

THE Omaha Herald is one among the very few papers of the country which has rendered itself conspicuous for the advocacy, not of "Mormonism," but of Constitutional right in relation to the people of Utah and the "Mormon" question generally. In this connection it has occasionally contained severe strictures on the proceedings of the trio of worthies who, for some months past, have rendered themselves ridiculous in the eyes of able lawyers, and obnoxious to almost all living within the limits of the country over which their jurisdiction extends by their proceedings in running the courts of Utah. But the Herald, while denouncing their unconstitutional and oppressive doings, with its usual love of fair play, has admitted into its columns, letters, written, probably by the gentlemen themselves; or some of their employes or members of the "ring" to which they belong, in defence of the course they have pursued. Their latest effort appears in the Herald of the 18th instant, and is as follows:

SALT LAKE CITY, April 12th, 1871.

To the Editor of the Herald:

At the risk of tiring you and your readers I again ask the indulgence of a brief space in your paper, in reply to your comments on my former communication respecting Judge James B. McKean. As an excuse for this indulgence I may state, what the Herald well knows, that its opinions are quoted with great satisfaction and something like triumph, by the Mormon newspapers of this city. They evidently regard your strictures on that gentleman as tantamount to a conviction by the outside world, hence the importance of examining, fairly but critically into the conclusions of the Herald. Now how stands the case in regard to Judge McKean? Without paying any attention to the charge that he or any one else seek to persecute the Mormons on account of their religious belief as one too idle and unfounded to need refutation, what are the specific and exact charges against him? They are, that he denounced polygamy and certain practices in vogue here, in severe language from the bench, and that he has committed some great error and crime in deciding that the United States Attorney and the United States Marshal, created by the organic act of the Territory, are the only officers qualified by law for the discharge of their respective duties before those courts; that the purpose and tendency of this decision is to subvert local government throughout the Territory. Now, as to the first of these charges, at most it is merely a question of propriety or taste, and it will be a difficult task to convince your readers outside the Mormon Church and persuasion that a Judge greatly violated the law of a correct taste by severely denouncing in an official manner what both law and public opinion outside the Mormon community denounce. And if it is considered that Judge McKean is a sworn officer whose oath compels him to try at least and vindicate the law against polygamy in the Territories, as it does against other crimes, many will find in his words of earnest and severe denunciation the only fitting treatment where the law is openly flaunted and defied.

The question as to whether the United States Attorney and Marshal, created by the organic act, or the Territorial Attorney and Marshal, created by the statutes of the Territory, are the attending officers of the District and Supreme Courts when sitting as local or Territorial courts, is one which opens a wide field for discussion, and one about which lawyers and Judges may, and have, arrived at different opinions. The Supreme Court of Idaho (a majority ruling) have decided that the Territorial officers are the proper ones to act in such case, while the Supreme Court of this Territory have unanimously decided the contrary. The Supreme Court of the United States have as yet rendered no decision on the question, and until it does, I humbly submit that it seems unjust to impugn the motives of a Judge deciding the question either way. A case, I understand, is now in preparation for the Supreme Court of the United States from this Territory which involves the validity of the decision made upon it here. At most, the question is purely a judicial one, involving the construction of law, and it is difficult to see why it should awaken feeling, much less a torrent of indignation.

As a fitting response to these denunciations, and a better vindication of Judge McKean's legal acumen than any that I can make in his behalf, I herewith enclose his decision rendered on the

question referred to, and would be glad to see it published in the HERALD, and its positions refuted if possible.

Upon the above the Herald makes the following editorial comments:

CHIEF JUSTICE MCKEAN AGAIN.

We give place to one more defence of Judge McKean. With all proper respect for the Judge, and its author, we do not think it deserves any extended notice from us. "Without paying any attention to the charge that he, or any one else, seek to persecute the Mormons on account of their religious belief, we could have no argument with the defenders of the Chief Justice of Utah. That is the sole ground of our difference with him, and we do not admit that man to be candid, who, in the face of the course of the Federal courts in that Territory, and especially in the face of the judicial rant and rave, declares that our charge against Judge McKean is "too idle and unfounded to need refutation." The truth of it is too palpable to be denied.

"IT NEVER rains but it pours," is an old saying, which was forcibly illustrated in the experience of the people of Lincoln city, Nebraska, last Monday; for on that eventful day they had an accumulation of exciting circumstances such as rarely occurs. Early that morning, about 3 o'clock, an alarm of fire was given, and in a very brief space the whole city was aroused and on the alert, to render all the assistance possible to quench a fire which was raging at the Insane Asylum. Before available help reached the place the upper part of the building was enveloped in flames, and all hope of saving it was vain. Dr. Larsh, superintendent and his assistants, got nearly all the unfortunate inmates of the place out before help from the outside arrived, but despite all their efforts some of the insane folks got loose and some two or three were missing, and it was feared perished in the fire. One of the number burned to death was chained to the floor in his cell or apartment when the fire commenced and he could not be got out. The building and most of its contents, valued at \$200,000, were destroyed. The cause of the fire was unknown.

The same morning it was also discovered that ten of the most desperate prisoners in the penitentiary had made their escape. At one o'clock in the morning, the time at which the guard was changed, all was right and the prisoners in their cells; but in the morning when the warden got up he found ten of his guests missing. Upon investigation it was found that they had got a large auger and bored holes through under their bunks. With a small saw they had made in the blacksmith shop they had sawed a hole big enough to get through under the floor. They then bored up from below into the dining room, cut a hole, got up there, and went to the kitchen, unlocked the doors, secured a supply of provisions, unlocked the front door and escaped.

On the same morning it was also discovered that the city jail had been broken open by parties outside, and that a number of prisoners had also escaped from there.

A correspondent writing to one of the local papers says the city is in an awful state of excitement.

NOTICE!

TO WHOM IT MAY CONCERN: That whereas I will appear on Wednesday, the 10th day of May next, at ten o'clock a.m., at the U. S. Land Office in Salt Lake City, U. T., to make cash entry No. 516 for the Townsite of Logan City, embracing the following described lands, to wit: W 1/2 of Sec. 27, W 1/2 of N E 1/4 and W 1/2 of S E 1/4 of Sec. 27, Sec. 28, 33 and W 1/2 of Sec. 34 and W 1/2 of N E 1/4, and W 1/2 of S E 1/4 of Sec. 34, Township 12, North Range 1 E, Lots 2, 3 and 4 of Sec. 3 and Lots 1, 2, 3 and 4 of Sec. 4, Township 11, North Range E, containing 2,520 & 150-160 acres. To make the pro: required by law, and show that I am entitled to have the entry made, under "An Act of Congress for the relief of the inhabitants of cities and towns upon the public lands," approved March 23, 1867; and also "An Act amendatory thereto," approved June 8th, 1868, for the use and benefit of the inhabitants thereof, at which time and place any person or persons can appear and show cause, if any there be, why such entry should not be made.

WILLIAM B. PRESTON, Mayor.

Logan, April 3d, 1871.

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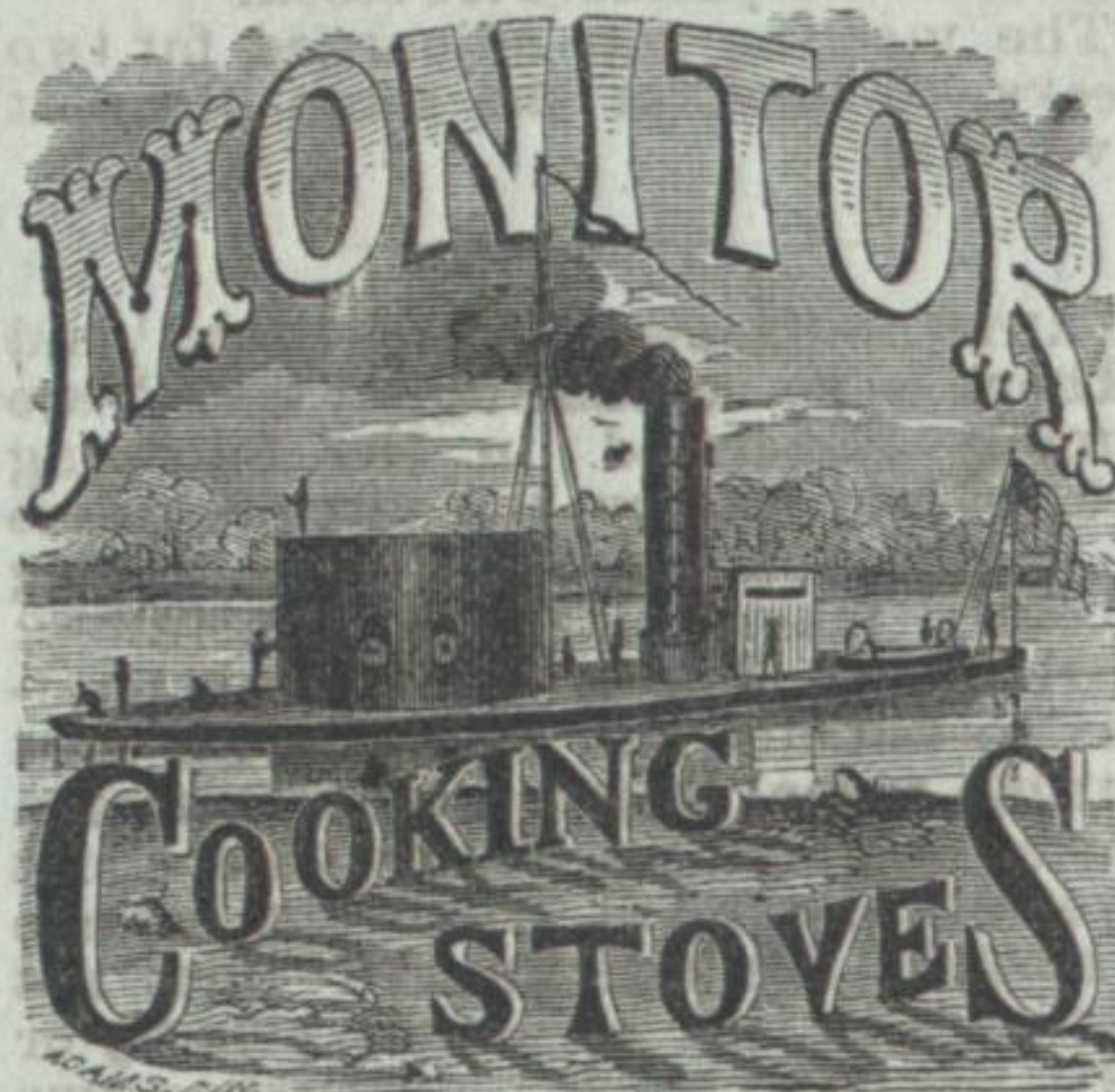
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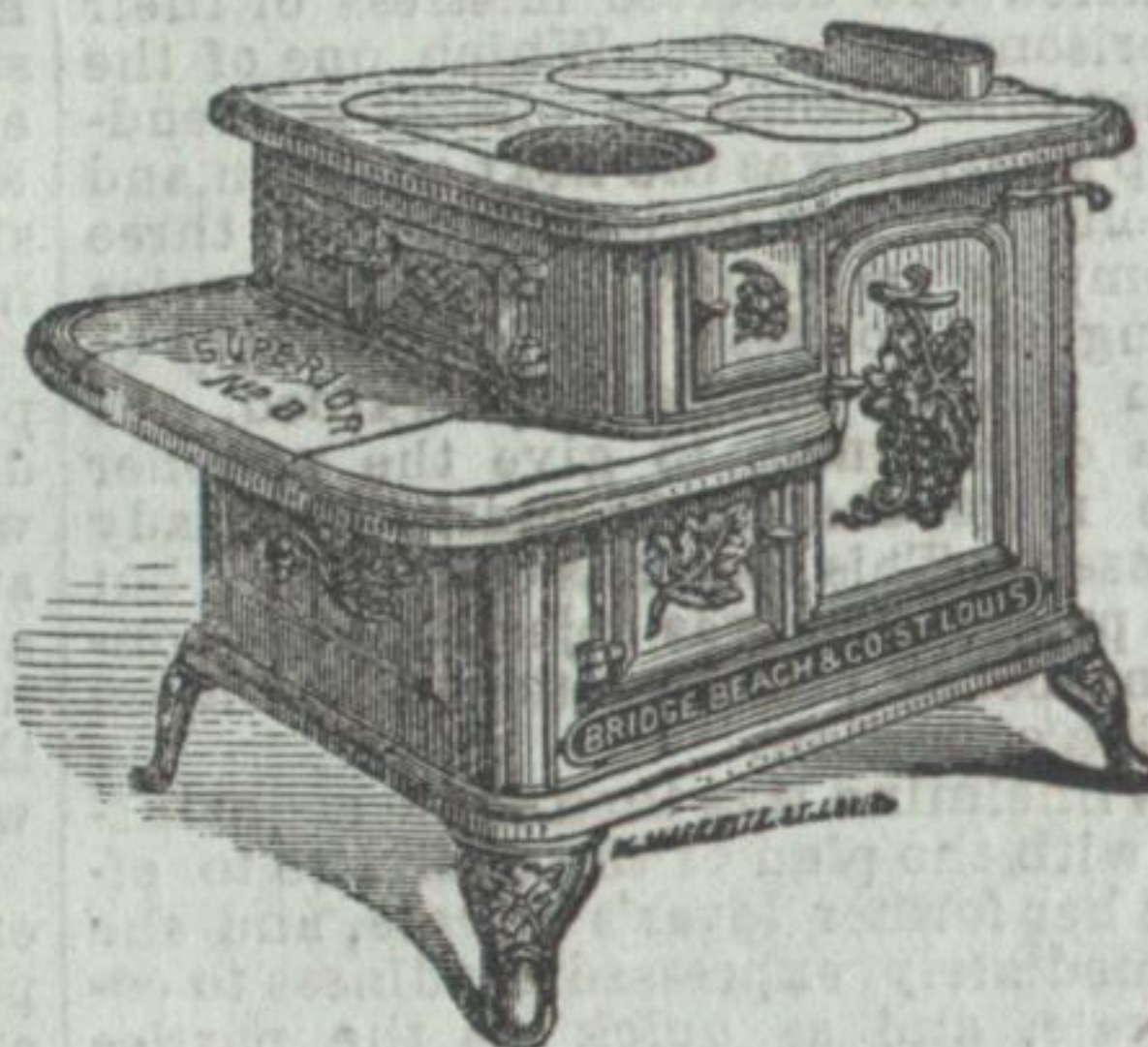
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