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## TO THE PUBLIC.

I hereby inform the public that the *DESERET NEWS* is not and has not been an organ of mine, for, except matter accompanied with my name, I have only occasionally, and that too some time ago, known any more of the contents of the *News* until after it is published, than I have of the copy furnished to the compositors of the *New York Ledger*.

BRIGHAM YOUNG.

G. S. L. City, Jan. 28, 1863.

## A BRIEF HISTORY OF THE FEDERAL COURTS AND JUDGES IN AND FOR UTAH PREVIOUS TO THE CRUSADE.

A full history of the Federal Judges, which have been selected, appointed for and sent to this Territory since its organization, would be a voluminous concern, and would present a greater amount of turpitude and ignorance than was ever recorded of a like number of men, invested with ermine, since the discovery and settlement of North America by Europeans, who introduced and established upon the western continent the Jurisprudence of the countries or nations from whence the colonists came.

There have been some few honorable exceptions to the general dark picture of human depravity which has been presented by the Federal Judiciary in and for the Territory of Utah within the last twelve years, as three or four of the legion of Judges who have been sent here to administer the laws of the country and to execute judgment and justice in the land and among the people, have done so to the best of their knowledge, judgment, skill and ability, and to the entire satisfaction of the citizens generally, but by far the greatest number of the imported judges, unless some arrangement, agreement or understanding had been entered into or existed between them and those having the appointing and approving power before their coming, have betrayed the trust imposed by the government and violated the oath of office they had severally taken and subscribed before they were fully invested with the authority delegated to them, for they have neither held courts, administered justice nor resided in the districts to which they have been assigned.

If an agreement, either expressed or implied, existed between the individuals who have disgraced the ermine by their diabolical acts and misrepresentations relative to the people of Utah and those who sent them here, that they should do everything in their power, and to the full extent of their ability to persecute, destroy and bring evil upon those who had come hither for the enjoyment of peace, then have the contracting parties been eminently successful, but if there has been no such agreement or understanding, and the selections and appointments have been made in reference to the honesty, virtue, learning and ability of the appointees, the Government has been singularly and extremely unfortunate, for with the few exceptions made, we hazard nothing in saying that since man dwelt upon the earth, and any part of the human race dominated over another, or the people constituting a nation or any part of them, have been denied the right of self-government, and have had governors, judges and other officers imposed upon them without their consent, no country, state, colony or Territory was ever cursed with a more graceless set of government officials than Utah has been, so far as relates to the judiciary from first to last, and the prospects do not favor the hope of a change for the better very soon. Of the reported successor to Judge Kinney we know nothing. He may be an excellent man, but from what has been there seems to be no assurance, that in

the event of his coming, he will honorably discharge the duties of his office.

That all the unjust Federal judges who have been sent to this Territory have been unlearned in the law, we do not assert, but some of them have exhibited a pitiable degree of ignorance in relation to matters of law, and few, if any of them, have even professed to know the difference between Federal and Territorial Courts; but they have seemed to think that in virtue of their having been dubbed with the title of United States Judges, if they held any courts whatever, they had the unquestionable right to hold them wherever and whenever they pleased, regardless of the laws of the United States and of the Territory in relation to the time and place of holding courts for specified purposes. In verity they have almost universally manifested a disposition to do nothing according to law, not even so much as to reside in their respective districts, but with studied persistency have acted in derogation of indicated or prescribed rules in relation to all matters connected with the duties they have ostensibly been sent to perform. They have, with few exceptions, persistently remained in Great Salt Lake City, from the time of their arrival in the Territory until they either returned east from whence they came, or went west, constantly working iniquity, proclaiming to the government and to the world that they could not hold courts nor execute the laws, in consequence of the extreme aversion of the people, whom they have universally denounced as a community of thieves, robbers and murderers, to such tribunals—a greater lie than which never emanated from Pandemonium.

The first Justices of the Supreme Court, as the Federal Judges are styled, were Lemuel G. Brandebury, of Penn., Zerubbabel Snow, of Ohio, and Perry E. Brocchus, of Alabama, who were appointed by Mr. Fillmore. The two former arrived here about the 20th of July, 1851, and the latter soon after.

On the 8th day of August following, Governor Young, in accordance with the provisions of the sixteenth section of the Organic Act, by proclamation, defined the Judicial Districts of the Territory, assigned the Judges and appointed the time and places for holding courts in each district, until otherwise provided for by law. There were then but seven organized counties in the Territory. The First Judicial District, thus defined, was composed of the counties of Great Salt Lake and Tooele; the Second District, of the counties of Davis and Weber; and the Third District, of the counties of Utah Sanpete and Iron. The Hon. L. G. Brandebury was assigned to the First, Hon. Z. Snow to the Second, and Hon. P. E. Brocchus to the Third District. The courts in the First District were appointed to be held in Great Salt Lake City, commencing on the second Tuesday of April and October; in the Second District, at Ogden, commencing on the second Tuesday of May and November, and in the Third District on the second Tuesday of February and August, each term of court to continue one week, if necessary. Under that arrangement, each of the Judges had the privilege extended to them of adjourning their courts to any other county in their respective districts, if business should require.

We refer to these items of history to show that there was no disposition on the part of Gov. Young, to prevent the Federal Judges, from holding as many courts as they desired, or were necessary for the transaction of all the business required to be done in their respective Districts.

The Judges were kindly received on their arrival in the Territory, and every respect due them was cheerfully accorded. Two of them, however, Brandebury and Brocchus, soon began to display their true colors, and exhibit their dislike and opposition to every thing that was virtuous, and tending to the peace, prosperity and good order of society, and after having remained in the Territory about two months and without doing any legitimate business; and before the time came for holding the first court in their respective Districts, they went back to the States, belching forth venom and hate without stint, saying and doing everything they could devise to injure the people of Utah, but to little or no purpose. Their race was soon run, and they sank into oblivion, from which they have never emerged.

During the First Session of the Legislative Assembly, one new county was organized, and the Judicial Districts were changed, so that the First District included Great Salt

Lake, Davis, Weber, Utah and Tooele counties; the Second, Sanpete and Millard counties; and the Third, Iron county. The Hon. Z. Snow, the only Federal Judge then in the Territory, was assigned to the First District, in which courts were to be held on the first Monday of January and July, at Great Salt Lake City; on the first Monday of April at Ogden, and on the first Monday of October at Provo, with a proviso that the Judge was to hold his first court at Great Salt Lake City, on the first Monday of October, in the year 1851, and omit the court at Provo that year. Judge Snow was also required to hold two courts each year in the Second District at Manti, on the first Monday of November, and at Fillmore on the first Monday in May, also a court each year at Parowan, in the Third District, on the first Monday of June.

The arrangement thus made was to continue till the government should graciously furnish two Judges to supply the places of those who had absconded from the Territory, which was done in process of time, by the appointment of Leonidas Shaver, of Missouri, as the successor to Brocchus, and Lazarus H. Reed, of New York, as Chief Justice, to succeed Brandebury.

Judge Shaver arrived here in the fall of 1852, and by an act approved January 11th, 1853, he was associated with Judge Snow in holding courts in the various Districts which they could hold, either jointly or separately, as they might agree. Judge Reed arrived in Great Salt Lake City, if we remember correctly, in June, 1853, and by an act approved January 13th, 1854, he was assigned to the Second District, comprising the counties of Juab, Sanpete and Millard; Judge Shaver was assigned to the First, and Judge Snow, who had become a permanent resident of the Territory, and had never manifested any disposition to shrink from any required duty, and had never objected to going wherever the Legislature directed, was, a compliment to the other judges, assigned to the Third District.

The act thus assigning the judges, provided that courts should be held in the First District each year at Great Salt Lake City on the first Monday in December; at Ogden on the first Monday in March; at Provo on the third Monday in March, and at Fort Supply on the second Monday in August. In the Second District courts were to be held at Nephi on the third Monday in October; at Manti on the last Monday in October, and at Fillmore on the second Monday in November. In the Third District a court was to be held at Parowan on the third Monday in November. If that was not we should like to know what would be considered a liberal provision for holding Federal courts. Judge Snow continued to discharge the duties of his office till succeeded by Judge Stiles in the fall of 1854. Judge Shaver also continued to hold courts regularly in his District to the entire satisfaction of saint and sinner, till death ended his earthly career on the 29th of June, 1855. Chief-Justice Reed demeaned himself as a gentleman during his sojourn in the Territory, but we believe that he never held any courts, for, fearing the political guillotine of Mr. Pierce, who succeeded Mr. Fillmore as President of the United States on the 4th of March, 1853, he returned home before the time came for holding courts in his district in October and November of that year.

The Fourth Legislative Assembly made some alterations in the judicial districts of the Territory by attaching the Third or Southern District to the Second, and constituting Carson county, in the western part of the Territory, the Third. In the meantime the Hon. J. F. Kinney, who had been appointed Chief-Justice, and George P. Stiles, who had been appointed Associate-Justice, had arrived in the Territory, and were by the Legislative Assembly assigned, the former to the Second and the latter to the Third or Carson District, with a proviso that should Judge Shaver cease to officiate as judge of the First District, Judge Kinney was to be assigned to the First and the successor of Judge Shaver to the Second District.

Soon after his assignment, Judge Stiles proceeded to his district and held one court there. On the death of Judge Shaver, Chief-Justice Kinney, who had held all the courts required of him in the Second District, became the judge of the Northern District, with his headquarters, thus to speak, at Great Salt Lake, and continued to hold courts in his district, as prescribed by law, until his return to Iowa in the spring of 1856.

By a resolution passed by the Governor and Legislative Assembly, approved January 19th, 1855, United States District Courts were appointed to be held on the first Monday of December at Great Salt Lake City; at Ogden on the first and at Provo on the third Monday of March, in the First District; at Nephi on the third and at Manti on the last Monday of October, at Fillmore on the second and at Parowan on the third Monday of November, in the Second District, and at the County seat of Carson on the first Monday of September in the Third District.

It would seem from the foregoing that there was no intention on the part of Governor Young and the Legislative Assembly to prevent the holding of Federal courts in the Territory, and that in a peaceful, law-abiding community no more could possibly be necessary than were thus provided for, but lest some exigency might arise, there was an act passed and approved on the said 19th day of January, 1855, by which provision was made for the holding of special sessions in the several districts "upon the petition of not less than one hundred legal voters and tax-payers," when a greater number of like qualified persons should not remonstrate in time against the holding of such special session—a purely Democratic measure, to which no reasonable man could object, as by its liberal provisions as many courts could be held as a majority of the people might wish.

Some time in the summer of 1855, the notorious W. W. Drummond arrived here with a commission in his pocket authorizing him to officiate as one of the Associate-Justices of the Supreme Court of the United States for the Territory of Utah. To give but a brief history of his hellish doings while he remained in the Territory, or to refer to a hundredth part of the palpable lies which he fabricated and uttered, would take more time and space than we could devote to the subject, and we do not propose to undertake the task, but will simply give a few of the outlines of his acts and sayings, from which those unacquainted with the creature and his peculiar system of morals may judge what a miserable being he was.

He came to the Territory professedly as the representative of the "Little Giant," and to his interest he seemed ardently devoted. Before leaving Illinois, from which State he hailed, he deserted his wife and family under peculiar circumstances (but whether at Douglas' suggestion or not he never stated, to our knowledge) and substituted a noted harlot, whom he found in Washington, brought her to Utah, and unblushingly introduced her here as his wife, and that too among his old acquaintances who had every opportunity of becoming acquainted with the facts in relation to his perfidy in a few weeks. He intimated more than once, after the facts became known, when a little fuddled, if reports be true, that bringing the prostitute with him was a part of the "Little Giant's" arrangements or programme, subsidiary, probably, to his designs against the "loathsome ulcer;" but enough of that for the present.

As the successor to Judge Shaver, he was assigned to the Second District by the act of January 19th, 1855, with which he was not well pleased, and insisted on remaining in Great Salt Lake City, and officiating in the First Judicial District, alleging that it was Douglas' will, which with him, as understood, was paramount to all law. He, however, held one or two of the courts, appointed to be held in the Second District, one of which was at Fillmore, commencing on the third Monday of November, 1855, and which was continued for a long time, the principal object, apparently, having been to inaugurate an Indian war, as he issued many writs against Lamanites in that region, and managed to get nearly every man in Millard county summoned by the Marshal or his deputies as a posse, to hunt after the Indians on the deserts and mountains, in the dead of winter, till nearly every body was disgusted and maddened by his consummate folly, incurring heavy expenses, which the government was not disposed to pay.

Some of the orders and decrees of the notorious villain who had associated with him on the bench the while, his beloved paramour, were superlatively ridiculous, particularly an order or decree abolishing the form of speech used by the Indians, to designate emigrants from citizens, and making it a snable offence for a white man to call a Spaniard, a Mexican, or any man-stealer, murderer or other