

settlers from Indian incursions is a mere subterfuge. A military post 150 miles east of Kanab might be of some service in protecting the Utah southern settlements from Indian raids. But the proper place for effectually preventing Navajo raids upon Southern Utah, is some point adjacent to the mouth of the Pahreah, at or near the old Spanish crossing of the Colorado, say about 50 miles from Kanab and 150 from Beaver. A post there would prevent the incursions of Indians, or cut off their retreat if they should succeed in crossing. One company, or even 20 men, at that point, would be more effective in preventing Indian raids than ten companies at Beaver, as the latter settlement is safe from Indians.

We offer no objection to the Government planting forts where it pleases; this it has the right to do. We have had no difficulty in Salt Lake City because the Government established Camp Douglas near it, especially since the regular army officers have had the command there. It is not probable, if a similar class of officers were to take charge of a fort at Beaver, that any difficulty would occur between them and the citizens. It is not on this account, therefore, that we object to the language and tone of the letters of Judge Hawley and Governor Woods. But it is because they are as untrue in fact as malignant in purpose. There is a malicious ingenuity in the first letter, and in the hearty endorsement of the second, that was well calculated to accomplish certain desired ends.

With the full consciousness of the extent of our statement we say, that in no other part of the United States can witnesses testify to the truth, or to falsehood either for that matter, in greater safety than in this Territory, whether it be in this district or in any part of the second judicial district; and in no State or Territory can more fair or impartial juries be found. We defy either of the writers to prove to the contrary. How contemptibly mean, then, must such men feel in making such accusations!

What makes the baseness of these charges more glaring is, that on the evening of the 10th of January, two days before the date of the letter, the writers accepted the hospitalities of one of our prominent citizens, and in the company of several other persons, uttered a number of very friendly expressions towards the people of Utah. Certainly no one who heard their conversation on that occasion could have imagined that either of them would have written such charges against their fellow-citizens in so few hours afterwards. Of course they have the right, like other citizens, to entertain their own opinions; but we question if the hilarity and good feeling of the dinner party on the evening of the 10th of January would have been heightened by a perusal aloud—had such a thing been possible—of their real sentiments; that is, if those were embodied in these letters.

SAM BOWLES, though advising the Philadelphia Convention to endorse Greeley, cannot be very well pleased with the Cincinnati Convention, for he talks of it like this in his paper, the *Springfield Republican*—

It was summoned from the discontented. The theoretical reformer was there in force, so were the disappointed place-seekers and the corrupt intriguer. There were good men who were not wise, and there were wise men who were not good. There were practiced politicians, and statesmen, earnest, even hot-headed, doctrinaires, while what are known in the usual dictionary of society as the Damphool family were largely represented.

Isn't that rather sour-grapy?

PERSISTENT JUDICIAL IGNORANCE AND STUPIDITY.

Chief Justice McKean or some equally learned Doctor of Law, in an article published in this morning's issue of a city contemporary, from the *Washington Chronicle*, undertakes to parry the effect of the late decision of the Supreme Court of the United States, in the case of *Clinton vs. Englebrecht*, and thus once more demonstrates his utter ignorance of law and his incapacity to understand the force and effect of judicial decisions. In order that our readers may see the matter correctly, we place side by side the decision of "Fair-play" [McKean], and that of Chief Justice Chase, delivering the unanimous opinion of the ablest bench in this country.

McKean says:
In *Orchard vs. Hughes*, (1 Wallace, 77,) a case from the Territory of Nebraska, the court held as follows:

"The decree in the present case was rendered in a Territorial court, and it has been contended that this (Territorial) court is not a court under the Constitution, nor organized under the Judiciary Act of 1789, but by the Legislature of the Territory, under the (its) organic law, and whose jurisdiction is regulated by that law, and therefore that the decision in the case of *Noonan vs. Lee* does not apply. Of this opinion are Messrs. Swayne, Field and myself, (Nelson,) but a majority of the court are of the opinion that the case is governed by the previous one."

Thereupon the court adopted Rule 92, applying it to the courts of the Territories, which they could do only on the ground that they were courts of the United States, at least in all chancery cases. The organic acts of the Territories give their courts "common law as well as chancery jurisdiction." If they are United States Courts in the one class of cases, as the decision in *Orchard vs. Hughes* affirms, and as Rule 92 assumes, they must be in the other. This is the logical consequence of said decision, and there is no escape from it.

In the case of *Hunt vs. Palao*, (4 Howard, 589,) the court unanimously held that "the Territorial Court of Appeals (of Florida) was a court of the United States, and the control over its records, therefore, belongs to the General Government, and not to the State authorities."

In *Benner vs. Porter*, (9 Howard, 246,) the court held that "the Territorial courts were the courts of the General Government, and the records in the custody of their clerks the records of that Government."

On the strength of these and similar decisions of the Supreme Court the Utah judges held their courts to be courts of the United States.

The above extracts side by side show that the Territorial Chief Justice, who claimed to be a United States Judge, was and is now utterly unable to comprehend or understand the decisions of the Supreme Court of the United States in *Orchard vs. Hughes*, *Hunt vs. Palao*, and *Bonner vs. Porter*. "A second Daniel come to judgment!"

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Military Post, Beaver City, Utah.

Letter from the Secretary of War, relative to an appropriation for a military post near the town of Beaver City, Utah, May 7, 1872—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, May 6, 1872.

The Secretary of War has the honor to recommend to the House of Representatives an early appropriation of \$120,000 for the erection of a five company military post near the town of Beaver City, Utah Territory, the said town being situated on the Beaver river, near the base of the Wasatch Mountains, at the eastern extremity of the Beaver Valley, two hundred and ten miles from Salt Lake city, and one hundred and twenty from the town of Saint George, which is the extreme southern settlement in Utah, the buildings at the post to consist of commanding officer's quarters, six sets company officers' quarters, (double,) five sets company barracks, hospital, subsistence store-house, quartermaster's store, house, office building, guard-house, bake-house, cavalry stable, and quartermaster's stables.

The need of such a post in that section has long been felt, and the accom-

panying copy of communications from officials of the Territorial government further shows the necessity for its immediate erection, as will also the copies of other reports on the subject, sent to Congress on the 2nd of January last.

Careful estimates prepared by officers of the Quartermaster's Department show that the sum asked for will be required for the proper construction of the buildings of the post.

WM. W. BELKNAP,
Secretary of War.

SALT LAKE CITY, UTAH
Territory, January 12, 1872.

SIR: Being one of the associate justices of the supreme court of the United States in and for the Territory of Utah, and judge of the second judicial district court of said Territory, I beg leave to say that my district embraces the extreme southern part of the Territory, in which was committed what is known as the Mountain Meadow massacre, in which over one hundred and twenty innocent men, women, and children were slaughtered in the most barbarous manner. This district is settled almost entirely by Mormons, there being only about two hundred Gentiles in the district. From the time of said massacre there has been a rising feeling in the minds of the Gentiles and a few loyal Mormons against the principal leaders and perpetrators of that deed. At every session of the court this question has been brought up by the grand jury, or rather by individual members thereof, and yet the United States attorney and the jury have not dared to introduce the subject to be investigated, because, they say, witnesses who were present at, and were forced into, the bloody work feel that their lives would be rendered insecure should they testify to the facts, but they say, whenever the Government of the United States will guarantee their protection they will freely testify to all the facts.

I am fully satisfied, from my experience in that district for the last three years, as the judicial officer of the court, that their feeling of insecurity is well founded, and it will require a military force established in that district, say at the city of Beaver, of at least five companies, to render the protection needed effective.

There are several indictments now in the hands of the United States marshal, to execute upon fellows, which he reports he is unable to execute. Beaver City, where I hold my court, is two hundred and twenty miles west of south of this city. It is beautifully situated, well watered and healthy, and besides, it is the diverging point leading to Pioche, one hundred and twenty miles west, and to Saint George, one hundred and ten miles west of south, and it is about one hundred miles east to Knob—the Gibraltar of church fellows—where there are one hundred and twenty men thoroughly armed and where the leaders of said massacre have taken refuge.

In addition to these considerations, a few miles south of Beaver City the annual Indian raids upon the settlements take place, and therefore a post at Beaver City would be the proper place to do most service to the country.

I adjourned my last October term of court, after disposing of my civil docket, until the second Monday in May next, in order that all the facts and needs to the execution of the laws and the protection of loyal citizens might be fully understood by Government and by this military department. Whenever it is safe, and the Government desires criminals punished and will furnish the necessary support and means to prosecute them, the court and its executive officers are ready to proceed.

If you establish a post at Beaver City, or near there, it ought to be done by the last of April or the first week in May. At that season it will be the best time to move troops, supplies, &c. By that time the roads from here will be in the best possible condition. Soon after the first week in May the weather becomes hot and dry.

Hoping to hear from you soon and favorably upon these suggestions, I have the honor to remain, respectfully, &c.

C. M. HAWLEY.

Associate Justice, &c. and Judge of the second Judicial District.

EXECUTIVE DEPARTMENT,
Salt Lake City, Utah Territory,
January 12, A.D. 1872

SIR:—The within letter from Judge C. M. Hawley, of second judicial district, Utah Territory, to you, has been referred to me. I endorse the statements made therein fully and express the hope that you may establish a post

in Southern Utah as soon as practicable. I had the honor to lay this matter before Major General Augur, and, through him, before Lieutenant General Sheridan, during the summer of 1871, and had favorable response. To be most effective it should be a four or five company post—two or three companies of cavalry and one or two of infantry. Without the presence of the military in that remote portion of the Territory it will be utterly impossible to enforce the law.

Your obedient servant,
GEO. L. WOOD,
Governor of Utah Territory.
Major General ORD,
Commanding Department of the Platte,
Omaha, Nebraska.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, Jan. 31, 1872.
Respectfully forwarded. The general commanding the division, I think, has acted on this matter.

E. O. C. ORD,
Brigadier General.
ADJUTANT GENERAL'S OFFICE,
Washington, May 4, 1872.
Official copies:
E. D. TOWNSEND,
Adjutant General.

A DELEGATE to the Cincinnati convention, according to the *Commercial* of that city, went to that body from Belmont, Ohio, and fell among—well, not thieves exactly, but he fell into trouble, as unsophisticated people are apt to do when they visit large and wicked cities. He patronized the Broadway hotel, and ran up a fifteen dollar bill. The "management," slightly suspicious, examined his baggage (one valise), which they found contained four (not silver) bricks. He was politely and urgently requested to settle his bill, but he frankly acknowledged his inability to do so, whereupon he was provided with accommodations in the Hammond Street Station-house. As no charge could be made against him, the officers, to forestall a possible prosecution for false imprisonment, took advantage of his possessing a big pistol, and locked him up for carrying a concealed weapon. The worthy but unfortunate delegate was enthusiastically for Greeley, but ineffectually disgusted with politics, which interesting condition of mind he indicated in the following manner—"If I had attended to my business instead of gallivanting about the Convention, I would have had money to pay my bill, and got out of town in as good shape as anybody; but as it is, I neglected everything to nominate Horace, and got flattened out completely. I haven't got enough coming to me from any quarter to buy even a Greeley hat."

Correspondence.

HYRUM CITY, Cache County,
May 16th, 1872.

Editor Deseret News.

Dear Sir—The Female Relief Society of this Ward celebrated the fourth anniversary of their organization, on Thursday the 9th inst., by a public meeting and dinner.

The finances of the Society and the business-like manner of keeping their books, reflect great credit upon both secretary and treasurer.

Since the last report, there has been collected one hundred and seventy-three dollars and thirty-five cents, and this amount has been expended upon the sick, poor, Sunday school, and forty dollars for the emigration of the poor.

Addresses were delivered by Mrs. C. Liljenquist (president), M. Ward, A. Unsworth, E. Barnum, P. Stanley and others. Plans were laid for an increased effort for the Emigration Fund.

The Society has two braiding schools and a millinery establishment, in good working order, and hats and bonnets of a very superior quality are being made. Home manufacture and retrenchment is the spirit of the times.

A ball in the Public Hall (which was very tastefully decorated for the occasion) closed the day's enjoyment.

Yours Truly, S.

It is not work that kills men; it is worry. Work is healthy; you can hardly put more upon a man than he can bear. Worry is rust upon the blade. It is not the revolution that destroys the machinery, but the friction. Fear secretes acids; but love and trust are sweet juices.