

clerk who went on a mule to naturalize people for a fee. This is the third or fourth time that this aspersion has appeared in the columns of your paper and I had hoped that the Congressional action had upon Mr. Cannon's certificate would have convinced you of the utter unreliability of the information upon which the above quoted aspersion is founded.

The inference to be drawn from the language used is that the clerk who issued to Mr. Cannon his certificate traveled around through the country on a "mule" issuing indiscriminately and clandestinely certificates of citizenship to the people for a fee.

Now the clerk at the time Cannon's certificate was issued was known in the community as being almost a martinet in insisting on the technicalities, forms and ceremonies of the law being strictly conformed to. Besides, the judges passed upon the qualifications for applicants in those days, and Hon. Leonidas Shaffer, as was his custom, passed upon the qualifications of Mr. Cannon, and ordered the clerk to issue a certificate to him. As to the form of the certificate, it was one formulated by Brochus, Day and Brandenburg, the first judges accredited to the Territory, and it evidently suited them.

And now about the mule. The Clerk of the Court at the time, William Ivins Appleby, may have had a hobby, and rode it; but he never had a mule or rode one. A man afflicted with chronic inflammatory rheumatism all the best years of his life, would not just about such a figure on a mule as some men do on an editorial tripod. As to there being no record of the naturalization of Mr. Cannon, the alleged destruction of the records occurred after Mr. Appleby had ceased to be the clerk and while he was absent in New York.

Mr. Appleby was quite a prominent man here in early times, and there are men in this community whom you must respect who will tell you that he held many positions of honor and trust, and that his character for probity, honesty and integrity was maintained throughout his life and that this oft-repeated rot about his mule journeyings, soliciting clandestine naturalization is a falsehood, the persistence in which becomes maliciousness.

WM. P. APPLEBY.

SALT LAKE CITY, August 11, 1890.

It will be seen from the foregoing that the writer is under the impression that there is no record of the naturalization of Mr. Cannon, as he speaks of "the alleged destruction of the records." On this remark the dishonorable organ builds a mass of sophistry to this effect:

"Mr. Cannon has more than once asserted that there was no destruction of the records."

"Mr. Cannon cannot take advantage of his own wrong. He cannot say to-day that the records of his naturalization were destroyed and say tomorrow that no record had ever been destroyed in this city."

Now, observe, Mr. Cannon has never said there was any "destruction of records." It is Mr. Appleby who speaks of an "alleged destruction." Even he does not assert positively that there was any such destruction. But he and everybody familiar with Utah affairs has heard of the "alleged destruction," and merely speaks of this as occurring, if at all, while Clerk Appleby was absent. But this is the kind of argument (?) and honesty (?) which is common with the *Tribune* scribe, especially when driven like an ordinary rat into a corner.

Now as to the certificate. It was and is in due form. Mr. Cannon appeared in court with his witnesses and was formally naturalized. A certificate was issued to him and

the duplicate, or original, whichever it may be termed, was recorded in a book kept for the purpose. This was the manner of recording at the time in the Supreme Court of Utah. Here is the certificate of this record, given by the Clerk of the Court at the time of the Murray Infamy, and accompanying Mr. Cannon's certificate:

TERRITORY OF UTAH, ss.
Salt Lake County.

I, Ezra T. Sprague, Clerk of the Supreme Court of said Territory of Utah, do hereby certify that the annexed and foregoing is a full, true and correct copy of an instrument contained in a certain book received by me from my predecessor in said office of Clerk, and which remains deposited in my office.

In testimony whereof I have hereunto set my hand and the seal of said Court this 7th day of January, A. D. 1881.

[L. S.]

E. T. SPRAGUE,

Now if there was any informality or error in the manner of keeping the records, was this a "wrong" of Mr. Cannon's? If not, how can he be charged with "taking advantage of his own wrong?" But it can be shown that this manner of recording naturalizations is competent and sufficient. Congress so considered it, and courts have passed upon it. Clerk Sprague's certificate was evidence enough to the congressional committee that the record was ample. The courts of New York have given decisions completely covering this ground.

In 1878 Supervisor Davenport, for political purposes, rejected a large number of applicants for registration on the ground that they were aliens because there was no record of their naturalization in the court minutes. This is the allegation in the case of Mr. Cannon. On the 15th of October, 1878, Judge Friedman, of the Superior Court, rendered a decision in these cases. He ruled that the laws of the United States do not require entry of adjudication in any particular book. That in the absence of such statutory regulation, the extent and manner of keeping the record was left to the discretion of the court. And, he said:

"The form of the judgment record, showing the admission of an alien to citizenship, so far as no express provision is made by Act of Congress is utterly immaterial."

It appears that the custom of the court where these persons were naturalized was, up to 1858, to note the judgments in the minutes. But after that there was simply an index book kept. This was far less formal and specific than the manner of recording certified to by Clerk Sprague. Yet Judge Friedman held that it "fully answered the purpose of the law." And he said further:

"Even, therefore, if a defect in the record existed in consequence of the omission of some ministerial act by the clerk, the United States Government in the absence of a law declaring such defect fatal, could not afford to insist upon it."

Also,

"Even if absence of an entry in the general minute book could be deemed a defect, it is one which is immaterial, and whose disregard is demanded by every consideration of public policy. Indeed it is one of the fundamental principles of the law that every court is the guardian of its own records and master of its own practice."

That is good common sense, as well as good legal doctrine. And it ought to rule in Utah as well as in New York. The omission of a clerk to properly record the naturalization of many aliens, although they appeared in court and were duly admitted to citizenship and received certificates with the seal of the court, has been unjustly made to operate against those citizens, and they have been excluded by "Liberal" officials from the rights to which they were legally entitled.

Such officials are all in the same boat with Murray and his apologists, and will surely come under the same condemnation and public contempt. A party that steals into power by such tricks and deviltries as that which made 1,800 count for more than 13,000, by striking from the lists as many names of registered voters and placing thereon as many non-residents as are necessary for party ends, that schemes to take the franchise from all who will not vote for its candidates, that buys votes, stuffs the ballot boxes and rewards with office its most villainous tools, cannot long remain to revel in its infamy, but, with its organ, will and ought to go down in rapid decay and utterly perish from the face of the earth.

THE SPIRIT OF INTOLERANCE.

ACCORDING to our dispatches there is a very general feeling of indignation in Europe over the alleged renewal in Russia of persecution against the Jews. The report has been denied, but it appears that the edicts of 1882 against the Jews in Russia have been revived and are now enforced.

By the terms of these edicts Hebrews are prohibited from living outside of certain provinces. This may not be so cruel as banishment from the country but cannot fail to work inexpressible hardship, as it is for many virtual banishment from home and utter ruin for some.

It is estimated that there are fully