

Correspondence.

SALT LAKE CITY, Oct. 16, 1871.

To the Editor of the Deseret News:—Dear Sir, I have calmly looked on for a length of time at the controversy that has been inaugurated, by the United States officials of this Territory, against the interests of the citizens of the Territory; the laws passed by its Legislature in conformity with Congressional enactment; the crusade against the Territorial officers and the courts of this Territory, organized, selected and framed according to the provisions of the Organic act, the position and status of which have not been questioned for the last twenty years. I have frequently asked myself why this bitter denunciation, this fierce onslaught, this, to me, wanton attack, upon the liberties of the people? Why is it that the mercantile, commercial and mineral interests of this Territory must be jeopardized or ruined by the machinations of a few strangers, sent here among us, having no sympathies with the people or the interests and prosperity of the Territory? Why is it that the liberties of our most esteemed citizens are attacked and their characters assailed under the guise of law? Why this palpable attempt to stir up sedition, provoke strife, and, is it too much to say, to inaugurate a scene of desolation and bloodshed?

I have asked myself, Are governments organized to oppress and enslave their subjects? Are courts instituted to insult, outrage, abuse, and tyrannize over the people and legislate them out of the last remnants of their rights? If not, why are we subjected to this living insult, this crying disgrace, this burning shame, this foetid excrement on the body politic?

These questions and a thousand others might be asked, and I speak in behalf not only of the "Mormon" community but, as I am assured, of three-fourths of the respectable citizens of this Territory, who feel themselves injured and their property and prospects jeopardized by these wanton extra judicial acts. For it is evident to all that except this crusade is stopped financial ruin must inevitably ensue. These questions, however, that to me have been so embarrassing, have been solved by the very extraordinary and lucid opinion of his Honor Chief Justice J. B. McKean, delivered October 13th, 1871, at the United States Court room, over Faust's Stable, in the case, as stated, *The People of the United States vs. Brigham Young, Senr.*

I quote, "It is therefore proper to say, that while the case at bar is called, *The People vs. Brigham Young*, its other and real title is, *FEDERAL AUTHORITY versus POLYGAMIC THEOCRACY.*"

This certainly elucidates the subject and throws light upon actions that heretofore were not only enigmatical, but inexplicable. We have been pursuing the even tenor of our way, unconscious of any threatened calamity; we have been progressing in agricultural, commercial and mineral enterprises, in machinery, manufactures and railroads. Immigration and capital were flowing into our midst, and very pleasant and profitable business relations were being instituted between the old and new citizens; buildings and furnaces were being erected for the reduction of ores and the convenience of other business; important negotiations were being made, involving the introduction of capital; and wealth was being developed; at an unprecedented rate, until these birds of evil omen arrived, who, instead of introducing peace, security and happiness, like the deadly simoon are parching, withering, paralyzing, blasting and destroying every thing within their reach.

We have now a reason given to us for this tirade, this crusade against the liberties of the citizens of this Territory; this onslaught on the character and reputation of men; this disruption of all our Federal relations; this breaking up of courts; this expulsion of Territorial officers; this peculiar way of obtaining juries; this lawlessness, proscription and judicial usurpation; this prosecution, persecution and infamy, that have disgraced our courts for some time past. There has been an under-current that was extremely difficult to comprehend; for as all men act from motive, the difficulty was for me to find out what object Federal officers could have in seeking to destroy the interests of this Territory. Some have asserted that it was a religious persecution and that, after Cullom, Cragin and Newman had failed, the judges were set on by their pious coadjutors to carry out their programme. Others have stated that it was a political plot, and was inaugurated by President Grant to glut the ferocious appetites of religionists, that through the sacrifice of a few thousand "Mormons" he might be re-elected. Others have thought that it was of a more private and financial nature, and was gotten up "for the purpose of levying Black Mail." His honor Judge McKean, however, has dispelled the mist in which it was shrouded, and has plainly given us to understand, that it is none of these; that all of their ostensible acts have heretofore been a mere sham, a blind, a pretext; that even in the prosecution of Brigham Young, that gentleman is not intended; and to use his own words, "While the case at bar is called *The People vs. Brigham Young*, its other and real title is *Federal Authority vs. Polygamic Theocracy*;" or, in other words, the United States against the Church of Jesus Christ of Latter-day Saints. He has not so stated it; but by a very fair inference we must con-

clude that the United States has, if not openly, covertly (as the judges have heretofore acted,) proclaimed war against Utah and the "Mormons," of which he is the *avant courier*. Now this is honest, so far as that term can be applied to such men. One always prefers the straight forward acts of a highwayman, who meets you in the road and demands your money or your life, to those of the poor sneak who stabs you in the dark. The conscience even of the Judge may have been pricked at the equivocal position that he occupied in "ways that are dark, and tricks that are vain," and he has concluded to let out the secret—this at least augurs well for his religious training, but how does it affect his ermine?

Now if this statement be true (which it is very hard for us to believe), then President Grant, with or without the consent of his cabinet, is making war upon the citizens of Utah for their religious belief for private political purposes, which I think his better judgment would not dictate; for while to Congress belongs the power to make war, even on foreign nations, neither it nor the President possesses the power to make war on its own citizens without revolt, especially for religious opinions. While we do not like to dispute the veracity of his honor the Judge; on the other hand we very much dislike to impeach the President, and cannot believe that he would lend himself as a tool to such a cabal. We have read of wolves devouring one another, and of porcupines tearing in pieces and eating their own offspring; but we cannot believe that the President of the United States would make war upon the citizens over which he presides, for religious opinion. I am afraid, therefore, that this onus will rest upon his honor the Judge and his coadjutors, for the following reasons—they have tried by every possible means to make themselves odious to the people, and it must be acknowledged that they have succeeded admirably, for never were a set of men more thoroughly despised anywhere in these United States. By the unprecedented method of procuring juries, the ignoring of Territorial law and Territorial courts and officers, and other outrages, they have evidently been trying to provoke seditions, that a good pretext could be had for calling out troops, that the fires of war might be kindled, and that they might have the privilege, like the Chicago incendiaries, of spreading broadcast firebrands, arrows and death. But the people would not revolt, and the more they were incensed and goaded to it, the more they would not do it. The authorities, like the man who desired some one to kick him, could not get kicked. They were exceedingly patriotic, and any of them would have been quite willing that another than themselves should die for the sake of the cause; but none were sufficiently patriotic to be the victim. At last, when everything else failed, as a *dernier ressort*, they tried it on our Presidency, feeling confident that this would goad us to desperation, and they telegraphed for troops before hand. But even this did not go off. So puzzled, perplexed, annoyed and baffled in their great aim, his honor the judge comes plainly out, makes a clean breast of it, and tells us that everything else has been strategy, a feint, a ruse, but that war upon the Church of Jesus Christ of Latter-day Saints was the object which he had in view. And in this I would not misrepresent his honor. He states that it is "*Federal Authority versus Polygamic Theocracy.*" We all understand, to our cost, what Federal authority is, as administered here; but it may be necessary to enquire what is the meaning of the term theocracy. Webster defines it as, "The government of a State by the immediate direction or administration of God." Now let us enquire into the position of our State or Territory, and find out, if we can, how it is governed, and it may be necessary here to go back to first principles.

After our exodus from Nauvoo, and while en route to this place, the Government, still looking upon us as citizens, called upon us for five hundred troops to assist in the subjugation of Mexico, the very country we were fleeing to. They were furnished, and those men were the most efficient in conquering California. We came here a thousand miles from civilization into Mexican territory, and organized the State of Deseret, and applied for admission into the United States. Was this theocracy?

Congress refused our petition, but admitted us as a Territory and furnished us with an instrument entitled, "An Act to establish a Territorial Government for Utah," approved September 3rd, 1850, and commonly known as the Organic Act. This act provides for a Governor, Secretary of State, Judges, Attorney and Marshal, and defines their several duties. It provides for the election, by the people, of a Council and House of Representatives, and prescribes their powers and duties. It provides that the laws passed by the Legislature shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect. Is this theocracy? It provides for the appointment or election of all Township, District and County Officers. It provides for a judiciary and describes its powers and the jurisdiction of the several courts, Federal or Territorial. It also provides for a Delegate to Congress to be elected by the people. Is all the above theocracy? or, as Webster has it, "the government of a State by the

immediate direction or administration of God." Our Federal officers are nominated and by and with the consent of the Senate appointed by the President of the United States. Our Legislature and Delegate are elected by the people, who, according to the provisions of said act, have passed laws and appointed Territorial, Township, District and County officers. And the Organic Act itself was passed by the Congress of the United States to whom our laws have been submitted, and have not been disapproved. Is this theocracy? Is this the government of a State by the immediate direction or administration of God? If it is, then all the Territories, at least, of the United States are theocracies. What does his honor mean? It cannot be our Territorial Government. It is true, as he says, that it is a government within a government, an *imperium in imperio*; but it is such as the United States has made it, and certainly is not a theocracy. His honor cannot therefore mean that the United States is at war with our State or Territorial government, which is not a theocracy.

I think from the above it is very plain that it is not the State or Territory that his honor refers to; it must, therefore, be the church, and stripped of all its tinsel and wrappings, it simply resolves itself into this—that the government of the United States is at war with the church of Jesus Christ of Latter-day-Saints. I would not misrepresent, but the above is the only conclusion that I am capable of arriving at, and, disguise it as we will, these are the facts. I will not stop to enquire, if Methodism is to be the national religion, how Presbyterianism, the Baptists or Roman Catholics will fare, or, if the Catholics have the predominance, how Protestants will be treated, as I intend recurring to this subject; but it is clearly demonstrated that the Chief Justice of Utah, as the representative of the United States, has proclaimed war against the religion of the "Mormons," or in other words the Church of Jesus Christ of Latter-day Saints.

This point being settled, it may be necessary to inquire into another. We are informed by his Honor that "a system is on trial in the person of Brigham Young; let all concerned keep this fact steadily in view." Now, as has been shown that it is not and cannot in the very nature of things be a system of political rule, it must therefore and can only be a religious system which is on trial in the person of Brigham Young. Assuming this position to be correct, what then becomes of the charges against Brigham Young? He is indicted and on trial "for lewd and lascivious association and cohabitation with sixteen women, not being married to them;" but in the opinion it is asserted that a *system is arraigned* in the person of Brigham Young. Thus ostensibly Brigham Young is on trial for "lascivious cohabitation," and not for Polygamy or Treason, and contrary to this statement his honor gives us to understand that he has been accused of one thing and is being tried for another, and furthermore he is already prejudged of guilt—so assert several gentlemen on the defense—before any one of the accusations has been proved against him. I would not treat his honor discourteously, but quote the language of the "Washington Capital," "That it is our judiciary and not polygamy that is being tried, and sorely tried." "Thoughtful minds will concur in expressing the belief that we procure its annihilation at a heavy cost when we destroy our courts and fetch justice into such contempt."

In the above it has been shown, that when these gentlemen came here, they found us in a very happy, orderly, and prosperous condition; that with or without the knowledge of the administration they have been conspiring against the liberties of the people; that under the false pretense of a State or secular power inimical to the U. S. Government they have made a violent attack upon our religion; that they have repudiated and trampled under foot our laws and ignored our courts, organized by Congressional enactment; that they have arraigned our citizens for one thing and are trying them for another; that they have obtained juries in a manner unknown to the Territorial laws, prejudged cases, and acted as the most violent, vicious, and malignant partisans, and by their acts have sought to provoke anarchy and revolt.

I would not be discourteous to our Federal Officers, they are appointees of the President of the United States, and their appointments are sanctioned by the Senate thereof. They are, or ought to be, honorable men; but as public men their acts must be scrutinized, and when the liberties of the people are tampered with, and their interests jeopardized, as they have been of late in this Territory, it is time that the people look after their own interests and not suffer themselves to be despoiled of moral, social, judicial, religious and constitutional rights without a remonstrance. And if in the above some of my strictures may appear severe, it may be accounted for in the necessity of speaking of acts as they exist, rather than to make an offensive personal attack. It must be remembered that while the court has persons at its bar, the Court itself is at the bar of public opinion; for it is a fact that Judges are as amenable to law as are other citizens of the United States, and to all men of reflection it is becoming a serious question how far Federal authority shall be permitted to lend itself to factionists and party and political cabals, how far it shall

be permitted to interfere with private, social, political and religious rights, and whether, under the name and guise of Republicanism, we are not breaking down all the safeguards and bulwarks of society and rushing thoughtlessly and recklessly to the worst kind of anarchy and despotism.

Respectfully, &c.,

JOHN TAYLOR.

SPECIAL TO THE DESERET NEWS.

By Telegraph.

GENERAL

LOUISVILLE, 12.—Prairie and wood fires are raging along the railroad, between New Albany and Lafayette, which have swept away miles upon miles of fences, grain, and not a few houses, barns and corn pens. Many towns along the north end of the road have been compelled to turn out all their inhabitants to fight the fire. In Clay county the roads are on fire in many places. On Monday night and Tuesday the town of Brazil was seriously threatened. The utmost alarm prevailed among the citizens.

SAN FRANCISCO, 11.—The election of officers of the Grand F. and A. M., now in session here, will take place on Friday next.

The hall of the Chamber of Commerce was filled with the leading citizens of San Francisco at 10 a. m., in response to a call for an organization for the relief of the Chicago sufferers. Mayor Selby called the meeting to order and in a few words, alluding to the terrible calamity which had transpired in Chicago, the pride and wonder of the West, reducing it to a heap of ruins and the citizens to beggary, called on all to contribute to the extent of their means and make the subscription such as would sustain the credit of San Francisco for liberality and philanthropy. Mr. Bartlett, secretary, then read a dispatch from Sacramento by the P. R. R., offering to forward all contributions in aid of the sufferers in Chicago on the passenger trains free of cost, also no forming the committee that the U. P. R. R. would probably do the same. The dispatch was received with cheers. A gentleman stated that three small towns had already signified their readiness to contribute to the relief of Chicago and desired to unite with San Francisco in the work. A resolution was adopted, asking all the towns on the coast to communicate with the San Francisco committee and forward their contributions to San Francisco immediately. The Chicago, Burlington and Quincy railroad sent in a communication, offering to transport all articles free as in the case of the C. P. R. R. and U. P. R. R. Earnest Narjot, the artist, opened the subscription with an original painting entitled "Sunday at Menlo Park," valued at \$150, to be disposed of for the benefit of the fund. All the offers were accepted with cheers. I. Freidlander was elected treasurer. Alex. Austin then suggested that now was a good time to subscribe and amid enthusiastic cheers walked to the president's table and deposited a bag containing \$693 in gold as his contribution. Subscriptions commenced, the meeting resolving not to adjourn until the lists were open. Mayor Selby, at the request of the meeting, appointed an executive committee, consisting of leading citizens. Mayor Selby put down \$1,000, John Rosenfeldt \$1,000, Platt & Newton \$1,000, Murphy, Grant & Co., \$1,000 and Eldridge & Irwin, \$1,000. The Mayor announced that the committee desired to forward a hundred thousand to-morrow. (Cheers). Resolutions calling for contributions of clothing and blankets were adopted. W. W. Dodge handed in \$500, Richard Patrick & Co., \$500, J. Seligman & Co., \$1,000, C. A. Low & Co., \$500, S. L. Jones & Co., \$500, Weil & Co., \$500, Sullivan & Co., \$500, B. Davidson & Co., \$1,000, N. Davidson \$100. Subscriptions are now coming in at the rate of \$500 a minute. Over \$25,000 were subscribed at a meeting this morning for the relief of Chicago and canvassers are now at work outside.

The Parker lodge of I. O. O. F. telegraphed \$500 in aid of the Odd Fellows of Chicago.

The stock board raised \$8,000 and sent it to the committee appointed at the Merchant's Exchange meeting to-day. There will probably be \$100,000 ready to send forward to-morrow, as the subscriptions already reach half that, and the canvass is only commenced. All other business, stocks alone excepted, is almost wholly neglected for the moment. The stock board transactions were unusually heavy, and the advance in price under the circum-