

[By the courtesy of His Honor Judge McKean, we are enabled to lay the following address before our readers:]

**JUDGE MCKEAN TO THE GRAND AND PETIT JURIES.**

TERRITORY OF UTAH,  
IN THIRD DISTRICT COURT.  
March Term, 1871, Salt Lake City.

Chief Justice McKean, at the opening of the court, ordered the Grand and Petit jurors to be called, and then said:

Gentlemen of the Grand and Petit Juries, I am not about to deliver a charge to you, but I am about to send you to your homes. It is right that you should know why. The reason is this: the proper officer of this court has no funds with which to pay you the per diem allowance which will be lawfully yours if you serve as jurors, nor has he the funds with which even to pay your board. I do not think it right to detain you here without compensation and at your own expense. You may like to know the cause of this anomalous state of affairs. You shall know. As the law now stands, the per diem allowance of the members, and other expenses, of the Legislative Assembly of this Territory are paid out of the United States Treasury, while that Legislative Assembly is left to provide funds for paying the per diem allowance of jurors, and other expenses of the United States Courts, while transacting the judicial business of the Territory. I am not commenting on the wisdom or unwisdom of such a policy. I am simply stating the fact. The United States Treasury promptly pays the Legislative Assembly, but the High-Priesthood of the so-called "Church of Jesus Christ of Latter-day Saints," who control the Assembly and all the officers of, or who are elected by, the Assembly, refuse to permit the expenses of the United States Courts to be paid, unless they are allowed to control these courts. The High-Priesthood, acting through their agents, passed an ordinance, requiring the ballots at elections to be numbered, and the same numbers to be written on the poll list opposite the names of those who vote the ballots; thus enabling them to ascertain how every elector votes, and to keep a record of the same. Under this system none but the candidates of the High-Priesthood are chosen to the Assembly, and the presiding officers of the two houses of the Assembly are always high functionaries of the so-called "Church of Jesus Christ of Latter-day Saints." This Assembly has elected one of its favorites a Marshal, and another a Prosecuting Attorney, and sent them into the United States courts, the former to summon the grand and petit jurors and serve process, the latter to take charge of criminal business before the Grand and Petit Juries. But this District Court has held, and the Supreme Court of the Territory has affirmed the rulings, that these so-called officers cannot be recognized by these courts, and that the United States Attorney and the United States Marshal, appointed by the President and confirmed by the Senate of the United States, are the proper officers of these courts. But the High Priesthood of Utah hold different theories in regard to legal and Governmental affairs. A few months since, in the presence of thousands of the people, and surrounded by the highest officials of the so-called "Church of Jesus Christ of Latter-day Saints," one of the High Priesthood said, and I heard him say: "There is not in the Federal Constitution the dotting of an 'i,' nor the crossing of a 't,' giving any Federal official any right to be in this Territory. Congress had no right to pass any act to organize this Territory, and the organic act is a relic of colonial barbarism. The Federal officials are usurpers, and have no business here."

Gentlemen of the Grand and Petit Juries, I am a Federal official in Utah; I apologize to nobody for being here; I shall stay so long as I choose, or so long as the Government at Washington shall choose to leave me here; and I will venture the prediction, that the day is not far in the future, when the disloyal High-priesthood of the so-called "Church of Jesus Christ of Latter-day Saints," shall bow to and obey the laws that are elsewhere respected, or else those laws will grind them to powder.

Gentlemen, one of the consequences of the decisions above referred to of the United States Courts in Utah, is that already several men in high positions in the so-called "Church of Jesus Christ of Latter-day Saints," have been indicted for high crimes, some of them for murder. Another consequence is, that enterprising men in

large numbers, and capitalists of large wealth, have come into the Territory to embark in business pursuits, believing that even-handed justice would now be done them. It is an important fact, that while for about twenty years there has been a considerable population in this Territory, not only has not the great mineral wealth of Utah been developed, but the fact of its existence has, until recently, been concealed from the world outside of Utah. Now this mineral wealth is just beginning to be developed. And here, as everywhere among great business enterprises, there is much resort to the courts for the adjustment of conflicting interests. There are now on the docket of this court, awaiting trial, cases involving millions of dollars.

And now, gentlemen, the High-Priesthood of the so-called "Church of Jesus Christ of Latter-day Saints" demand the right to select and summon the Grand and Petit Jurors, who are to try all criminal and civil Territorial cases in this court; and demand that officers selected by them shall take charge of all such business in this court. And, gentlemen, because this court refuses to surrender itself into their hands, they refuse to pay your just allowance or to defray any of the expenses of this court. It is not just that you should be kept here at your own charges, and I will not keep you. But, gentlemen, do not misunderstand me. There is to be no surrender to unwarrantable exactions. The Government of the United States is not accustomed to being thwarted; and while those who represent it in Utah may be hindered, they will not be defeated. Let it not be doubted, that after a pause in the path of duty, they will again resume their line of march with renewed energy. Gentlemen of the Grand and Petit Juries, I thank you for your attendance, but I will not detain you. You are adjourned *sine die*.

**Correspondence.**

TERRITORIAL MARSHAL'S OFFICE.  
Salt Lake City, March 14, 1871.

Editor *Deseret News*: "Sine die" was the last "prediction" of his Honor Chief Justice McKean. At the close of the March term, Third District Court for the Territory, he said to the jurors "You may like to know the cause of this anomalous state of affairs. You shall know. The Legislative Assembly of this Territory are paid out of the United States Treasury; while that Legislative Assembly is left to provide funds for paying the per diem allowance of jurors and other expenses of the United States Courts while transacting the judicial business of the Territory."

His Honor has so mixed up U. S. Courts, High Priesthood, and Territorial Marshal together, that it is too much for his nervous system, and he could not see the Territorial District Courts. The U. S. Courts, and the U. S. District Courts for the Territory are two separate and distinct bodies. The U. S. Treasury pays the expenses of all United States business; the Legislative Assembly of Utah Territory pays all the expenses of Territorial business.

He further said that the High Priesthood refuse to permit the expenses of the United States Courts to be paid. I did not know that "Uncle Samuel"—the U. S. government, was a High Priest before; but the Judge is mistaken, "Uncle" has paid the expenses of the United States Courts.

The Territorial Marshal is a favorite! With whom? The Government? Let me see what his Honor says about him. "I am simply stating the facts." The Territorial Marshal is the High Priesthood of the Church, for he is the only officer of the Territory that can dispose of or draw the contingent fund or any portion of it for court expenses of the Territory; or in other words it must be drawn over my signature. And his Honor said "the reason he sends the jurors home is this,—the proper officer of this Court has no funds to pay you the per diem." I wish to correct the Judge, the proper officer has always had funds to pay the expenses of the District Courts for the Territory, and the Assembly allowed all my bills for '69,—something over four thousand six hundred dollars. Am I not, according to his Honor's ruling, the High Priesthood of the Church, for I alone have refused the funds for the payment of U. S. officers' and expenses of the Courts, when doing U. S. business? If his Honor wants to hold courts for Territorial business he should order venires to be placed in my hands. I then will summon according to law by drawing from the Ballot Box of each county,

names of jurors certified to by the clerk of the county. Such jurors, so drawn, lawful, good and true men, can get their *per diem*, and the expenses of the courts paid. If his Honor had adjourned his Court, *Sine Die* he would have felt better. Respectfully, etc.,  
JOHN D. T. MCALLISTER,  
Territorial Marshal, U. T.

[AN eastern gentleman, not a "Mormon," who has been residing here for a number of weeks, and is looking after mining interests, called upon us this morning and handed us the subjoined communication for publication.—Ed. D. E. N.]

**JUDGE MCKEAN ON UTAH TERRITORY.**

SALT LAKE CITY, March 15, 1871.

There is nothing more singular in the history of the human mind, than the curious perversions of truth generated by a prejudiced state of mind. Now any person that knows Judge McKean, knows him to be, personally, a high minded man—a man that would not injure his fellow citizens in any respect—that would give to every citizen in his district every lawful advantage that the Constitution of the United States would allow him. Now, it is a little singular that a man who will arise in a public meeting—as he did on the 5th of March, and preach forbearance and Christian charity, should hold the singular doctrine that the people of Utah have not the right to regulate their own domestic institutions. I have known Judge McKean for many years; and I confess that I cannot reconcile his rulings, with regard to Utah Territory, with common sense. I have read his decisions, and according to my notions of law, and the notions and opinions of every sound jurist and lawyer in the country, his views are all erroneous. Utah, as a Territory, has certainly the unalienable right to regulate her own domestic concerns. The oldest and best jurists in our country have always acknowledged this. Judge McKean's decision and ruling, when adverse to common sense, amounts to nothing. President Grant and the Congress of the United States know better than to enact any statute in opposition to the feelings of the people of this Territory, and to the good common sense of the people of the western States.

We are perfectly aware that there are a few fanatics in the Union, who cry out that polygamy should be abolished. This same set of people are in favor of female suffrage—are in favor of women opening a shop in opposition to their husbands—are in favor of every enormity that could bring women into hostile collision with men; but thanks to a kind Providence, and the good sense of our American women, these sentiments are not universal. They are confined to a miserable set of women, who believe in pantaloons, and who think that such garments are not characteristic of sex, but such vestments as poor deluded women ought to covet and appropriate as their right.

Now, Judge McKean's decisions savor strongly of these notions. He forgets entirely the origin of this Territory. He forgets that when this Territory was organized, the United States cared little about it. The truth is that the General Government gave no attention to it. A hardy and honest set of people came out here and settled in this wilderness; they asked no favors; but in the emergency of the Government they contributed their best men to fight for their country. In their wisdom they thought proper, in accordance with their religious sentiments, to introduce a certain domestic arrangement. This institution has been sanctioned by the wisest men and women of all ages and countries. Who can believe the Bible and think otherwise? Polygamy stands forth from every page of the Holy Book. Nobody but a fool can doubt it; and yet here we have a learned judge who deliberately decides that a man cannot be a citizen because he is a polygamist! How is it in the Eastern States, when a man has a dozen wives and lives with them in violation of law? Judge McKean knows well that many of his friends in the East have several wives; does he think of proscribing them on that account? What monstrous humbug! Every person who has visited Utah knows that there is not a more moral community in the Union—that there is not a city where the women are more virtuous, not a place on the continent where the women are better treated or more highly respected! Now, when Congress shall have established certain stipulations for the admission of Utah as a State, then we may have the question of polygamy

brought before us. But in the meantime how supremely ridiculous for any judge to prejudge the question! It is just as foolish as to relate one of Bret Harte's stories in a public meeting. We would recommend to the learned judge when he feels literarily inclined, and not exactly prepared for the occasion, to give us *Al Sin's* adventure with—Nye. My notion is, that he will get out of the scrape about as easily as Nye did with the "Heathen Chinese!"  
AN AMERICAN CITIZEN.

LIFE IN A MINING REGION.—The Gold Hill News of last Monday has an account of a desperate attempt at murder, which occurred in Virginia City, early on Sunday morning. The attempted assassin was a man named Moses Remington; the victim, his wife; the cause, jealousy. A young man named Foster Caine boards with the Remingtons, and last Saturday evening Mr. and Mrs. Remington and their lodger went to the theatre, and Remington leaving before the performance was over, Caine took Mrs. R. home. After reaching there all three sat talking for some time, nothing unpleasant being apparent. Some time after Mrs. R. had retired to rest, her husband, who had sat smoking, went to the bed side, and cursing her said: "I am going to kill you," and thrust a double barrel pistol into her face and fired, inflicting a terrible wound, the ball entering beneath the cheekbone, passing across the nasal bones, and lodging behind or below the right eye. After firing the wretch seized a pillow and tried to smother her; but being a powerful woman, she sprang out of bed, and had a struggle with him, trying to wrench the pistol from his grasp. Her cries brought assistance, when Remington made off, but was subsequently arrested. It was feared that Mrs. Remington's wound would prove fatal.

About half past nine o'clock on the evening of the day on which this took place, a shooting scrape, which is expected to terminate fatally, took place at the Miners' Saloon, on North C. St. Both criminal and victim were Canadian Frenchmen, the latter named Amabel Bordeaux; the former Edmund Goyotte. The last named was the worse for liquor, (who was ever better for it?), and the only cause for the shooting seems to have been that some man, for whom Bordeaux had acted as interpreter, had attacked Goyotte's wages. Bordeaux was playing cards in the Saloon, when Goyotte went in and endeavored to make a fuss about the wages transaction, and drawing a pistol shot Bordeaux in the left breast, just above the heart. The drunken murderer made his escape, but was arrested after a sharp chase.

A few hours after the above occurrence the fire bells sounded an alarm, for it was discovered that Piper's Opera House was on fire. The fire was luckily extinguished before any serious damage was done. Shortly after, the officers arrested a young man named William Willis, on suspicion of being the incendiary. It appears that, on Saturday evening Willis tried to force his way into the Opera House without paying, but was ejected by the proprietor, when he swore that he would be even with him. The fire was caused by coal oil being freely poured over some fire wood and lumber, and when Willis was arrested his hands and a portion of his clothing were besmeared with it; and his pants showed that he had been sitting on dry lime, of which there was a small heap close by where the fire started.

Another paper says that Willis was subsequently taken by force from his place of confinement, and taken to the opera House, where were assembled a hundred masked men. A rope was placed around the neck of the poor wretch and he was hung until he confessed that he was the incendiary, and also furnished the names of his accomplices, parties who, up to that time, had been unsuspected of crime. He was then taken back to prison, and a vigorous search was instituted for the remainder of the criminals.

If the above incidents are illustrative of morals and manners in a mining region, there is every prospect that the peace and order so characteristic of Salt Lake City will be interrupted during the coming summer.

Of childbirth and chronic asthma, ANN T. wife of William J. Lloyd, of this city.

She was born May 24th, 1832, at Blackwood, Monmouthshire, Wales; baptized July 20th, 1849; emigrated to Utah September 30th, 1853.

She lived and died a devoted wife and tender mother and an unwavering believer of the Gospel of peace. She leaves a husband and five children to lament her loss.

The funeral services were held on the 15th inst., in the 15th Ward School House, when President D. H. Wells delivered an address full of condolence to the bereaved and which was profitable to all.—[Con.]

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