THEIR LITTLE GAME.

This city surrounded by hills Was built by the Saints of the Lord, Who had fled from the eastern lands To escape persecution and sword.

We found it a desolate land, A desert by man scarcely trod, But we made it, by labor and faith, A place fit for human abode.

For years we possessed all the land, Few friends came to cheer, fewer fees Cared to challenge our claims to this waste,

Till our toil made it bloom like the rose. Then the Christians (?) with envy and

hate, Who despoi'ed us of all in the East, Came hungering to these distant wilds,

With craving for plunder increased. But hypocrites hate to be mean, This is well known as any old saw, They persecute, murder, and steal,

These gentlemen saw not the truth, It was not their purpose to try, In fact it is hard to see clear, With real estate in the eye.

But prefer to according to law.

They started their nice little game, Sent out judges and limbs of the law, Who shouted as soon as they came, That treason was rife in Utah.

What dreadful excitement was then, From Buchanan to Brocchus, Oh, pshaw! They sent seven thousand picked men, To wipe out the Saints in Utah.

The army came up but did naught, And then it went quietly down, But the Union was rent into twain, And the hypocrites won no renown.

But still they continue the plot-Their game is to drive us away From the fruits of our thirty years' toil; If the Lord don't restrain them, they may.

Beware of the Serpent's device, Be not gulled by his liberty cap, Stand firm in your gathering place, Or the cleft hoof will fill up the gap. Salt Lake City, RYMER. March 12, 1874.

Correspondence.

UTAH AND THE MORMONS.

LETTER IV.

Editor Deseret News:

Having examined the prominent items, in those congressional bills, proposing special legislation for Utah, and exhibited the unjust, anti-republican, oppressive and unconstitutional measures proposed in now to examine the reasons alleged for this extravagant and suicidal course of proceeding. These bills profess to be "In aid of the execution of the laws in Utah, and for other purposes." What these other purposes are does not appear; and we are therefore left to draw our own conclusions from the tenor of the bills themselves. Now if they had stated honestly that their object was to aid a small unprincipled junta, or ring, in breaking up all legitimate rule; in destroying republican institutions; in disorganizing society; in strangling liberty and introducing anarchy and despotism; and in providing a way for three or four federal officials to disfranchise, rob, plunder, and des- "Mormons." troy one hundred and thirty thousand American citizens, it would have been nearer the mark.

As our Territorial courts are especially aimed at in those bills, I propose to examine the action of our courts, and compare it with that of theirs; and exhibit, from authentic data, how far their allegations are sustained by facts.

I have before me a transcript, Court of Salt Lake County, under the signature of D. Bockholt, clerk civil cases which have been adjudicated before that tribunal, and in cases, twenty-five were lost by non- there in this repect, as I at first ex-

for it has been gotten up in secret, could say as much for them. concurrent jurisdiction with the are their names: them as need be adduced.

against James Robbins, a "Mor- McCurdy, C. K. Gilchrist, Frank Mat Brannau, two cases, \$200, mon," defendant; wherein the Tilford, D. W. Perley. plaintiffs recovered judgment on the 11th of June, 1866, for \$497.84. making these assertions they are two cases, \$200; Harry Briston, one tiff recovering judgment 16th June, his veto message, "That there has ber, 1872, William Smith, three ment, 29th Nov., 1868, for \$650.80.

wherein John B. Kimball is plainfive were lost by non-"Mormons" | having vetoed every measure passand dissenters, and fifty-nine by ed for that purpose. Do they

to the Probate Court for Salt Lake | would have been passed by unanicounty, U, T., from Alderman's mous vote of the Legislature? In Courts, Salt Lake City," in which view of these things, accusations there are thirteen cases, six of against the Legislature, charging which confirm the action of the it with obstructing law, come lower court, while seven decisions with a very poor grace.

are against the city. of said court, appended to which is honesty and justice; and I am jousness, and shielding crime. given to the Probate Courts has than one another. Mr. R. N. Book. been productive of any injury or in- Baskin, one of the said memoria- "The following is a list of the justice, to "Mormons" or non- ists, who is well known to be a names of parties convicted before "Mormons;" and these cases clearly prime mover in the clamor for spe- the Police Court of Salt Lake City, show an unbounded confidence 1e- cial legislation for Utah, testified for violation of a city ordinance, posed in the Probate Courts by non- before the Congressional House and subsequently discharged by "Mormons" and dissenters, sixty- Committee on Territories, June 21, the Third Judicial District Court," as two of them out of the eighty-four, 1870, as follows: "For five years past reported by Andrew Burt, Chief of as shown by the records, being I have been a resident in Utah, and Police: plaintiffs. It also plainly demon- I must do the Mormons the justice strates that the administration of to say that the question of religion justice in this court is not affected does not enter into their courts. In by the religious status of the par- ordinary cases I have never detect-

morial has been forwarded to Con- Memorial, complaining of our jury to May, 1872, Shoales & Maynard, perance Reform Brigade. gress by a clique of forty-five who law, of the action of our Probate four ca es, \$400; January, 1872, to If this was all, although bad "that the Probate Courts exercise special legislation. The following to June, 1873, Steper & Hannak, six ens as we proceed. I again quote

several of these gentlemen figure in in, Wm. P. Appleby, John R. Mc- April, 1872, Charles Niderhoper, these records, perhaps the records Bride, J. E. Hemmingray, W. W. two cases, \$150; April to August, themselves, while they prove other Gee, W. Haydon, Geo. E. Whitney, 1872, Moore & Cavillie, two cases, facts, may be as good an answer to S. De Wolf, W. C. Hall, James H. \$200; April, 1872, C. C. Carrol, one Beaty, M. A. Carter, Albert Hagan, case, \$100; April to July, 1872, I find a case among the number, Dennis J. Toohy, Saml. A. Merrit, Henry G. Wright, seven cases, \$700; of Walker Bros., tormerly "Mor- Thomas Marshall, Jonathan C. April, 1872, to July, 1872, Auer & mons," (of whom Joseph R. Walk- Royle, W. W. Woods, Geo. Venable Murphy, eight cases, \$800; April to er, chairman of the memorialists, is Smith, Reuben H. Robertson, C. October, 1872, Phemkie & Lutz, four the principal partner,) plaintiffs, W. Bennett, C. H. Morgan, Sol. P. cases, \$400; April to October, 1872;

The exhibit also shows three separ- simply reiterating the allegations case, \$100; July, 1872, John Metz, ate cases, wherein Stephen De Welf, of Gov. Woods? Are they aware one case, \$100; July, 1872, Loomis & law partner of R. N. Baskin, ano- that the Legislature does not claim Jones, two cases, \$200; July, 1873, ther of the memorialists, was against "original jurisdiction" for Probate Hale & Lannan, nine cases, \$900; De Wolf vs. Thomas J. Franklin under an act of the Legislature case, \$100; July, 1872, Charles Yeoet al, Plaintiff received judgment which the Organic Act empowers man, three cases, \$300; September, De Wolf & Standeford, assignees a few days after his Excellency, \$100; September, 1872, John Savage, of C. A. Perry & Co. vs. A. Gard- Gov. Woods, made that very singu- one case,\$100; October, 1872, Edward ner ("Mormon" Bishop). Plain- lar statement to the Legislature, in Connely, two cases; \$200; Novem-1862. For S. De Wolf vs. Naisbitt not been a jury impanueled in this cases, \$300, ninety days in City Jail; laws now in force," that a bill was cases, \$200; June, 1873, Mansfield, tiff, a non "Mormon," deceased, presented, by Mr. Snow, Territorial Atchison & Steel, two cases, \$200; formerly a partner of H. W. Law- Attorney, to the Legislature for the June, 1873, E. S. Mansfield, two rence, another memorialist, which payment of a Grand and Petit Jury cases, \$200; September, 1873, J. D. were decided in Mr. Kimball's fa- and for the expenses of a court held Lamb, two cases, \$200; October, vor, and against "Mormons" viz. in Beaver County by Associate 1872, D. B. McGhee, one case, \$100; John B. Kimball vs. George Snow. Justice Boreman? Are they aware July, 1872, Sarah Jones, one case, Plaintiff recovered judgment 13th | that Associate Justice Emerson | \$50. Total, 127 cases and \$12,450 June, 1859, for \$61 and costs; and presented his views to the Legisla- fines." against another "Mormon" for ture, in regard to what was requir- "April 14th, 1870, James Camp \$476.40 and costs. Another memo- ed to put his court in working order; was brought before the Police rialist is one of the plaintiffs in the and that that body passed a bill Court, charged with assault and case of Siegel Bros. vs. C. T. Cram for that express purpose; which bill battery, found guilty and fined \$15; a nephew of President Brigham case of Englebrecht the Supreme Kean." Young). Plaintiffs recovered judg- Court of the United States sustainment, April 2d, 1866, for \$3,255.76. ed our jury system and that Chief The exhibit shows that Wells, Justice McKean, himself, acknow-Fargo & Co., Charles H. Hemp- ledged that he "had been wrong in stead, ex-U.S. Prosecuting Attor- holding that the Legislature had ney, Gilbert & Gerrish, Gilbert & not the right to create the office,"viz., Sons, merchants, Rogers, Shrop- that of Territorial Marshal, which shire & Co., the California State was the great question in dispute, their provisions; it may be well Telegraph Co., and other promilin regard to obtaining a legal jury? nent parties proceeded against And do they know that the Sumembers of the "Mormon" church | preme Court of the United States in the Probate Court, and all of in the Snow case has decided that them got their cases. Their action | "there is necessarily no co flict beattests the confidence reposed in tween the Organic Act and Icraithe integrity of those courts, while torial laws?" Most of these are they were directly interested in the professional gentlemen, and I subissue. The unbiased action of the mit that they ought to be acquaint court proves, also, that their confi- ed with these facts before making dence was not misplaced. I have such assertions. If, as stated by several cases of a similar kind from Justice Bradley, of the United Weber, Utah and other counties; States Supreme Court, "There is but enough has already been said, necessarily no conflict," the conflict and I stand prepared to prove, what must be unnecessary. The Legis-I before stated, that out of eighty- lature has done all it could to four cases tried before the Probate remedy the alleged evil. The Gov-Court of Salt Lake county, twenty- ernor will not have it remedied, know that, if the Governor had not Among the above I find "Appeals | unlimited veto power, these bills

We must now turn over a new I feel proud to see a record like leaf; and after having examined the the above; for while it gives the action of our courts in sustaining lie flatly to our defamers, it proves justice, see what others have done from the records of the Probate that our courts and juries act justly in opposing justice, protecting and and are not influenced by any re- liberating criminals, encouraging ligious bias. Our religion teaches lawlessness, drunkenness and lascivhis certificate and seal, wherein pleased to see it so fully carried am sorry to have to make such an there is an exhibit of eighty-four out, and let me say to my brethren, expose, but am necessarily obliged that while you pursue an honorable, to show the contrast in the vindiupright course you need not fear cation of right. In England they which there is not a particle of evi- defamation. These men would a have their Blue Book. I am afraid dence to show that the jurisdiction great deal rather trust you now that I shall have to open the Black

out License, May, 1870, to Febru- affirmed." ties litigant; for of the eighty-four ed any bias on the part of jurors Godbe, two cases, \$200; October, simply acted as an honest judge in torial laws? 1870, to April, 1872, James Gordon, support of law and order.

cases, \$600; March, 1872, Henry from the Black Bookhigher courts," and as the names of J. H. Rosborough, Robt. N. Bask- Wagener, one case, \$100; March to July, 1872, M. Conner, one case, Do these gentlemen know that in \$100; July, 1872, William J. Jones, "Mormons," as follows: Stephen Courts, under the Organic Act; but July, 1872, Kirby & Barber, one 12th May, 1860, for \$278.50 and costs. it to pass? Do they know that 1872, John F. Halley, one case, & Hindley, plaintiffrecovered judg- Territory for more than three years, June, 1873, John Bictol, one case, where a verdict could have been \$100; Gus. Aiskeg, June, 1873, two On the exhibit are two cases, valid nor can there be under the cases, \$200; Pape & Cupid, two grand laiceny.

It would be an interesting study to find out how many of these names, and many more to come, are on those memorials forwarded from this place requiring special legislation. If persons are at a loss to hunt them out, I may be able to assist them. But then these parties need not complain, for it seems the courts, as now organized, have all the power needed to protect vio-

lators of the laws. It may be said that Justices Haw-'ey and McKean had a right to exercise their judgment in their official capacity about the legality of the city ordinance which imposed these fines. True, to a certain extent, when governed by law, but when we consider that all of the rulings of Chief Justice McKean, to which exceptions were taken, for the space of about eighteen months were overruled and nullified by the action of the Supreme Court of the United States in the Englebrecht case, a little more modesty would be more becoming. It certainly

does not show well in view of these things to stand forth so prominently as the friend and protector of law-breakers. Chief Justice Titus, in the Tier-

nan case, sustained the acts of the Legislature in granting the City in framing and passing ordinances, the officers of the city, including Aldermen, in their official capacity to their fullest extent, and in conclusion said: "In all but the name, these aldermen are Justices of the Peace; their qualifications, powers and jurisdiction are identical with those of Justices of the Peace. In most, if not all cities of the Union, Aldermen are ipso facto Justices of the Peace. The most comprehensive analogy, therefore, requires us Hon. Elisha Whittlesey: to regard the act creating these Al- DEAR SIR-In relation to the dermen, as a valid exercise of practice of the United States in depower. This exception is also an- fraying the expenses of the territo-The fjudgment of the Probate lowing questions:

"Mormons" and fifty-nine by "Mor- pected. I have appeared in cases eleven cases, \$1,050; September to Is it not singular that these rulmons." These cases extend over a where Mormons and Gentiles were November, 1871, Tucker & McKim, ings (except this of Chief Justice period from [Feb. 6, 1865 to Dec. 28, opposing parties in the case, and five cases, \$450; October 18, 1871, to Titus) should ALL be in favor of saw, much to my surprise, the jury July, 1872, James Turbett, eight violators of laws? How does this It may not be generally known, do what was right." I wish we cases, \$800; October, 1871, to July, compare with the above quotations 1872, Charles Loomis, four cases, from our Probate Court? It seems and it was with great difficulty A memorial has been gotten up \$400; October, 1871, Don C. Butter- that there needs a little praying that I obtained a copy, that a me- to Congress, called "A Lawyers' field, one case, \$100; December, 1871, done here by the ladies of the Tem-

have appended their names to it, Courts, accusing the Legislature of June 1873, Lawrence & Mann, enough, we might leave it to the complaining lamong other things, dereliction of duty, and calling for eleven cases, \$1,100; February, 1872, ladies to correct; but the plot thick-

"The following named persons were arrested, charged with various c imes, and committed to the Third Judicial District Court, and have not, to my knowledge, been called to answer-

"March 22, 1871, George H. Graham, seduction and rape.

"June 29, 1871, John Spiker, assault with intent to kill. "August 31, 1871, Joseph Mur-

phy, gambling. "November 6, 1871, James Lewis, grand larceny.

"November 6, 1871, Charles H. Marrion, grand larceny. "November 6, 1871, Jerry Crow-

ley, grand larceny. "January 9, 1872, Thomas Butterwood, passing counterfeit money. "January 12, 1872, Charles Bur-

gess, grand larceny. "January 29, 1872, A. C. Bernard,

receiving stelen goods. "March 13, 1872, Samuel Nickens, assault and intent to kill.

"April 15, 1872, Joseph Silver, assaulting an officer.

"April 17, 1872, Charles Marrion, "April 18, 1872, John Dowd, grand

larceny. "July 9, 1873, W. M. Sullivan,

murder. May 24, 1872, John W. Fagan, assaulting an office..

"I hereby certify that the within and foregoing abstracts from the Police Record of Salt Lake City are true and correct.

"ANDREW BURT. [Signed] Chief of Police."

Does the above need any com-(a "Mormon"). Plaintiff recovered was vetoed by the Governor? Do discharged on a writ of habeas cor- ment? Territorial courts adminisjudgment, 16th July, 1868, for \$145. they know that a new jury bill was pus by Judge Hawley, Sept. 5, 1873, ter evenhanded justice to "Mor-10. Samuel Kahn, another memo- also introduced and passed, with a C. H. Kitchin, arrested. charged mon" and non-"Mormon." The U. rialist, is one of the plaintiffs in the view to meet these very com- with running billiard tables with- S. court appears as the protector case of Bodenburg & Khan vs. Brig- plaints; and that this bill was also out license, fined \$100; discharged and defender of the crimes of rape ham H. Young (a "Mormon" and vetoed? Do they know that in the on habeas corpus by Judge Mc- and seduction, of gamblers, thieves, counterfeiters, perjurers, of violent men and murderers.

> It is a sorry thing to have to present such a record of any of our federal courts, and individually I would rather it had slept in eternal oblivion; but when the citizens of this Territory and our Territorial courts are maligned, misrepresented and outraged by some of these courts, by our governor and a clique of their sympathizers and abettors, and when this same party are moving heaven and earth to fasten upon this people more of these infernal infamies, it is time the veil was lifted, that men may be seen in their true light.

> I am not yet through; there are more pages in this Black Book; but I must let this suffice for the pres-

> > Respectfully, &c., JOHN TAYLOR.

SALT LAKE CITY, March 12, 1874.

Editor Deseret News:

SIR,—In my letter of the 10th inst. I said, there not having been passed a fee bill by the Territorial Legislature, and I having held a court which required an expenditure, I corresponded with the Hon. Elisha Whittlesey, Comptroller of Charter; the authority of the city | the Treasury of the United States. This I did for the reason that it was my duty to certify to the Treasury Department, at Washington city, the accounts of the clerk of the court, and of the marshal and attorney of the United States. To do this I needed the practice of the United States. My first letter to Mr. Whittlesey was as follows:

> GREAT SALT LAKE CITY, Utah, February 1st, 1852.

swered by the maxim of legal con- rial courts I am not well informed, struction, Deminimis non curat lex, and therefore do not know what which excludes mere nominal and my duties are relating to certifying immaterial objections. Finally it is to the Treasury Department, I negatived by the implied sanction | therefore respectfully request you of Congress for more than five years. to inform me by answering the fol-

"Charge-Selling Liquor with- Court ought therefore to be and is 1. Do the United States pay the jurors and witnesses, in prosecuary, 1873, Paul Englebrecht, eight | Chief Justice Titus had no spe | tions for crimes and misdemeanors cases, \$700; July, 1870, William S. | cial political object to serve; but | committed in violation of the terri-