EDITORIALS.

THE CONSPIRATORS SHOW THEIR HAND.

THE policy of obstruction and nullification which has been pursued by Eli H. Murray, Governor of Utah, during the entire session of the present Legislature, was evidently determined from the beginning, and was part of the conspiracy which had been in operation for some time to precipitate a revolution in this Territory.

A few designing men have lusted for the local funds and offices. They have effectually barred themselves out of every place in the gift of the people, by their persistent abuse and misrepresentations, by their endeavors to procure special legislation against the interests of the majority, and by evident designs for personal objects. Eli H. Murray, by his exploits when U. S. Marshal in Kentucky, prepared himself as a fitting tool for these conspirators. He drank into their spirit as readily as he imbibed his favorite liquor. Before he knew anything of the Territory or its people he commenced to abuse them and work against their interests. He has all along favored the destruction of all republican government in Utah. He has worked for the subjugation of its citizens. He has shown his ambition to become either the head of a martial domination of its affairs, or of an oligarchy to rule it without any popular voice in the government.

His attitude during the present session of the Legislature has been in consonance with the plot to bring about this radical change, for the benefit and emolument of his friends and his own ambition and aggrandizement. Every measure presented for his signature he has either vetoed or ignored, except two or three trifling bills which do not count in the aggregate of the session's work.

The veto message on the appropriation bill has no doubt been ready for weeks. It was studied out and determined upon without regard to the merits of the measure to be rejected. The number of the bill was the only thing needed to fill up the solitary blank left vacant in the message. It does not contain a single objection to the contents of the bill. There is nothing pointed out as wrong, extravagant, inexpedient or unlawful in its provisions. The reasons assigned for nullifying it and thus stopping the machinery of the local government are altogether extrinsic.

The only allusion to the contents of the bill which is made in the message is this:

"This bill contemplates the continuance in authority of the present usurping incumbents of the offices of Territorial Auditor and Treasurer, and to permit the disbursements of the public moneys through these agencies."

This solitary criticism on the purport and purpose of the bill is a willful and palpable falsehood. The bill makes no provision whatever in regard to the present incumbents or any other persons who may succeed them, in the offices of Territorial Auditor and Treasurer. This is the peculiar Murray method. It is common to most of his public documents. He first states an untruth, and then proceeds to hang upon that bald and naked falsehood such headgear and habiliments as suit his purposes of deception and intrigue. There is nothing in the bill to give him the thinnest shadow of an excuse for his misleading statement. The bill recognizes no individual as the future Auditor or Treasurer. It simply appropriates the Territorial funds. It does not say what person shall handle them. If new officers are elected or appointed they will handle the public moneys under the bill just the same as the past incumbents of those offices have done. Why did Governor Murray find it necessary to put forward so gross a falsehood as the basis and groundwork of his veto? Simply because the truth would not serve him, and as there was nothing really objectionable in the bill itself, he, or the conspirators whom he represents, had to invent something outside of the measure as an excuse for obstructing its passage.

All the Governor's argument, if such it can be called, being based upon something alleged to be in the bill which is not there, and to which the bill makes no allusion, tumbles to the ground, bursts into fragments and dissolves into thin air.

Going outside of the bill, we may consider the Governor's tirade against the people of Utah, and the position he takes in regard to the offices of Treasurer and Auditor. The question of polygamy, the pretended connection of the civil government with ecclesiastical affairs in Utah, and other extraneous matter introduced for effect in the veto message, have no more bearing upon the distribution of the Territorial finances than upon the growth of timber in the Territory, a bill to encourage which the Governor has actually signed. So with the allusion by the Governor to the position occupied by the Territorial Treasurer as chief clerk in another office. The Treasurer's salary has been from $500 to $750 per annum, and there is nothing in the nature of the office to prohibit him from engaging in other occupations. The objection is silly and betrays the animus of the writer.

Now as to the chief bone of contention. It is a dispute between the Governor and the Council. It is one that can only be properly decided in the courts. The Governor intimates that the Supreme Court of the United States has passed upon it in support of his position. If he really intends to say that, he utters another falsehood. That Court has done no such thing. The decisions which bear on this question point the other way. The doctrine laid down by the Supreme Court is, that an act of the Territorial Legislature which has not been disapproved by Congress stands as virtually approved by that body, and as equivalent to a law of Congress. Also that such laws are in force until disapproved or repealed. The Act of the Legislature which provides for the election of the Auditor and Treasurer cannot be ignored by the Assembly. Until passed upon by some court of competent jurisdiction it is in force. The officers elected under it are, as the Governor has formally acknowledged and recognized, *de facto* officers, having all the power necessary to handle the Territorial funds, even if a court shall yet decide that they are not officers *de jure*. Their official acts will be valid until such decision, as the Supreme Court of the United States has ruled in great plainness.

But let the Governor's opinion concerning his right to nominate those officers be ever so strong and correct, that gives him no color of justification in vetoing the appropiatrion bill. He may nominate, but if the Council does not confirm, his nominations are void. The *de facto* officers then continue until the offices are lawfully filled. The Governor cannot force the Council to do his bidding. That body is independent in its sphere. Its members are not his slaves. If the Council will not bend to his dictate, that does not authorize him to obstruct legislation passed by both Houses. A failure by the Council to approve his choice of two officers does not give him the faintest excuse for cutting off the supplies for the purpose of paralyzing all local government, nor for vetoing measures that have no connection with the dispute and nothing to do with the officers whom he wishes to nominate.

The Senate of the United States is in conflict with the President over certain nominations. Will the failure of the Senate to confirm those nominations justify the President, in refusing to sign an appropriation bill for the conduct of the general Government? Would not the whole country be roused to the most fiery indignation if he attempted such a thing? Would either Democrats or Republicans submit to such autocracy and usurpation? Yet this is exactly what Governor Murray, in his small and paltry way, is doing in Utah.

The only reason he can offer for vetoing the appropriation bill is the supposed failure of the Council to confirm his nominees. We say "supposed" for he did not know yesterday when he sent in his silly message but the Council would take up the question of his nominees to-day; and, as we have shown, there is nothing in the bill he has vetoed which bears upon the question.

The whole message is pregnant with falsehood and saturated with cant. The Governor's course has been the exact reverse of that which he portrays in the tones of the hypocrite. He has plotted, from the commencement of his career, against the peace and liberties of the people. And this veto message, prepared for effect at Washington, has for its purpose the kindling of the flame of prejudice now burning against this Territory, to the end that the local government may pass into the hands of a clique of conspirators, the head and chief of whom is Eli H. Murray, the obstructionist and nullifier, who seeks to ruin the people he has not been able to rule. This veto is designed to bring about a crisis. It may end in one of which he has never dreamed.

UTAH TO THE FRONT.

IN the United States Senate, yesterday, Utah was twice brought into the debates. In one instance, when the deficiency bill was under consideration, the large item of $185,000 deficiency in the Department of Justice provoked inquiry, and Senators Edmunds, Ingalls and Plumb, seeing a chance to give the economical Democratic administration a dig in the ribs, pointed out the fact that the party of retrenchment had been more extravagant than their predecessors. When it was learned, however, that the large expenditure was due to the extraordinary proceedings in Utah in the enforcement of the Edmunds law, which were inaugurated by the Republicans, the Senator from Vermont and the other objectors subsided.

In the other instance, Senator Pugh in replying to Senator Edmunds in regard to the powers of the Senate concerning the demand for official documents, and in reference to the removal of officers, spoke of the removal of Judge Shaeffer, of Utah. He pointed out the danger of the exercise of such power as claimed for the Senate by Mr. Edmunds, and vindicated the position of President Cleveland.

Utah is bound to come before the country in some shape. It is destined to cut an important figure in the affairs of this nation and of the whole world, and the very mention of its name attracts unusual attention. It is all in the programme, and will result in good when the hand of Providence gathers up the threads, and weaves a garment of glory and peace for the people, now the object of general disfavor.

RHODE ISLAND AND OPEN VENIRE.

RHODE ISLAND is disturbed by a dispute in relation to jurors. A bill has been introduced which has passed one House of its Assembly, for the purpose of doing away with the necessity for the open venire system. It provides for additional jurors by the regular process. It is similar in its purpose to the Utah jury bill which has been vetoed by the Governor. The dispute does not arise from any disposition to maintain or encourage the unfair and partial open venire, but only in regard to the respective numbers of jurors to be drawn from the different counties.

The statute proposed to be amended is somewhat similar in its provisions to the method of the Poland law, only there is no discrimination as to classes of citizens. The town councils of all the towns in the State select a jury list of all residents whom they think qualified to serve, and the names being written on separate slips of paper are placed in a box provided for that purpose and kept locked by the town clerk, who, not more than six weeks before each term of court, draws from the box the number of jurors required of that town to be sent to the court. Whenever it is necessary for the dispatch of business to obtain more jurors, the courts may issue writs of venire.

The intent of the law is to provide sufficient jurymen from the several counties for all necessary court purposes, and the venire power of the courts is only intended for use in case of emergency. But in consequence of many jurors on the regular list being excused from serving, for divers reasons, the open venire has become a common thing, and is frequently used by the officer charged with its service something after the style of the U. S. Marshal in Utah. It is thus described by the Providence *Star*:

It is a matter of common knowledge that in some of the counties referred to there are almost every term of the court some cases that attract general attention, concerning which there is a division of public sentiment, and which sometimes serve to develop much bitter feeling and mark the dividing line in other local affairs not of a kindred nature. In such cases the local officer who goes out with the venire is quite likely to be a sympathizer with one side or the other, and is thus placed in a position where he can indulge his own prejudices or materially assist his friends, political or otherwise, by bringing in jurors whom he knows to be particularly friendly to those whom he sees fit to favor. It requires no argument to show that this method of obtaining jurors does not tend to fairness and impartiality, is contrary to the spirit of the law, and should only be exercised in providing for emergencies which cannot otherwise be met."

To prevent this unfairness the amendment to the law has been introduced, and the dispute in Rhode Island is over the respective numbers of jurors to be required of the different counties. It was for a similar purpose that the jury bill was passed by the Utah Legislature, and it was to retain the system which practically prevents the empanneling of an impartial jury, that Governor Murray vetoed the bill. The *Star* says further:

The object of the bill is to facilitate and secure the impartial administration of our laws, and to shut out from the jury box those who are unfit to sit there, because they are neither disinterested nor impartial. If it became a law it would practically leave the composition of juries entirely to chance, and not in part to the discriminating intelligence of a sheriff or his deputy.

If the necessity for such a measure is felt in Rhode Island, what must it be in Utah, where the open venire is prostituted to the selection of jurors who are in known hostility to the defendants and are picked out by a partisan officer for that very purpose?

It is impossible, under present arrangements, to obtain a fair jury when a "Mormon" is placed on trial for alleged infraction of the Edmunds law, and this is one reason why many persons marked down as a prey to special proceedings, find it necessary to avoid coming to a trial that would be merely a useless form to excuse a fixed purpose and give it the color of law. Trial by jury, in such cases is only a sham and a snare, unless it be that it is a shame and disgrace to American jurisprudence.

"KING" MURRAY ATTEMPTS TO REIGN.

PEOPLE who are familiar with the tactics of Governor Eli H. Murray will not be surprised at his latest attempt at usurpation. His overweening ambition and self-importance have led him into several follies and failures, and his anxiety to exercise the one-man power which he imagines is inherent in the high and mighty office of Governor, makes him easily susceptible to the influence of the plotters who play upon his vanity to bring about the purposes of their conspiracy.

Having failed to coerce the Legislature into submission to his dictates, by confirming his nominees in defiance of a territorial statute that has been in force for eight years, and others for twenty-nine years, he now essays to ride over the laws and the rights of officers acting under those laws, by appointing his friends to certain positions and announcing that he will, under certain conditions specified by proclamation, issue to them commissions.

The Governor's proclamation will be found in another column. It pretends to appoint persons to fill the offices of Territorial Auditor, Treasurer, Superintendent of District Schools, Recorder of Marks and Brands, Librarian and Sealer of Weights and Measures. These offices were created by the Legislative Assembly. The Acts creating them defined the duties of their incumbents and provided for the manner of their election. This is in harmony with an established principle. The body that creates an office may not only declare the duties thereof but the manner in which it shall be filled. The laws that brought these offices into being provided that they should be filled by election. The two Houses of the Assembly in joint session were to elect the officers.

These statutes, to be found in the Compiled Laws of Utah, pages 90 to 99 inclusive, were duly enacted by the Legislature and signed by the Governor, and have never been disapproved by Congress or declared void by any court. They are therefore still in force, with the exception of the section of the law of 1852 providing for the election by the Assembly of the Territorial Auditor and Treasurer, which was superseded by the law of 1878, providing for the election of those officers by the people. At each successive session of the Legislative Assembly those offices have been filled according to law, with the exceptions named, and they were filled by popular election under the later statute, until the advent of the Utah Commissioners, who, without any more right to decide on the subject than five commercial travelers, undertook to assume judicial functions and ruled that the Auditor and Treasurer and some other officers could not be elected by the people. Therefore the then incumbents have held over in office till now, under the authority of the law providing that they shall hold office for their terms and until their successors are elected and qualified. No one has succeeded them, therefore they are still in office and their official acts are valid.

The Governor has taken the ground for a long time that these offices should be filled by the nomination of the Governor and the appointment of the Governor and the Council of the Legislative Assembly, under section seven of the Organic Act. But should we grant that his view of the matter is correct, it does not follow that he has the right to act in the extraordinary and arbitrary manner which has characterized his proceedings in connection with it. He cannot compel the Council to confirm his nominations, any more than President Cleveland can force the Senate of the United States to confirm his nominations. It takes both the Executive and the Senate in the latter case to appoint, it takes the executive and the Council to appoint in the former case.

Taking the Governor's view to be right, there is a certain amount of similarity between the two positions. But they are not by any means identical. And one great difference is, that while the President during the adjournment of the Senate, may remove officers and make appointments *ad interim*, the Governor cannot remove any officer, and can only fill vacancies arising from two causes, namely, the death or the resignation of an officer in whose appointment he has a voice. This is very clearly defined in Section 1858 of the Revised Statutes of the United States, as follows:

"In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the Legislative Council, in any office which under the Organic Act of any Territory is to be filled by appointment of the Governor by and with the advice and consent of the Council, the Governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislative Council."

The question is, what vacancy exists from the death or resignation of any such officer? The answer is, no such vacancy has occurred, therefore there is none for the Governor to fill. He cannot create a vacancy for any cause. Neither can he lawfully assume that a vacancy exists while the *de facto* incumbents are alive and do not resign. He has acknowledged, officially, that the present incumbents are *de facto* officers, although he denies that they are officers *de jure*. In doing so he claims that the law providing for their election is void. But he has no judicial functions. He has no authority to decide as to the validity of a law framed by the Legislature and signed by one of his predecessors. In assuming to declare a law of the Territory invalid, he usurps judicial powers. And in attempting to fill offices in which no vacancy exists, except such as he judicially assumes to exist, he arrogates to himself extra-executive powers and thus goes beyond the bounds of official right and official decency.

In attempting to appoint these officers, Governor Murray violates both the Organic Act under which he claims the right to nominate them, and the Territorial statute which created the offices. If he claims to proceed under the Organic Act, he does violence to it in attempting to appoint, during the recess of the Legislative Council, in cases where there is no vacancy by death or resignation. If he pretends to act under the Territorial statutes, which define the duties of the officers, he does equal violence to those statutes, for they provide:

"That in case of death, resignation or other disability of any Territorial officer, made elective in this Territory, it shall be the duty of the Governor, within ten days after receiving notice of the death, resignation or other disability of such officer, to call a special election in the Territory or district where such vacancy shall have occurred, for the purpose of filling the same."

This is from the law of 1878, which provides for the election of the Auditor and Treasurer by the people. If he ignores that law he must go back to the laws in relation to the election of those Territorial officers by the Legislative Assembly, for without them the offices do not exist. The law creating those offices was passed Jan. 20, 1852, and on Jan. 3, 1853, an Act was passed containing this provision:

"When a vacancy occurs in Territorial elective offices the Governor shall order a special election to fill such vacancy."

Thus, in his proclamation, he is wrong, whichever law he chooses as his authority. The Territorial statutes make it his duty to call a special election to fill the vacancies, if such exist, and the Congressional statute only gives him authority to fill a vacancy occurring from death or resignation. The national law is intentionally framed for the purpose of preventing the exercise of autocratic power such as Governor Murray now attempts to wield. In his entire conflict he has taken ground under the Organic Act. But when it comes to carrying out his pet projects and playing the role of supreme authority he pays no attention to the restrictions of the Organic Act, but to use his favorite phrase, becomes a "nullifier" of an act of Congress, and thus proves himself "disloyal" and in spirit a "traitor," both to the people whom he is trying to bring into bondage, and the Government and laws which he has sworn to uphold and execute.

The persons whom he pretends to appoint have to execute bonds to the approval of the Auditor, or in some cases, of the Probate Judge. This must be done before they can file their notice of qualification and receive his bogus certificates. If they think it worth their while to fight for the empty honors with which the Governor seeks to endow them, by the flourish of a proclamation and without any appropriation of funds for salaries or any other public purpose, let them go ahead and see how much of either honor or money they will get for their pains.

As for the present incumbents of the offices, we hope they will have the manhood to stand by their colors to the last extreme, and if the people do not back them with every encouragement and lawful assistance that can be rendered, the people will deserve to lose what few rights are yet left to them as American citizens. To all constitutional law we expect to submit, but to one man's usurpation an arrogant domination, never, no never!

LAWLESS DOINGS OF THE DEPUTIES.

ANOTHER outrage by Marshal Ireland's minions was perpetrated on Saturday, when two ladies were seized without warrant by deputies at the Cannon farm. Mrs. Edna Smith went there with a Sandwich Islands woman to pay a visit, and was supposed to be Mrs. Eliza Cannon. Of course when asked if she was that lady, she denied it, and was then interrogated as to her own name. This she was not compelled by law to give. Deputies have no right to examine citizens, male or female, as to their identity. They then surrounded her vehicle and guarded her to town where they manufactured a subpœna on the street, inserting a fictitious name, and compelled Mrs. Smith and her companion to go before the Grand Jury.

How much more of this kind of business does Marshal Ireland expect the people to put up with? We have cautioned him and his ruffians before. We do it again. We advise them to keep within the lines of the law. We do this from a desire that no violence may occur. We do not pretend any great affection for those fellows who choose a not very refined calling, and make it the vehicle for ruffianism, and the exhibition of those characteristics that do not dwell in the soul of a gentleman.

But we do not wish to see a conflict provoked that may turn out very disagreeably for parties on both sides,