole judicial course upon the Utah bench. This, however, we regret to say we cannot do, for we do sincerely consider that many of his rulings and decisions and the most of his entire judicial course while here, have been so markedly biased and damaged by his intense religio-political prejudices, as to be unworthy of the sanction of any man of an intelligent and candid mind, "Mormon" or non-Mormon, and therefore we do sincerely consider that, unless a great change shall come over the spirit of his judicial administration, he will be a most unfit man to try any person for life, or