

THE UTAH SITUATION FROM A UTAH STAND-POINT.

Letter from Hon. Wm. H. Hooper.

The following is a copy of a letter addressed to the Territorial Committees, Judiciary and Appropriation Committees of the two Houses of Congress, by Hon. Mr. Hooper, Delegate in Congress from Utah:

WASHINGTON, D. C., Jan. 30, 1872.

SIR: As the representative of the people of Utah Territory, it is my duty to submit to you a brief response to the letter of Geo. C. Bates, Esq., United States District Attorney thereof, laid before you on the 25th of January, under date of the 22nd instant. And on the statement contained in that letter I feel confident you will find a perfect vindication for the course the Legislative Council of Utah has hitherto pursued, and will probably continue to pursue. It appears from the records of the courts of Utah, as stated in the letter of said United States District Attorney Bates: First. That the Territorial court there has decided "that in criminal cases, from which there is no appeal to the Supreme Court of the United States, it was a United States Court, that all its grand and petit jurors must be, and had been, drawn as United States jurors, under the acts of Congress, in violation of the laws of Utah; that the United States Marshal, as such, must serve all process, civil and criminal, issued therefrom, and from the district courts of the Territory; that the United States District Attorney must prosecute all criminal cases pending in said Territory, such as murder, assault with intent to kill, felonies, &c.;" and that the Territorial Attorney General and the Territorial Marshal, appointed under the laws of Utah, had no lawful right to appear in and act as such in the Territorial courts, thus by judicial legislation, converting the Territorial court into a Federal court; and thereby, at the same time, ousting the Territorial officers, elected according to Territorial laws, from the duties of prosecuting crime against them.

If such be the law, then why should the Territorial Council be asked to appropriate the moneys of the Territory and tax our people to pay the expenses of a United States court, engaged with their United States Marshal and District Attorney in the prosecution of crimes against the laws of the United States? Surely, the United States does not expect the Territories to maintain their judiciary or to enforce their laws. But, in truth and in fact, these decisions are in violation of the law as established by the rulings of the Territorial courts and Supreme Court of the United States, since the very first Territory was organized under the government. In the 1st Iowa Reports, (Morris) page 226, (Doolittle vs. Harrington et al.,) a case familiar to all, the Supreme Court of Iowa said: "Counsel seem to be under a misapprehension as to the true nature of our (Territorial) district courts. Under no circumstances are they, properly speaking, district courts of the United States. They are merely Territorial courts, having the powers of district and circuit courts of the United States; but when adjudicating on the laws of Congress, their character and title do not change. Congress has sometimes vested, for certain purposes, State courts with Federal powers to a limited extent. That did not in the least deprive them of their character as State courts." We are in a similar predicament.

Again, in the 12th Howard, Supreme Court United States reports, page 1, Miners' Bank, Dubuque vs. State of Iowa, where the charter of that bank, passed by a Territorial Legislature, has been repealed, and that august tribunal says: "To regard the Bank of Dubuque as we are urged to do by the argument of the plaintiff in error, would constitute it rather as a bank of the United States, situated without the United States, and operating within the Territory of Wisconsin, now the State of Iowa."

Again, in the 3d United States Attorney General's Opinion, page 40, it is said, "That Territorial judges are not even judges under the Constitution, but are the mere creatures of legislation." And in 1st Appeals United States Reports, American Insurance Company vs. Cantor et al. the Supreme Court of the United States say: "These Territorial courts are not constitutional courts, on which the judicial power conferred by the Constitution can be conferred. They are merely legislative courts created in virtue of the general rights of sovereignty."

If this be the law of the United States, then the whole course of the Territorial Supreme Court of Utah is in violation of law, and why should the Legislature of Utah vote the money of our people to aid it in its judicial usurpations?

Again: It appears that the Territorial courts of Utah have, through one R. N. Baskin, Esq., appointed by them as United States District Attorney ad interim, found some thirty indictments, and have consigned to Camp Douglas as prisoners some twenty of our people, and we are asked to appropriate the money to pay their expenses. Wherefore; By section one of the act of 3d March, 1863, "circuit courts of the United States, in the several States, may appoint United States District Attorneys in case of the absence, death, or sickness of the District Attorney, who shall serve until the appointment of a successor by the President and qualification of the appointee, but this confers no power on Ter-

ritorial courts to make such appointments, and this man Baskin has no more right to enter the grand jury rooms, or act with the grand jury, than any other layman, and if I am correctly advised by eminent authority, all these indictments are null and void for this reason. Shall the Legislature of Utah vote its money to pay for such judicial usurpation? Once more: It appears from the Statement of District Attorney Bates, that the grand jury was drawn last September by the United States Marshal, on his own selection, and in utter violation of our Territorial statutes, by whom all these indictments are presented for crimes, many of which are charged to have been committed, if at all, nearly twenty years ago on the evidence of a confessed murderer of more than a dozen people, which indictments were preferred by Mr. Baskin, acting without authority, and ought we to pay the expenses of such prosecutions? You must answer. Finally: It appears from the letter of Mr. Bates, that no prosecution for polygamy, under the act of March 3, 1862, has ever been brought against our people; but they are charged with lewd and lascivious cohabitation, under the Utah statute, with wives other than the first one, and our Legislature is asked to pay the expenses of the United States courts, a United States Marshal, United States District Attorney, witnesses, jurors, &c., to prosecute themselves under a statute which we adopted to punish an offense utterly foreign to polygamy. Was there ever a greater judicial absurdity? In conclusion, I have only to say that the people of Utah are willing to submit themselves to the laws of the United States, enforced according to law, but they see no reason why they should pay the expenses thereof. Nay, more: They will, through the Territorial courts and Territorial marshals and attorney generals, enforce to the best of their ability the Territorial laws for the punishment of murder, assault with deadly weapons, and all other crimes, and will cheerfully vote to pay all the expenses of courts which seek to enforce law, according to law; but when asked to contribute their means to trample on all law, under the forms of law, they will refuse to do so.

As the Utah Legislature have had no meeting since these most extraordinary decisions were made until the present month, they have had no opportunity to decide on the momentous questions involved, but I will pledge myself for them, that they will cheerfully tax themselves and the people of Utah to maintain, uphold, and defend all the Territorial laws, notwithstanding the charges made by the District Attorney, who has had no fair opportunity to fully understand the true situation of affairs in Utah, only as he has gathered them from the most inimical to our people, the pioneers of that country. As it is manifest that all these legal proceedings pending in the courts of Utah are for violation of Territorial laws only, and not the laws of Congress, it is clear that you can make no appropriation to pay these expenses, unless in the defiance of all precedent. Very respectfully yours,

W. H. HOOPER, Delegate, Utah.

Washington Patriot, Feb. 2.

Karl Burtch fell across a circular saw, at Fond du Lac, the other day, and was cut into a hundred pieces.

DECEASED.

Died, at his residence in this city, Feb. 8th, 1872, after an illness of four days of inflammation of the lungs, Elder RALPH THOMPSON.

Deceased was the son of William and Mary Thompson, and was born at Aycliff, Cumberland, England, April—, 1811. In October, 1837, he became a member of the Church of Jesus Christ of Latter-day Saints, and was ordained to the office of Elder in said church immediately afterwards. On the 8th of September, 1840, he took leave of his native land, and with his family, in connection with the first organized company of Saints, emigrated from England to Zion.

He resided in Kirtland, Ohio, until the spring of 1842, when he moved to Nauvoo, Ill., where he remained until the Saints were driven thence. Being unable to move west with the body of the church at its expulsion from Illinois, he went to St. Louis, Mo., for a short season. In the spring of 1850, he moved to Council Bluffs, Iowa, and in 1852 emigrated to Utah.

In April, 1856, he was called to go to Carson with the Mission appointed to settle that country, where he remained until he was called home in 1857. In April, 1870, he was appointed a mission to England. In the fall of that year he was requested to return home by President B. Young, for fear that the hardships to which the Elders are frequently subject when on missions, would be more than his strength would justify.

He was ordained a member of the Sixth Quorum of Seventies in April, 1853, was ordained a High Priest, March 31, 1857, from which time until his death he was associated with Bishop Hickenlooper in the Bishopric of the Fifth and Sixth Wards of this city.

During his entire life he lived an upright man, true to his integrity as a saint, always ready to defend and sustain the interests of the Kingdom of God, the Priesthood and his brethren, a father and a friend to all who were worthy of his esteem.—[Cont.]

140,000

SINGER SEWING MACHINES

WERE SOLD DURING THE PAST YEAR. — Scientific American, June 10, 1871

The Singer Manufacturing Company, AT THE WORLD'S FAIR,

Constituted by the homes of the people, Received the Great Award of the Highest Sales! and have left all Rivals far behind them! As the following article shows: "SEWING MACHINE SALES FOR 1870.

The magnitude to which the manufacture of sewing machines has attained is shown by the "sworn" returns (to which anyone can have access,) of the manufacturers for the year 1870 to the owners of the leading patents, on which they pay a royalty. According to these returns the number of machines sold by each manufacturer in 1870 is as follows:

Table listing manufacturers and their sales in 1870, including Singer Manufacturing Company, Wheeler & Wilson, Howe, Grover & Baker, etc.

It will be seen by this table that the popularity of the Singer Machines far exceeds that of all others, their sale being one-half greater than even that of the famous "Wheeler & Wilson" Machine. This is owing to the fact that the Singer Company have lately commenced making, besides their old and well-established manufacturing machine, what is known as their "New Family Machine," which is selling at the rate of nine to one better than the old style. Their total sales for 1869 were 86,781 machines against the 127,833 of 1870, showing an increase of one half in the latter year.—New York Sun.

The total Sales of "Singer" Machines are very nearly

THREE QUARTERS OF A MILLION!!!

Two Thirds of which were Sold within the Last Three Years, and all are in SUCCESSFUL DAILY USE!

And still there are Agents, for even the poorest Machines, who persist, in the most "unblushing manner," in decrying ours, as if it were possible for the "Overwhelming and Rapidly Increasing Majorities of Singer Purchasers" to be mistaken.

We are not so vain as to suppose that these large sales are due to superior business capacity so much as to the superior merits of the Singer Machines, as well as the

OBSERVATION OF THOSE WHO BUY AND USE, And are personally interested in comparing the merits of the different Machines before making a selection.

THE

'NEW FAMILY SINGER' SEWING MACHINE, WITH ATTACHMENTS FOR ALL KINDS OF WORK,

We claim and can show is the cheapest, most beautiful, delicately arranged, nicely adjusted, easily operated, and smoothly running of all the Family Sewing Machines. It is remarkable not only for the range and variety of its sewing, but also for the variety and different kinds of texture which it will sew with equal facility and perfection, using silk twist, linen or cotton thread, fine or coarse, making the INTERLOCKED-ELASTIC-STITCH, alike on both sides of the fabric sewed.

The only STITCH that is Universally Approved, or is at all adapted to FIRST-CLASS WORK.

Thus, beaver cloth, or leather may be sewn with great strength and uniformity of stitch, and, in a moment, this willing and never-wearing instrument may be adjusted, even by a child, for fine work on gauze or gossamer tissue, or the tucking of tarlatan, or ruffling, or almost any other work which delicate fingers have been known to perform.

All Machines Sold Guaranteed to give Entire Satisfaction!

Terms to Suit All!

OTHER MACHINES THOROUGHLY REPAIRED AT REASONABLE RATES!

WE MAKE NO CHARGE FOR CARTAGE WITHIN SALT LAKE CITY!

BEWARE of Spurious Needles, Poor Silk, Twist, Linen and Cotton Thread, Bad Oil, etc., Which may render the Best Machine Useless. The Singer Company manufacture their own Needles, Silk and Twist; furnish Linen and Cotton Thread and Oil — all of Superior Quality — but which can be relied on only when obtained through their Principal or Branch Offices.

THE SINGER COMPANY have, for the past three years, been unable to supply the demand for their machines, though much has been done to increase their manufacturing facilities. Much more is being done at home and abroad in enlarging their present manufactories, building new ones, availing of the best machinery, and the services of the most skillful artisans, in the hope of being able to accept propositions for agencies, where such are not already established, though they are now tolerably well represented throughout the civilized world.

Be Sure to get the Best. Before you Purchase be sure to see the "Singer" at the Central General Agency, Singer Sewing Machine Depot Z. C. M. I., EAST TEMPLE ST., second door South of Eagle Emporium, SALT LAKE CITY.

H. B. CLAWSON, Supt.