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DAVID O. CALDER,
EDITOR AND PUBLISHER.

To the Honorable the Senate and
House of Representatives in
Congress assembled:

GENTLEMEN.—We, your Memorialists, the Legislative Assembly of the Territory of Utah, respectfully represent that, whereas a large majority of the people of this Territory are accused of disloyalty, insubordination and other violations of the Constitution and laws of the United States; and whereas, these accusations are absolutely untrue, and are made with malicious intent to procure proscriptive legislation by Congress;

Therefore, being anxious that legislation, if upon thorough investigation any should be deemed necessary, should be such as will conduce to the greatest good of all, we respectfully and earnestly solicit your Honorable Body to send to Utah a commission of investigation with instructions to inquire into all alleged abuses in our Territorial affairs, and with authority to send for persons and papers needed in the prosecution of their inquiries.

And we further respectfully ask your Honorable Body for the protection of what we deem the best interests of the whole people of the Territory, to suspend all action, so far as special legislation for Utah is concerned, until such time as said commission shall have had opportunity to investigate and report; and for a course so conducive to wise and consequently beneficial legislative action, we, your memorialists, will ever pray.

ORSON PRATT, Sen.,
Speaker of the House.

LORENZO SNOW,
President of the Council.

VETO MESSAGE BY GOVERNOR WOODS.

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
Feb. 4th, 1874.

Gentlemen of the Legislative Assembly:

Your memorial to the Senate and House of Representatives of the Congress of the United States, asking for the appointment of a Committee of Investigation, is herewith returned without my signature.

You recite in your memorial that "a large majority of the people of this Territory are accused of disloyalty, insubordination, and other violations of the Constitution and laws of the United States."

I am not aware that "a large majority of the people of this Territory" are so accused or believed to be. That there are those who have been accused is conceded. But is that a matter for Congressional investigation? Must Congress sit in judgment, by committee, whenever and wherever citizens are accused of wrong doing? I think not, and therefore I would not ask it. It will only result in injury to the Territory, and subject you to the charge of doing so for the purpose of delay.

And in view of the fact that I, as Governor, required as I am by the Organic Act, and by my official oath, to see "that the laws shall be faithfully executed," have been continuously confronted with open violations of the laws of Congress without the ability to enforce obedience thereto because of defective and inimical legislation, and have, as duty required, represented the facts to the Federal authorities, and to the Legislative Assembly of the

Territory. To ask, or expect me to join you in condemning my own official acts, by pronouncing them "absolutely untrue," and made "with malicious intent," is a sad commentary upon the judgment and good taste of those who ask it. That I cannot do so, is certain.

What I have done in the premises, I have done understandingly, prompted alone by a desire to promote the best interests of the Territory; and I shall do so again, should circumstances require it.

The charge that there exists "insubordination and other violations of the Constitution and laws of the United States," in this Territory, is either true or false. Let the facts be submitted. All will agree that the final object of government is the protection of the citizen in his rights.

That the laws of this Territory, as they now stand, are inadequate to accomplish that end, cannot be denied.

There has not been a jury empaneled in this Territory for more than three years, whose verdict would have been valid, nor can there be under the laws now in force. Such are the decisions of the District and Supreme Courts of the Territory, and such, therefore, is the law. Life, liberty and property are at the mercy of the lawless and dishonest, without the possibility of protection. You have been called upon to furnish the remedy. The power to do so is in our hands. If we do not give the needed legislation, Congress must, or anarchy will ensue.

Again: In the 7th section of the act organizing the Territory, Congress gave to the Governor the power, by and with the advice and consent of the Legislative Council, to appoint all officers above the grade of county officers. In disregard of the rights thus conferred upon the Governor, the Legislative Assembly, by enactment, have usurped that power, by making all such officers elective by the joint vote of the two houses of that body, independent of the Governor. That this usurpation has caused much of the existing difficulty and confusion, cannot be questioned. In my message to the Legislative Assembly, at its last session, I called special attention to these obnoxious statutes, asking their repeal, and the enactment of laws upon that subject which would be in conformity with the Organic Act. But my recommendations went for naught; and the persons thus illegally elected, including all of the Territorial officers, were continued and are now in office, in effect obstructing the administration of justice, and preventing the correction of existing evils.

Again: It has been repeatedly held by the District Courts, and affirmed by the Supreme Court of the Territory, that the Probate Courts, under the Organic Act, have no equity or criminal jurisdiction, and yet, in contempt of such decisions, the Probate Courts throughout the Territory exercise a jurisdiction concurrent with the District Courts; determining questions in equity, issuing writs of *habeas corpus*; in some instances discharging persons held by the District Courts for felonies not bailable, and impeding Grand Juries, and putting persons upon trial for liberty and life.

Again: In 1862 the Congress of the United States enacted a law making plural marriage a crime. And yet it cannot be denied that plural marriage is now practiced to a great extent in this Territory, in direct violation of that law. It is not sufficient to say that the law is unconstitutional. The Supreme Court of the United States has not so decided. Until that is done, it is the law of the land, and should be obeyed.

In my message to the Legislative Assembly at its session in 1872, I called attention to the violations of this Act, and urged the enactment of a law prohibiting it in the future. But, I regret to say, nothing was done. Can we, in truth, state that no law of the United States is violated in Utah, or ask Congress to investigate, and inquire into the truth of that which no one denies? I can not.

Again: It is well known that a large number of homicides have been committed in this Territory; and in many instances no attempt to bring the persons charged with such crimes to trial have been made. Indeed such are the defects of the laws that no legal conviction can be had.

Again: The Legislative Assembly at its session in 1870, in direct violation of the established doctrine of the Nation, conferred the right to vote upon every woman "who is the wife, widow or daughter of a native born or naturalized citizen of the United States," without requiring that they shall have attained the age of twenty-one years, or perfected a citizenship under the naturalization laws of the United States, thus conferring upon aliens and minors the right of suffrage.

If there has been improper Legislation in the past, usurping the prerogatives of the Governor in the election of Territorial Officers, in a manner unknown to and in violation of the Organic Act; if the established doctrine of the Republic has been violated by permitting aliens and minors to exercise the elective franchise;—if the laws governing proceedings in the courts are so defective that there is no protection to life, liberty or property, and criminals go unpunished;—if the Probate Courts, in defiance of the decisions of the District and Supreme Courts, have been, and are now exercising an unwarranted and improper jurisdiction, it is our duty to repeal, without delay, all obnoxious Legislation, and enact such laws, and so perfect the machinery, as to protect, alike, the rights of all, punish crime, and make it impossible for abuses of any kind to occur in the future.

Then will order be brought out of confusion, and peace and prosperity take up their abode in our midst.

Most of the questions now attracting public attention in Utah are matters for judicial investigation alone. But the courts without further Legislation are powerless. My oft-repeated recommendations are before you. The power to correct all is in your hands. It is your duty to exercise it. But if you fail, neglect or refuse to meet these public wants, it is the right, it is the duty of Congress to legislate for us; and, "looking to the best interests of the whole people of the Territory," I shall ask it from a sense of duty.

(Signed) GEORGE L. WOODS,
Governor of Utah.

ANOTHER CRUSADE DODGE.

Chief Justice McKean feels his weakness, confesses he is powerless, and says he can't do anything.

SALT LAKE CITY,
Feb. 6, 1874.

Colonel H. A. Morrow, Commandant Camp Douglas.

SIR—You last evening caused to be laid before me, verified complaints, showing:

1. That on the evening of the 2d day of February inst., one Henry E. Warrington, an enlisted soldier of the United States, belonging to your garrison, was forcibly, and without complaint against him, arrested, and was unlawfully and maliciously confined in the city jail of this city till the next day, and was thus compelled to make default in his duties as a soldier; that on the 3d day of February inst., one Jeter Clinton, an Alderman and Justice of the Peace of this city, opened his court for the trial and examination of the cases therein; that during the session thereof, Warrington was taken from the jail, and into a room other than the court room of said justice; that said Clinton adjourned his court, went into the room where Warrington was thus confined, and without any complaint being read, or exhibited against Warrington, who protested his innocence of all offences, and no witnesses or testimony being introduced in the case, said Clinton, pretending to exercise his authority as Justice of the Peace, imposed upon Warrington

a fine of five dollars, and ordered that he be imprisoned until the fine should be paid; that Warrington then paid the fine; said Clinton thus committing the crime of extortion.

2. That in assuming to pass judgment upon Warrington without any affidavit or complaint having been filed against him without any warrant having been issued against him, without any witnesses or witness having been called or sworn, or any testimony being introduced,—the said Warrington denying all guilt—the said Clinton was guilty of wilful neglect in the performance of his duty, against the statute in such case made and provided.

3. That on the said evening of the 2nd day of February inst., Alexander Burt and ——— Smith, together with other persons whose names are unknown, all of whom are believed to belong to the police force of this city, did willfully, maliciously, and feloniously assault the said Warrington, and with their fists, with clubs, and with instruments believed to be iron or brass knuckles, did strike and beat Warrington on the back, breast and head, by which he was knocked down and beaten until he became insensible, and his back, breast and head were bruised and lacerated, and from which he has suffered great pain and injury, and by reason of which the said Burt, Smith, and the other unknown persons did commit the crime of assault with intent to inflict a bodily injury.

4. That at the time of the commission of the last named crime, the said Burt and Smith fastened thongs, called "nippers," to the wrists of Warrington; and by means of them and with blows, lacerating his wrists and bruising his body, did drag and force said Warrington into the city jail, and did unlawfully and maliciously there confine him till the following day, thus committing the crime of false imprisonment.

5. That at the time of the commission of the last named crime, the said Burt and Smith forcibly stole and carried away from the person of Warrington, the following named articles of property belonging to him, to wit:—One leather purse containing two dollars lawful money; one pocket knife of the value of one dollar; and one jointed pocket rule of the value of fifty cents, against the statute in such case made and provided.

Upon these complaints I am asked to issue warrants to the United States Marshal, to bring the accused parties before me to be dealt with according to law.

These applications involve considerations of such importance that I feel justified in addressing you this communication. Having yourself been bred to the bar, and having yourself sat upon the judicial bench, I am sure, Colonel Morrow, that you will appreciate what I am about to say, especially as I shall explain matters which your present duties do not require you to investigate.

As to the first crime charged, that of extortion, there appears to be no statute, either federal or territorial, under which Clinton can be punished for it. The other four crimes charged are, under the circumstances, offences against local and not against federal laws. For this reason I cannot issue warrants to the United States Marshal, as I am asked to do. According to the doctrine of the Supreme Court of the United States in Clinton vs. Englebrecht, neither can Mr. Maxwell, United States Marshal, serve process, nor can Mr. Carey, United States Attorney, prosecute in any cases arising under local laws. Therefore, no federal officer, save myself, can have anything to do officially with these investigations. I must rely entirely upon the Territorial authorities. Can the laws be enforced through them? Let it be borne in mind that Jeter Clinton has been the incumbent of the office which he now holds well nigh twenty years, all the time by the favor of the theocracy which dominates in Utah. Recall the well known historic fact, that several years ago a committee of Mormons investigated his official conduct, and made

a report showing that he was not only dishonest, but a criminal. The committee, however, neither succeeded in bringing him to justice, nor in getting him put out of office; on the contrary, they were themselves rebuked for their temerity.

Let us remind you, Colonel Morrow, that more than two years ago, numerous witnesses under oath charged several men, then and now policemen of this city, with the atrocious assassination of Dr. J. King Robinson, but that I have never been able even to put them upon their trial. Mr. Zerubbabel Snow, though never appointed by the Governor, claims to be Territorial Attorney General of Utah, and he would claim the right to appear as public prosecutor, if Clinton, Burt, or Smith were arraigned before me. Mr. Snow insists that the Probate Court has criminal jurisdiction, and every few months he has grand and petit jurors serving in that court. They find indictments for all grades of crimes, from murder to misdemeanor. Instead of putting upon trial the policemen who are charged with the murder of Dr. Robinson, Mr. Snow and others have prosecuted and struggled to destroy the witnesses who testified against them. I repeat, that Mr. Snow would claim the right to appear for the people if these prosecutions proceed. But this fact alone would not deter me.

Mr. McAllister, though he never was appointed by the Governor, claims to be Territorial Marshal, and he makes this claim, although my predecessor, Chief Justice Wilson, rendered a judgment ousting him from office. The Supreme Court of this Territory, last October, unanimously refused to recognize McAllister as Marshal. I cannot issue warrants to him.

The Sheriff of the county recently utterly failed to serve a civil execution against the property of Brigham Young. But, let us assume the doubtful proposition that he can be relied upon to serve warrants and do his whole duty in these cases; still the obstacles are by no means all surmounted.

As a District Judge, my jurisdiction extends over nine counties. No officers but a marshal can summon a grand or petit jury for a district. The U. S. Marshal cannot serve in these cases, and the office of Territorial Marshal is vacant.

Therefore, if I were to surmount all obstacles in the way of arresting the accused; if I were to enquire into the charges against them, and were to commit them to await trial, I can neither obtain a lawful grand jury to indict them, nor a lawful petit jury to try them.

My associates upon the bench, though recently arrived in the Territory, have been confronted by these same obstacles. In the First District, Justice Emerson has hesitated to try any jury cases, and has adjourned his court. In the Second District, Justice Boreman recently refused to have any jury summoned, and has adjourned his court. For more than two years there has not been a criminal case tried in any one of the District Courts of the Territory, with one exception; and that was the case of a man who pleaded guilty, and was sentenced upon his own confession, in Justice Boreman's court.

When I shall be furnished with reliable officers and lawful juries; when I shall be clothed with adequate authority, I will cheerfully try to protect the innocent and to punish the guilty. I shall then be enabled to take up a position in the front, between the federal troops and their persecutors. Until that perhaps distant day shall come, you, Colonel Morrow, will have to protect the men of your command from outrage as best you may. I must make the humiliating admission that I am powerless to protect them or to redress their wrongs.

I am, sir, your obedient servant,
JAS. B. MCKEAN,
Chief Justice.

A teacher said to a little girl at school, "If a naughty girl should hurt you, like a good girl you would forgive her, wouldn't you?" "Yes, marm," she replied, "if I couldn't catch her."