The Mormons—Once More.

It is said that in a certain California city, where the newspaper proprietors are tied up with the various rings which afflict this country, editorial writers have the standing order—"When in want of a topic pitch into the Mormons." Just now, this is a good part of our National administrative policy. The Executive and Congress, when in want of a subject, instinctively turn toward the Mormons. One more attempt to solve the much vexed question of judicial jurisdiction is to be made in Congress; and Senator Frelinghuysen's expedient is, with other plans, to be considered to-day by the Senate Judiciary Committee. Whatever else happens to the Mormons, they will not perish for lack of attention.

If it were not for the conflict of Mormonism, *per se*, with the general spirit of the laws and institutions of the country, we should never hear of the difficulties which are felt in reconciling United States and Territorial laws. Just now the chief trouble is over the jurisdiction of the Territorial Courts. The main question was raised in the well-known Engelbrecht case in this form: Have the Probate Courts in Utah jurisdiction in criminal cases? It was answered in the affirmative by the United States Supreme Court, Chief-Justice Chase giving the unanimous judgment of the bench. Such an issue would not be raised in any Territory but Utah; but the Administration, with a happy faculty for taking hold of questions by the wrong end, would not at first discuss the legal view of the case at all, but instructed its officers to elude it altogether and proceed as though no such question could be mooted. Justice McKean decided that the United States Court had original jurisdiction in common law criminal cases, and that the Territorial enactments touching such matters were substantially null. Met by the decision of Chief-Justice Chase, this curiously arbitrary assumption fell to the ground. Now, Mr. Justice Hawley, sitting in the U. S. Court in Utah, has, in effect, reaffirmed the McKean decision, which was overruled by the United States Supreme Court, last Winter. He holds the Legislative enactment to be void. We shall never bring order out of chaos in Utah at this rate; this is simply judicial anarchy; and this is what Congress is called on to cure.

It is, in truth, a hard nut to crack. According to Chief Justice Chase, the Territorial Governments are organized upon the theory of leaving to the inhabitants all the powers of self-government consistent with the supremacy of national authority and certain fundamental principles established by Congress. The Chief Justice also said, in the Engelbrecht case: "In all the Territories full power was given over all ordinary subjects of legislation. The terms in which it was granted were various, but the import was the same in all." Furthermore, he said, speaking of the Territorial Courts: "Congress makes no attempt to confer criminal jurisdiction on any Court; but leaves all criminal matters, including the mode of drawing jurors, to the Territorial Legislature." Under such a construction of law, therefore, the Utah Legislature organized in 1855, probate courts on which were conferred original jurisdiction, both criminal and civil, as well in chancery as at common law, when not prohibited by legislative enactment. Congress never disapproved that act of the legislature; of course it must stand as law until it is so disapproved, especially as the United States supreme court has expressly reaffirmed (in the Engelbrecht decision) the principle that a Territorial Legislature has control over this as one of the ordinary subjects of legislation. The probate court law was enacted in 1855, and the jury law in 1859; a simple disapproval of Congress would have annulled them. They never were so disapproved; the reasonable inference is that they were approved by that body.

We do not discuss now the expediency of permitting the Legislature of Utah to erect courts which shall have original jurisdiction in criminal common law. But there is nothing in the Organic Act prohibiting the Legislature from exercising that right; everything points, as Chief Justice Chase indicates, to the theory that the Territorial Legislature is clothed with full power over all ordinary subjects of legislation, of which this is one. At any rate, the Utah Legislature exercised that power seventeen years ago; and Congress has never disallowed it. Yet, such being the law (Probate Courts being given criminal jurisdiction), U. S. Justice Hawley decides that "the Act of January 17, 1855, is null and void because contrary to the Organic Act." It is Justice McKean over again. The Organic act says the Probate and other courts shall have such jurisdiction as "shall be limited by law." That limit was not fixed by Congress in the Organic Act, nor by any subsequent enactment; this duty was left to the Territorial Legislature, as one of "the ordinary subjects "of legislation;" and it has been so regulated. The United States Courts have no common law jurisdiction in criminal cases, says Kent. Mr. Justice Hawley says the Territorial courts have not; therefore, there is none in Utah. This is simply anarchy. The United States Supreme Court will overrule such a violent decision as this, if it ever reaches it. Meantime, let us see if Congress cannot reduce the judicial dislocation.—*New York Tribune, Feb.* 8.

President Grant's Utah Message.

WASHINGTON, Feb. 14.

The President sent the following message to Congress to-day:

TO THE SENATE AND HOUSE OF REPRESENTATIVES;—I consider it my duty to call the attention of Congress to the condition of affairs in the territory of Utah, and to the dangers likely to arise if it continues, during the coming recess, from a conflict between the federal and territorial authorities. No discussion is necessary in regard to the general policy of Congress respecting the territories of the United States, and I only wish now to refer to so much of that policy as concerns their judicial affairs, and the enforcement of laws within their borders. No material differences are found in respect to these matters in the organic acts of the territories, but an examination of them will show that it has been the invariable policy of Congress to place and keep their civil and criminal jurisdiction, with certain limited exceptions, in the hands of the persons nominated by the President and confirmed by the Senate, and that the general administration of justice should be as prescribed by congressional enactment. Sometimes the power given to the territorial legislature has been somewhat larger, and sometimes somewhat smaller, than the power generally conferred. Never, however, have powers been given to a territorial legislature inconsistent with the idea that the general judicature of the territory was to be under the direct supervision of the national government. Accordingly, the organic law creating the territory of Utah, passed September 9, 1859, provided for the appointment of a supreme court, the judges of which are the judges of the district courts, a clerk, a marshal, and an attorney, and to those Federal officers is confided the jurisdiction in all important matters. But, as decided recently by the supreme court, the act requires the jurors to serve in these courts to be selected in such a manner as the territorial legislature see fit to prescribe. It has undoubtedly been the desire of Congress, so far as the same might be compatible with the supervisory control of the Federal government, to leave the minor details connected with the administration of law to regulation by local authority. But such a desire ought not to govern when the effect will be, owing to the peculiar circumstances of the case, to produce a conflict between the Federal and Territorial authorities, or to impede the enforcement of law, or in any way to endanger the peace and good order of the territory. **Evidently it was never intended to entrust the territorial legislation with power which would enable it, by creating judicatures of its own, or increasing the jurisdiction of courts appointed by territorial authority, although recognized by Congress, to take the administration of the law out of the hands of the judges appointed by the president, or to interfere with their action. Several years of unhappy experience make it apparent that in both of these respects the territory of Utah requires special legislation by congress.** Public opinion in that territory, produced by circumstances too notorious to require further notice, makes it necessary, in my opinion, in order to prevent the miscarriage of justice, and to maintain the supremacy of the laws of the United States and of the federal government, to provide that the selection of grand and petit jurors for the district courts, if not put under the control of the federal officers, shall be placed in the hands of persons entirely independent of those who are determined not to enforce any act of congress obnoxious to them; and also to pass some act which shall deprive the probate courts, or any court created by the territorial legislature, of any power to interfere with, or impede the action of, the courts held by the United States of judges. I am convinced that so long as congress leaves the selection jurors to the local authorities it will be futile to make any effort to enforce laws not acceptable to a majority of the people of the territory or which interferes with local prejudices, or provides for the punishment of polygamy or any of its affiliated vices or crimes. I presume that congress, in passing upon this subject, will provide all reasonable and proper safeguards to secure honest and competent jurors, whose verdicts will command confidence, and be a guaranty of equal protection to all good and law-abiding citizens, and at the same time make it understood that crime cannot be committed with impunity. I have before said that while the laws creating the several territories have generally contained uniform provisions in respect of the judiciary; yet congress has occasionally varied these provisions in their details, as the circumstances of the territory affected seemed to demand; and in creating the territory of Utah, congress evidently thought that circumstances there might require judicial remedies not necessary in other territories, as by section 9 of the act creating that territory, it is provided that a writ of error may be brought from the decision of any judge of the supreme or district courts of the territory to the supreme court of the United States upon any writ of habeas corpus involving the question of personal freedom, a provision never inserted in any other territorial act except that creating the territory of New Mexico. This extraordinary provision shows that congress intended to mould the organic law to the peculiar necessities of the territory, and the legislation which is now recommended is in full harmony with the precedent thus established. I am advised that the United States' courts in Utah have been greatly embarrassed by the action of the territorial legislature in conferring criminal jurisdiction and the power to issue writs of *habeas corpus* on probate courts in the territory, and by their consequent interference with the administration of justice. Manifestly the legislature of the territory cannot give to any court whatever the power to discharge by *habeas corpus* persons held by or under a process from the courts created by Congress, but complaint is made that persons so held have been discharged in that way by the probate courts. I cannot doubt that Congress will agree with me that such a state of things ought not longer to be tolerated, and that no class of persons anywhere should be allowed to treat the laws of the United states with open defiance and contempt. Apprehensions are entertained that if congress adjourns without any action upon this subject, turbulence and disorder will follow, rendering military interference a necessary result. I should greatly deprecate this, and in view of this and other obvious considerations I earnestly recommend that Congress at the present session pass some act which will enable the district courts of Utah to proceed with independence and efficiency in the administration of law and justice. U. S. GRANT.

Executive Mansion, Feb. 14, 1873.
—*Chicago Times.*

A MAN recently married in Northampton, Mass., had great difficulty in fixing upon his choice. He at last wrote down the names of twenty-five females in whom he was interested, and crossed off all their names one by one till the happy one was left alone.

CHICAGO, 24.—Mrs. E. O. G. Willard, a well known advocate of woman's rights, died at her residence in this city on Saturday of heart disease.

[SPECIAL TO THE DESERET NEWS.]

By Telegraph.

ER WESTERN UNION TELEGRAPH LINE.

CONGRESSIONAL.

SENATE.

WASHINGTON, 20. — Carpenter from the committee on elections submitted a report in the Louisana case, providing for a new election.

Morton presented his dissent from the report. He favored the recognition of the Kellogg Government because the supreme court of Louisiana had recognized it and because it was a strong government.

Trumbull also dissented from the majority in the statement favoring the McEnery government as the one legally elected.

A bill authorizing the President to invite the International Statistical Congress to hold its next meeting in the United States, was passed.

WASHINGTON, 21. — Robertson presented resolutions of the South Carolina Legislature, stating that the withdrawal of the United States troops from the State would endanger the public peace. Referred.

Harlan, from the committee on Indian affairs, reported favorably to the bill to create the Territory of Oklahama.

The post office appropriation bill was taken up and a number of amendments reported from committee agreed to, including one requiring persons receiving mails by carrier to provide a receptacle to facilitate speedy and safe delivery, and repealing all laws allowing free transmission of any mail matter whatever.

WASHINGTON, 22.—Scott presented the report of the centennial commission. The subscriptions, public and private, in Pennsylvania alone, would amount to about four millions.

Casserly reported from the committee of public lands, without amendment, the House bill granting two hundred feet right of way through the public lands to the Portland, Dallas and Salt Lake R. R. Co.; the bill grants all lands that may be necessary for depot and construction purposes.

Pomeroy, from the same committee, reported without amendment the House bill granting right of way for the Utah Northern Railroad to extend its line *via* Bear River Valley, Soda Springs and Snake River Valley, and through Montana, to connect at the most suitable point with the Northern Pacific.

Morton gave notice that he would call up the report of the committee on elections in the Caldwell case on Monday.

The postal appropriation bill was taken up. The amendment for the issue of two cent stamped letter sheet envelopes was tabled.

An amendment requiring all persons who usually receive mail matter to provide boxes at their offices or houses was laid on the table.

The amendment providing additional compensation for the railroad mail service was concurred in, so were all amendments agreed to in committee. The whole bill was then passed.

HOUSE

WASHINGTON, 20.—Wood introduced a resolution for the impeachment of Colfax. The House refused, yeas 106, nays 109, to consider the resolution.

The House rejected the bill for payment of war claims of 1812, by a vote of 90 to 118.

The House ordered an investigation into the alleged corruption in the Pacific Mail subsidy last session.

Wilson, chairman of the select committee on the Union Pacific R. R. and Credit Mobilier, submitted his report, which was ordered printed.

WASHINGTON, D. C., 20.—The bill to reopen the war claims of 1812 was taken up and discussed, and on motion the order for the third reading was rejected, yeas 90, nays 118.

Wood, rising to a question of privilege, offered the following resolution:

Resolved that the testimony reported to the House by the select committee appointed under a resolution of the second of December, 1872, for the investigation of charges of bribery in influencing members of the House of Representatives, be referred to the judiciary committee, with instructions to report articles of impeachment against Schuyler Colfax, Vice President of the United States, if, in its judgment, there is evidence implicating that officer and warranting his impeachment.

Sargent moved to lay the resolution on the table.

Randall called for the ayes and noes.

Tayner raised a question as to the present consideration of the resolution. The question was then taken on the present consideration of the resolution and was decided in the negative, yeas 105, nays 108. The Democrats all voted for the resolution and the Republicans against it, except Beatty, Butler of Mass., Farnsworth, Porter of Virginia, Stevenson, and Smith of Vt. There was a great deal of excitement as the vote progressed.

Tayner then offered a resolution, which was adopted, referring the testimony taken before the Poland committee to the judiciary committee, with instructions to inquire whether anything in such testimony warrants articles of impeachment against any officer of the U. S., not a member of the House, or which makes it proper that a further investigation should be ordered in his case.

Farnsworth, in behalf of Banks, offered an amendment prohibiting, after the 1st of July next, the printing of books by Government for gratuitous distribution, but with right to the Secretary of the Interior to order copies of any books or documents printed for Government to be furnished to departments and members of Congress, also to allow copies to be sold to individuals.

The amendment requiring the contracts for public buildings to be made with the lowest responsible bidders, after advertisement, was rejected without yeas or nays.

EASTERN.

WASHINGTON, 20.—The report of the Wilson committee enters elaborately into a history of the Union Pacific R. R. It says the act incorating it was not passed to further the personal interests of the corporators, nor for the convenience of the public alone; but in addition to these, for the interest of the present and future governments, and such were to be subserved.

A report, signed by Wilson, Shellabarger, Slocum and Swann, and submitted, dissenting from the above report in so much as it makes no recommendations in relation to members of Congress implicated in the Credit Mobilier.

The committee close by submitting a bill directing the attorney general to cause suit in equity to be commenced against the Union Pacific and all persons who may have received capital stock or dividends not paid for in full in money.

CINCINNATI.—An immense audience at Pike's Opera House waited two hours for Henry Ward Beecher, who was delayed by the train. He closed at eleven.

NEW YORK, 21.—Judge Poland says that his committee can only report the evidence as to Colfax, without making any recommendations.

NEW YORK, 21.—Three new indictments were found against Ingersoll and Tweed. The former gave bail in $2,000 on each indictment.

INDIANAPOLIS.—Theodore Brown has been convicted of the murder of his wife in December last, and sentenced to the penitentiary for 21 years.

WASHINGTON. — In a Cabinet meeting to-day the President said he had concluded that the condition of public business was such as to require his presence and that of the Cabinet in Washington. He therefore thought it best to defer his proposed Southern tour. The question of calling a session of the next Congress was also discussed, but there is no intimation that such call will be made, though the new Senate will be called to meet in extra session on the 4th of March. There appears to be a general impression that there will be no necessity for a called session of both Houses, but there are several important matters for the consideration of the Senate.

NEW YORK.—Rosenweig, the alleged murderer of Alice Bowlsby, who was recently brought here from Sing Sing on a writ of error, and granted a new trial, was indicted by the grand jury to-day for murder in the first degree.

ST. LOUIS.—The Dent homestead, owned by President Grant, six miles from this city, was burned this evening, said to be uninsured.