



GEORGE Q. CANNON,
EDITOR AND PUBLISHER.

Wednesday, - - - March 13, 1872.

unanimous "aye"). They cannot show such a record in any part of the world as we can exhibit in this Territory in relation to these matters; and they cannot find another Territory that has been so well managed in its financial matters. Our city here is out of debt; our cities throughout the Territory are out of debt; our counties are out of debt and our Territory is out of debt. Where can you point to the same thing anywhere else? Well, they have got such good, smart, intelligent men in other places that they manage to keep things right, and we are fools here! A good many people think that Mayor Wells is not half smart enough, and that if they were in his place they could manage the municipal finances a great deal better. I presume the same as they were manipulated in New York. (Laughter.) But we don't want such Mayors, nor such Governors, nor such institutions in our midst. We want righteousness and truth, and equity and honor and integrity, and men to be governed by correct principles, and to seek the wellbeing of the people they live among and rule over. And who are these men they are now prosecuting and persecuting? Why, here is Brigham Young, for instance. I have travelled with him thousands of miles, preaching the gospel without purse or scrip. What has he done to anybody? Whom has he injured? Can anybody put their finger on it? Not and tell the truth. I know before God they lie. I have been with him in private and public under all circumstances and I know his feelings. I know they are liars when they make these statements, and this people believe it too.

Well, what shall we do then? Why, do right. It is all right, who cares? The wrath of man shall praise the Lord. He holds them and us in his hands, and he will control, guide, manage and direct all things according to the counsel of his will, and no power in this city nor in these United States I say, and I will prophecy it in the name of Israel's God, shall harm you. (Congregation said "Amen.") God will control direct and manage all the affairs pertaining to his people, and Israel will rejoice and be triumphant, and the kingdom of God will be established, and the power of God will be manifested, and the work of God will progress, and the kingdom of God will roll forth, from conquering unto conquer, until the "kingdoms of this world shall become the kingdoms of our God and his Christ, and he shall reign with universal empire."

May God help us all to be faithful, in the name of Jesus, Amen.

STATE ELECTION. PEOPLE'S TICKET.

For Representative in Congress.

FRANK FULLER.

For State Senators from Salt Lake, Tooele, and Summit Counties.

WILFORD WOODRUFF,
GEO. Q. CANNON,
WM. JENNINGS,
CHAS. H. HEMPSTEAD.

For Representatives from Salt Lake County.

JOHN TAYLOR,
BRIGHAM YOUNG, JR.,
JOHN T. CAINE,
THOS. P. AKERS,
A. P. ROCKWOOD,
S. A. MANN.

THE HUMP ON THE BACK.—Grace Greenwood, writing to the New York Times, says of the Japanese ladies with the Embassy—

"The Princesses brought over for their education are admired as remarkably modest and well behaved young ladies. They are said to be impatient to don the American dress, which they admire, 'all but the hump on the back.'"

READ the dispatches for interesting items concerning Utah.

THE MORMON MUSS.

An Interview with George C. Bates.

WASHINGTON, Jan. 29, 1872.

THAT TRUMPET OF JERICOHO.

The Mormon problem seems to be constantly increasing in perplexity. The Pacific railroad has long been completed. The locomotive whistle has for two years been heard on the shores of Salt Lake, but Mormondom has not been overwhelmed, nor polygamy been abolished. The walls of the seraglios of the Utah Turks, which were to have been made to fall by the shriek of the steam herald of civilization, as in the Hebrew story, the walls of Jericho fell at the sound of the trumpet, still firmly stand, and the strength of these walls is yet very great. They seem to have been cemented in molten gold. * * *

THE STATEMENT OF GEORGE C. BATES.

I met on Thursday your former townsman, George C. Bates, now United States District Attorney for the Territory of Utah. He is here by the order of the Attorney General, to attempt to extricate the United States government from the very serious legal difficulties into which it has been brought, as it would seem, by inconsiderate action, at the instigation perhaps of over-zealous and ignorant advisers. I shall here endeavor to reproduce some notes of this conversation as a matter of public interest, at the present time, without intending, however, in any way to commit *The Evening Post*, or its correspondent, to the views here given. All the facts of the following statement are derived, in part, from Mr. Bates, and in part from other sources, which I have deemed equally trustworthy. But, as to both sources of information, I am at the mercy of my informants, having myself, from personal observation, no knowledge of the Land of the Bee.

Shortly after the Chicago fire, Mr. Bates was appointed United States District Attorney for the Territory of Utah. He had served in similar capacities for a considerable period in Michigan, many years ago, and was well known as an able lawyer of the old school. He was something more than a decayed and decrepid politician, who is generally a lawyer only in name, and he carried to Utah the experience of an active and successful career at the bar of nearly a quarter of a century. He was a conservative man, unlikely to be led astray by the tricks of a Police Court, or the partisan arguments of Judges sitting, politically, to advocate a cause, rather than judicially to interpret the laws as they found them. The speech of Mr. Bates, at his induction into the duties of his office, created a very favorable impression throughout Utah, and wherever else it was made known. In it he declared it to be his intention, "with God's blessing," to perform the delicate and sacred functions of his office with such firmness, equity, calmness and candor; with such equal and exact justice toward all the people of Utah, whether Mormon, Gentile, or Jew, without regard to caste, religion, sex or sect, as to extort from them all the commendation of the old English Bishop, that, in spite of crafty tricksters, law, after all, is "that science whose voice is the harmony of the world, whose seat is the bosom of God. The greatest are not above nor beyond its power, or its process. The humblest are not beneath its protecting arm." And he further added: "Accustomed from my youth to regard its ministers upon the bench as engaged in duties not less sacred than those of the minister of the altar of the living God, I shall bow with deference always to the rulings and decisions of the bench, save only when they are overruled, altered, or reversed by the supreme judicial tribunal of the United States, or the wise action of an intelligent Congress, acting in its capacity as the lawful guardian of its rising ward."

WHAT MR. BATES FOUND THERE—CONFLICT OF TERRITORIAL AND FEDERAL JURISDICTION.

Upon assuming the proper functions of his office, Mr. Bates found that the former law officers of the government had wrought almost inextricable and inexplicable confusion in the law matters of the Territory and the government. To give greater clearness to subsequent explanations, I here cite portions of the two statutes to which so much publicity has recently been given, and concerning which there has been so much ignorant legal exegesis.

THE UNITED STATES LAW.

On the 1st day of July, 1862, President Lincoln approved an act of Congress, entitled, "An act to Prevent the Practice of Polygamy in the Territories of the United States," the text of which, so far as it relates to the chief Mormon indictments, is at follows:

Be it enacted, &c., That any person having a husband or wife living who shall marry another person, whether married or single, in a territory of the United States, or other place over which the United States have exclusive jurisdiction, * * * shall be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by fine not exceeding five hundred dollars and by imprisonment for a term not exceeding five years.

THE MORMON TERRITORIAL STATUTE.

Something more than ten years prior to this act, on March 6, 1862, Brigham Young, at that time the husband of eight wives, and Governor of the Territory of Utah by the appointment of Millard Fillmore and the confirmation of the United States Senate, affixed his signature to a bill of the Territorial Legislature of Utah, making it a law, which was entitled in part, "An act in relation to Crimes and their Punishment," and under the sub-title of which—"Offenses against Justice, Morality, and Decency"—are found the following sections:

"Sec. 31. Every person who commits the crime of adultery shall be punished by imprisonment not exceeding twenty years, and not less than three years, or by fine not exceeding one thousand dollars, and not less than three hundred dollars, or by both fine and imprisonment, at the discretion of the court; and when the crime is committed between parties any one of whom is married, both are guilty of adultery and shall be punished accordingly. No prosecution for adultery can be commenced except on the complaint of the husband or wife.

"Sec. 32. If any man or woman, not being married to each other, shall lewdly and lasciviously cohabit together, or if any man or woman, married or unmarried, is guilty of open and gross lewdness and designedly makes any open and indecent or obscene exposure of his or her person, or of the person of another, every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fined not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the court."

The Legislative Assembly which passed these acts were all Mormons, and each of the thirteen members of the Upper House were in possession at that time of more than one wife, and of the Lower House all but three members were polygamists. These three have since become polygamists, although believers in the Mormon faith before.

These are the two principal statutes which have excited so much recent public discussion, the peculiar construction of which, by some of the law officers of Utah, has been the occasion of so much indignant comment by the leading lawyers of the country.

LEGAL CHAOS IN UTAH.

Mr. Bates, upon arriving there, found that there was not a single cause pending in the courts, under the act of Congress of 1862, above cited, prohibiting polygamy, or in which the United States was a party, or in which the acts of Congress, as such, were involved. He also found that the Territorial Supreme Court had decided that in all criminal cases, from which there was no appeal, it was a United States court; assuming thus, in an extra judicial and unauthorized manner, a chameleon-like jurisdiction. This Territorial court also claimed that all its Grand and Petit jurors must be, and had been, drawn as a United States jury under the law of Congress, although the court itself was not a United States court, and had no authority to look to other laws than the statutes of the Territory by which it was created, and the general common law of the land. The court had assigned multifarious and most peculiar duties to the United States District Attorney. Mr. Bates discovered that the judges had determined it to be his duty to prosecute all criminal causes pending in every district of the Territory, although cases of purely local character, in which the United States had no concern; that he must prosecute Brigham Young for lascivious cohabitation in the United States court, as well as a common strumpet for breach

of the peace in the saw dust of a Territorial Police Court. He was assigned to the duties performed in your own city by United States Attorney Glover State's attorney Charles Reed, and formerly by the departed Grosvenor, Prosecuting Attorney of the Police Court. He was to prosecute all sorts of people for all manner of infraction of purely Territorial laws, the offenses in question being defined and punishable only by Utah statutes. He was to do all this for the United States, and in addition to provide his own jail and penitentiary, since the United States had none. The Mormon Territorial Legislature, acting in apparent harmony with judicial decisions of the Federal officers, had determined that, if the United States government was resolved to conduct the prosecutions of the Police Courts of the Territory, it might also undertake to pay the expenses of the judicial procedure. Consequently the Territorial Legislature refused to make any appropriations of money for the Territorial Courts, which had assumed to be exclusively Federal courts. The result was, and is, that the United States Marshal has incurred an expense of some eighteen thousand dollars for the ordinary expenses of the courts and the care of prisoners, and that the United States is utterly without funds to continue the existing prosecutions against the leading Mormons, and this, too, while the Mormon leaders avail themselves of the best legal counsel the country affords, regardless of expense. The indictments themselves run as follows: "The people of the United States for the Territory of Utah," and end, "against the statutes of the Territory of Utah, and the peace and dignity thereof," a legal process which, upon its very face, is merely a procedure of a Territorial court, if ordered to be conducted exclusively by Federal officers, in conflict with all the precedents of the Territories, and, as it would appear, in violation both of the organic act of the Territory and of the constitution of the United States. The Grand Jury of this complex court has found all the indictments now under prosecution. The question of the legality and validity of its organization is soon to be tested in the United States Supreme Court, and, I am informed, on the best authority, that within a very few days the supreme tribunal of the nation will decide that this jury is utterly invalid and unlawful, and that all its pretended acts are simply personal trespasses, without shadow of authority or effect in law. It is no wonder, in consideration of these circumstances, that Mr. Bates appeals to Congress to "decide whether anarchy shall continue in Utah, or life and property shall be protected by law there; whether in that beautiful and richest of all the Territories of the United States, all sects, castes, and religions shall bow alike to the silent majesty of the law, or crime shall be unwhipped of justice, murders most foul be unpunished, because the Utah authorities will not do their duty and the United States cannot."

CONFLICT OF JURISDICTION.

The peculiar feature of these polygamous persecutions, in a legal aspect, is the notable manner in which the Judges have violated all the ordinary rules of legal interpretation, in attempting to convict Mormons of crimes under statutes enacted by Mormon Legislatures, and designed for the punishment of offenses which, in all equity and sound reason, cannot be considered to comprehend Mormon polygamy. All of the indictments for polygamy were framed under the first statute of 1852, above quoted. That was a statute made by polygamists, signed by a polygamist Governor, who is the chief criminal now under indictment, and it has been suffered by Mormon Legislatures to remain for nineteen years upon Mormon statute books, while no suggestions for its abolition or modification have ever been made. The gist of the offenses of the statute, according to the intention of the Legislature, was manifestly the crime of fornication, and by no method of equitable construction can it be construed to comprehend polygamous marriage. The only similar statute in the whole country bears the date of 1790, and is in the State code of Massachusetts of that year. This statute has been constantly construed to mean offenses against public decency, and not secret cohabitation.

A FAT TAKE.

One peculiar and suspicious circumstance connected with these prosecutions is the fact that under the law, as interpreted, the United States Marshal is empowered to serve every writ for every