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THE oft repeated statement concerning the difficulty of administering the laws in Utah is simply one of the common pieces of political stock in trade, except when such difficulty is created by the Federal judiciary themselves. Every real criminal has his rights, much more has the peaceful, industrious, law-abiding citizen his. Among the rights of a criminal are that he shall be tried by a jury of his peers as a citizen, not of his avowed nor even understood enemies, also that his trial shall be conducted according to constitutional law, and that if convicted it shall be for a manifest infraction of constitutional law.

Have the present and have many past Federal judicial officers in Utah invariably respected those rights? Not by any means. On the contrary some of the judges have premeditatedly, deliberately, purposely, carefully, and persistently violated and often utterly ignored them, yea, have done much more—have sedulously endeavored to have honorable and generally believed innocent citizens convicted on charges, made sometimes by perjurers, of infamous crimes. Balked in the consummation of these schemes, the cry has arisen that it is impossible to administer the laws in Utah without stringent special legislation by Congress, and the bills cut and dried for Congress to operate upon in this connection are almost invariably so cruel and tyrannical as to be subversive of the ruling principles of American republicanism, and destructive of the liberties of the people of the United States.

Now all this kind of low, disgraceful, pettifogging business is mere trickery, and cannot be sustained with credit by any body. We have invariably set our faces against it, and warned the judicial perpetrators of its true nature, and that the time would come when it would be repudiated by all honorable men and women, a warning which some of them ought to respect henceforth.

As to the statement that the laws cannot be enforced in Utah, it is false, utterly false, as applied to the bulk of the community, who are naturally and religiously the most law-abiding people in the Union. We should very much like to see the first good, wholesome, constitutional law, the legal and proper administration and enforcement of which has met with the first breeze of opposition from the overwhelming majority of our bona fide citizens. In our opinion such an instance can not be produced. If it can, we shall like to know something about it.

We can tell one thing—many of the Federal administrators of the law, so appointed, do not wait to but refuse to act according to the true spirit and intent of their appointment, and will do nothing if they cannot arrest, try, convict and sentence whom they please and by just what course of procedure they please, law or no law. That's the kernel of the Utah judicial nut.

There are many more good things that can be said upon this and cognate subjects, which time and circumstances may elicit. But this may suffice for to-day.

A PROPOSITION is under discussion to construct a narrow gauge railroad from Virginia or Reno to Salt Lake, via Austin. Mr. Wm. S. Watson, consulting engineer, of San Francisco, tells the *Reese River Reveille* that the distance to be traversed by the railroad is 466 miles, passing through Storey, Lyon, Churchill, Lander and Tooele counties; that the road can be built for \$8,000 a mile, or a total of four millions; and that it will shorten the R. R. distance from the Nevada initial point to Ogden 100 in less than 600 miles on the C. P. R. R.

The *Reveille* says if the proposers of the road have the capital, they can depend upon the hearty co-operation of the Austin portion of Lander county; but that the amount that would be subscribed by the citizens of Austin, who constitute nine-tenths of the inhabitants of that county, would not be of any perceptible benefit to the projectors of the road; that the only way of procuring material local assistance would be by the counties through which the road would pass pledging their credit by the issuing of bonds, a method that would meet with many obstacles; that the White Pine people expect a connecting branch with the Central Pacific, and therefore would not be apt to lend their credit to another enterprise; that the Eureka people expect to be connected with the C. P. at Pallasades, and would probably object to the issuing of county bonds for another road, and their opposition would paralyze any favorable action on the part of the inhabitants of Lander county; that the county of Churchill, through which a good portion of the road would pass, amounts to nothing financially; that it would be best for the projectors of this narrow gauge road to ascertain the probability or certainty of the construction of the Eureka and Hamilton roads; that by uniting with them substantial assistance might be secured also from Lander County; but that if those roads are likely to be built, it will be useless for Mr. Watson to depend upon any aid from either Lander or White Pine.

It may be that a railroad mania is about to commence in the Great Basin, a species of folly to which countenance should not be given. At the same time all the railway communication and intercommunication which the growing development of the region demands should be encouraged, both materially and by good words of commendation. As this proposed road, for its through business, would have to compete with the Central Pacific, although that would be one-sixth longer, it is plain that the main support of the proposed line would be its local business, and the counties through which it would pass, if they are called upon for aid, should seriously consider the all important question—"Will it pay?" before involving themselves in heavy liabilities to help to build the road.

THAT petition, as it ought, appears to be suspiciously regarded at Washington. The term "loyal," as commonly used by the anti-Mormon ring in Utah, is generally understood to be merely a bit of political cant, as the term pious is when used by hypocritical religious professors, and consequently is rather a warning sign than a commendatory qualification. The *Washington Star* speaks thus of the petition—

Some weeks ago a petition was presented to Congress purporting to come from "four hundred of the loyal women of Utah Territory," protesting against the admission of Utah into the Union at the present time; and it was stated in the preamble to the petition, that a large majority of the signers have been residents of Utah and members of the Mormon church for many years, and numbers of them have had a personal and very bitter experience of the practical workings of polygamy." Opposite the names of the signers appeared the figures showing the number of years they had lived in the Territory of Utah, with other data calculated to impress the idea that the signers were particularly well-authenticated persons. The petition as printed here has got back to Utah, and we find the Salt Lake papers filled with cards and affidavits of denial of having signed any such petition, and also an analysis of the signatures, going to show that many of them were those of children from eight to fourteen years of age, and that the figures representing that they had been that number of years in the Territory or church covers the entire age of the individual. On the whole this petition will have to be counted along with Judge McKean's decisions overturned by the supreme court, as not exactly legitimate warfare against the Mormons.

The *Star* expresses the idea that Utah should not come into the Union except under the limited marriage policy, an idea that, we consider, has no legitimate bearing upon the question. But the following observation manifests a just conception of the attitude and animus of certain parties opposing admission—

We suspect that some of the "gen-

tiles" out there who oppose its admission with or without polygamy, are influenced by some selfish interest, as was shown to be the case in the late legal squabbles there in which Judge McKean figured.

The fact is that no other motive would be strong enough in Americans or those professing to be operating upon republican principles to impel them to oppose the investiture of an American community with the common right of self-government. When republicans advocate the iron rule of despotism, they lay themselves peculiarly open to suspicion, and nobody believes in the honesty of their professions, be they what they may.

Yes, "selfish interest" is the backbone of the entire opposition movement in the Territory. This is evident, for to candid and sensible persons, it is plainly manifest that the advocacy of such known characters is a damage and a misfortune to any good cause, and their connection with any worthy movement is a discredit to it, carrying a tendency to deter honorable persons from identifying themselves with or aiding such cause or movement. However, there is not much probability of such inconsistent characters being connected with any good cause or worthy movement, and they never are, except when they consider that such cause or movement will prove to them an omnibus on which to carry safely their own pet-schemes.

THE Washington correspondent of the *New York Herald* indulges in a really pathetic plaint upon the prospect of Congress adjourning without doing anything to solve the Mormon problem. For 20 years this controversy has continued, this problem has waited vainly for a solution, and Congress has once more met and sat and not "gone and done" the solution. What can the matter be? The "Mormons" have defied the whole Christian world and the progress of civilization, says the correspondent, and to-day are as boldly challenging as ever. Yea, polygamic defenders sit in the U. S. Senate chamber and in the House of Representatives, enjoying the fullest recognition and peerage. All the efforts of Congress and its pious supporters of the anti-Mormon hue are ever persistently and mysteriously nullified, the Senate committee's action has amounted to worse than nothing, and in the House, if possible, matters are still worse—every body nearly is in the interest of Utah, or overawed by that interest. Very singular it is, that any body in Congress "should be found advocating the rights of Brigham Young to establish polygamy or anything else among his people." The Utah Federal officials are mere figure heads for the "Mormons" to laugh at, just at the time when the simplest action would have carried the day against the "Mormons," instead of things being as now, the sending "back to the loyal men of Utah a withering reproach." Well, we are sorry, very sorry for the correspondent and also for those "loyal men of Utah," the latter are not usually termed men, they are better known by a more emphatic though less elegant designation. Never mind, Congress will sit again next winter, and "Mormonism" will be alive then.

#### JUSTICE AND CHIEF JUSTICE.

##### MORMON FAT.

"The Associated Press reporter at Salt Lake City, sends a despatch to-day, saying that a great mass meeting of Grant Republicans is being held at Corinne, and that Tom Fitch is out for Greeley. The grandeur of the meeting at Corinne can be estimated, a place which found one steamboat too much for its energies and which will be left out of sight when the Mormons complete their railroad into Idaho, and render its slow stage-lines unnecessary. It is, perhaps, considerable to abuse a man by calling him by telegraph, "Tom Fitch"; and, if the Supreme Court of Utah had taken the Hon. Thomas Fitch's advice as to the legal attitude of its late prosecutions, Justice McKean and his associate Territorial officers would not now be in this city, lobbying Congress to give them a bill which will consign to them the rich argentiferous mines of Utah, without any color of right—making a few fanatics, worse than Mormons, absolute in a Territory of one hundred thousand people. Judge McKean is in the lobby every day in Washington city. His crony, Dr. Newman, is in New York, lobbying to be a Bishop at the

General Conference. These precious individuals are going about promising to make men rich in Utah, where they don't own one foot of land except what they have "jumped."

I observe that at the Corinne meeting O. J. Hollister was made a delegate to the Philadelphia Convention, and instructed to vote for Grant and Colfax. Mr. Hollister hoped for an opportunity to have voted for Colfax as the first man on the ticket, and anybody else for the second place except U. S. Grant."

The above extract from a leading eastern journal, shows the feelings that are aroused by the humiliating conduct of Justice McKean and his associates. There was a time when even to be a Territorial Judge, carried with it some convictions of decency and propriety. But they are all gone. Here is a Chief Justice of the Supreme Court of this Territory, who for the last eighteen months has done nothing, according to the Supreme Court of the United States, but violate law, usurp and pervert the very law he was sworn to execute. McKean sits amazed in the U. S. Supreme Court, as it tells him, through the Chief Justice, Chase, to his face, in the presence of the bench and bar of the whole nation, "You have violated all Territorial law. You have trampled on the very laws, you swore to enforce and execute," and we reverse and annul all your decisions;" and yet how does this man, pronounced by all the Grant papers in the Union, by all the law journals of the nation, by the entire press of the country, to be a "judicial blatherskite," a veritable Dogberry, a mere legal "ass," how does he take his humiliation? Any true lawyer, any capable and honest judge, would have fled to the mountains, and called on the rocks to fall on him and cover his disgrace. A pretended friend of Gen. Grant, he would instantly have resigned, as he has done more to disgrace Grant's administration than all the other office-holders in this nation, as the following extract from that most respectable of all monthlies, the *Atlantic*, will show, a journal always Republican, and nothing else—

"The proceedings of the administration in Utah have at last been thoroughly exposed. And we must say that, looking at them from any point of view, they are to our minds the most extraordinary of the many extraordinary acts in which it has been implicated. The facts, stated without either aggravating or extenuating circumstances, were these. A judge was sent from Washington to Utah to prosecute the Mormons. This judge having arrived in Utah, began to execute his commission by creating a court of his own, and in trying, under a code of his own, men over whom he had no jurisdiction. By sitting as a Territorial judge when he needed the support of the Territorial laws, and as a United States judge when the Territorial laws failed him, he managed in a short time to make such confusion in Utah, that, had it not been for the certainty of final redress by the supreme court, the Mormons would undoubtedly have taken the law into their own hands and attempted to right themselves by violence. But the illegality of all the proceedings was quite evident from the first. Judge McKean knew quite as well as the Mormons that his proceedings would be upset by the supreme court, and that the administration did not know it also is to suppose not only that the President, but the attorney general, knows no law."

Instead of doing as he should have done, he turns now to Congress, becomes a mere lobbyist, asking intelligent American representatives, and Senators, to give him another law, more infamous if possible than his own judicial usurpations; a law which would place the 100,000 citizens of Utah, and the millions of their property, in the sole and exclusive control of Justice McKean, Marshal Patrick, and U. S. District Attorney Maxwell (that was to be); nay, more than this, that law would have placed every civil suit, involving these great mining cases under the exclusive control of these three gentlemen and the juries that they were authorized to "pack" by that statute, the offspring of McKean, and Dan Voorhees, when beside himself. But, thank heaven, as he failed, and disgraced himself and the administration by his judicial blundering, so has he made a greater fool of himself by his attempted legislation. First and foremost, this Voorhees Act is in direct contravention of the decision of the Supreme Court of the United States in the case of *Clinton vs. Englebrecht*, and such lawyers