

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Feb. 25, 1874.

CONGRESS AND UTAH.

The Washington *Chronicle* talks as follows concerning Utah and Congress—

"It is very strange that Congress does not attempt to remedy the legal impediments to the administration of justice in the Territory of Utah. Last year the President, in a special message, called attention to the impossibility of impaneling a legal jury and other barriers to the enforcement of the laws for the punishment of crimes. Nothing was done by that Congress, and no remedy has been provided by the local Legislature. It is probable that the latter body will continue inert on this subject. It is largely Mormon in its composition, and, it is said, prefers that the civil magistrates should be legally impotent, so as to make it necessary for every one to rely on Brigham's Church for whatever degree of protection for life, liberty, or property he may receive. This increases the responsibility of Congress.

"We are aware that it is the duty of the Committees on Territories of the two houses to look after such matters; but if they continue to neglect it, why should not the Judiciary Committees take it up, and, after maturing the necessary remedial legislation, bring their respective houses to a vote on the subject. And if those committees, as such, refuse or neglect to do their duty in this respect, some Senator or Representative ought to overcome his modesty sufficiently to lead off on a subject of so much importance.

"Senators and Representatives may not be aware that the Mormons have boasted that they have heretofore prevented, and expect in the future to continue to prevent, the passage of any bill to make the United States courts of that Territory effective. It has been broadly asserted, also, from Mormon sources, that the continuous defeat of such legislation has been secured at great pecuniary cost to the Church. No one, of course, believes that the Mormons have had an opportunity, even if it could be supposed that they had an inclination, to apply money corruptly to prevent distasteful legislation. But the existence of such declarations and boasts, the delay of Congress, and the urged necessity for immediate action, form unpleasant coincidences."

Then follows an extract from the message of Governor Woods, which we need not quote, as certain misrepresentations therein we have previously shown. The *Chronicle* continues—

"Congress should bear in mind that this Territory contains a hundred thousand or more of white people; that Salt Lake city is the centre of a large trade; that the Union Pacific railroad and other long lines of railroad have been constructed through this Territory; that immense mining interests have sprung up, drawing together a large population, including some of the rougher elements of society; and yet the Governor says that for more than three years this large population has not had the power to organize a legal jury to try a cause, civil or criminal. Those people are practically without courts. The members of Congress know it. They are supposed to take official notice of passing events of such magnitude transpiring in their own country. But if there could be doubts on that point, the President has officially called their attention to it in the most marked manner possible. Will they act with reasonable promptness?"

The "Mormon Question" every Winter, like the "Indian War" question every Spring, is regularly thrust before the public, and (the former) before Congress, for effect, political and financial. Further than that, generally speaking, as Sir Charles Coldstream says, "there is nothing in it," nothing in either. Particularly is the "Mormon Question"

a political dodge, frequently a piously political dodge, mere speculative and intriguing buncombe.

As to the statements by the *Chronicle*, we may nail some of them—

1. "Legal impediments," etc. Fudge! A judge is the greatest legal impediment.

2. "Impossibility of impaneling a legal jury," etc. Fudge! This impossibility has been overcome in all three districts.

3. "The Legislature does nothing," etc. Fudge! It won't accomplish much if all its acts are vetoed.

4. "The Legislature is Mormon," etc. Fudge! Neither the U. S. Constitution nor the Organic Act of Utah requires the members of the Legislature to profess or abjure any religion.

5. "Civil magistrates impotent," etc. Fudge! If they are, the Federal judiciary will have them so.

6. "Rely on Brigham's church for protection," etc. Fudge! Buncombe. Partizan misrepresentation.

7. "Mormon boasts," etc. Fudge! Buncombe. Partizan fabrication.

Answers of the above kind will be sufficient and proper in nearly every instance wherein the "Mormon Question" comes up in fashion like the above.

THAT PROPOSED INVESTIGATION.

INASMUCH as, every session of Congress, a great hue-and-cry is raised about the awful and pressing necessity for special legislation for Utah, and Congress is annually urged to push forward such legislation in all haste, and the Legislative Assembly of this Territory, consequently, has had presented before Congress a memorial, asking that a commission be appointed to investigate affairs in Utah before any such special legislation be had, would it not be a good thing for the Legislative Assembly, by concurrent resolution, to appoint the Hon. President of the Council and the Speaker of the House a joint committee to furnish such Congressional committee of investigation, if any be appointed, such information as the committee may wish to obtain. Said local legislative committee might be empowered to call other members of the Legislature to their aid, and send for persons, papers, etc. We merely drop this suggestion for the use of the members of the Assembly, if they think proper.

SPECIAL LEGISLATION.

SEEING that special legislation for Utah is so strongly urged upon Congress, we may offer a point or two wherein such legislation could hardly fail to prove beneficial.

The Legislative Assembly has been discussing the matter of memorializing Congress to specially legislate for Utah in two particulars, to which we will here refer.

1. Concerning the veto, what is called the absolute veto. There is no necessity to memorialize Congress to abolish the absolute veto, for no such thing legally exists, it does not attach to the Utah governorship. The veto power is simply assumed by the Governor, without any authority whatever. It is might, of undutifulness, against right. But Congress may consistently be asked to introduce into the Organic Act of Utah, the common organic or constitutional provision that bills passed by the Legislative Assembly, by a two-thirds vote, shall become law, independent of the Governor's approval or disapproval; also a provision that all bills passed by the Assembly, and sent to the Governor for his action thereon, shall become law if he fails to inform the Assembly of his approval or disapproval within a certain specified time. These requests would be entirely constitutional, reasonable, and appropriate.

2. A State government. A memorial to Congress for a State government for Utah is always in order. No Territory does, no Territory ever did, better deserve a State government, than Utah does. Admittance as a State into the Union

would be an act of justice to Utah, an act of statesmanlike wisdom, that would bear noble and satisfactory fruit. It would go far towards drying up old rankling issues, healing old festering sores, and solving the "Mormon Problem." It would give a mighty and a healthy impulse to the development and the welfare and prosperity of this whole mountain region. It would tend greatly to strengthen the Union, for Utah, with Colorado, would be the key-stone of the grand arch of States, spanning this magnificent continent from the Orient to the Occident, from the wild and stormy Atlantic to the calm and genial Pacific.

Here are two particulars, then, in either of which Congress might justifiably and commendably and happily specially legislate for Utah, but if the last were chosen, and a State government were conferred, there would be, perforce, no necessity for action upon the first.

MORE ASSUMPTION.

By virtue of Lev. xviii, 18— we mean to say O. A. 7, our worthy Governor assumes to nominate all Territorial officers, except township, district and county ones, etc., and thereupon sets out to nominate long strings of notaries public in and for the several counties. If an officer's range of duties lies in and for a definite district of country termed a county, is he not a county or district officer? Said O. A. 7 says—

All township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Utah.

Accordingly, the Governor and Legislative Assembly of the Territory of Utah, in the session of 1865-6, provided a law containing the following—

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there shall be elected, by the joint vote of the Legislative Assembly, one or more Notaries Public for each organized county, whose term of office shall be one year, and until their successors are elected and qualified.

Wherein, then, has his Excellency any foundation of authority for assuming to nominate men for notaries public? It is wonderful how some men, when clothed with a little brief authority, endeavor to assume and usurp more, and want to have everthing their own way, and bring all other men and things into subjection to their own sweet will.

VERY MODEST.

EVERYBODY is aware that the Governor is a very modest gentleman. The truth is he seems to let slip no opportunity of putting that fact forth prominently and in the strongest light. He is a master in "the art of putting things" of that kind. He not only scolds the Legislature for failing to adopt his peculiar suggestions, but he nominates certain persons for certain offices, and sends the nominations to the Council, with the remark, "And I submit the same to you for confirmation." Does he indeed? It is not his proper business to do anything of the sort. If he has any right to make nominations, it is his right also to send those nominations to the Council, not dictatorially "for confirmation," but suggestively for the action of the Council, either in confirming or in refusing to confirm them. The Council is under no obligation whatever to confirm all or any of the Governor's nominations, but that body has discretionary power, either to confirm or to refuse to confirm them.

The Legislative Assembly has a right to send bills passed thereby to the Governor "for his approval," because it is his duty to approve all laws passed by the Assembly, and to approve them before, or previous to, the time when they shall take effect. But the Council is under no such obligation to confirm all his Excellency's nominations, not in the least. The advice and consent of the Council are necessary to the conversion of a nomination into a legal appointment.

THE "RING" MEMORIAL.

THE memorial of the "forty-five" to Congress, in favor of proscriptive special legislation for Utah, is thus adverted to in the correspondence of the New York *Herald*—

"The Mormon Monstrosity and the Moral Element in Utah—Petition of Gentile Citizens for Special Legislation.

"Washington, Feb. 16. — The memorial of the non-Mormon citizens of Utah has been printed. It is signed 'Joseph R. Walker and others.' This memorial was referred to the committee on Territories. It was prepared by a committee of forty-five, appointed at a public meeting held at Salt Lake City on the 19th of January. It commences by saying 'that the political status of the Territory of Utah is anomalous in this, that five-sixths or more of the entire population are members of an organization, the adherents of which claim that it is religious in its character, while in fact it enjoins, both as to faith and practice, the commission of the highest crimes. Polygamy is openly and defiantly practiced in the face of the law of Congress, and the doctrine of the shedding of blood for the remission of sins has been preached from the Mormon pulpit and deliberately published in the special organs of the church.' This the memorialists show by copious extracts from the speeches of Brigham Young and others. They say in conclusion, 'As long as Brigham Young, as the head of the Church, is permitted to retain his power to execute or defeat the execution of the laws according to his will, his misguided and credulous adherents will continue to implicitly obey and believe him and that his mission is divine and his authority paramount to and beyond the reach of human laws. But, once to take away from him the form of law under which he has so cunningly acquired and exercised theocratic rule, and then the mission of the Mormon Church as a governing power in municipal affairs will, as it should, soon come to an end. Therefore, the affairs of this Territory being anomalous, we respectfully submit that special legislation is right and proper, and ask your honorable body to pass, at an early day, such legislation as will remedy the existing evils; and we give it as our opinion that the bills introduced by Senators Logan and Frelinghuysen would either of them effectually accomplish that end."

The "moral element in Utah" is good, decidedly good, altogether too good to lose, so we put it upon record in the NEWS. "Moral element in Utah." Psh! The "forty-five" think that if "the form of law" were taken away from Brigham Young, and he were not permitted "to retain his power," they would get along swimmingly. Just so. The Jews thought they could take away the power of Jesus Christ and so annihilate Christianity. The "forty-five" doubtless would be glad to do many things without the form of law, or the spirit of it either. But it does not seem to be good policy for them to proclaim to Congress their lawless leanings. Chief Justice McKean pursued a lawless judicial course for a year and a half, and the "forty-five" probably commended him for it, but it is not a thing to brag of to a law-making body, we should think. Logan's and Frelinghuysen's bills! "Moral element in Utah!" Psh!

INDIAN ANTIQUITIES.—An exchange says that Indian antiquity studies show—

"1. That the primitive inhabitants of the Mississippi Valley were contemporary with the mammoth and mastodon.

"2. That the earth mounds of the red race are fully a thousand years old, and some much older.

"3. That the Indian occupancy dates back as far as the earliest traces of man in western Europe."

Oregon has 150 acres devoted to hop raising, the average yield per acre being 2,000 pounds.

LOCAL AND OTHER MATTERS.

FROM WEDNESDAY'S DAILY, FEB. 18.

Sworn In.—The business of swearing in the new City Council was attended to at the regular meeting of that body last night. All were present and took the oath of office, excepting Councilor Brigham Young and Theodore McKean.

Repaired.—That breach in the foot bridge, on the sidewalk, opposite the Neslen Block, South Temple Street, was repaired yesterday, and the man-trap has disappeared. Therefore and henceforth, let the night be e'er so dark, nor e'er so wet and windy, lovers and married people, people on pleasure and people on business can pedestrianize about that bridge ad libitum, with no further fear nor danger of a broken leg.

"Dogs Delight," &c.—Two black, not "yaller," dogs went for each other fiercely near the Godbe corner to-day, and the combatants were surrounded by an admiring troop of the "bummers' brigade." a couple of policemen appeared on the scene, and by administering a few well directed kicks, succeeded in separating the belligerent canines, and the chop-fallen crowd, who expected to see a genuine out and out dog fight, dispersed.

Amputation.—This morning all of the toes of the right foot of a poor, unfortunate fellow, named William Pugh, *alias* Shakespeare, were amputated by Dr. W. F. Anderson, assisted by Dr. H. J. Richards. The patient was put under the influence of chloroform during the operation.

Pugh has spent a large portion of his time in jail, and the disease in his foot resulted from his having his feet frozen at some time, and from his body being in a dilapidated condition generally.

Dead.—It is with regret that we record the death, last evening, of Bright's disease of the kidneys, of Robert, eldest son of our well known citizen, Mr. R. J. Golding. The deceased had an attack of fever a few months ago and, as not unfrequently happens, this was succeeded by a complication of disorders which eventually developed the terrible disease which resulted in his death. He was a youth of great promise, and of the most exemplary character, and we feel assured that their large circle of friends will sympathize with the parents in their bereavement.

Nearly a Fire.—When Mr. C. R. Savage's art gallery was opened this morning, it was discovered that about two feet square of the floor of the framing room had been consumed by fire during the night. It appears that the fire had burned and smoldered for a considerable time, as a six inch floor joist was burned through, besides the flooring. The fire was caused by placing some hot ashes from the stove in a box.

This was certainly a narrow escape from a big fire, and should be a warning to everybody in general not to leave hot ashes in a wooden box on their premises.

Fine Arts.—We are informed by Mr. Trescott, agent for Appleton's Encyclopedia, that some people have raised an objection to that most excellent work because the arts did not appear under "A," and on this account they have imagined that that department would not be included at all, which, to say the least, is a remarkable conclusion to arrive at. The "arts" will be treated upon in the subdivisions of that department such as painting, sculpture, mechanics, &c. The compilers of such a complete work as the one named couldn't well afford to omit so important a branch as the arts.

Disposed Of.—The case of Geo. M. Norton, charged with assault and threatening to kill Col. H. C. Goodspeed, was disposed of in the police court this morning. The threatening to kill part of the charge was thrown out and Mr. Norton pleaded guilty to a charge of drunkenness and disturbing the peace, for which Justice Clinton will assess a fine to-morrow morning. He was bound over to keep the peace in \$1,500 bonds.

The difficulty grew out of a disagreement concerning the payment of wages which Mr. Norton claimed were due him from Col. Goodspeed and some others interested in a mine, of which Mr. Norton has been acting as superintendent.

Territorial Statistics for the Year 1872-3.—Day before yesterday