

## THE SITUATION IN UTAH.

SALT LAKE CITY,  
March 17, 1875.

The news received here last evening from Washington of the removal of Judge McKean, caused, as might naturally be expected, intense excitement everywhere. The Mormons were almost crazy with joy, and the Gentiles were mad with rage. Outside of a very small circle no one anticipated this action of President Grant, for he has ever been very cordial with Judge McKean, and the latter believed that he was perfectly secure against every influence that might be brought to bear upon the President for his removal; and the fact that the Judge was so recently re-nominated for another four years, and confirmed unanimously by the Senate, strengthened the Judge in his conviction that his course in Utah had the fullest approval of the government. There were, however, persons at work watching the Chief Justice, and his recent decisions affecting Brigham Young, and his exhibition, at times, of hasty temper, and the use of intemperate language in denunciation of persons who had offended him, furnished those watchers with the opportunity of presenting him in an odious light before the President.

It has evidently been the desire of President Grant, ever since the famous discussion between the Rev. Dr. Newman and the apostle Orson Pratt on polygamy, in the Tabernacle here, to get at something that would justify the government's interference in Utah affairs, and every suggestion from Newman to the President was acted upon, where it could be done. In fact, Dr. Newman has been "running" the machine here, and has so very indelicately boasted of his intimate relations with President Grant, and what he could accomplish with him, that the continued controversy here has appeared more like a fight between Methodism and Mormonism than any other thing. Judge McKean always got considerable inspiration from the favored divine, Newman, and from him such pleasant items of interest, now and again, that the friends of the Judge were always early in possession of intended changes of men and policy in Utah.

Cannon, the Mormon Apostle and Delegate to Congress, cherished a bitter enmity toward Newman ever since that discussion, which was as cordially reciprocated; but the apostle had, latterly, the advantage of the parson, in being daily in conversation with Congressmen and the heads of departments, and also in gaining an influence with one or two members of the Cabinet, while the reverend gentleman was wandering through the Garden of Eden gathering interesting relics of Adam's husbandry and other occupations. Through Cannon's unceasing labors, Judge McKean was thus shorn of his strength at the seat of government, and when Dr. Newman got back again to the pastorate of the M. E. Church he found more work than he could well confront to regain his influence in Utah affairs.

Another contributing cause to the weakness of the Chief Justice of Utah was the appointment of Governor Axtell. Governor Woods had a long and intimate acquaintance with Attorney-General Williams, and had been able to save the Judge from removal once before; but now Woods was himself dethroned, and could not help McKean, even had he wanted to do so, which I think was doubtful, for the Governor did not think the Chief Justice was thankful enough for the former favor, and, with these props withdrawn, McKean had to stand upon his merits.

Everybody knows the tenacity of the President when he undertakes anything, and it is proverbial that he "never lets up." His first attention to Utah was manifested soon after his inauguration, and was mainly due to the fact that as he had squelched slavery it was very natural that he should think of polygamy, the other "twin relic of barbarism." While Washburn was in the House, the Utah Delegate, Hooper, who was from Galena, and who was very intimate with Washburn, manipulated Utah matters with great skill; but when Washburn went as Ambassador to France, General John A. Rawlins, the Secretary of War, had full swing with the President against Utah. Rawlins had passed through the Territory in quest of

health and had seen Brigham in all his glory, visiting the settlements, accompanied by a large number of his principal apostles and bishops, and preceded by a military escort. Brigham met with Rawlins twice at evening parties while he was in this city, but the Secretary of War was only coolly polite. He had hostility in him. He returned to Washington, soon got worse in health and died. On his deathbed he urged the President to appoint General J. Wilson Shaffer, of Illinois, the Governor of Utah, and a vigorous policy was resolved upon. This was the commencement of "the Federal crusade," as the Mormons call it, against "the Saints."

The President, with his military head, very naturally looked for harmony in the Federal service, and instructed Governor Shaffer that he should indeed be governor, and if any Federal appointee stood in his way, to report him and he should be removed. Chief Justice Wilson did not harmonize and was removed, and Judge McKean was appointed in his place, and there can be no doubt that Governor Axtell has had his share of a similar influence in the removal today of McKean. It is not a little amusing to note this change. Governor Shaffer was deadly hostile to the Mormons and Chief Justice Wilson was removed because he was friendly to them; Governor Axtell is friendly to the Mormons and Chief Justice McKean, who was hostile to them, is removed.

I look below the surface for causes, and I think I see clearly a sound judgment in the removal of the Chief Justice now, though I deeply regret the necessity, and I still credit President Grant with the determination to keep at the good work begun in this Territory, and that the cry of "reaction on the part of the Government" is simply folly.

Mormonism is a bugbear and an eyesore to the nation, and every true American feels mortified and humiliated at the spectacle of such a monstrous despotism growing up in the midst of the republic, and every true man and woman must wish it extinguished; but while such a desire may be universal, it devolves upon Congress and the Government to do the necessary thinking for such a work and to deal with the subject properly.

The hot heads of this city would welcome "a call to arms," and rejoice in the arbitrament of the sword; but every thinking man sees the folly of dealing with a subject of faith by such means. However absurd that faith may be to others, it is not so to the Mormons, and in a republican government, in this country or in any other, a resort to arms to squelch any faith would be a fatal policy, and next to that in error is the course of any representative of the Government furnishing "the Saints" with the ground-work for the cry of "persecution." That Judge McKean has unfortunately done so recently is very certain, and that is the true cause, and that only, of his removal.

President Grant does not conceal his willingness to burst Brigham's "kingdom," and nothing would please him better than for "the Prophet" to begin a small rebellion. He would enjoy it hugely.

Not long since, when a stupid and corrupt Dogberry here would not deliver up a private soldier on the demand of General Morrow, the Secretary of War ordered the General to take the prisoner by force, and if he had not troops enough he was instructed to call for all he wanted and they would be forthcoming. The General in an hour after receiving the telegram battered down the iron prison-door and took his man. Had the Mormon authorities resisted, the United States troops would have razed to the ground the jail and everything that stood in their way. There is no disposition on the part of the government to play "poor pussy" with the Mormons, and with such a determination ever on the *qui vive* there can be no toleration of any man whose zeal may outrun his calmer judgment.

There is, some think, an argument to sustain McKean in the heavy assessment of Brigham Young in behalf of " " ; but it is exceedingly weak and unsatisfactory, and the arbitrary manner in which he sent the Prophet to the Penitentiary for "contempt of court," swept away whatever support his best friends could give him.

It was painfully evident that the judge was a partisan and not the

embodiment of justice. No one knew better than the Chief Justice that in a court of law " " could not be heard, and what the court gave to her under the circumstances was, in point of fact, a deliberate fraud. \* \*

It was not in this way that the government wanted polygamy to be dealt with. The success of \*

\* claim to alimony, which only a legal wife has a right to, was, unintentionally no doubt, but none the less a bid for deception. Any unprincipled woman may, hereafter, ingratiate herself into the good graces of a wealthy Mormon, go through the church ceremony of marriage with him, stay weeks, months or years, if she will, and come into Court at pleasure and get, for a number of years, a handsome alimony. Such a course sustained by a United States Court is calculated to increase polygamy and not to destroy it, and this was the view taken of it at Washington.

But the greater blunder of the Chief Justice was in putting upon Brigham's head "a martyr's crown." \* \* \* The liberal men of Utah will never forgive Judge McKean for that blunder.—*Sacramento Record-Union*.

## THE PRESS ON UTAH AFFAIRS.

The telegrams of yesterday brought the news that McKean had been removed as Chief Justice of Utah, and that L. C. Parker, of St. Joseph, Missouri, had been appointed in his place. Even Grant could no longer endure the lawless bigotry and foolish fanaticism of a man whom the Supreme Court of the United States long since unanimously voted a judicial ignoramus. His disregard of law and his habit of overriding the most sacred principles that guard the rights of all citizens to gratify the hopes of factions or his own personal hates and revenges, have been the ruling features of his conduct as Chief Justice of Utah whenever he was called upon to determine the rights of Mormons to the ordinary immunities and liberties which other men enjoy. But McKean did not stop here. From the outset of his career in Utah, he undertook, as the head of a gang of kindred spirits, to control the Territorial government, local, as well as Federal, and any officer that refused obedience to his royal behest was marked as the victim of a cabal against which it was political death and damnation to contend. We happen to know that he subjugated the weak Governor Woods with a few frowns into doing things that Woods, from his own experience in Oregon, would have been glad to avoid. The same thing was undertaken on the recently appointed Governor Axtell, who had scarcely reached Salt Lake City before a war was opened upon him from the McKean cabals that evidently led to a speedy, and, so far as McKean is concerned, to a fatal and fortunate issue. The telegrams containing the news of his removal plainly state the cause to be exactly this, or, to use the very words of the dispatch, the "fanatical conduct" of McKean towards Governor Axtell, whose only offence appears to be his fair treatment of the Mormon people. If the whole truth were known McKean's outrage upon Brigham Young was not without its influence in causing the removal of this judicial autocrat.

As to Mr. Parker, if he is the man we used to know so well in St. Joseph, he is certainly a lawyer of ability and a gentleman of character. These things are precisely what J. B. McKean is not. Judge Parker is a radical of considerable intensity, but he will not prove himself a judicial outlaw on the Utah bench to gratify either political bummers, religious hatreds, or personal revenges. We congratulate all good men in Utah, without distinction of sect, party, color, race or previous condition, upon the removal of McKean, and the appointment of Parker to the high and responsible office of Chief Justice of Utah.—*Omaha Herald*.

Grant takes pains to renew his declaration of hostility to polygamy by causing it to be said that the removal of McKean was not caused by any change in that regard. Hostility to polygamy is a universal hostility. Thirty millions of people in this country share it who do not agree with the Grant and McKean methods of political and personal persecution to cure the cancer thus planted upon the

political body. Among these men is Oliver P. Morton, of Indiana, who long since expressed himself without the least reserve on that point. The removal of McKean means nothing unless it means that the moderate views of Senator Morton, shared by Governor Axtell, have at last reached the dull ear of Mr. Grant.—*Omaha Herald*.

The removal of Judge McKean, following upon the imprisonment of Brigham Young for technical contempt of McKean's court, is proof that the contemptible and cowardly fanatic took one step too many in his zeal to wound and disgrace that infirm old man upon a false and most miserable pretext.—*Omaha Herald*.

We publish the particulars of the incarceration of Brigham Young for contempt of McKean's court in Utah. It is a beautiful exhibition of the personal littleness and malice of the Puritan bigot who was kicked out of Congress some years ago by a disgusted constituency in northern New York, and who was exported to Utah for the greater edification of that community. No right-minded man who knows the habitual deference of Brigham Young to lawful authority and appreciates his physical infirmities can fail to have supreme contempt for the judicial tyrant who was capable of such an outrage upon a man who, whatever else he may be, has proven himself really great as a leader of people and as the founder of Utah. Such an act could have been justified upon no other ground than that Brigham Young had designedly sought to bring McKean's court into contempt, which was notoriously not the case.—*Omaha Herald*.

There is a learned doctor of laws in Utah who answers to the name of McKean—Judge McKean or Justice McKean. He is a creature of the Administration, and his mission is the extermination of the Latter-day Saints, commonly called Mormons. It is well known that this Administration at Washington is distinguished for its Methodistical tendencies and its chastity. During six days of the week—nay for seven days—is the Administration chaste in practice and doctrine, and on the seventh it repairs to the Metropolitan Memorial Episcopal church, late Newman's, and there said Administration bargains with the Lord to extirpate the polygamous Mormons, if the Lord in return will vouchsafe to this devout Administration a third term, with a remainder over to son Fred, so that Methodism and chastity may be perpetuated.

In view of this condition of affairs, Justice McKean is using his judicial powers—when not engaged in deciding mining disputes, \* \* \* in prosecuting the polygamous followers of Brigham.

The latest instance of this pious zeal came in on what His Honor Justice McKean is pleased to term a suit of divorce. \* \*

Now this is the sort of case that any other court than one organized to convict Mormons would incontinently dismiss. \* \*

But Justice McKean is not of this sort. Quoting Justice McCunn of New York, another legal luminary of like brilliancy, he dwells at learned length upon the facts stated, and ends by granting the prayer. \* \* \*

We perceive here a complication that may yet severely tax the learned ingenuity of this Utah pundit of the bench. \* \* \*

These be nice questions of law, Mr. Chief Justice, and a careful preparation of diet, training and study should at once be entered upon. We would advise the court to put itself on a course of blue pills alternate with castor oil, which, stimulating the liver, purifies the blood and clears the brain. To open the pores, we advise a hot brick, on retiring, to the small of the court's back; and if, in the meantime, the court would have hot baths, with a liberal supply of soap, for the pedal extremities, it will tend to equalize the circulation and gave the court clean feet, whatever its hands may be.

This, with a study of Justice McCunn's decisions, with an occasional dip into those of Justice Dogberry and our own Pumphries, would prepare the lumbous McKean, so that he could grasp and grapple with these mighty and nice questions of law and polygamy.—*Washington Capital*.

The removal of Judge McKean from the bench in Utah, following soon after that of Governor Woods, may be considered an indication

that the anti-Mormon party of which these two were considered the leaders, overdid the business. The country was kept in continual agitation by sensational proceedings and sensational reports. A little moderation and discretion might have served the cause of public justice more effectually. Many of the Gentiles who lived in Utah or spent a little time there were disposed to side with the Mormons, not out of sympathy with their doctrines, but on account of the extreme measures proposed by their enemies. We remember to have heard of only one case taken up on appeal from Judge McKean's court to Washington, and in that the United States supreme court rendered a decision that was far from flattering to him. He has quarreled with George C. Bates, S. B. Axtell and George E. Whitney, gentlemen who are well and favorably known in San Francisco, and though all may be wrong, yet there is a presumption that there must be some blame on the other side.—*S. F. Alta*.

"It's an ill wind that blows nobody any good." General Grant has resented a series of insults and indignities to persons high in his favor in Salt Lake by the summary dismissal of Chief Justice McKean, of the supreme court of Utah. The motive which has actuated the President to this course may not in all respects be a worthy one, but his action cannot fail to be of incalculable benefit to the people of that wretched and demoralized territory. McKean has long been the terror of all decent people, both Mormon and Gentile, in Salt Lake. Bold, reckless and vindictive in nature, and arbitrary and despotic in the administration of what he called justice, he combines qualities which fit him rather for a freebooter than a judge, and his removal should not have been delayed so long as it has.—*Virginia (Nev.) Chronicle*.

The course of Judge McKean, of the supreme court of Utah, however satisfactory it may have been to the "Gentiles" of that Territory, seems not to find favor with the President, who has removed him. Among lawyers there has been doubt as to the defensibility of Judge McKean's action in dealing with Brigham Young. By many it has been thought extra-judicial, and perhaps President Grant is one of that number. At any rate, the stringent policy adopted by the judge against the Mormon prophet has cost him his official position. This will be regarded as a triumph by the Mormons, to whom the judge has rendered himself particularly obnoxious.—*S. F. Call*.

The dispatches and papers from Salt Lake City furnish us with the details of the arrest and imprisonment of Brigham Young, by the order of Chief Justice McKean, for "contempt of court." \* \*

The "Saints" feel that their leader has been greatly outraged, that Judge McKean has been guilty of an unwarrantable display of tyrannical authority, and Mormonism from this time onward will be clothed with a new and stirring interest.—*Lyon Co. (Nev.) Times*.

There is in Utah the shadow of a federal territorial government. It is composed of the usual number of office-holders who draw with punctuality the usual salaries. It has a stronger backing, too, than most territorial governments, for the administration considers it to be necessary to maintain a large military force there. \* \* \*

The effect is most marked on the judiciary. The tendency to become partizan appears to be very strong. The result is that the judge rapidly takes on the character of the prosecutor. This was the trouble with the last judge. McKean succumbed to the same influence. The current of his decisions for a long time has been to hurt Mormonism rather than administer the law. This again is supplemented with a cliques which makes war upon everything that is not as ultra as itself. The new governor has manifested a disposition toward conciliation which has brought down upon him the enmity of all the other officials. This, according to the telegraph, is the cause of the late removals, including that of Judge McKean. This Mormon problem is a difficult one, and should only be entrusted to the hands of wise and impartial men.—*S. F. Bulletin*.

Salt Lake City, March 15.—He (Judge Boreman) is an able lawyer and has a reputation for fairness that goes a great way to establish