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## THE NEW GOVERNOR.

THE new Governor, Caleb W. West, is expected here this evening. A double delegation goes to Ogden to meet the gentleman and welcome him to this city and Territory. The Federal officials and a few selected friends make up one party, and the City Council, with several representative ladies and gentlemen, comprise the other party. The general disposition is to receive the new Governor with cordiality and kindness and to make him feel at home and that he is among friends.

Governor West, when he has had time to look around him and learn the situation, will find himself in a somewhat peculiar position. The status of Utah affairs is measurably indicated in the manner of his reception. There are many differences of opinion on religion, politics and the common questions of the day, but the active parties may be classed as "Mormon" and anti-"Mormon." There are a number of quiet and estimable people, who are neither "Mormons" nor "Mormon" haters, taking no positive action on either side, but the two elements we have named are brought sharply into antagonism and represent the prevailing issues.

Governor West is supposed to come as the Executive of the Territory, not as the leader or the tool of a faction. Creed, party, social distinctions, private differences and such causes of division as may exist among the citizens, ought not to influence the Governor in either direction, in his official capacity. He should be the Governor of the whole people. Failure to recognize this, has caused the great difficulties which have hedged up the way of many of his predecessors. Personally, every man has the right to his opinions on all subjects; officially, the Governor is not the representative of any one school of thought or sectional rule of action. He acts in the name of the national government, but for and in behalf of the people whose interests he is selected to subserve. And they include all the inhabitants of the Territory of which he is appointed to be the Governor.

It is his duty to see that the laws are faithfully executed. The administration of the law, however, is so ordered that he Executive has really little to do in this direction. The courts and their officers bear the weight of this authority. But it is to be expected that the influence of the Governor will be exerted in that line. If any of the laws are unjust he is not responsible for the injustice. He is not to be blamed if they are harsh and oppressive. The powers of the Executive are to be exercised on the side of the laws. But this does not mean that special efforts must be put forth to enforce selected statutes. It means the impartial and consistent and equal execution of every applicable law, whether congressional or territorial.

The enforcement of the laws has, in the minds of one section of this community, come to signify the concentration of official energy in one defined channel—the prosecution of "Mormons," particularly those charged with one specific offence. If a Federal officer turns his mind in that direction he is considered by that party to be all that is desirable and praiseworthy. If not, he may expect to be viewed with suspicion and aversion. On the other hand, if he casts in his forces with that extreme party, and trains under their direction, he will be looked upon by the large majority as a partisan, and no real friend to the Territory viewed as a whole. How to perform his sworn duties according to the spirit of his oath and maintain the dignity of his office, without leaning improperly in either direction, is something important for Governor West to discover.

We maintain that this can only be done by holding aloof from cliques and cabals of every kind, and by a fearless disregard of the praise or blame of any section or combination. All parts and divisions and interests of the Territory need his attention. Few Governors have ever become really acquainted with the people of Utah. A small circle of anti-"Mormons" is no sample of the bulk of the citizens. The mining interest is only one feature of the local industries. Salt Lake City is not Utah. The whole Territory needs development, and the influence of the Executive should be exerted in a general way for the welfare of all its parts. A Governor of the Territory instead of a promoter of a party, will prove a pleasant and profitable change. We hope that Utah has now a Governor instead of a partisan.

It is to be reasonably expected that Governor West will endeavor to carry out the policy of the Administration. That has been defined as a firm execu-

tion of the laws, without partiality and without persecution. The large majority of the people do not ask for either more or less than this. It is also understood that the Government does not wish the Federal authority to be opposed to the local authority in the way of obstruction. Needed laws are not to be prevented by an arbitrary exercise of executive power. The wishes of the people, if not in opposition to national legislation, are to be consulted rather than the demands of a hostile minority. Local self-government is not to be rendered void by autocratic, one-man rule. Democratic principles are to prevail instead of monarchical oppression.

Governor West comes to us with a fine reputation, personal and official. On behalf of the masses of the people of Utah we bid him welcome. They ask no favors of him, they simply hope that he will do his duty fairly; fearlessly and impartially. They are quick to appreciate justice and to recognize injustice. They are a liberty-loving, God-fearing and law abiding community. They know and admire a man when they meet him, and can estimate one who is but the puppet of a faction. They are ready to sustain the Executive in all rightful measures, and will join with him in every unpartisan effort to promote the growth and expansion of each material and social interest. With the hope that he will prove the governor of the whole people of the Territory, we salute the gentleman on his entrance into Utah.

## THE MAYOR AND THE POLICE.

THE Mayor made some remarks in the City Council on Tuesday evening, in reference to the police, that have been greatly misrepresented. It is reported that he denounced the police as "lazy, good-for-nothing fellows." The statement is a falsehood. Mayor Armstrong said nothing of the kind. He is not given to falsifying, nor misrepresenting the city officers. He simply endorsed the application of members of the Council for policemen or mounted patrolmen, in some parts of the city that need police attention but do not receive it. He deprecated the "bunching" of officers in the central part of town and thought they should scatter more to other localities, but made use of no such language as that attributed to him.

Our police are efficient officers, and no one knows that better than the Mayor. But he had previously expressed his wishes on this subject, and spoke with vigor in relation to it because his directions had been apparently disregarded. We think he is right on this matter, and that the public welfare would be enhanced by a different distribution of the police force.

It would be an easy matter for the Captain of Police to arrange beats for the officers and assign them to their respective posts embracing other than the business portions of the city. As the summer advances a patrol will be needed between the centre of town and the Warm Springs, and another on the State Road, and one would now be an advantage on the route to the Fort. Of course the neighborhood of the saloons is more prolific of disturbances that require police attention than any other part of town, but the outer wards have claims for protection from rowdyism and other causes of disquiet, and the taxpayers in those parts are entitled to their share of police assistance.

We hope this public need will receive attention without delay. The fault is not so much with the officers as with the arrangement for their services. It is the old, beaten path, and as the city and its needs extend, new arrangements become necessary to the public welfare. Let us have a change to suit the times and the public demands.

## AN EXTRA SESSION OF THE LEGISLATURE.

It will be seen by our Washington dispatches that the President and Cabinet had under discussion on Tuesday, the propriety of calling a special session of the Utah Legislature. The necessity for this lies in the fact that the late Governor of Utah acted the part of an obstructionist to such an extent as to nullify the lawful acts of the Legislative Assembly and prevent the passage of laws that are essential to the welfare and progress of the Territory. Among the most important of these were the jury bill, the bail bill, the election bill, and the appropriation bill. These ought to be enacted, with several others that might be mentioned, which were vetoed out of pure malignity and retaliation.

The passage of the appropriation bill is absolutely necessary to the proper conduct of the local government. There is now no authority for the expenditure of any money for public affairs. It was the refusal to sign this, coupled with the endeavor to appoint by proclamation persons whom the people do not want and whom the Council refused to confirm as officers, that precipitated the removal of the late Governor. The only remedy for the evils he wrought as the tool of his fellow-conspirators, is an extra session of the Legislature. If that is convened, the murdered bills can be resuscitated and

brought into active life. This would give the new Governor an early opportunity of showing his position on the important question of local self-government.

We question, however, the power of the President to call an extra session of the Legislature, in view of certain statutory requirements. We think that it will be necessary that a bill shall be passed by Congress, authorizing the extra session and providing for its expenses. The President might recommend such a measure, and in view of the necessities of the case it would in all probability be passed without delay.

We hope favorable action will be taken on this matter, and that an opportunity will be given to the people of Utah, through their elected representatives, to enact needful laws for the progress of the Territory, to discharge its pledged obligations and provide for its necessary expenses, and to the new Governor to enter at once upon the most important of all the duties of his office.

## RESISTANCE TO UNLAWFUL AUTHORITY.

WE presume that no one is surprised at the verdict in the case of Edward Brain, notwithstanding the nature of the case and the lack of evidence to show that defendant was guilty of any crime. The jury was selected by the officers whom the defendant was accused of resisting. They were chosen from one class of the community, and because of their hostility to the class to which the defendant belongs. An opportunity to be tried by a jury not selected by the prosecuting witnesses was denied him. If the jury was not packed to convict the defendant, what sort of a jury can it be called?

The offense he is alleged to have committed was resisting a United States officer. According to the testimony of the officer himself, he went to Mr. Brain's house shortly before midnight to serve a subpoena on a witness in a case of misdemeanor; he supposed she was in the house, and with his associates having demanded admittance and receiving no response, he tried to force the door, and hearing low voices he declared he would break down the door and was told if he did so he would be treated like a mob. Hearing some one go out of the rear door he went round and saw Brain come out with a pistol in his hand; he seized Brain and took it from him, and after getting into the house found the witness concealed in a garret. He did not read the subpoena until after he arrested the defendant, and the latter was not going in his direction nor in the direction of Collins—the other deputy, when he left the house but the witness intercepted him. The defendant being sworn gave a plain statement to the effect that he took the men at first for burglars, that he did not resist them, that he was on his way to a neighbor's to get him for a witness when he was seized by the officer. It appeared that the original subpoena was an old one, returnable six weeks before the occurrence, and that the order of the court to serve it did not describe the house where the officers found the witness. A new subpoena had been issued of which the order of court did not refer, and thus it was not backed by any order of court and the attempt to break into the house was lawless.

Looking at the matter as impartially as possible, it appears as if the defendant, being a "Mormon," was marked down for a victim, and all who are familiar with the manner in which prosecutions are conducted here know what that means. There is a proper way and a proper time to serve a subpoena, and that is not by violence nor by attacking a man's premises in the night time. Under the law an arrest cannot be lawfully made at night for a misdemeanor, unless so specially ordered by the court and endorsed upon the warrant, or for an offense committed in the presence of the person making the arrest. For a felony an arrest may be made at night. If an arrest on a warrant is unlawful at night, how much more is the service of a subpoena for a witness in a misdemeanor case, at such an unreasonable hour as that chosen for the raid on Mr. Brain's premises.

In any other part of the United States if the owner of a house thus attacked near midnight had killed the supposed burglars with lead and killed every one of them, he would have been justified on trial by an impartial jury. Citizens have some rights, and may defend them to the last extremity. The old English saying, supported by the common law, that "every man's house is his castle," does not seem to hold good during the rule of terror that has been inaugurated in Utah under Dickson, Ireland and Co. But if Mr. Brain had blown a hole through the deputy and maintained his rights to the death, he would have stood a fairer chance for justice than under the circumstances of his mild resentment of the treatment to which he was subjected. He could have appealed from a conviction for murder to the court of last resort, and it is not at all probable that the Supreme Court of the United States would uphold the course of raiding officers, attempting to break into a man's house near midnight to hunt for a witness in a simple case of misdemeanor, when the Constitution of the United States provides that:

"The right of the people to be secure in their persons, houses, papers and

effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized."

The provisions of this Fourth Amendment to the Constitution are repeatedly violated in Utah. And it seems to be the opinion of officers backed up by the courts, that "Mormons" are not included among "the people" who are to be secure in their persons, houses, etc., against "unreasonable searches and seizures." If the raid upon Mr. Brain's house was not unreasonable, and at an unreasonable hour, and in an unreasonable manner, there is no virtue in the provision and no meaning in its language.

If officers do not want to be treated as burglars or other midnight ruffians, let them act within the law and like decent and law-abiding men. No officer has been resisted during the outrages that have been perpetrated by Ireland's minions when they have acted within the lines of the law. And it looks as though when resistance is offered to persons attempting to invade a man's premises at night, it should be violent enough to bring this question to a pertinent issue. When men act like ruffians, they may be treated as ruffians, and the law will justify a citizen in shooting down and killing midnight marauders who invade his domicile under any unlawful pretense.

We know what we are talking about, and understand that what we say will be misrepresented and construed into an endeavor to incite the people to crime. But we advocate no unlawful violence. On the contrary we desire to suppress it. We have counseled, and do counsel, submission to the lawful execution of the law. What we oppose is lawlessness, oppression and outrage. The guaranty of that constitutional provision which we have quoted has been set at naught in Utah by persons deputized by the U. S. Marshal. Domiciles have been broken into, and women have been forced by dirty deputies to come from their beds and appear before them in their nightclothes to receive service of subpoenas. No man's house is safe from intrusion at any hour, providing he is a "Mormon."

The case against Mr. Brain is in support of this infamous invasion of the people's rights. The defendant has been forced to trial, too, before a jury picked by the officers whom he is accused of resisting. His trial is so far a farce. Juries who are thus packed know what is expected of them. Witness the course pursued toward the four jurymen in the Dean case who were in favor of an acquittal because the evidence did not justify conviction. They have been singled out as unfit for jurymen in subsequent cases. And it is made clear to persons serving on juries that their business is to convict when a "Mormon" is going through the almost needless form of a trial.

We speak strongly because we feel deeply the wrong of these proceedings. While an unjust and special law is in operation we do not oppose the fair and impartial execution of that law, no matter where it strikes or what may be the consequence. We may argue against its injustice, but we do not and will not hinder its execution, nor speak against those who are charged with its administration when they act lawfully and consistently. What we protest against is the lawless execution of the law. The oppression of the people. The unjustifiable acts of brutal men. The excess of authority, the partial and extreme measures that are adopted, the persecution which is being conducted under the name of prosecution. And these we expect to denounce and call upon the people to resist in every lawful way.

It is time that something definite was done to determine whether a "Mormon" has any rights and any protection from the laws which he is so ostentatiously commanded to obey. Let the people submit to everything lawful, but not bow down to illegal force, and become a set of abject slaves to unlawful authority.

## THE LEGISLATORS WILL RECEIVE THEIR PAY.

WE have taken the ground ever since word was received here that the pay of the members and officers of the Legislature had been stopped at Washington, that the money would be recovered, and that the peoples' representatives would receive their just compensation. The following, which was received by Secretary Thomas from Comptroller Durham, proves that our anticipations were correct:

"In my letter of March 10th last to you I declined to honor your requisition for any further money to pay the Legislators of Utah until further advised. After having fully examined the whole matter, this office now authorizes you to draw for the balance of the amount appropriated for the last Legislature and the draft will be honored."

The attempt to rob the Legislature was mean and despicable in the extreme. The suggestion went from this city and was part of the conspiracy to which Eli H. Murray was a party. Only a small and paltry soul would attempt such petty revenge upon men who would not bow down to his man-

dates and lend themselves to his ambition.

The provision in the Congressional appropriation bill of 1875, wrong in its spirit and intent and only smuggled in at the expiring moments of the session, had no application whatever to any other appropriation than that to which it was attached. The money for the expenses of the Legislature of 1886 was duly appropriated without any restrictive provision, and the Comptroller had no right, in the first place, to withhold the money. He sees now how he was deceived by misrepresentations from Utah, just as the President did in regard to the necessity for sending troops here.

The liars and conspirators will all be exposed in time, and the plots and schemes against the peace and welfare of the Territory, in aid of the few adventurers who want to control its people and its finances will ultimately fail, while their promoters will reap the general reward of all who have sought to build themselves up on the downfall of the "Mormons." Justice will be sure eventually to claim its own.

We congratulate the people's representatives on this recognition of their rights, and the success which has attended the labors of Hon. Jos. A. West and others, who with the Delegate in Congress have been representing our side of the question at the seat of government. And those counties which have generously advanced the money for the pay of the legislators can now be reimbursed, and the mouths of the growlers will be temporarily closed. But the Government is yet owing the Legislative Assembly of 1886 the per diem and mileage of its officers and members, which was just as unjustly withheld as the legislative expenses of 1886.

## THE HISTORY OF CALIFORNIA.

WE have received the fourth volume of Hubert H. Bancroft's history of California, which is Volume XVI. of his great work, the History of the Pacific States. The third volume on California brought the reader to the events that occurred in that part of Mexico from 1825 to 1836. It related its principal incidents as a Territory of the Mexican Republic and gave the local annals of the San Diego, Los Angeles, Santa Barbara, Monterey and San Francisco Districts from 1831 to 1840.

The fourth volume marks another epoch, showing the decay of the Mexican power and the gradual increase of American occupation and influence in California. The quarrels of Mexican officials and the decline of the mission interests are related in a most interesting manner, and the travels, adventures and sufferings of the American fortune-hunters who braved the dangers of the plains and mountains, dazzled by the prospects of wealth and fame on the Pacific Coast, are told in that entertaining style and with that fidelity to authenticated facts which mark the literary efforts of the indefatigable author.

The Sutter occupancy and the vicissitudes that attended it form an important part of the volume. The true character of the Swiss adventurer, his commercial enterprise at Sutter's Fort, what he did for the development of California and chiefly for his own emolument, are narrated, and also his dealings with the Russian company whose possessions he obtained, and with needy Americans whom he patronized and assisted, always with an eye to his own profit, but after all greatly to the advantage of new-comers who were strangers to the country and its resources, and were generally exhausted by the toils and trials of their terrible journey from the line of eastern civilization.

The labors of General Fremont as the pioneer of the great work of transcontinental survey are duly recorded, and an insight is given into the true character of the so-called "Pathfinder," who was really but a follower, in California, of the tracks made by previous explorers. Still his topographical services and what he did in the interest of science and American supremacy in the province were of no small magnitude, and they receive due recognition in this volume.

The period covered in this part of the history of California, reaching to the year 1845, comprises that interesting time immediately preceding the annexation to the United States, and the influx of gold-seekers and others who lifted the country forward so rapidly into the dignity, power and importance of Statehood. The data from which the incidents that are narrated have been compiled are numerous and many of them rare and personal. They have been collected and collated with that care and fidelity, and their substance and marrow have been extracted and worked into the body of the book with that historical skill, which have given the previous volumes from the pen of Mr. Bancroft so much eminence and importance.

Appended to the volume is another instalment of the alphabetical Pioneer Register and Index, from J to Q, giving biographical items of the pioneers which cannot fail to be as valuable as they are interesting. We commend Volume Four of the history of California as a splendid portion of the historian's magnificent work.