

## DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY  
THE DESERET NEWS COMPANY.

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WEDNESDAY, - Feb. 28, 1883.

A MOST INFAMOUS PRESS  
DISPATCH.

We have had occasion to complain many times of the untruthful dispatches sent by the Salt Lake agent of the Association which furnishes news for the press of the Pacific Coast. Recently there has been some improvement in the telegrams dated from this place which appear in the California papers. The extent of misrepresentation lately has been but a mere tinting compared with the deep-dyed falsehoods which not long ago were sent west over the wires. However the annexed paragraph from the San Francisco Examiner, which was published as a dispatch from Salt Lake, shows that the same spirit of wilful deceit is at work as of old, and is likely to manifest itself at any opportunity:

"The recent decision of Judge Hunter, which has the effect of keeping a Mormon in the office of Probate Judge of Weber County, continues to be the subject of much comment. Commissioner Ramsey says the Edmunds bill forbids a polygamist from holding office or sitting as a juror, but Judge Hunter, in two rulings, has held that they may hold office and be jurors. It transpires further that his decision as to the office-holding was expected by the Mormons and confidently discounted in advance. This fact is regarded as of startling significance."

The absolute untruths contained in that brief paragraph are of such a nature that they are evidently told with malice prepense and aforethought. Although they do not materially affect us one way or the other, we consider it our duty to point them out, that the Company may understand them and then decide whether it is for the public interest to have facts or fiction sent over the wires for news.

In the first place there is no "recent decision of Judge Hunter" in relation to the Probate Judge of Weber County. No such decision has been rendered by him. There has been a decision by the Supreme Court of the Territory on that matter, from which Judge Hunter dissented. That very fact shows that the decision was not Judge Hunter's.

In the second place, the decision of the Supreme Court referred to does not have the effect of "keeping a Mormon in the office of Probate Judge of Weber County." It confirms the judgment of the lower court, giving the office to his opponent, the appointee of the Governor. Even if the case is carried up to the Supreme Court of the United States, and the incumbent remains in his office until a final judicial decision is reached, the ruling of the Court does not have the effect of keeping him in the office, because it is against his remaining. And the dissent of Judge Hunter from the decision has no effect at all upon his remaining or vacating, as it was merely a disagreement with the ruling which stands as the judgment of the Court.

In the third place, there has been but little comment on Judge Hunter's position with regard to this case, brief reference in the local papers and casual remarks by persons who have watched it, being the extent of the interest it has excited. And we are safe in stating that there is scarcely a lawyer of ability and reputation in this city who does not agree with Judge Hunter's view in dissenting from the majority of the Court in this instance, the ruling being looked upon as a political rather than a legal one.

In the fourth place Judge Hunter has not ruled that a polygamist may hold office and be a juror. In this case, as we have shown, he made no ruling at all, and in his dissent he expressed no such opinion, nor can it be inferred from any remarks he made on the case. In the recent empaneling of a grand jury—which no doubt is the other instance alluded to in the dispatch

—when the deputy prosecuting attorney attempted to challenge jurors in regard to their belief in and practice of polygamy under the eighth section of the Edmunds law, Judge Hunter showed that under that section polygamists and others were debarred from holding office, but stated that a man must first be convicted of an offense before he can be punished for committing it, a position in which he will be sustained by every sane, unprejudiced lawyer in the country. He did not rule that a polygamist could be a juror. His decision was actually the other way. He sustained the law fully and completely. He declared that under that section of the law a polygamist could not hold office, but he claimed, as we have indicated, that mere suspicion or hearsay would not suffice, proof must precede punishment.

In the fifth place the only ground for the statement about the expectation of "startling significance" is the comment of a country paper on Judge Hunter's dissent—after it had been published in this city—to the effect that such an opinion was no more than was to have been expected. Where the "startling significance" comes in we fail to see, because, as we have proven, the dissent had no effect whatever upon the result, the decision of the majority of the Court not being changed by it or rendered any the less conclusive.

So far as Judge Hunter is concerned, we have no interest in stating the facts except that we do not want lies told about our local affairs. If we agree with His Honor on the points for which he is now assailed, we have disagreed with him on others and have expressed our disagreement freely and plainly. His position is now grossly misrepresented by the press-dispatcher, and therefore we present the truth.

To every observing and candid mind the press dispatch we have copied from the Examiner will appear simply infamous. It is untrue in fact, in inference and in intent. And we ask the Manager of the Association which supplies the Coast papers with news, whether it is the object of the Company to lend its wires and influence to aid designing villains in damaging the reputation of public officers, thus working mischief by helping his personal enemies in efforts for his injury, and at the same time deceiving the public with base and inexcusable falsehood? It is time that something was done about it and a stop put to this shameful lying by lightning.

## CONGRESS AND THE TERRITORIES.

A PAPER representing the "Josephites" and called the *Saint's Herald*, copies a sentence or two from the DESERET NEWS in regard to the assumptions of Congress. We stated that "The people of the Territories are not the 'property' of the United States," and the *Herald* answers:

"This is quite true, but the territory on which those people live is the property of the United States, and the people living on that territory are tenants at will, and wards of the Government. There is no safer foundation for the exercise of governmental control and protection over the District of Columbia, over which Congress has exclusive jurisdiction in all cases than for the exercise of like powers over Utah, or any other territory the common property of the States."

The editor of the *Herald* professes to be a lawyer. If the claim has any validity he must know that Congress has no rightful powers but those conferred by the Constitution, also that powers not granted are reserved; if he does not, he may learn these simple points from the instrument itself. That no such powers as those exercised over Utah are constitutionally vested in Congress, is a matter beyond dispute, because there is nothing in the Constitution that confers them upon that body. There is a "safe foundation" for exclusive jurisdiction over the District of Columbia and over the ports, magazines, arsenals and dockyards of the United States, because it is specifically conferred upon Congress; but it is not extended any further, and therefore such other powers of this kind that are exercised are merely assumed, and have no warrant in the Supreme Law of the Land.

But he claims that the people of Utah live on "the property of the

United States," and are "tenants at will. Is this true? How can it be so, when they have bought and paid for the land or territory which was the property of the United States, and now own it in fee simple? Are the proprietors of the soil, holding absolute title thereto, mere "tenants at will?" We think not. They occupy the same position in this regard as people owning land in the States. We commend Judge Black's unanswerable argument on the subject of the powers of Congress over the Territories to the careful consideration of the editor of the *Lamoni Herald*.

He admits that "the people of the Territory of Utah are entitled to a republican form of government," and goes on to say that:

"Congress is in duty bound to see that republican institutions, such as prevail in the States, and which constitute the Republic shall likewise prevail in all the Territories of the United States, Utah always included."

We understand very well what he alludes to and does not specify. But we would like him to show wherein the powers he claims for Congress over the Territories, and the special legislation he and his associates attempted to obtain for Utah, comport with "a republican form of government." Is "exclusive jurisdiction" over the lives, liberties and fortunes of a hundred and fifty thousand people by a body in whose election they have no voice nor vote, republican? Is the absolute veto power of an officer appointed without their consent by another officer who obtained position independent of their suffrages, republican? Is an arbitrary enactment summarily depriving people of the franchise without judicial proceedings, republican? Is the packing of juries with the avowed enemies of the accused, and his deprivation of the right of trial by a jury of his peers, republican? Is the attempt to give power to one man, forced upon the people against their wishes, to appoint officers that by law should be elected by the people, republican? Would the control of Utah by an appointed Commission, involving the abolition of all the elements of local self-government—which we understand the editor of the *Lamoni Herald* has advocated—be in any way republican?

The truth is that the whole territorial system, which has grown up outside of constitutional powers, is not only un-republican, but is anti-republican, despotic, tyrannical and oppressive, and, as exercised over Utah, is more so than anything attempted by the British Government over the colonies which repudiated its authority. "Republican institutions such as prevail in the States" are all we ask for in Utah, and their very existence is involved in the principle of local rule by the majority of the people in the district or Territory or State. Anything less than this is not republican. Each organized commonwealth must have this right for itself over its own affairs, or the essence of American republicanism is absent. Of course this right must be regulated by the Constitution and the laws of Congress passed in pursuance thereof. No one pretends that within the boundaries of the United States any number of people may organize an independent political body, without subordination to the General Government or practical recognition of the Supreme Law of the Land.

What is objected to, is the exercise of governmental powers over such a body of people without their consent; the violation of the principle of "a government of the people, for the people, and by the people;" the silencing of the popular voice in the control of their local affairs; the arbitrary domination over them of persons forced upon them as officers against their will; the abrogation of laws passed by their elected representatives and only affecting their local interests; the interference with their common privileges as citizens and their rights as individual members of the great body politic; all of which are involved in the usurpation that has obtained under the vain and absurd wrestling and twisting of the Constitution resorted to as an excuse for the territorial system, and which is refuted by the plain and express language of that sacred instrument itself.

We notice with profound satisfaction that all the attempts that have been made to oppose this position amount to nothing but assertion, ridicule, personal abuse and claims of expediency. It has never been shown that the Constitution

confers any such powers as that claimed for Congress over the Territories, and until that is done the argument stands. Neither the people of Utah nor the lands they occupy are the "property of the United States;" they are entitled to "a republican form of government," which cannot exist under the present system and the assumption of the absolute power and exclusive jurisdiction of Congress. And the best, most constitutional and rational way out of the dilemma is for Congress to admit Utah as a State in the Union, on an equal footing, with similar privileges and the same general restrictions as the existing States. That alone will bring the end of the controversy.

## A TIME OF TRIBULATION.

In another part of this paper will be found a recapitulation of the principal disasters recorded in the public prints occurring in the month of January. When the present month has passed away its record will be equal in horror and sorrowful details as its predecessor. Flood, fire, accident, crime, suicide and sudden death have made awful havoc in the world in February. If the year continues to bring forth trouble to anything like the extent of its opening, it will be the most prolific of disaster and destruction of any in the annals of the Earth.

That we are entering upon the time of "the great tribulation" foretold by the Son of Man and the great prophets of olden time, is evident to those who have eyes to see, ears to hear, and hearts to understand. Not only are these signs of the times significant portents of that period of sorrow, but the revelation of the everlasting Gospel to be preached "as a witness to all nations," the restoration of powers and principles and gifts and ordinances long since lost, the work of the Father among the Lamanites, the movement towards Palestine among the Jews, and many other things which the "wise" will understand, point to the fulfillment of the predictions of inspired men concerning that time of trouble, the equal of which has not been known from the beginning.

In the midst of it all let the Saints remember the injunction of the Savior, "Stand ye in holy places." Be not troubled in spirit, but, watching the rolling forth of the purposes of the Eternal, be prepared for the time when "all things that can be shaken will be shaken, and only that which cannot be shaken shall remain!"

## BEAR LAKE STAKE CONFERENCE.

The Quarterly Conference of the Bear Lake Stake of Zion convened according to appointment on Feb. 10th and 11th. The stand was occupied by the Presidency of the Stake and the Bishops of the various wards. The representation of the wards was full and complete, the reports showing an increase of faith and righteousness in the midst of the people, and notably a more faithful observance of the law of tithing. The spirit of reformation had taken hold on the hearts of the people, from youth to old age, and the fruits were apparent. A general time of good health was reported, and an earnest desire and determination on the part of the Saints to serve the Lord. The instructions imparted were given in power and demonstration of the Holy Ghost, and of a nature suited to our wants and requirements, and in the midst of such a variety of subjects treated upon it would be almost impossible to particularize. Suffice it to say that the speakers were blessed in a remarkable degree, the instructions being so rich and replete with the words of life and salvation, temporal and spiritual. Although the weather was unusually severe the congregation was very large, the spacious meeting house being filled to overflowing. THOS. MINSON, Stake Clerk.

## A NEW COUNTRY.

A CORRESPONDENT SPEAKS A GOOD WORD FOR THE SNAKE RIVER REGION.

D. B. Dilley writes to us from American Falls, Idaho. In describing that part of the country he says:

The soil is well adapted for the growing of all kinds of vegetables, and experience has proved that wheat, oats and barley will do moderately well. Wheat that was sown here in the latter part of May ripened and is a plump product, without smut. The yield was tolerably good. The same can be said of oats and barley. The yield of potatoes was beyond expectation, and they are of excellent quality; also melons and cabbages. The stock range is good, both summer and winter.

Up to this date snow has not been more than two inches deep. In common with other places we have had some cold weather, but no one has been frozen out yet, and the frost has not been severe enough to freeze the water in Warm Creek, which is a great benefit to stock in winter.

Timber—pine, quakenasp, birch and cedar—is plentiful, and easy of access. Two loads of the best of firewood may be obtained in a day. Trains on the Oregon Short Line are passing daily.

The water of Warm Creek possesses medicinal qualities that will cure half as many diseases as all the patent medicines advertised.

## THE MELROSE LYNCHING.

A CORRECT STATEMENT—HANGING OF THE ALLEGED MURDERER OF  
V. H. DAVIDSON.

Mr. H. T. B. Grey, section foreman of the Utah and Northern R. R., at Melrose, sends us the following:

"I notice in the SEMI-WEEKLY NEWS of the 13th inst., an account of the lynching of Chas Merrill, at this place on the 8th inst., copied from the *Butte Miner*. The whole account is erroneous, and a part of it entirely incorrect, and in justice to the people of Melrose and the section men I deem it my duty to correct the statement. The prisoner was not pulled up five times as stated, but was pulled up three times, and on attempting to pull him up the fourth time the noose slipped over his head."

The mob was composed of people from Glendale and came down to Melrose for the express purpose of lynching the prisoner. Not a citizen from Melrose nor a section man had anything whatever to do with it. Indeed, the section men were in bed when the lynchers came, and did not get up. I had two young men pumping water in the tank by hand, and of course they witnessed the whole transaction. I did not go near the mob till after it was all over, when I went out to see if the track was all right."

"The balance of the story is as correct as any account I could give of it."

## A MAIL DISASTER.

TWO PASSENGERS DROWNED IN THE  
SHOW LOW.

A fatal disaster occurred at Lone Pine Crossing, A. T., on the 13th inst., at half-past five in the evening. We learn from W. D. Kartchner that John Perkins, the mail carrier, was taken sick, supposed to be with smallpox, and Nowlin Kartchner drove the backboard to Holbrook and back to Snow Flake in a cold rain. Being badly chilled, he prevailed upon George Gardner to drive to Taylor, about three miles above the latter point, and Brother Perkins further insisted on him driving right through. He had on board two soldiers as passengers. At the first crossing they met Mr. J. D. Schone, who directed them where to cross and they got over all right. They then drove on to the second crossing of the Show Low, which had become greatly swollen with the recent rains.

Brother Gardner, seeing the danger of doing so, refused to drive into the stream. The soldiers insisted he should do so, and after much urging he made the attempt. As soon as deep water was reached the horses backed and became unmanageable. Soon the hind wheel of the vehicle struck a rock, causing one of the soldiers to fall out. He immediately sank and was seen no more.

The current was so swift and strong that the buck-board was carried a considerable distance down stream. The other soldier lost his presence of mind, leaped out of the vehicle and swam down stream. As he was carried rapidly down he shouted for help. Two gentlemen, Mr. Wolf and Mr. Roberts, held out