DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - April 1, 1874.

THE COMING EMIGRATION.

OUR readers are aware that Elder W. C. Staines left this city a week or two ago for New York City, to act as the Church emigration agent at that port. As the emigration from Europe may commence early this season, and as many of our readers may be contemplating sending for relatives, friends, or acquaintances, or assisting them, to a greater or less degree, financially, in accomplishing their emigration, there may be an anxiety to learn the probable amount that will be required per head to bring each emigrant to Utah. The precise figures for the present season have not yet been arrived at. But it may be fairly presumed that they will not very materially vary from those of last year, which were as follows—

FARES:

LIVERPOOL TO OGDEN.

12 years old and upwards,	£16	2	0
Between 8 and 12 years,	11	4	0
" 5 and 8 "	8	1	0
" 1 and 5 "	3	3	0
Under one year - -	1	1	0

LIVERPOOL TO NEW YORK.

8 years old and upwards,	£6	6	0
Between 1 and 8 years -	3	3	0
Under 1 year - - -	1	1	0

NEW YORK TO OGDEN.

12 years old and upwards,	$51	00
Between 5 and 12 years -	25	50

Under 5 years free.

Those who are 12 years old and upwards are allowed 100 pounds of luggage free, and those between the ages of 5 and 12 years are allowed 50 pounds free; all extra luggage will be charged 8 cents per pound from New York to Ogden. In coming over the sea there is seldom any trouble about the amount of luggage, as they say in England, or baggage, as they say in America.

The value of greenbacks varying at different times, brings another element of uncertainty into operation in endeavoring to determine the exact amount required per head. Just now an English sovereign or pound, payable in England, costs in this city five dollars and sixty cents in greenbacks. The relative value of English coin and American greenbacks may vary a little from time to time, according to the state of the money market and the rate of exchange, but the above may be taken as likely to be near the figures usually prevailing.

Elder Staines will have no means in his hands to assist any emigrants, except such amount as may be sent to him with definite instructions how to apply it. His address is P. O. Box 3957, New York City. The address of the Liverpool Office is 42 Islington, Liverpool, England.

ABOUT THE LAWYERS.

IN that courts for counties letter his Honor Chief Justice McKean was pleased to inform his Honor Mayor Wells and other prominent citizens, men who were active, energetic, useful, and honored and respected citizens of Utah from one to two decades of years before his Honor the Judge knew anything about this portion of the public domain or its inhabitants, that not one practicing lawyer had signed the petition to him to hold a court in and for Salt Lake County, but that many (26) members of the bar had united in a memorial to Congress urging legislation by that body to relieve the courts of Utah from the "inextricable embarrassments caused by local legislation."

In answer to this statement by the Chief Justice we may say that there are sufficient reasons why the twenty-six signed that memorial to Congress, and why no lawyers signed the petition to the Chief Justice.

1. Most, if not all, of the twenty-six are members of or affiliated with the notorious Utah "ring" to procure proscriptive legislation from Congress for Utah.

2. The petition to the Chief Justice was not designed to be a lawyers' petition. It was a petition of prominent citizens apart from the profession.

3. Lawyers, many of them, care chiefly to have things so that the court shall run and litigant business abound, and these 26, apart from their "ring" proclivities, no doubt thought that Congressional interference would be the surest, if not the only, way, under the present judicial regime, to have the courts and litigation and pettifogging in full blast in this District at least.

4. The 26 having petitioned Congress to interpose, it was hardly to be expected they would petition the Chief Justice to hold courts for counties and thus render, even in their opinion, congressional action needless.

5. The other lawyers, not in sympathy with the "ring," could hardly be expected to sign a petition to a judge, who was well understood to be in sympathy with the "ring," to do a thing which would work in opposition to the desires and intrigues and conspiracies of the "ring." For in the first place those lawyers outside that magic circle had no confidence whatever that the Chief Justice would have acceded to such a petition if they had signed one, knowing his Honor's extreme desire to have congressional legislation and his apparent determination to do as little business as possible if Congress should fail to effect the legislation desired; and in the next place, they, well knowing his Honor's bitter and vindictive prejudices, might well hesitate before signing their names to a petition, asking him to do what they were well satisfied he would not do, and thereby needlessly render themselves the objective points of his Honor's powerful prejudices. Otherwise, and particularly if there had been any belief that his Honor would have favorably considered such a petition, we have no doubt that one would have been presented to him, with the signature of a number of members of the bar thereto appended.

THE NON-PARALYZED SIDE.

SPEAKING of federal authority in Utah, his Honor Chief Justice McKean, in that letter to his Honor the Mayor and other distinguished citizens, says that, though federal authority is badly crippled in Utah, yet it is not paralyzed on the equity side of the federal courts.

Equity, freely defined, is not the written, gross, technical, human law, but the unwritten, the higher, moral, natural, divine law, frequently a vastly different thing to human law, as Colton says, "Law and equity are two things which God hath joined, but which man hath put asunder." Equity is right, justice, impartial, evenhanded justice, the very essence of justice, heaven-born justice. Ordinary human statute law is the letter which killeth, equity is the spirit which giveth life.

A court of equity or chancery is mainly a court of relief from some hardship or injustice not reached by ordinary law. A judge who may consider himself hampered or trammelled by the forms of ordinary law, may certainly think himself greatly freed therefrom when he takes up equity jurisdiction. But a court of equity, though designed for the insuring of justice where ordinary law courts fail, can not be conducted capriciously, altogether according to the humor of the judge, without regard to principles. He must proceed largely in accordance with established principles of common application, with legal analogy and judicial precedents.

It may be true enough that the equity side of the federal courts in Utah is not nor can be paralyzed or crippled by the local legislature. Neither have we learned that the legislature ever desired or sought to paralyze or cripple either the equity side or the ordinary law side of the federal courts. Nor do we believe that any such desire or intention exists, or has existed, in the legislature, or any where else, only in the disordered imagination of members of and sympathizers with the Utah "ring."

The federal courts in Utah are subject to the correction of the United States Supreme Court at the seat of federal government, in all cases and on all questions which are appealable thereto. This is the identical shoe which really pinches our Chief Justice. The U. S. Supreme Court has some oldfashioned respect for constitutional, congressional and territorial law, a particular in which Chief Justice McKean has exhibited a most woeful lack. For everybody knows that for eighteen months, in the holding of his courts, he showed plainly that he cared for neither of those kinds of law, either in form or spirit, his judicial proceedings then being in accordance with neither the constitution nor the laws of Congress nor the laws of Utah, but violative of all of them, and therefore illegal and unconstitutional, and for that reason there was no recourse left for the U. S. Supreme Court but to condemn his whole judicial policy and reverse his whole eighteen months' court proceedings.

A pretty sort of a man, he, to prate about equity, and about federal authority being crippled and paralyzed by the obstructive action of the Utah Legislature. A very pretty sort of a man, he, to thank Heaven that the equity side of the federal courts is not crippled nor paralyzed by "inextricable embarrassments caused by local legislation in Utah." A likely man, he, to administer equity, who ignored all ordinary local, congressional and constitutional law at his pleasure, accepting or rejecting either, or running all together in hodge podge fashion, as might suit his particular purpose.

The Chief Justice is a man of prejudices, deep rooted and strong, and he is fixed and obdurate in holding to them. In cases where he was not prejudiced, whether at law or in equity, he might or might not adjudicate with tolerable fairness But nobody believes he would so adjudicate in any case that touched his prejudices. While in any case wherein his strongest and most bitter and violent prejudices were aroused, especially respecting the "Mormon" people or the "Mormon" religion, talk about equity, Heaven help those persons who might come before him and prove obnoxious to those prejudices, for experience has demonstrated that they would blur his mental vision, overpower his understanding, warp his judgment, and utterly incapacitate him from comprehending the true spirit of either law or justice. Where would be his equity then? Crippled and paralyzed enough, beyond all doubt.

HE AND SHE.

IN Boucicault's drama of "Led Astray," now in course of presentation at the Theatre, the hero of the play, "Rodolph Chandoce," is made to say to the heroine, his wife, "Armande Chandoce," that "what is folly in man is crime in woman." This may be very soothing to a proud and passionate man, anxious for self-justification, but it is essentially small-souled, selfish, and mean. It may be in accordance with the sentiment of a society which mercilessly ostracises a woman who has been impulsive, imprudent and unfortunate in her relations with the stronger sex, while the same society welcomes and caresses the man by whose agency the woman came to her great misfortune. It may be in accordance with the prevailing sentiment in society which licenses prostitution, one of the most, if not the most, corrupting and morally deadly crimes which it is possible for human beings to perpetrate. It may be in accordance with a society which would regard as a good fellow the man who maintained mistresses, or availed himself of them without keeping them, but would crucify a man who honored the Scripture institution of plural marriage and wasted not his vigor with strange women. What a proceeding, to legalize one of the most degrading, debasing, destructive, damning sins which men and women could commit! What an utterly repulsive thing to legalize and defend as a necessity a sin and a crime which strikes a fatal blow at the very seat of vitality, the very root and fountain of life! What a civilization to boast of! But such a sentiment is contrary to the instincts of a generous and noble manhood, it is contrary to all true chivalry or gallantry, it is contrary to the spirit and genius of the gospel and the teachings of the Divine Master.

The officious Scribes and Pharisees took to him a woman taken "in the very act." What did he say to them? When they pressed him for an answer to the question, what should be done with her, he said, "He that is without sin among you, let him first cast a stone at her." By and by, when the last of her accusers, self-convicted, had slunk away, Jesus said to her, "Woman, where are those thine accusers? Hath no man condemned thee?" She replied, "No man, Lord." Then said Jesus, "Neither do I condemn thee: go, and sin no more."

In the history of the Savior we do not read of his speaking in similar terms of gentleness to any masculine adulterer. But modern civilization condones these sins of mankind, while it visits with ostracism and drives to despair the feminine offenders. Verily, modern civilization, proud and boastful though it be, has yet much, very much to learn of the great principles of justice and mercy.

THE YELLOWSTONE EXPEDITION.

LATE Montana papers say that much excitement prevailed at Bozeman regarding a telegram received by Gov. Potts from the federal authorities in Washington to stop and countermand that expedition to the Yellowstone headwaters. The Governor, it is stated, in answer, telegraphed back to Washington that the expedition was beyond his reach, was on public land, and was not trespassing upon any reservation.

The people of Bozeman and vicinity entertain fears of Indian raids in Gallatin Valley the coming summer, from Sitting Bull's Sioux and a portion of the Crows, hitherto peaceable, and living between the Sioux country and that valley. More than a hundred men of Bozeman and vicinity have united in an urgent appeal to the Governor to take measures for the defence of the people and their property. The Yellowstone expedition has depleted the able bodied male population of that valley considerably, and the Indians know it, and, it is apprehended, design to take advantage of the circumstance.

The Governor visited the Crow agency, and telegraphed these particulars to Washington, asking for troops to open the route from Bozeman *via* the Yellowstone and Powder rivers, also communicating the objects and needs of the expedition to Gen. Cass, and asked the assistance of the N. P. R. R. in this effort to increase the means of defense. It strikes us that the Montanians, like many other frontier people, have their annual Indian scare.

CONTRARY TO FACT.

IN the Oneida, N. Y., *Dispatch*, "Observer" makes the following statement, among others, concerning Utah affairs—

"As matters now stand, under a decision of Chief-Justice Chase, it is simply impossible to carry United States laws into effect in this Territory. The Mormon territorial courts have concurrent jurisdiction with the United States courts, (Probate Courts here have jurisdiction to try crimes of the highest grades equal with the United States courts) and so exercise it that the United States courts are practically inoperative and powerless. The territorial courts under Theocratic rule manipulate the administration of justice to such an extent as to prevent the punishment of crime, acting as a cover to outrages of the gravest character."

The above contains a number of gross misrepresentations. It is not true that under any decision of the United States Supreme Court it is simply impossible to carry United States laws into effect in this Territory.

It is a misrepresentation to say that the Probate Courts have concurrent jurisdiction with United States courts and so exercise it that the United States courts are practically inoperative and powerless. The Probate courts have nothing to do with transgressions of U. S. laws, the U. S. courts having exclusive jurisdiction therein. The Probate Courts, therefore, have nothing to do with rendering the U.S. Courts inoperative in U. S. cases.

The Probate Courts have criminal jurisdiction, but their proceedings are subject to review by U. S. Courts, and therefore, in cases arising under Territorial laws, the Probate Courts cannot render U. S. Courts practically inoperative and powerless. The thing is an impossibility. The U. S. Courts can undo the work of the Probate Courts and render them practicably inoperative and powerless, and some judges try to do this, and that is about the truth of it.

It is a gross falsehood that the Territorial courts, under theocratic rule, manipulate the administration of justice so as to prevent the punishment of crime and act as a cover to outrages of the gravest character. But it is an undeniable fact that the Territorial courts, or rather the District courts presided over by U. S. judges, on Territorial business, under the dictation of Federal judges, for months at a stretch, endeavored to try, convict, and condemn, and did try, convict, and condemn, citizens in such an illegal manner that the U. S. Supreme Court had to put a stop to that kind of proceeding. That's where the kernel is.

THE DISTRICT COURT.

THE present term of the District Court for this Third Judicial District commenced on the 9th of March, and was adjourned on the same day, until the first Monday in April, that being the 6th day thereof, a week from Monday next.

The Judge himself says that there is a great deal of business before his court this term, and that some of the cases are very important ones. The term of court was known, and it is reasonable to suppose that the parties litigant, whose cases were on the docket, or who expected their cases to be there, would be ready to answer to the same in some sort on the opening of court. But the court was opened and closed the same day and adjourned for four weeks, a whole month.

Why is this extraordinary dilatory action taken? What was the cause of this delay, this interregnum, of four weeks in the transaction of judicial business? If there was so much important business before the court, why was all of it postponed for a month? Nobody professes to know the reason. The Chief Justice himself hints that it was to give him time for the consideration of important cases, already argued and submitted. They must have been cases argued and submitted the previous term, and he had had the time between the two terms for their consideration. Think of an English judge on assize business, with ten or twenty times the population, looking to him for justice, that McKean has, holding court for a day and then adjourning it for a month! Did Chief Justice Cockburn do any such a thing in the complex, unprecedented, and almost interminable Tichborne case?

The consideration of important cases submitted, then, cannot be accepted as a valid reason. What other can there be? The general opinion seems to be that the court was adjourned to give Congress time to legislate specially for Utah. Think again of an English judge adjourning court to give Parliament time to legislate specially and proscriptively for Scotland or Wales, for instance! What an unlikely thing!

It may be that the Chief Justice will hold court when he re-opens it on Monday week and consider cases on the docket. He signifies that he shall hear equity cases, for in them he can act more independently and do more largely as he pleases. He may also try to lesen Hollister's fearful roll of 400 on the lager side of the docket. Why not? We know his Honor is