

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - FEB. 26, 1873.

THAT MEMORIAL.

The memorial of certain lawyers resident in Utah to Congress, published elsewhere in our columns, with the signatures thereto appended, will be useful as a matter of record and reference. Men have the privilege of forming their own record, and we have the privilege of publishing it if we consider it of sufficient public interest. The names of the signers will be held in remembrance by the public, and if at any time any of our citizens require the services of a lawyer they will not be compelled to apply to either of these memorializing gentlemen. Jesus said, "Wo unto ye lawyers," and if he were on the earth to-day he would be very likely to repeat his denunciation concerning some of those who now exist. These who signed this memorial only want Congress to do something to relieve them from their "difficulties," no matter how it is done, nor who suffers thereby, as they emphatically indicate in the conclusion of their memorial, "We are not tenacious of the manner in which this shall be accomplished, but earnestly ask your honorable body to devise some means by which we may be relieved," and further, any legislation having in view this consummation so devoutly desired by these lawyers "would meet with our sincerest approbation." To be sure it would, and it is to be hoped that Congress will not fail to do something to relieve these poor, afflicted, miserable, long-suffering members of the Utah bar. In the classic language of a high judicial authority, we are sorry for them, very sorry; upon our word we are.

THE CRUSADE.

The following appears in the Ogden Junction, and with a number of other paragraphs received by mail, but highly important to the people of this western country, failed to come in our dispatches received over the Western Union wires:

WASHINGTON, 17.—Clagett's nomination for Governor of Utah will probably be sent to the Senate to-day. He will go to Utah at the end of this term. Judge Mitchell will leave at the same time. Merritt's bill will pass the two houses by a large majority before the end of this session. It is supposed, if the bill passes, the election for delegate to Congress will be referred back to the people, and that a delegate more favorable to the people of that Territory and to the majority than Cannon, will be sent to represent them in Congress. The President positively declares that if Congress adjourns without action, he will call an extra session. Gen. Sheridan had a long interview with the President on Saturday.

As Mr. Cannon received a nine-tenths majority vote, we can not see anything rational in Congress "or any other man" rejecting his election on the grounds stated. Clagett's nomination, which appears to be a fact, may be justly considered an act of the bitterest and most unprovoked hostility to the people of this Territory. He is not the choice of a tenth of the citizens of Utah. The overwhelming majority believe him to be a slanderer, and an unprincipled adventurer. It cannot be considered a mark of especial administrative sagacity to foist upon Utah, the most important, thriving, and prosperous, and the best ordered and best disposed of all the Territories, a broken-down politician, the leavings of Montana, for chief executive, with proposed almost absolute powers. One thing we do ask of the President of the United States, and we think the people of the Territory are entitled to it, and that is, that when he removes any one of his Utah appointees and appoints a successor, the new appointee be a better man and a better official, more honest, upright and impartial than his predecessor. We will do Governor Woods the justice to say that we are constrained to believe that such is far, very far from the case in the present instance. Here is another view and proposed course of action—

THE MORMON QUESTION.—The Senate judiciary committee has held several meetings to consider what disposition shall be made of the Mormon question. The subject has been thoroughly discussed, but,

as yet, no decision has been reached. It is thought probable that a bill based upon the suggestions of Senator Pool will be finally agreed upon. Senator Pool proposes that a law shall be passed prohibiting polygamic marriages in the future, legalizing those which have been contracted, or are now extant; that husbands of more than one wife shall be compelled to maintain them and their children so long as the wives are willing to remain with them; that the wives of such husbands shall enjoy the privilege of leaving them whenever they shall so elect, and that such leaving shall be equivalent to a legal divorce of sufficient effect to entitle such divorced wives to marry another person.—Washington Star, February 11.

In the San Francisco Call, of Feb 16, the following is credited to little Simonton—

It is doubtful whether the legislation which the President asks for relative to Utah, can be had this session. Mormon money from Brigham Young's tithing fund can probably purchase influence enough to prevent present action, and the time is too short to make the fight and win.

The fiction about "Mormon money from Brigham Young's tithing fund" is as pleasant as many others passing around.

The Chicago Tribune has the following—

WASHINGTON 13.—The Utah people have very little to fear that there will be any legislation in Congress affecting their institutions this session, notwithstanding the fact that the President has used his influence to this end. The Senate judiciary committee to-day had a meeting, at which the question came up, but the disagreement among the members was so great that no line of future action was agreed on. At least one of the members of this committee is in favor of legalizing the existing relations, growing out of polygamy, and interfering with the Mormons only to prevent future complications.

Newman, the political parson, seems to think things are a little shaky, generally speaking, judging from the following in the New York Sun—

Chaplain Newman, in his opening prayer in the Senate the other day, asked the Almighty to have compassion on the nation, "for the very foundations of society seem to be moved." The foundations are all right, Chaplain, but some of the decaying pillars need removal.

To which we respond yea, verily.

The following appears in the Alta California—

SALT LAKE, Feb. 15th.—The announcement of Grant's special message on Utah affairs is variously received. The Radicals are pleased. The Conservative Gentiles think that it will materially injure business, and is based on wrong information. The Mormons say little.

Here is a bit about Merritt's bill—

WASHINGTON, Feb. 10.—Mr. Merritt's bill relating to the Mormon Judiciary and to the abolishing of Polygamy in Utah, will come up to-morrow before the House Judiciary Committee, and most probably be agreed to with some modifications. The abolition of polygamy will be made prospective rather than retrospective; that is, the Mormons will be left in peaceful possession of their present wives, but no polygamy will in future be permitted.—N. Y. Herald.

Now for a paragraph about that counter protest—

A COUNTERBLAST FROM UTAH.

WASHINGTON, Feb. 10.—Delegate Hooper has received a despatch from Salt Lake City, dated the 9th inst., saying, "A protest numerous signed by members of the Utah Bar will be sent immediately to the President and Congress denying the allegations made in a memorial lately sent to the President from certain lawyers in Salt Lake City. The protest vigorously repudiates the charges made against the Legislature, and shows from the record that the failure to secure jury trials rests with the District Courts, and not with those organized under Territorial law. Evidence is adduced to prove that the Territorial laws do not differ materially from those of the States and Territories, and are ample for all purposes if the federal judges would act in accordance with their propositions."—N. Y. Herald.

The following is from the New York Sun—

WASHINGTON, Feb. 9.—Bills to prevent and punish polygamy and to enforce United States laws in that Territory are pending before the Judiciary Committees of both Houses, while the President, it is believed by them, contemplates sending additional troops there and placing General Sheridan in command. The new legislation it is proposed to base on a memorial full of complaints from the Gentiles. Ex-Congressman Fitch appeared before the Senate Judiciary Committee to-day and charged that this memorial was full of misstatements and errors, and misrepresented the context and intention of Mormon law. The friends of the Mormons charge that this sudden renewal of the old warfare is nothing more nor less than an attempt to depreciate their property and compel its sale under cover of a pretension to break up the Mormon system. Should this legislation fail to become a law for want of time this session, it is believed that it is the President's intention to appoint a new Judge in Utah and go ahead and put Brigham Young on trial.

This is a thrust from the Philadelphia Press—

Troops have been ordered to Utah, and this, in conjunction with the President's recent utterances against Mormonism and Senator Frelinghuysen's bill on the subject, indicates that an active prosecution of the

peculiar institution will be begun. It is full time. Brigham Young is a blot that ought to be wiped out. Perhaps, as Mr. Hooper, the Mormon delegate in Congress, asserts, there is more immorality in any one of our great cities than among his constituents; but it does not claim to be a divine institution, nor attempt to control the administration of government.—Philadelphia Press, Feb. 10.

We do not see eye to eye with the Press. It is easy to say that a man ought to be wiped out, but that is the argument of a mob, claptrap, inflammatory, wild, senseless, extra-judicial, unworthy of Forney or his paper, or of any paper. The Press seems satisfied that there is less immorality in Utah than in other communities outside. The Press, however, is not fighting immorality, but divinity. It is the divine idea that excites the animosity of our cotemporary of the City of Brotherly Love. Take any other shape than that. Seduction, adultery, prostitution, whoredom, Tweedism, Credit Mobilierism, anything can be endured, except that which is divine.

That was also the position and policy of McKean, according to his profession and practice. He did not come here to administer law or justice, or to put down immorality, but to make war on theocracy, the only divine kind of religion that ever did or ever can exist, and to accomplish that purpose he placed himself on the side of illegality and injustice. (Vide unanimous decision of the U. S. Supreme Court.)

The Press says immorality does not attempt to control the administration of the government. The deuce it doesn't! What about the late violent war of the Press on Cameronism and Hartranftism, eh?

But our space is limited and we can only further remark that through the very disinterested exertions of broken down and hungry politicians, Utah is becoming decidedly an object of interest to the administration, Congress, and the nation. We always said she was bound to be elevated to the top of the heap.

THE HULLABALOO.

The carpet-baggers and their friends, after months of intriguing and wire-pulling, have at last succeeded in inciting another crusade against the people of this Territory. The animus, as suggested by several exchanges, is sheer selfishness, a reckless desire for plunder. These unprincipled creatures, who are so fond of usurping and monopolizing the use of the term "loyal," have even succeeded in exciting our usually considered impassive President, the grave and reverend Senators and the shrewd and intelligent Representatives in Congress assembled. In hot haste legislation is urged regarding Utah. And such legislation! It is utterly unprecedented. It lays the axe at the root of every right and privilege of the citizens, arms half a dozen federal appointees with practically absolute power over the property, persons, liberty and lives of 100,000 people, at will depriving them virtually of the right of suffrage, the right of trial by a jury of their peers, and every right common and dear to American citizens. If such laws be passed, they will either hasten the admission of Utah into the Union, or prove the destruction of the nation, for no American citizen, "Mormon" or non-"Mormon," would be able to live under them, and if enacted for Utah would soon be enacted for other portions of the republic.

It does seem really an astonishing but pitiable spectacle, that of President Grant and Congress being led by the nose by a fanatical political parson like Newman, and by the ears by a firebrand political adventurer like Clagett, whom Montana has discarded and sent adrift.

The rule or ruin ring in Utah have become desperate and are now making their grand and final reckless effort to drive Congress into hasty legislation antagonistic to Utah ere the session closes. What is the reason of all this hurry? Why this indecent haste to pass a bill of a most sweeping and radically revolutionary character, that will hardly leave a shred of the constitution applicable to the Territories, or at least to this Territory? Utah has existed a quarter of a century as a substantial, well ordered community. It was a flourishing, peaceable Territory long before the present ring was dreamed of, and if they would let it alone it would not fall into anarchy the present summer, or into any condition requiring special doctoring by Congress. There is, in fact, no

necessity for any hurried legislation by Congress for Utah. What is wanted is executive discouragement of the "ring," the removal from office of all the miserable plotting tribe of carpet-bag officials, and the appointment of men to office who will perform their real duties with uprightiness and probity and in the interests of the people.

The present hue and cry after the "Mormons" is a positive disgrace to the country. It is an undignified concession to the villainous schemes of a corrupt crew who are anxious to appropriate to themselves the earnings of better men. However, Utah will live and flourish when the pack of curs who are hounding on the President and Congress and are themselves in full cry after the "Mormons" will be dead, rotten and forgotten.

PUSHING THINGS.—A dispatch to-day says President Grant yesterday visited the Capitol for the express purpose of urging Senators and Representatives to press Frelinghuysen's bill against Utah, as its passage is imperative. Is the President descending from the Executive chair to turn lobbyist in the halls of Congress? That is not a very dignified position for the chief magistrate of this great republic to assume.

SELFISH MOTIVES.—The following from the New York Tribune we believe is very near the truth—

The movement against the Mormons in both Houses at this time is believed to be in accordance with the Newman policy, which is supported by many of the Gentiles in Utah from wholly selfish motives.

WHAT THE PAPERS SAY.

All the papers have something to say about Utah just now, and as our readers are naturally anxious to know the views entertained by the press upon the affairs of this Territory we publish liberally of their notices. Some of them, and some portions of others, are so manifestly false, misrepresentative, discursive, and insulting, that they are not fit to be reproduced in the NEWS, or to be introduced to a decent family. But as it is almost impossible to eliminate everything objectionable from a copied article, without mutilating it so as to make it partially unintelligible and unindicative of its author's meaning, we wish it to be distinctly understood that we do not necessarily endorse everything of the kind that may appear in our columns.

The Denver News, never very friendly to Utah, thinks that Frelinghuysen's bill is "the most important bill of the session and should certainly become a law." If the object of Frelinghuysen, Congress and the administration be the destruction of the constitution and the Union, why the best thing they can do to effect that dreadful purpose is to pass Frelinghuysen's bill.

The Denver Tribune thinks the Latter-day Saints are "highly alarmed at the threatening situation," and that "the President is evidently resolved on the wiping out the polygamic stain on the national escutcheon, and Congress is exactly in the humor to give him and his designs a cordial backing." Perhaps so.

The Chicago Times, a far abler and more influential paper, says—

WASHINGTON, Feb. 16.—The dictum of the President's message on Utah is to be obeyed. The Senate judiciary committee on yesterday virtually agreed to report the Frelinghuysen bill, which excludes bigamists or Mormons from jury service, and practically from citizenship. A similar bill is pending in the House committee.

A Washington correspondent of the Boston Journal says:

Attorney General Williams approves the Mormon bill of Senator Pool, which provides that there shall be no more polygamic marriages, but legalizes those which have been contracted or are now extant; that husbands of more than one wife shall be compelled to maintain them and their children so long as the wives are willing to remain with them; that the wives of such husbands shall enjoy the privilege of leaving them whenever they shall so elect, and that such leaving shall be equivalent to a legal divorce, of sufficient effect to entitle such divorced wives to marry another person.

The Missouri Republican talks like this—

The laws against polygamy have never been enforced. For a whole generation it has existed under a degree of national toleration which is responsible for its growth. To suddenly rend the family relations that have grown up under this tacit sanction, would produce a vast amount of individual suffering and wretchedness. It would amount a measure of civil reform with all the

cruelty of religious prosecution, and the more surely to degrade our national policy to this level, the bills before Congress provide that polygamists shall be tried by a packed and hostile jury composed of mortified and disappointed missionaries. What more could Brigham ask to fire the Mormon heart than such scenes as would attend the enforcement of such a law? Why, the most luke-warm pauper in Salt Lake, living in perpetual dread of one half-starved wife, would be supplied with a cause worth fighting for, and (as Sidney Smith said of the old Scotch Cameronian under a similar provocation) with a little oatmeal for porridge, and a little sulphur for friction, holding his Mormon creed in one hand and allaying cutaneous irritation with the other, he would flee away to his flinty hills and lava beds, and many a poor fellow would bite the dust and many a dollar of public money would be squandered before the conversion of Brigham's flock could be completed to the satisfaction of Chaplain Newman.

The unusual expedient alleged to be necessary to secure the punishment of Mormons for refusing to abandon the mothers of their numerous children throws a sinister light on the situation. When a jury has to be packed in order to insure a particular verdict, it is evident that the desired verdict is at deadly variance with all that is cherished in that vicinage, and it may be safely assumed that such extraordinary tampering with the machinery of justice is never done in the interest of justice, however it may answer the strict letter of the law. It would be much safer, as it certainly would be more just, to leave undisturbed the plural marriages for which our national toleration is at least partially responsible.

In one thing nearly all the papers agree, and that is, that our citizens ought to make their domestic customs to conform to those elsewhere in the Union. We can find no warrant in the constitution for any such request, and we can't go against the constitution—it is the palladium of our rights, liberties, and privileges as citizens. To our contemporaries of the press we may say we are forward to do all that can reasonably be asked of us, as we know some tender consciences are very much exercised to usward, but don't ask too much, or we may have to endure the pain of declining to accede to your requests, and we do not wish to inflict upon you the needless grief of a refusal. Just mind your own business and let us alone, and never fear that we shall not endeavor to do unto others as we would have them do to us.

The Last Great Struggle.

AFTER the unexpected reverse decision of the Supreme Court fell upon the carpet-bag ringists in Utah like the grip of a terrier on the loins of a Thomas Felis, they lay flat and still on their backs, perfectly disappointed and discomfited, and half dead through the suddenness and severity of the shock to their most sanguine expectations. After a time as they began to revive and again gather strength their ruling passion of plunder assumed to show itself once more. En passant, plunder is the word—it is a good word, justly expressing the grand aim of the ringists. On the convalescence of the "ring," the all-absorbing question was, "What is to be done?" The old policy of gross illegality through the courts could hardly be again followed. It was not quite safe and it was extremely unpromising to turn and twist and wrench and even defy and ignore the laws, at pleasure, according to the former custom. Repentance of past misdeeds never seemed to enter their case-hardened minds. Like a taureus at a bank all they could think of was to tea, and paw and bellow, and continue their belligerent demonstrations. The happy idea was soon suggested that the best way to work up another crusade was to secure special legislation, and in order to make that more effective when secured, a "masterly inactivity" was resolved on in judicial matters, the chief exception being when activity could be made to harass the local judicial and executive organizations and nullify or dead-lock their operations. There was cunning if not sagacity in this, for such a nullifying course would convey the idea abroad that, in consequence of conflict of jurisdiction, neither the United States nor the Territorial authorities could do anything, and public sentiment, so excited, might demand that Congress should do something to straighten out matters in Utah, or the people, aggravated, goaded, and incensed at the impossibility of securing either judicial justice or judicial law, would be driven to the commission of some vengeful act and to take the law into their own hands, which would be a capital pretext for stringent repressive Congressional legislation, arbitrary if not absolute carpet-bag powers, Phil. Sheridan and troops and martial law, plunder by no means forgotten—the ringist's eye is always open for that. The spoils of honest citizens are the