EDITORIALS.

IRON AND JUSTICE GAIN THE VICTORY.

THE question has frequently been asked, why, with mountains of iron and plenty of coal in the immediate vicinity of the ore, do not the people of Utah, and especially of Iron County, manufacture iron, thus supplying a continual and large demand, and providing labor for numerous idle hands? The answer to this, so far as it relates to Iron County, may be found in the following particulars of affairs relating to the iron claims in the region designated.

The existence of extensive deposits of iron ore in the south has been known almost from the beginning of the Territory. Iron County was thus named because of the immense deposits of ore within its borders. Attempts were made in an early day, with partial success, to manufacture the precious metal—far more precious than gold—from the raw material in that county. But owing to the magnetic nature of the ore, and the lack of understanding of the process by which the different kinds of the metal in close proximity could be properly manipulated, iron-making fell into abeyance, men of means turning their money and influence into channels which led to quicker profits than were promised by that branch of industry.

In 1874, however, the Great Western Iron Company, formed for the purpose of working the ores in Iron County, bought up the claims which had been held by various parties back to 1866, when the mining district was organized there. But this Company not making the progress expected, the enterprise began to dwindle, and in January 1878, Bishop Thomas Taylor beame the chief owner of these various claims, by purchase from the Great Western Company. That gentleman furnished his assessments and went on with the work of development, fulfilling the law, and made formal application for a patent.

But in January, 1879, one Allen G. Campbell—now commonly called "M. C." or minority campbell—attempted, in true mining freebooter style, to "jump" these claims, assisted by another mining adventurer named Matthew Cullen, and others. This was done by putting up location notices on the claims owned by Bishop Taylor, the "jumpers" swearing in emphatic if inelegant terms, that they were not going to see him taking up such valuable country. However, Mr. Taylor continued with his work of development, and they commenced suit by protest against the issuance of the patent, so that they might gain possession, thinking that the Bishop, who had met with some financial reverses, would not be able to defend.

They had reckoned without their host. Mr. Taylor obtained the legal services of Sutherland & McBride, A. Bruce Taylor, and Warren N. Dusenberry. The case was tried at Beaver, before Judge Emerson, from the 8th to the 12th of December last, and arguments were heard in this city before the same Judge on the 28th and 29th of December, Judge Sutherland speaking for Mr. Taylor, and Presley Denney and P. Van Zile for Campbell & Co. Judge Emerson has now given a decision to the effect that the location of plaintiffs was not in accordance with law, and that Mr. Taylor's claims were not open to re-location.

This is a great victory for Mr. Taylor and we congratulate him on his success. There is now a probability of the opening and working of those immense deposits of iron, metal manufactured from which has been pronounced by Amos Hother W. J. Silver of this city and owe, competent judges, to be equal to that made in any part of the world. It is true an appeal may be taken, but there is not the shadow of a chance that the decision will be reversed, and it is not at all likely that the appeal will be made, except upon the hypothesis that Mr. Taylor is not financially able to defend his case. If such an idea is entertained by the men who have suddenly leaped into the possession of money, it will soon be dissipated. Bishop Thomas Taylor is the wrong man to "give up the ship" when holding on to the helm will bring him into port. He will find what support he may need and will never let go while he has any grip left. Campbell may succeed for awhile, with the aid of a treacherous and lawless official, in "jumping" a claim to a congresssional seat, but he will not be able to "jump" the iron mines in the south, nor rob the rightful owners of their hard-earned property.

Go on with the iron mines! and, as soon as the ores are sufficiently developed to warrant it, let our capitalists put up the needful works to give employment to labor anxious for exercise, and supply the home market, at least, with the most valuable of all metals for the building up and enrichment of a country and a community.

RESPECT FOR LAW AND THE GOVERNMENT.

THE following is clipped from the Providence, R. I., *Morning Star*, and shows the views of that able paper on the certificate question. The *Star* has no sympathy with "Mormonism," yet looks at the subject from the standpoint of common sense and republican principles. The article was published before news of the actual perpetration of the outrage had reached the East:

"At the election in Utah, last November, Delegate Cannon was rechosen to a seat in Congress, but Gov. Murray has thus far refused to give him a certificate, and, it is said, will decide to-day whether he will give it to him at all or not. A little more than a year ago Prest. Hayes suddenly began to manifest great interest in the Mormon question and, instead of re-appointing Gov. Emery, who, in a quiet, unostentatious way, had done more than either of his predecessors to check polygamy, and make the Mormons respect the government of the United States, sent out to Salt Lake City the present Governor, who was expected to represent a more pronounced and aggressive policy. The few Gentiles in the Territory received him with open arms, but very little has been heard from him since. He has simply been powerless. Now, in the last weeks of President Hayes's administration, in order, we suppose, to justify his appointment, he seems to contemplate usurping the functions of Congress and attempting to pass on "the election, returns and qualifications" of a Delegate in Congress. It is none of Governor Murray's business, even if Mr. Cannon is an alien, or if he has (as everybody knows) a plurality of wives. The House of Representatives, by the Constitution of the United States, is made the sole judge of this matter, and that is the tribunal before which the question must be tried. It is just such contempt of law as this that has made United States officials in Utah powerless for good in the past, and we hoped that the severe rebuke administered by the Supreme Court of the United States to Judge McKean would prove a lesson to all Federal officials who might follow him. We have no sympathy whatever with Mormonism; we desire to see it destroyed root and branch, and it is because illegal acts in the name of the United States Government only establish the institution more and more firmly that we are so earnest in entering our protest against them."

The *Star* is right on the subject of "Mormon" contempt for officials who have no respect for the laws which they swear to uphold. We cannot but treat with scorn and derision the pretended veneration of those persons for the "laws of our country," about which they prate so much, when they assail the "Mormons" as lawbreakers. There is just one statute which the Latter-day Saints have not considered as binding upon them as other laws of the land, and this because it was specially framed against what they regard as "an establishment of religion." In their non-conformity to that statute they have not acted in the spirit of lawlessness and rebellion, for the simple reason that they did not consider it valid. It does not affect this particular point to say that the constitutionality and validity of the law have been passed upon by the highest judicial authority. The fact remains that the people here who have entered into plural family relations did so under religious convictions and with the firm impression that the law against it was unconstitutional, many of them having contracted those marriages previous to the passage of that law. The essence of crime is in the intent. And if it be argued or conceded that these people were mistaken, it must also be acknowledged that their intentions were not in the nature of wilful in subordination to recognized and undisputed enactments and authority.

Yet they are continually accused of lawlessness, and that too by persons who do not hesitate for a moment to violate a law, local or national, when it stands in the way of their schemes. Some of the most corrupt scoundrels living, endowed with a little brief authority, have been the loudest to proclaim that the "Mormons" were lawbreakers. And in the case under consideration, the official who has wilfully broken the law of Congress prescribing his duty in the premises, and violated his oath of office just to gratify his personal animosity, carry out his part of an infamous conspiracy, and help to seat a person of his own party, not elected by the people, and who by so doing has committed one of the highest political crimes, has made it his business, whenever he had the opportunity, to accuse the "Mormons" whem he has now attempted to defraud, of being law-breakers and rebels against the government.

How much respect can the people of this Territory feel for officials imposed upon them by arbitrary authority, who make it the business of their brief career to vilify, abuse and misrepresent them, branding them as opposed to the Government simply because some of them have ignored a disputed statute, when those officials show by their acts, as in this instance, that they care nothing for law when it stands in the way of their own ends and purposes? If the Government of the United States desires that submission and homage which some people affect to think the one thing needful in Utah, it must at least be represented by officials who can claim the respect of honorable men. As it is, while we venerate the institutions of our country, we despise most of the men who from time to time are forced upon us as rulers in violation of the very fundamental principles of democratic republicanism.

MORE OPINIONS OF THE PRESS.

WE publish to-day a few more extracts from our exchanges on the subject of the blunder, fraud, sworn falsehood or whatever the public please to call it, perpetrated by the Governor of Utah. The legal position taken by these journals is impregnable. No one who has attempted to justify the Governor's course has yet done so on the claim that he was sustained by the law. It is only on the ground of expediency that any effort is made to endorse the steal.

There are not wanting either persons or papers who would countenance any unlawful measure in order to "teach the Mormons," as they phrase it, "submission to the laws." That is, they would justify the violation of one law to enforce submission to another. They would ride rough-shod over a constitutional provision and a congressional statute, both founded on the very foundation principles of human rights, in order to inspire respect for an enactment framed against a ceremony claimed by some to be religious, and by others to be non-religious, but which is not essentially criminal and can only be made so by law.

This, however, is not the sentiment of the country. As the true nature of the Governor's offence becomes better understood its enormity is appreciated, and bitter opponents of "Mormonism" on general principles, utterly condemn the crime by which the person voted against by almost the entire population of a Territory, is placed by the arbitrary edict of one man in the position he would have occupied if voted for by the people.

No just man or woman in the Union, made acquainted with the truth of this matter, can sustain an act by which one individual assumes to reverse the legal vote of a whole community. It is too much in the nature of absolute monarchy to be endorsed by the citizens of a republic, no matter how much they may be divided by party politics. Most of the papers from which we quote are of the same party as the official whose course they so vigorously condemn:

Under the caption of Governor Murray's blunder, the Sacramento *Record-Union*, a strong and able Republican paper and an opponent of "Mormonism," has the following in its issue of Jan. 15th:

"We have already commented on the grave blunder made by Governor Murray, in Utah, in issuing a certificate of election to Congress to the minority candidate, but the question is so serious a one that it cannot be dismissed without further consideration. We have shown that Governor Murray had no authority to inquire into Cannon's eligibility, and that in doing so he at once violated the plain letter of the law, and usurped the constitutional prerogative of Congress. Apart from these considerations, however, his course is utterly wrong and indefensible, for even supposing that he had been empowered to declare Cannon ineligible, that authority could not have justified him in issuing the certificate to Campbell. There are few points in American political law more thoroughly settled than this. Our courts have repeatedly and almost uniformly held that the ineligibility of a majority candidate does not elect the minority candidate. There is moreover one celebrated case in point which we should have supposed a Republican Governor could not have forgotten. We refer to that of Cronin, the Oregon Elector. The Electoral Commission adjudicated that case, and in line with the position here stated. The Republican counsel had taken this ground, and their view was accepted by the Commission. In this State there have been several decisions by the Supreme Court to the same effect, and in fact it may be said that American law has taken this stand as a finality. The justice of the position is, we consider, undeniable. In every political contest it must be held that the majority not only vote *for* the candidate who receives their suffrage, but *against* the candidate who is defeated. Should the majority candidate, therefore, be shown to have been ineligible, it is impossible that the minority candidate should be entitled to the office, since it is clear that he was rejected by the majority. In such a case the only tenable conclusion is that there has been a failure to elect, and it becomes necessary (supposing the course possible, as it may not always be) to hold a new election. Governor Murray consequently has committed a two-fold error. He has usurped the prerogative of Congress in undertaking to pass upon the qualifications of an elected delegate to that body; and he has issued his certificate in contravention of the established law in the premises. A more flagrant case of lawlessness in an executive officer has in fact seldom occurred. For high handed usurpation and defiance of the ruling of the Courts, it is only paralleled by the action of Governor Garcelon, of Maine, and it is rendered peculiarly aggravating by the fact that Governor Murray is a Republican, and has, notwithstanding, gone counter to what may be regarded as specially Republican doctrine. He had no right to refuse a certificate to Cannon. The law allowed him no discretion in the matter. It directed him to issue his certificate to the candidate who had received the largest number of votes, and it did not empower him to institute researches of his own motion into the eligibility of that candidate.

Having committed one blunder in withholding the certificate from Cannon, however, he has proceeded to perpetrate an equally flagrant one in issuing the certificate to a man who was not elected, and who has no more title to it in law than Governor Murray himself. In fact, had he issued the certificate to himself, his action would not have been one whit more lawless than it is now. We cannot doubt, under the circumstances, that Cannon will be admitted to his seat, or that Campbell will be rejected by the House. No party can possibly afford to sanction such an invasion alike of republican principles, constitutional provisions and judicial precedents, as this reckless Territorial Executive has been guilty of. The Republican party is especially bound to uphold the validity of the doctrine to which it has already owed the Presidency, nor could it, wholly apart from this, find in the decisions of the courts, no matter what the political bias of the Judges, any ground for abandoning its position in regard to the minority candidate. The only decisions which tend the other way are some English ones, but it is notorious that the view of the law taken in them has never been followed in the United States. Campbell can have no valid title to a seat in Congress. The certificate of the Executive of course does not constitute such a title. The Executive cannot elect a man to Congress, though Mr. Murray appears to think he has the power. Whether or not Cannon is ineligible—a question which can only be determined by the House itself—Campbell is very certainly not elected. The ineligibility of his opponent cannot do him any good. His case stands on its own merits, and there is no question that he received a minority, not a majority of the votes cast. This whole case, however, shows how very careful the Governor of a Territory like Utah ought to be to keep himself from factional bitterness. It is clear enough that Governor Murray has been led into his present untenable position through a desire to please the Gentile population of Utah, and to do something against Mormonism. As the laws did not afford him the opportunity to exercise his power in this direction legitimately he has thought it would be a fine stroke of policy to ignore the laws and the result is what we see. After what has happened, we think there can be no doubt that Governor Murray ought to be removed. No man who is so ignorant of the law or so reckless of its violation can be trusted in an executive capacity, and, therefore, he should be superseded by a person of better information and larger discretion."

The Stockton (California) *Daily Evening Herald* of January 12th says:

"The refusal of the Governor of Utah to issue a certificate to George Q. Cannon as Delegate to Congress from that Territory, notwithstanding his election by a substantial unanimous vote, is a breach of official duty that should subject the petty executive to official decapitation. But his gross usurpation in issuing the certificate to Campbell, the defeated candidate, is so nearly allied to downright felony that it should subject him to criminal prosecution as well as to removal from office. That functionary has, of course no more legal authority to pass upon Cannon's qualifications as a Delegate to Congress than he has to pass upon the sufficiency of the credentials of the President of the United States. The House of Representatives itself has no power to evict Cannon on the ground of his reputed practice of polygamy or any other violation of moral or statute law of which he has not been judicially convicted. The other ground upon which the Territorial Governor assumed to withhold Cannon's certificate—namely, that he is not a citizen of the United States—is equally untenable, even if he had the legal power to withhold the certificate for any reason at all. The regularity and sufficiency of his naturalization was judicially and finally determined by the House when he was originally admitted to his seat, and can not be reopened now by the House itself, much less by the Governor of the Territory. So long as these stupid, futile and illegal methods of dealing with the Mormon problem are pursued by the over-zealous opponents of that institution, just so long will Mormonism and polygamy continue to grow and flourish. The House of Representatives will unquestionably rebuke the flagrant abuse of power by the Governor, in refusing to recognize the certificate granted to Campbell, and by promptly seating Cannon on a mere statement of the facts of the case.

From an extended article in the Philadelphia *Times*, of Jan. 11th we extract the annexed paragraph:

"It is evident that Gov. Murray has transcended his power in assuming to reject a large majority of the legal votes polled, on technical grounds, which can only be properly decided by the courts or the House. It is always dangerous for any public officer to exercise any other than purely ministerial functions in certifying the results of elections. If a Territorial Governor can seize upon an issue of disputed naturalization to defeat the popular will, he can as well seize upon any other pretext and pretexts are never wanting when ambition seeks to defy the election verdict. If Mr. Campbell had no appeal to a competent tribunal there might be some excuse for Gov. Murray assuming judicial authority and hearing the complaint; but the House is entirely competent to take cognizance and dispose of Mr. Campbell's claim, and the Governor simply attempted to hold an election himself to reverse the will of the people, when he gave ear to the legal technicalities presented by the defeated candidate."

The New York *Evening Post* of Jan. 11th, discusses the subject at length and among other things remarks: