

THE DESERET NEWS.

ELIAS SMITH, EDITOR AND PUBLISHER.

Wednesday, April 6, 1859.

We publish in this number the last of the court doings at Provo, which we present to our readers, hoping they will excuse us for passing them by with few or no comments, at least for the present.

They will go to the world, with the other documents and reports of this new-fashioned tribunal, as they transpired, for approval or condemnation, and no remarks of ours will make them more or less heinous in the eyes of those who will pass judgment upon them.

That the history of that court and the actions and expressions of the judge, from the opening to the closing scene thereof, are characteristic of the man and a good index to his legal knowledge and the sentiments of his heart, we do not doubt, and we much prefer that others should say whether or not they are in accordance with the laws and the rules that govern judicial proceedings in the courts of our country.

A righteous verdict, we doubt not, will be given in the premises, which we, in common with the citizens of this Territory, shall await and, if all has not been right, let those that have erred be condemned and the innocent justified at the bar of public opinion.

THE CALIFORNIA MAIL arrived in its usual good time, bringing but few letters, owing to some disconnection with the western portion of the route.

THE EASTERN MAIL arrived on Tuesday, just as we were going to press, bringing some eight or ten sacks, but not all the mail matter that is on the road.

We have received Washington dates to March 6, but nothing of great moment has transpired down below, since our last. We will endeavor next week to give our readers a more minute detail of what is going on in the world than it was possible this week, on account of the crowd of other matter.

A PACIFIC MEASURE.—One of the last acts of the Territorial Legislature of Kansas, which adjourned on the 11th of February, was the passage of a "general amnesty bill" granting pardon to all persons in custody, and immunity from prosecution for any offences connected with the past disturbances in that ill-fated Territory, which received the approval of the Governor.

City Election.

The municipal election on Monday the 4th inst. resulted in the election of the following named gentlemen by nearly a unanimous vote:—

MAYOR—Abraham O. Smoot.

ALDERMEN—Elijah F. Sheets, 1st Ward.—Nathaniel V. Jones, 2d Ward. Alonzo H. Raleigh, 3d Ward. Jeter Clinton, 4th Ward. Nathan Davis, 5th Ward.

COUNCILLORS—Samuel W. Richards, Harrison Burgess, James W. Cummings, Robert T. Burton, Leonard W. Hardy, William H. Hooper, Isaac Groo, William C. Staines, Samuel Malin.

LOAFING.—We suggest to a few of our young friends that a more respectable employment than that of lounging on the street corners would also be far more remunerative, even if it were that of a "chimney sweep;" but, inasmuch as that "calling" is not in vogue in Utah, we recommend those who wish to make their "eternal fortunes" in "less than no time" to shoulder their axes, march into the canyons and make a clearing among the pines, cedars, maples and small oaks of the mountains—or if you prefer it, take your spades and go to digging or trenching; the soil, in many localities, is free from frost.

Or, if in none of these vocations, you can find a means of suitably employing yourselves, get a book—if it is nothing but a Patent Office Report—and perhaps you may be able to start an "idea" that will afford food for reflection and, perhaps, add to your store of knowledge, if you don't "know it all before."

Any thing but loafing for a livelihood.

THE WEATHER during the past three or four days has been more pleasant and spring-like, and there is a fair prospect of the ground being ready, ere long, for the industrious husbandman. After a siege of winter so protracted, spring will be welcomed with unusual gratification.

CONGRESSIONAL.

On the 18th of February, the President transmitted to Congress the following message, received by the mail which arrived on the 27th ult., but we had not room for it in the last number of the News:—

To the Senate and House of Representatives:

The brief period which remains of your present session, and the great urgency and importance of legislative action before its termination, for the protection of American citizens and their property whilst in transit across the Isthmus routes between our Atlantic and Pacific possessions, render it my duty again to recall the subject to your notice. I have heretofore presented it in my annual messages, both of December '57 and '58, to which I beg leave to refer.

In the latter I stated that the Executive government of the country in its intercourse with foreign nations is limited to the employment of diplomacy alone; where this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit, and protect the lives and property of our own citizens on their passages.

It is true that, on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility. Under these circumstances, I earnestly recommend to Congress the passage of an act authorizing the President, under such restriction as they may deem proper, to employ the land and naval forces of the United States in preventing the transit from being obstructed or closed by lawless violence, and in protecting the lives and property of American citizens traveling thereupon, requiring, at the same time, that these forces shall be withdrawn the moment the danger shall have passed away.

Without such a provision, our citizens will be constantly exposed to interference in their progress, and to lawless violence. A similar necessity exists for the passage of such an act for the protection of the Panama and Tehuantepec routes.

Another subject, equally important, which commanded the attention of the Senate during the last session of Congress. The Republics south of the United States on this continent have unfortunately been frequently in a state of revolution and civil war, ever since they achieved their independence, as one or the other party has prevailed and obtained possession of the ports open to foreign commerce. They have seized and confiscated American vessels and their cargoes in an arbitrary and lawless manner, and exacted money from American citizens by forced loans and other violent proceedings, to enable them to carry on hostilities.

The Executive Government of Great Britain, France and other countries, possessing the war making power, can promptly employ the necessary means to enforce immediate redress for similar outrages upon their subjects. Not so with the Executive Government of the United States. If the President orders a vessel to any of those ports to demand prompt redress for outrages committed, the offending parties are well aware that in case of refusal, the commander could do no more than remonstrate; he can resort to no hostile act. The question must then be referred to diplomacy, and in many cases adequate redress can never be obtained.

The remedy for this state of things can only be supplied by Congress, since the Constitution has confided to that body alone the power to make war. Without the authority of Congress, the Executive cannot lawfully direct any force, however near it may be to the scene of difficulty, to enter the territory of Mexico, Nicaragua or New Granada, for the purpose of defending the persons and property of American citizens, even though they may be violently assailed, whilst passing in peaceful transit over the Tehuantepec, Nicaragua and Panama routes. He cannot, without transcending his constitutional power, direct a gun to be fired into a port, or land a seaman or marine to protect the lives of our countrymen on shore, or to obtain redress from a recent outrage on their property.

The banditti which infests our neighboring Republic of Mexico, always claiming to belong to one or the other of the hostile parties, might make a sudden descent on Vera Cruz or the Tehuantepec route, and he would have no power to employ the force on ship-board, in the vicinity, for the relief, either to prevent the plunder of our merchants or the obstruction of the transit.

In reference to countries where the local authorities are strong enough to enforce the laws, the difficulty here indicated seldom happens, but where this is not the case, and the local authorities do not possess the physical power, even if they possess the will to protect our citizens within their limits, recent experience has shown the American Executive should itself be authorized to render this protection. Such a grant of authority thus limited in its extent, could, in no just sense, be regarded as a transfer of the war-making power to the present Executive, but only as an appropriate exercise of that power by the body to whom it exclusively belongs.

The riot at Panama in 1856, in which a great number of our citizens lost their lives, furnishes a pointed illustration of the necessity which may arise for the execution of this authority; I, therefore, earnestly recommend to Congress,

on whom the responsibility exclusively rests, to pass a law before their adjournment, conferring on the President the power to protect the lives and property of American citizens in the cases which I have indicated, under such restrictions and conditions as they may deem advisable. The knowledge that such a law exists, would, of itself, go far to prevent the outrages which it is intended to redress, and render the employment of force unnecessary, but without this the President of the United States may be placed in a painful position before the meeting of the next Congress.

In the present disturbed condition of Mexico and one or more of the other Republics south of us, no person can foresee what occurrences may take place before that period; and in case of emergency, our citizens, seeing that they do not enjoy the same protection with the subjects of European Governments, will have just cause to complain. On the other hand, should the Executive interpose, and especially, should the result prove disastrous, and valuable lives be lost, he might subject himself to severe censure for having assumed a power not confided to him by the Constitution; and it is to guard against this contingency that I now appeal to Congress.

Having thus recommended to Congress a measure which I deem necessary and expedient for the interests and honor of the country, I leave the whole subject to their wisdom and discretion. JAMES BUCHANAN.

A motion was made in the Senate to refer the message to the committee on Foreign Affairs, upon which a short debate was had, Messrs. Clingman, Benjamin and Douglas favoring, and Messrs. Seward and Fessenden opposing the views of the President.

The same day the House went into committee on the army appropriation bill.

During the discussion, Mr. Staunton, of Ohio, offered an amendment to strike out the appropriation of recruiting in which he proposed to test the sense of members, as to whether they were in favor of a reduction of the army.

Mr. Lovejoy, of Ill., said that he wanted to put the army between the horns, so as to have merely a skeleton hung up for the study of practical anatomy. He was credibly informed, and believed that the army was used to get up Indian wars, and establish garrisons to advance the price of town lots. Some months ago there was a cry against the Mormons, and it was urged that they should be exterminated, merely because they preferred white concubines to black.

The amendment was rejected by an overwhelming majority.

Mr. Faulkner offered an amendment cutting off the brevet pay. He said that there exists throughout the country a strong impression that the brevet rank is demoralizing, and leads to subservience and favoritism.

This amendment was also rejected.

The Mormons.

[Washington Cor. of the Philadelphia Press.]

The President seems to have been unfortunate in his appointment of territorial judges for Utah. Instead of his policy being carried out there, it has been opposed, and had it not been for the firmness of District Attorney Wilson, formerly of your city, a difficulty of a serious nature would have been inevitable.

Mr. Buchanan issued his peace proclamation, sent out his peace commissioners, and assured the Mormons that if they would submit to the laws all past offences should be pardoned. But Judge Sinclair takes a view of the matter different from that of the President, and Peace Commissioners Powell and McCulloch. He declares this pardon inoperative and of no effect, unless the parties to whom it was extended accept it judicially from him. Of course, this was not Mr. Buchanan's idea when he issued the proclamation; neither was it contained in his instructions to Judge Sinclair.

From the accounts that have reached this city from that Territory, it appears that there is a party there who are not suited with the peace arrangement of the President, and who are disposed to raise a new issue with the Mormons. The continuance of a war would be a paying operation; it would line the pockets of contractors, sutlers, and the legion of army hangers-on, and it would give notoriety and eclat to the administration of the judges who would beard the lion in his den.

It is alleged that Judge Eckles, before leaving Utah, was identified with this party, and that he managed to get Judge Sinclair, in whose district most of the cases were to be tried, committed to the same policy. The latter has not been idle, for he has evidently treated the President, his instructions, and his pardon very cavalierly.

The Mormons have trusted to their numbers on the different juries to defeat the court. It is now said to be Judge Sinclair's intention to resign, which, if true, throws the responsibility on the President, of either permitting him to resign under the pretence of not being able to enforce the laws, or of accepting the unenviable alternative of supporting him when he knows he has treated his pardon with contempt.

[From Washington cor. Buffalo Courier, Feb. 7, 1859.]

The Mormon news comes to us chiefly from the enemies of that people, and commonly misrepresents and vilifies them.

The last despatch states that the federal judges propose to return in the spring, satisfied that all efforts to enforce the law are useless. It is likely enough that the judges are to come home, and the sooner they do so the better. Their conduct shows them to have misconceived the object of their mission.—They were not sent out to pick quarrels with the Mormons. It was none of their business to go behind the Executive amnesty, and rake up treasons that the government sought to bury in oblivion. Least of all, were they commissioned to attack the religious system prevailing in Utah. Ours is a government of toleration. It does not concern itself with doctrinal creeds. These it leaves to individuals; and it devolves on the communities of States and Territories the regulation and control of their local affairs and domestic institutions.

Gov. Cumming has shown a commendable deference to the obligations and restraints incident to his position. But the Utah judges have evinced a mischievous disposition ever since they set foot in the Territory. It is probably true that they have leave to come home, with the full approbation of the government.

The Mormons have suffered grievously from misrepresentation. A special agent was sent out to investigate one of the most serious charges against them, that of destroying the judicial records of the Territory. The result of his examination disclosed the infamy of their persecutors, who had not hesitated to resort to calumny, and to abuse the confidence of this government, in order to gratify personal prejudice and spleen. This fact became fully apparent, when, in addition to the people of Utah, the Federal Governor of the Territory was also made the object of virulent attack.—Gov. Cumming was himself accused of being a Mormon at heart, because he refused to unite with those indiscreet officials in fomenting dissatisfaction and prolonging the disturbances which he was sent out to quell.

But the better cause, it seems, is to prevail, and the judges come home, while the Governor remains to fill his place and execute his conciliatory mission.

The foregoing contains about as much truth as we have seen in any two articles written or published about the 'Mormons' of late. We do not know whether the judges referred to, have leave to retire or not, but one thing is certain, if acts are any index to the real sentiments of men, some of the officials in this Territory have no desire to promote peace within its borders.

Great Military Display!

Immediately upon the adjournment of the court and simultaneous therewith, the troops under command of Capt. Heth commenced their march from the Seminary lot and stationed themselves in the main street. At this juncture 16 platoons of infantry, averaging from 25 to 30 in each platoon, one company of cavalry and a detachment of artillery, with two brass pieces, entered the city by the north gateway, commanded by Major Paul. They proceeded down the main street, their martial band playing the tune that goes to the well-known song, "Doo Dah."

At a point about 3 blocks south of the Seminary, wheeled and commence their return march, the band playing "the girl I left behind me." When 8 platoons of infantry had had past the court house, a halt was called, and Capt. Heth's company, with the prisoners, were marched into the centre of Major Paul's command, and the grand military denouement was consummated by the whole force taking up its line of March for Camp Floyd. [Communicated.]

[For the Deseret News.]

Oppression.

Letting your pigs run in your neighbors garden. Taking water from your neighbors well, when there is not enough for himself. Entering a house with muddy feet. Taking the biggest share of the fire. Having to fetch your ax every time, from those you lend it to. Turning out your cows to board wherever you please. Crossing a lot and tramping on the newly sown ground. Squirting tobacco juice, where ladies are sure to soil their dresses. A Shoemaker misfitting through inattention. Hiding a near sighted man's spectacles. Reading a novel and boiling eggs too hard to digest. Making no provision for late arrivals at festivities. Daring with all the pretty girls, and letting the plain ones sit still the night. Always learning a musical instrument to the annoyance of your friends. Getting drunk at a party. Pitching into what you like best on the table, when there's little of it. Lending a kicking horse without telling the borrower. Smashing down a little bridge by walking your horse over it. Despising red hair when dye cannot be bought. Having troops round a court of justice.

[For the Deseret News.]

Prejudice

Draws a veil over the good qualities men possess, and magnifies their weaknesses into abhorrent vices; there are many who only admire a few of the virtues, and only despise a few of the vices; good and evil are woven and blended together, in the human character; every virtue should have its just claim in our estimation; debit the vices and credit the virtues, and find the balance for or against; let no virtue be estimated higher than its worth, and let every weakness be clothed with that mantle which covers a multitude of sins. Judge righteous judgment.

AN ENGLISH CITY is a corporate town which has a cathedral church and is or has been the capital of a bishop's see.