"GOOD AND BETTER."

A father sat by the chimney post
On a Winter's day enjoying a roast,
By his side a maiden young and fair—
A girl with a wealth of golden hair;
And she teases the father, stern and cold,
With a question of duty trite and old—
"Say, father, what shall a maiden do
When a man of merit comes to woo?
And, father, what of this pain in my breast?
Married or single—which is the best?"

Then the sire of the maiden young and fair,
The girl of the wealth of golden hair,
He answers as ever do fathers cold,
To the question of duty, trite and old—
"She who weddeth keepeth God's letter;
She who weds not doeth better."
Then meekly answered the maiden fair,
The girl with the wealth of golden hair,—
"I'll keep the sense of the holy letter,
Content to do *well* without doing *better*."

THE FREEMAN.

Who is the true freeman? It is he who can stand
With uplifted head while his actions are scanned;
Who fears no disclosures, but fearless and free,
Submits all his actions to strict scrutiny.
Though bold in the cause of his country to speak,
In the midst of his friends he is humble and meek.
No wrong will he cover, no sycophant aid,
Of the frowns of the proud he is never afraid.
No Credit Mobilier his pure name to stain,
No betrayal of trust him wealth to obtain,
No scheme to draw gold from the suffering poor;
'Tis the good of his country he strives to secure.
In acts of religion no man will he please,
But worship his God as his conscience decrees.
Can you bind such a man, can you make him a slave?
As well try to bind up the foam-crested wave.
Such men were our fathers, who liberty gained
At the price of their blood, and fearless maintained,
In the camp, in the State, in the Senate and Hall,
The rights of the people, and justice to all.
Their reward was the love of their countrymen dear,
And none of them claimed many thousand a year.

WILLIAM GIBSON.

THAT CONTEMPT AND DISBARMENT CASE.

Statement of Attorney George E. Whitney.

UNITED STATES OF AMERICA, Territory of Utah. } ss.

I, George E. Whitney, being duly sworn on my solemn oath depose and say:

That on Tuesday, the 2d day of March, 1875, it being the second day of the March term, 1875, of the Third Judicial District Court of the Territory of Utah, held in Salt Lake City, James B. McKean, Chief Justice of the Supreme Court of said Territory was presiding;

That on that day a preliminary call was made of the jury calendar of the term to ascertain what causes were ready for trial;

That after the call of the calendar the Judge announced that five of the cases marked as "ready for trial" would be set for each day for one week to be called peremptorily, and that the clerk would cause a list of such cases to be published in the newspapers of the next day (Wednesday) and the peremptory calling would commence the day after (Thursday). At the request of several members of the bar the judge then informally called off the first fifteen cases marked "ready" on his calendar, and said cases were then and there by me numbered in a printed calendar in my hands as the cases were called by the Judge.

When docket number 34 on the calendar was reached Mr. Bennet, attorney for the plaintiff, speaking to one of the attorneys for the defendant, said: "Mr. Marshal, shall we continue the case for the term?" Mr. Marshall replied: "I cannot consent to continue it for the term, but it may be passed for the present." I do not know what memorandum was made by the Judge, but the private dockets of both attorneys (plaintiff's and defendant's) show the cause marked "passed."

When Judge McKean called over, informally, the first fifteen cases marked ready on his calendar, he did not call number 34. These facts are all corroborated by the private dockets of several attorneys, which have been exhibited to me. In the printed list of cases appearing in the public newspapers the next day, No. 34 appeared as one of the cases ready for trial, and to be peremptorily called the next day (Thursday). On the opening of the court on Wednesday, after a similar suggestion in another case, I stated to the court that by inadvertence case No. 34 had been printed as among those to be called peremptorily on Thursday; that on the preliminary call it was agreed to pass the case for the present, and that Mr. Bennett, whose case it was—it being an old case commenced by him before our partnership, and one which I knew nothing about—had gone to try a case in the first judicial district court at Provo, relying upon the understanding that this case would not be called for trial immediately. Mr. Marshall, for defendants, then said that such was the understanding; that the case was one of his partner's, Mr. Royle's, commenced before they were partners; that he (Mr. Marshall) knew but little about the case, and that Mr. Royle, relying upon the understanding that the case would not be tried immediately, had also gone to Provo to attend the trial of the same case Mr. Bennett had.

The presiding judge listened to these remarks, but made no announcement or order in reference thereto, and I supposed no further call of the case would be made during the present term except by agreement of parties.

The next day (Thursday) the presiding judge proceeded to call the calendar peremptorily, and having called the first four cases without finding either ready for trial—at which he manifested some impatience — to my surprise he again called No. 34, which had been printed as the fifth and last case for the day. I arose immediately and called attention to the statements made by Mr. Marshall and myself in relation to the case on the previous day, and referred to Mr. Marshall, who was present, in corroboration of my statement—he bowing assent—and stated that for those reasons we had not prepared ourselves for trial on that day. Judge McKean then said that the cause had been announced as ready on the first call, and had been printed in the newspapers as one of the cases to be tried that day, and now the trial must proceed. I then stated that it was incorrect that the case had been announced as "ready," on the preliminary call, but that counsel had agreed that it should be passed, as my calendar showed. The judge replied that it seemed to have been marked "passed" on his calendar, and that word had been erased and the word "ready" written, and he ordered the clerk to call a jury. I then endeavored to repeat my understanding of the previous call, emphatically without any intentional rudeness or feeling of disrespect, although with some earnestness, in my desire to protect the clients of my partner, Mr. Bennett, whose case I informed the judge this was. Judge McKean, however, cut me short, saying: "This case has been called, marked ready, and you are present to represent your partner. What is a partner for, but that one may represent the other when absent? This case must go on. This court has been charged, and falsely charged, with delaying and obstructing business, and I do not propose that it shall rest under such false assertions." I arose and said: "Does your honor refer to me by that remark?" He said: "Yes, Mr. Whitney, I do refer to you, for you chiefly, of all the members of this bar, have falsely asserted that business was delayed in this court and I take this occasion, publicly, to announce that this court will not submit to such statements. I do not propose to allow counsel to neglect their duties and then falsely accuse the judge of this court for the delay." I then said, seated at the table, "I do not recognize the right of any court to accuse a counselor of making false statements in court." This was said in a voice so tremulous with emotion as scarcely to be audible. The judge, not understanding, asked for a repetition of my remark, when I arose and said: "This is the first court I was ever in, in which the judge undertook to say from the bench that a counselor had made false assertions concerning the court."

The immediate reply of the judge I do not remember, but continuing talking excitedly he again referred to statements made of delay of business and added, "And when your cases are called none are more ready to ask for delay than you." Again I replied, "The court must certainly be mistaken in this, for at the last two terms—the only ones held for some time at which business has proceeded regularly (referring to the fact that they were the only terms since the special legislation passed by Congress last summer)—we were ready and tried every case of yours as called; and I do not remember ever to have asked delay when a case of mine was called for trial. As for the present case, it is not my case." I was about to say that it was an old case of my partner's, to protect whose interest I had spoken, when Judge McKean broke in vehemently, "If this is not your case, it is impertinent in you, sir, to appear in it. I will not hear you any further in relation to it unless you withdraw that remark. If it is not your case you have no right to appear in it. Clerk, call a jury." I was then seated at the table writing, when Judge McKean continued, "You need not make any affidavit, sir! I will not receive it, nor hear a word from you in relation to the case unless you withdraw the remark that this is not your case, and show your authority to appear in it! Are you ready for trial, Mr. Marshall?" Mr. Marshall answered affirmatively. Judge McKean said in in a loud tone, "Who appears for the plaintiff? Does any one appear for the plaintiff?" I made no further reply. Mr. Marshal came forward and whispered to me that if I desired he would move a continuance. I told him I wished he would on Mr. Bennett's account. He did so. The judge again demanded in a loud tone if any one appeared for the plaintiff; and no one answering, he said: "Mr. Marshall, you appear for the defendants and move a continuance do you? No one appears for plaintiff. Let the cause be continued for the term on motion of the defendants, no one appearing for the plaintiff. This concludes the calendar for the day. Marshal, adjourn court until to-morrow."

I then rose and reminded the court that a motion for the confirmation of the report of a referee and for an injunction thereon, had been set for that time, naming the case. The case was taken up and disposed of, taking probably fifteen minutes, after which the court was adjourned.

As I was gathering up the papers in the case in which I had made the motion, Judge McKean descended from the bench and was passing near me on his way out, when I said to him: "Judge McKean, I should like an explanation from you why you have publicly, in court, accused me of making false assertions in relation to your court." He said: "I decline to talk with you upon the subject." I said: "I shall be obliged to insist upon an explanation, as I cannot allow any one to impeach my veracity or professional honor!" He again said: "I decline to talk with you." I then said to him, as he walked away from me, "If you say that I have ever made a false assertion concerning you or your court, you are a liar!"

I finally depose and say, that I have read the foregoing statement to several members of the bar and others who were present as witnesses of the matters above stated, and the statements made above have been endorsed by them as circumstantially and almost literally correct.

GEO. E. WHITNEY.

Personally appeared before me the above named George E. Whitney, whose name is above written, and having read the above statement in my presence, he subscribed the same and made oath that the matters and things therein contained were true.

Witness my hand and notarial seal at Salt Lake city, Utah Territory, this 13th day of March, A.D. 1875.

{SEAL.}

JAMES N. KIMBALL,
Notary Public.

Four of Lewiston's best pugilists undertook to chastise an Indian one day, but the quartette were vanquished in disorder. The trouble grew out of a dispute about a cow. The "noble red man" failed to get away with the cow, but he got away with the men.

THE MORMON PROBLEM.

SALT LAKE CITY, Utah,
March 2, 1875.

The number of persons who embrace the Mormon faith in this Territory is said to be about one hundred thousand. The people of Northern Ohio understand the early history of this sect who call themselves "The Church of Jesus Christ of Latter-day Saints," who first established themselves in Kirtland, in Lake county. Their removal to Jackson county, Missouri, and to Nauvoo, Illinois, and from thence in 1847 to Salt Lake Valley, Utah, which was then Mexican territory, is well known to all who keep an eye open to public events. It has been and is a mysterious problem to many, why it is that such a number of persons in this age, could be induced to embrace the peculiar faith of this sect and adopt it as their only rule of faith and practice; but it is only one of the many facts of history which teach that nothing relating to a future state and having a tinge of the supernatural about it, is too *absurd* for human belief.

I have taken some pains to ascertain precisely what is the religious faith of the Mormons, and I will state it as I understand it from their ablest teachers. I have listened to some of their preachers—so called—and many of them are uneducated, *random talkers, from whom one* can get no definite idea of their faith. They have a few men of education and culture, and among them is Elder Orson Pratt, who is capable of stating the Mormon faith so that an uninspired Gentile can understand it. * * *

The discourses of Elder Pratt were listened to by large congregations, who manifested great interest and attention, and from their countenances and the response of a hearty amen at the close, I should judge they were implicitly believed. In fact I have no doubt but that a majority of the Mormons are sincere in their belief and this fact should not be ignored in the treatment of the Mormon question.

The Government at Washington has had and will in the future have much difficulty and perplexity in settling the Mormon question to the satisfaction of either Mormons or Gentiles, and these grow out mainly of the question of polygamy. The Mormon population constitute a large majority of the voting population of Utah, and can send a polygamist as delegate if they wish, to represent the Territory in Congress. They have already done so, in the present delegate Cannon. Shall he be permitted to occupy a seat, when, according to the non-Mormon theory, he is guilty of a felony by violating a law of Congress? This is a question for the House of Representatives to decide, and which it seems to hesitate about deciding either way.

Up to the time of the discovery of valuable silver mines in Utah, which has only been about three years, the Mormons have had almost the exclusive political control of the Territory. The mines have attracted and are now attracting a large number of persons from the East and the West, into the Territory, called Gentiles by the Mormons, and in one of the mining districts they constitute a majority of the voting population. They begin to contest with the Mormons their right to control the Territory, and this has ripened into an extremely bitter feeling between the Mormon and non-Mormon people, in which party ties, Democrat and Republican, are completely ignored. Opposition to Mormon rule is called Liberalism. Unless these elements of opposition can be harmonized somewhat, they threaten to retard the business interests and commercial thrift of the Territory.

Brigham Young has shown great ability as an organizer, and in keeping the Church of which he is the head united, in all movements relating to the supremacy of Mormon rule, political and ecclesiastical.

The Mormon interest is represented by the daily *Herald* and daily EVENING NEWS. * * The —— is extremely severe on the Mormon priesthood, ridicules the Mormon faith, and the tenor of its policy is that a Mormon has no rights which a Gentile is bound to respect. * *

The religious faith of the Mormons is not to be ridiculed or persecuted out of them. Time, intelligence, and the influx into the Territory of a Gentile population will change the religious and political status of the Territory. * * Let alone law-abiding Latter-day Saints, respect their rights as citizens, and allow them to enjoy their religion.

The jealous and bitter feeling between the Mormon and non-Mormon people, or at least a portion of them, has cropped out since the appointment of a new Governor, Hon. S. B. Axtell, formerly a citizen of Ohio and whose family now reside in Summit County. The Salt Lake —— has commenced a bitter personal attack upon him, in substance charging him with selling out for a consideration to the Mormon priesthood. I cannot see at this time any justice in this attack, or any foundation for the charge. One ground for the charge is the issuing of a certificate of election to the Mormon delegate to Congress, G. Q. Cannon, claiming he is not entitled to a seat because he is a polygamist, and that he is not a citizen of the United States. These relate to his qualifications as a delegate, with which the Governor, by the Constitution of the United States and the organic law of the Territory, has nothing to do. The law of Congress, entitled, "An act to establish Territorial Government for Utah," among other things provides, "That the person (delegate) having the highest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof *shall* be given him accordingly." The Governor has no authority to go behind the official returns and inquire into the legality of the election or of the voters or of the qualifications of the person who is shown by the official returns to have received the greatest number of votes. The Constitution of the United States provides that each House shall be the judge of the elections, returns and qualifications of its own members. The duty of the Governor in the premises is so clear, that the way-faring man though not wise, but *otherwise*, need not err therein.

Another ground of this personal attack upon the Governor is that he boards at a Mormon hotel, and that he associates with Mormons, speaks to them and treats them civilly. The Townsend house, where the Governor boards, is owned by a Mormon. A majority of its guests are not Mormons. They are its guests because it is a *quiet*, well kept house in a *good location*, and provides reasonably well for their wants, for a consideration. As the Mormons constitute a large majority of the Territory and every member of the legislature just elected, save one, is a Mormon, the Governor must have friendly, social and political relations with Mormons, or he can accomplish little for the interest of the Territory and its people. Toleration is what is needed in the Territory. But oil and water cannot be made to unite very well. They may occupy the same vessel till one or the other evaporates The logic of events will settle without ridicule or persecution the Mormon question, if hot heads will give it a chance.

The Governor is a gentleman of culture and of large public experience, and I believe intends to use his official influence for the best interests of the Territory. I believe this is the opinion of the most intelligent and liberal of the people who are not Mormons.

There is much in Utah to invite settlement and capital. It has a healthy and delightful climate, summer and winter. The thermometer in winter is seldom below 10 degrees above zero. Its mines, which are only partially developed, will equal if not excel those of any State or Territory. With irrigation its soil is productive, producing most of the cereals and a great variety of fruits in abundance. Agriculture is mostly carried on by the Mormons, and I will allow them to speak of Utah's agricultural prospects, selecting a motto, from a general Sunday School celebration at the Tabernacle, "Utah's best crop—children."

CLEVELAND.

Cleveland, O., Herald.

Mrs. William Pluntz, of Albany, separated from her husband after only two weeks of wedlock, because he snored so loudly that she could not sleep. Her plea before the court was "cruelty to the sex." The court could not help her out of her trouble, but she finally prevailed upon her husband to give her $100 and release her, and she went her way.—*New York Times, March 6.*