DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - March 18, 1874.

UTAH ENABLING BILL.

We re-print the bill, to enable Utah to take steps toward becoming a State in the Union, presented by Hon. Geo. Q. Cannon, in the U. S. House of Representatives, March 2. It is entertaining reading just now.

The first sound objection to the admission of Utah as a State in the Union can not be found. There is no older organized Territory in the Union, and but one more populous, and the population of that is largely Mexican. Utah has an industrious, peaceable, orderly, law-abiding, enterprising, increasing and thriving population, composed almost entirely of native Americans and emigrants from the best European nations. In agricultural and manufactural development she is in advance of all the other Territories and probably behind none in mineral development and resources. Her people have ever been among the most self-sustaining of any on this continent. As for their capacity for self-government, it has been demonstrated indubitably over and over again.

Once more we say there is no reason that a true American would lisp why Utah should not promptly become a State in the Union.

McKEE'S BILL.

The full report of the little discussion upon the presentation of McKee's Utah Spoliation Bill in the United States House of Representatives will be interesting. Retrenchment and economy is the mood of Congress just now, and it is amusing to see the twistings and turnings and anxiety of McKee, in his endeavors to convince the House that his bill and its score or two of new officers for this Territory would not cost the Federal government a single red cent more than the present system of masterly inactivity. McKee plainly intimated that the plunder to pay these proposed new officers was to be lifted out of the pockets of the people of this Territory. There wouldn't be a thirty-five thousand dollar surplus in the treasury often after that bill was passed. Under it the taxes would melt away like dew before the July sun, and unless the Legislature were firm in opposition, Utah would speedily lead the Territories in indebtedness and high taxation, as she now leads them the other way. The taxes and the property of the citizens are what the McKee Bill crowd are after. Plunder is the word with those fellows.

SENATOR SUMNER.

Charles Sumner was born at Boston, Mass., Jan. 6, 1811. His father was a lawyer, and for some time was sheriff of Suffolk County. Charles went to the Boston Latin School and graduated at Harvard College in 1830. He pursued his studies in private for a year, and then entered the law school at Cambridge, where he contracted a lifelong intimate friendship with his teacher, Judge Story. Sumner was admitted to the Boston bar in 1834, and soon obtained a most extensive practice. As reporter of the Circuit Court of the United States he published three volumes of Judge Story's decisions, as "Sumner's Reports," and at the same time edited the "American Jurist," a quarterly law journal. The first three winters after his admission to the bar, he lectured to the law students, and part of the time had sole charge of the law school, constitutional and international law being his favorite topics.

In 1836 he declined professorships in the law school and the college, and in 1837 visited Europe, traveling in Italy, Germany, and France, and residing nearly a year in England. Returning to Boston in 1840 he resumed practice. In 1844—6 he published a twenty volume edition of "Vesey's Reports," with annotations.

In 1845 he began to take an active part in politics. His 4th of July oration on "The True Grandeur of Nations," in which he denounced the war system and advocated peaceful arbitration for the adjudication of international questions, attracted wide attention and was pronounced by Richard Cobden "the most noble contribution made by any modern writer to the cause of peace." Many other addresses on similar subjects rapidly followed. He opposed the annexation of Texas, on the ground of slavery, which caused his alienation from the Whig party, and his affiliation with the Free-Soilers and Democrats. He lent efficient support to Van Buren and Adams in the presidential contest of 1848.

Daniel Webster entered President Fillmore's cabinet in 1850, and, after a heated contest, Mr. Sumner was elected to succeed Mr. Webster in the U. S. Senate. His first important speech in Congress was against the Fugitive Slave act, which he held to be unconstitutional, cruel, and tyrannical, Mr. Sumner's doctrine being, "Freedom is national and slavery sectional."

Mr. Sumner took a prominent part in the Missouri compromise and the Kansas questions, his great two days' speech upon "The Crime in Kansas" so incensing the members from South Carolina that Preston S. Brooks, May 22nd, 1856, attacked him while sitting writing at his desk in the Senate chamber, and so brutally beat him on the head with a gutta percha cane that he fell to the floor insensible, and was very seriously injured, a severe and long disability following, from which he did not wholly recover for three or four years.

In Jany., 1857, he was almost unanimously re-elected to the Senate. For the benefit of his health he visited Europe in 1857, and again in 1858, returning in 1859, having submitted to severe medical treatment in Paris. His first great speech afterward in the Senate was on "The Barbarism of Slavery."

In the Presidental contest of 1860 he made speeches in behalf of Lincoln and Hamblin. In the secession discussions, he earnestly opposed, in Congress and out, any compromise with slavery, and claimed that his arguments and measures were based on strictly constitutional grounds.

In March, 1861, he became chairman of the Senate Committee on Foreign Relations, which office he retained until March, 1871, then leaving it through a disagreement with President Grant upon the Santo Domingo business. In Jan., 1862, he delivered a notable speech, condemning the seizure of Messrs. Mason and Slidell on board the steamer *Trent*, as unjustifiable on the principles of international law which had always been maintained by the United States.

Mr. Sumner wrote a work on "White Slavery in the Barbary States." He also published "Dunlap's Treatise on Admirality Practice," "a Defence of the American Claim in the North Eastern Boundary Controversy." A collection of his complete works, with his life, has been published, of which a new edition will probably now be in demand.

The lofty principles, liberal, statesmanlike views, and sterling integrity of such men as Fillmore and Sumner could be emulated to advantage by living statesmen and politicians.

HOLDING DISTRICT COURTS.

The memorial of the "forty-five" N. M. T. P., the memorial of the twenty-six lawyers, who probably fear they will become briefless, the anti-"Mormon" ring memorials generally, and the incessant mouthy complaints of the "ring" crusaders, all are largely burdened with assertions of the impossibility of the U. S. judges obtaining juries and holding courts in Utah. Utah has been a Territory for nearly twenty-four years, and immediately after she was constituted a Territory the Territorial Legislature assembled and passed acts with the necessary provisions for the holding of courts, and courts have been held and judicial business has been done accordingly, except when and where the judges have taken upon them to refuse to do so, on some technical pretext, often of an extremely frivolous character.

The present Chief Justice decides that he cannot procure a legal jury (he was not always so particular about the legality of his juries) and that he cannot hold legal court (he was not always so particular about the legality of his court), at least to try criminal cases. The public is satisfied that whatever impediments there may be in the way of his holding court, they are purely of his own creating, created expressly for political effect, in order to procure for him absolute judicial power if possible.

We hereby take the liberty of showing how district courts may be held, for Territorial business, without touching the judge's technical objections. We quote the following, chap. CLXVI, first session, 35th Congress—

"An Act in Relation to Courts, and the holding of the Terms thereof, in the Several Territories in the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the judges of the Supreme Court of each Territory of the United States are hereby authorized to hold court within their respective districts, in the counties wherein, by the laws of said Territories, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party: *Provided*, That the expenses thereof shall be paid by the Territory, or by the counties in which said courts may be held, and the United States shall in no case be chargeable therewith.

"Approved June 14, 1858."

Now let us see what the Territorial Legislature has done to meet this Congressional provision. The following is from an Act passed by the local Legislature and approved Jan, 21, 1859—

"Sec. 14.—A District Court is hereby empowered to sit at the county seat of any county within its district, to try cases arising in such county, whenever the County Court of said county shall make provision to defray the expenses of said District Court."

Here is another section from a later Act, bearing upon the same question—

"Sec. 2. When a District Court is to be held, whether for a District or for a County, the Clerk of said Court shall, at least thirty days previous to the time of holding said Court, issue a writ to the Territorial Marshal, if said Court is to be holden for a District, or to the Sheriff of the County in which said Court is to be held, if said Court is to be held for a County, specifying the time and place of holding said Court, requiring him to summon eighteen eligible men to serve as Grand Jurors, and eighteen eligible men to serve as Petit Jurors."

Here then are provisions for the holding of District Courts in the various counties, and as judge McKean objects to the Territorial Marshal, the provisions obviate that objection. The Territorial Attorney resides in McKean's district and could properly attend to courts in every county thereof, if his Honor the Judge could get himself in the humor to hold court in and for a county, and the county courts were agreeable, which they most likely would be.

That there are not resident district attorneys for each judicial district, is solely the fault of his Excellency the Governor, in refusing to sign a bill with such provisions, and for which he must be held solely responsible before the country. He refused to sign the bill, which the law requires him to do, and assumed absolute veto power, which Congress has reserved to itself.

So far as Salt Lake County is concerned, there seems to us to be no difficulty in the way of the holding of courts in and for the county. The county authorities have made provision for the expenses thereof, in accordance with the laws of Congress and of the Territory, as the following document will show—

Territory of Utah, } ss
County of Salt Lake. }

At a session of the County Court for Salt Lake County held at the Court House in Salt Lake City on the 11th day of March, 1874, present E. Smith, Probate Judge, Isaac M. Stewart, Reuben Miller and E. Maline Weiler, selectmen, D. Bockholt, County Clerk, the following order, among other matters, was made—

"Whereas, by an act of Congress entitled, 'An act in relation to courts, and the holding of the terms thereof in the several Territories in the United States,' approved June 14th, 1858, Statutes at Large, vol. 11, page 366, it is provided, 'That the Judges of the Supreme Court of each Territory of the United States are hereby authorized to hold court within their respective districts, in the counties wherein, by the laws of said Territories, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party: Provided, that the expenses thereof shall be paid by the Territory, or by the counties in which said courts may be held, and the United States shall in no case be chargeable therewith;' and

"Whereas, in pursuance of said law of Congress, the Legislative Assembly of the Territory of Utah, by an act passed Jan. 21, 1859, Laws of Utah, chap. 35, sec. 14., page 70, has provided that 'a District Court is hereby empowered to sit at the County seat of any County within its district, to try cases arising in such County, whenever the County Court of said County shall make provision to defray the expenses of said district Court, and

"Whereas, it appears that a large amount of business is now and has been pending in the District Court for the Third Judicial district of said Territory;

"Therefore it is hereby ordered, by the County Court of Salt Lake County, Territory of Utah, that the sum of five thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the County Treasury to pay the proper legal expenses of holding a District Court in and for said County.

Territory of Utah, } ss.
County of Salt Lake. }

I the undersigned, county clerk for Salt Lake county, Territory aforesaid, do herby certify that the foregoing is a true copy of an order of said county court, made and entered on the 11th day of March, A. D. 1874, as appears of record in my office.

In witness whereof I hereunto set my hand and affix the seal of the county court for Salt Lake county, at my office in Salt Lake city, this 12th day of March, A.D. 1874. D. Bockholt,
County clerk of Salt Lake county.

Thinks They Could have been Separated.—Dr. Louis A. Sayre, the distinguished New York surgeon, after examining the bodies of the Siamese twins, expressed the opinion that they could have been separated during life with perfect safety. But doctors will differ, as well as other people.

The Distinguished Dead.—America is called to mourn two of her most distinguished and most highly and widely esteemed statesmen, who were *sans peur et sans reproche*. Millard Fillmore died on Sunday, and the dispatches report the death at Washington, D. C., this afternoon, of Charles Sumner, the honored Senator from Massachusetts, in the 64th year of his age. These two gentlemen, for a time, both were under a cloud, but they both triumphantly outlived it and they go down to their graves with the profound respect of their fellow countrymen. They were both men of high principle and unswerving integrity. They were of a class of men of which America has none too many, and which she can ill afford to lose.

The obsequies of ex-President Fillmore are to take place to-morrow (Thursday), and it would be a tribute of deserved respect to the memory of both these deceased statesmen if flags were to be placed at half mast on the public and other buildings in this city to-morrow.

That Cow Gone.—That $40,000 cow, "Eighth Duchess of Geneva," died at the farm of Samuel Campbell, New York Mills, near Utica, N. Y., Feb. 27. The "Duchess" was a red and white cow, by "Third Lord Oxford," and was calved July 28, 1866. She was sold last Spring, after an excited bidding, at the sale of Mr. Campbell's stock at New York Mills, to Mr. Davis, for $40,000. In this Mr. Davis, who was acting for a well known English breeder, exceeded the instructions or intentions of his employer, and the cow was re-sold for $30,000 to Col. Morris, of Westchester Co., N. Y. Her death is a serious loss.

COURTS FOR COUNTIES.

In another part of to-day's News will be found a letter from Chief Justice McKean to the Clerk of the Third District Court, concerning holding courts in and for counties.

It appears that the Clerk invited his Honor's attention to the law and to the action of the Salt Lake County Court appropriating means for the holding of court in and for this county, the Clerk desiring instructions in the premises from his Honor.

Chief Justice McKean, in answer, as everybody expected he would, declines to hold a court in and for this county. Of course he gives his reasons. They are in this letter to the Clerk of his own District Court, which letter is a very pretty bit of special pleading.

The judge complains that this is the first time that any county in the Territory has done such a thing. That is nothing whatever to the purpose. It is not relevant. If the Chief Justice had done his duty and held District Court according to law, and dispatched business with reasonable promptness, the County Court might not have done anything of the kind now, simply because there would have been no special necessity for it. But knowing that his Honor had a constitutional indisposition to hold District Court now that the U. S. Supreme Court has required him to hold it legally, the County Court probably thought it would render him every possible assistance, and hold out to him every possible inducement to do his duty, and, if possible, take from him every excuse for not doing it.

It is doubtful if ever before this District had such a wont work Judge as his Honor is. His great complaint, the complaint of the "forty-five," the complaint of the "twenty-six" lawyers, the complaint of the "ring," has been that court could not be held because of defective legislation. After the Engelbrecht and the Snow decisions had settled the question about defective legislation, the County Court might have expected that his Honor would hold his District Court without any more hitching. But not so. The Judge opened court himself, refusing the aid of U. S. or Territorial officers, and closed it himself without given reason. The County Court then thought it time to act.

The Judge now gives for reason why he suspended the present term of his District Court—because his head is full of important cases that have been submitted. Poor overworked fellow. We are sorry, very sorry for him. With his cranium full of wool—no, we mean ponderous rulings and decisions pertaining to the District Court, he cannot possibly think of holding either that court or a court for a county! He has too much work on his hands already. That is the reason now why he don't hold District Court and why he can't take advantage of the liberal action of the county court and hold court for the county.

His Honor further says there are three or four hundred cases on the calendar. The more reason why he should hold courts for the counties or any way he legally can, and dispose of those cases.

He says the United States are a party in some of those cases. That is nothing to the matter. Nobody asks him to try U. S. cases in a court for a county. He says there are 400 violations of the revenue laws. What if there were 4,000? They are U. S. cases, and those cases have nothing to do with a court for the county, or the Territorial work in a district court. The