EDITORIALS.

RECOGNITION OF INDIANS' RIGHTS.

HOMESTEADS FOR THE RED MEN.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C.,
April 28th, 1881.

To the Surveyors General of the United States.

Gentlemen—The 15th section of the Act of Congress of March 3, 1875, enacts:

"That any Indian, born in the United States, who is the head of a family, or who has arrived at the age of 21 years, and who has abandoned, or may hereafter abandon his tribal relations, shall, on making satisfactory proof of such abandonmeat, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May 20th, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act:

Provided, however, that the title to lands acquired by an Indian by virtue hereof, shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor:

Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void."

The 3d section of the act of May 14, 1880, further enacts:

"That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same, under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws."

The enactments referred to place it in the power of Indians living on the public lands to acquire title thereto in tracts not exceeding 160 acres, according to the provisions of the homestead laws as set forth in detail in official circular of October 1, 1880, particularly on page 23 of the same.

It has been officially reported to the Hon. Secretary of the Interior that many Indians become settlers on the public lands before survey thereof, who fail to take the necessary steps to secure title to the tracts so settled upon by them, through ignorance of their legal rights, and in consequence of such failure their homes and improvements are appropriated by other persons who comply with the prescribed conditions for acquiring title. This report was accompanied with the suggestion "that it be made the duty of surveyors in making surveys of the public lands to note the location of Indian improvements, and to designate tracts occupied by Indians; that the plats be made to show the same, and that the lands returned as improved or occupied by Indians be withheld from entry."

In presenting the matter for my consideration, under date of the 21st instant, the Secretary says: "There is no authority to withhold lands, returned as above mentioned, from disposal; but I think that Indian settlers found upon unsurveyed lands might easily be advised of the privileges extended by the 15th section of the Act of March 3, 1875, (18 Stats., 420,) and the 3d section of the Act of May 14, 1880, entitled 'An act for the relief of settlers on public lands,' by means of a circular to be delivered to them by deputy surveyors as the surveys progress."

My purpose in this is to communicate the views above expressed, and to direct that you cause the same to be carried into practice by furnishing your deputies with copies of this circular, as also of the general circular of October 1, 1880, with which you will be supplied, and instructing them to deliver the same to Indian settlers found upon unsurveyed lands, as the surveys progress. You will further direct your deputies that whenever they find Indian settlements on the lands being surveyed by them, they make proper note thereof, so that the legal subdivisions covered by their respective settlements and improvements may be indicated on the township plats.

Very respectfully,
C. W. HOLCOMB,
Acting Commissioner.

Approved: S. J. KIRKWOOD,
Secretary.

U. S. Surveyor General's Office,
Utah Territory, Salt Lake City,
May 24th, 1882.

"Official." FRED. SALOMON,
U. S. Surveyor General.

DOUBLE-ACTION STATUTES.

THE assessments levied upon office-holders for political purposes—a Republican method of "raising the wind" to fill the sails of the party when engaged in a struggle for place—are certainly very improper and in many instances press heavily upon the occupants of low-salaried positions. This is recognized by fair-minded Republicans as well as by the Democrats, and a statute passed by Congress expressly forbids certain Government officers to "receive from any other officer or employe of the Government, any money or property or other thing of value for political purposes."

This looks well enough and appears as though the dominant party wished to discourage and put down the infamous practice. But there is "a cat in the meal-tub." The provisions of this prohibitory law only apply to such officers or employes of the Government who are "not appointed by the President by and with the consent of the Senate." This leaves it open for such officers as are thus appointed to levy and collect these political assessments, without let or hindrance.

The trickery of this law is made apparent in a recent case in the United States Circuit Court, in New York. General Curtis, a special agent of the government, and treasurer of the Republican State Committee, is under indictment for collecting assessments for political assessments from poor letter carriers and tide waiters. It is well known that Mr. Robertson, the Collector of the Port of New York, is as deep in the mud as Curtis is in the mire, and the question arose why was not Robertson indicted as well as Curtis. The answer was: Robertson was appointed by the President, Curtis by the Secretary of the Interior. Therefore, Robertson could lawfully collect all the money squeezable out of the poorest government employe, while Curtis, for doing the same thing is liable to legal penalties.

Both these men are members of the Republican State Committee which manages the business of gouging the office-holders, and one is just as morally guilty as the other. If there is anything wrong in the doings of Curtis in the premises, it is equally wrong in Robinson. Yet one may be prosecuted while the other cannot be touched by this lovely law, framed to appear in the interest of "civil service reform," but really a sham and a deception.

It is all of a piece with special laws passed against the "Mormons." They are supposed to be in the interest of public morality. Yet they are as great a humbug as the law under which Curtis is indicted but Robertson is untouchable. No polygamist is to vote or hold office. But a prostitute or her paramour can go to the polls as freely as the most virtuous woman or spotless man in the community. And a defiled debauchee, as corrupt as sexual infamy can make him, is eligible to any office elective or by appointment. And in the same spirit is the Governor of Utah's oath, demanded of any one requiring a commission. He must swear that he does not cohabit with more than one woman "*in the marriage relation.*" Outside of that relation he may cohabit with as many women as he can gain to his desires.

These are some of the tricks of Republican politics. We do not know whether the Democrats would be one whit better if they were in the majority. But people not wedded to party, and not soaked in the dirty pool of political chicanery, find it difficult to entertain any respect whatever for those who prostitute the legislative power and executive authority, and who, while pretending to move in the interests of justice and morality, really open wide the door for the most damnable corruption.

All crop reports from Arkansas are favorable and the weather fine.

A SOUND LEGAL ARGUMENT.

A PAMPHLET on the constitutional and legal aspect of the "Mormon" question, has just been published at Boston, Mass. It is the text of a lecture delivered in the Science Hall of that city, by Hon. James W. Stillman, and is a lucid and incontrovertible criticism of the Edmunds bill. The author indulges in no flights of oratory or attempts at flowery sentence-making, but in clear, terse and forcible language discusses anti-polygamy legislation, its force and probable effects, and demonstrates its injustice and unconstitutionality.

He announces himsely a believer in monogamy, and a free thinker in theology. He does not approve of polygamy, but recognizes the right of others to believe in it if they choose. He does not consider it a question of morality, but of taste and expediency, to be left to the choice and discretion of the parties affected. But admitting it to be immoral, for the sake of argument, he urges that it does not follow for that reason the Government has the right to interfere with it. "The State," he declares "has no moral function." Government is not organized for the purpose of promulgating or enforcing any system of morals, theology or philosophy. It is for the suppression of crime and to protect from encroachment the rights of the individual.

This leads to the question what is crime? That he answers in this way: "It is the infringement of the rights of an individual." He quotes the dictionary definition and shows that it is fallacious. If it is "the violation of public law," crimes are committed by thousands of people every day. It is a crime in Boston to smoke on the public streets or travel on Sunday for pleasure or recreation. He argues that unless an act is a direct infringement by one person upon the rights of another, it is not a real and actual crime. Under this definition he contends Utah polygamy is not a crime, and therefore the Government has no right to interfere with it.

He expresses his firm belief that "the crusade upon the Mormons is nothing more nor less than an exhibition of religious bigotry and persecution, which has disgraced the history of the world," and considers it his duty to raise his voice "in condemnation of this outburst of sectarian intolerance." He then exposes the inconsistency of people who believe in the Bible opposing the institution of polygamy, and challenges anyone to produce a single precept in the Bible wherein that institution is denounced "or even spoken of with disapprobation."

In support of his proposition that the object of Government is "to establish justice between man and man," he quotes the preamble to the Constitution as follows:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

He goes on to show that the powers of the Government are limited by the Constitution, and that those not specified therein are reserved to the States or to the people, and that the "power to make needful rules and regulations respecting the territory or other property of the United States" does not signify unlimited and despotic jurisdiction, because the inhabitants of the Territories, if born or naturalized in the United States are citizens thereof, and no law can be passed abridging their privileges or immunities.

Taking up the common saying, that slavery and polygamy are "twin relics of barbarism," he shows that there is a decided difference between the two institutions:

"Slavery was a direct infringement on the rights of the slave. His liberty and sometimes his life were taken from him without his consent; he was bound to labor, he was the property of his master; but nothing of the kind is true of polygamy. There is no such thing as slavery in the Territory of Utah, because this institution has the support of both sexes, the women as well as the men."

The Edmunds bill is then taken up and it is shown that it is criminal legislation; "a bill designed to define and punish a certain crime, namely, the crime of polygamy." Quoting section 5, which disqualifies a person from serving on a jury in a polygamy case, who "is or has been guilty of an offence punishable by either of the foregoing section," or who "believes it right for a man to have more than one living and undivorced wife at the same time, etc.," and also section 8, which renders ineligible to vote or hold office any polygamist, bigamist or person cohabiting with more than one woman, etc.," he says:

"Now, I maintain that a more unconstitutional Act was never passed by the Congress of the United States; and I doubt if any Legislature throughout the length and breadth of this land has ever dared to pass a statute which is in such direct contravention to the fundamental law of the land as the statute I have just read. As you will perceive, this bill is retroactive in its character. It does not provide for the punishment of offences in the future only, but goes back into the past, and punishes for crimes committed—if they are crimes—ten, fifteen, twenty, or, it may be, fifty years ago. Such legislation as that is utterly repugnant to a plain provision of the Constitution, which I will now read. Article I, Section 9, Clause 3, says:

"No bill of attainder, or *ex post facto* law, shall be passed."

What is a bill of attainder? It is a bill which inflicts punishment without a judicial trial. This bill does that, and is therefore, a bill of attainder, and is necessarily, in direct opposition to this provision of the Constitution.

Again, what is an *ex post facto* law? It is a law which punishes past offences which were not punishable at the time they were committed, or increases the penalty therefor. Therefore this bill is an *ex post facto* law; because it increases the punishment for polygamy by disfranchisement and disqualification to hold office; and it is, *per se*, in direct antagonism to the Constitution. Every Senator and every Representative who voted for that bill had taken a solemn oath to support the Constitution of the United States; but, unmindful of that oath, actuated by the spirit of religious bigotry and fanaticism which I have denounced, they lost sight entirely of their obligations, and nullified one of the most important provisions of that great instrument.

He further shows that the bill is in violation of the Constitutional provisions concerning the right of trial by an impartial jury and of previous indictment by a grand jury. And says:

"According to Section five of this bill, no polygamist is allowed to sit on a jury; no person who believes that it is right, although he may not practise it himself, is allowed to be a juror when one of his fellow-citizens is charged with this crime. If there is a trial allowed in that Territory, the jury is packed in advance by the enemies of the accused party; and what show for justice would any one have, under such circumstances? I admit that a jury should not be packed wholly in favor of the criminal; but, if packed at all, it should be rather in his favor, and not against him; because it is our policy to give the criminal the benefit of every doubt, and to see that his rights are secured, unstead of trampled under foot. It matters not whether a man's liberty is taken away from him by the act of a person having superior physical strength, or whether he is despoiled of his rights by the act of the Government; the result is the same in both cases. As the individual has no right to do wrong by his fellow-citizen, neither has the Government a right to do wrong by him while within its protection and under its jurisdiction."

He then proceeds to discuss the religious phase of the question. Proves that the "Mormons" are sincere believers in their doctrines, plural marriage included; shows that a religious test cannot be applied as a qualification to any office or public trust; and that Congress has no right to make any law respecting an establishment of religion, and considers, therefore, that,

"The conclusion is irresistible, from what has already been said, that this legislation is totally unconstitutional; and I only hope that a test case will be made, and that the constitutionality of this bill will be brought to the consideration of the Supreme Court of the United States, the highest judicial tribunal in the land. If this is done, I have no doubt whatever as to what will be the decision of that tribunal."

Several very interesting paragraphs are devoted to proof that the women of Utah are not "oppressed and down-trodden" as supposed; that the language of Governor Murray in denouncing "polygamic slavery" is "entirely false;" that the ballot is given to the women of Utah and that they have petitioned Congress against interference with their marital relations.

The concluding part of the pamphlet is devoted to a review of the Cannon-Campbell case, showing that our Delegate was entitled to his seat in Congress; and he closes by predicting that legislation will never abolish polygamy, and that the Edmunds bill will never be enforced as it ought not to be.

The lecture was several times applauded, and is a bold and manly defense of an unpopular cause, entitling the orator to the thanks of the people of Utah, and of all true believers in constitutional liberty.

[*From our own Correspondent.*]

THE CITY OF MAGNIFICENT DISTANCES.

WASHINGTON, D. C.,
May 18th, 1882.

"Washington City," said a friend of mine the other day, as we strolled down Pennsylvania Avenue, "is a much finer town than I had any idea of. Its broad, concrete streets; its beautiful shade trees; its parks, full of lovely flowers and rare shrubs; its many places of public interest; its fine buildings, etc., etc.—all combine to make Washington, D. C., a very charming city." The remarks thus made by my friend, who was visiting the Capital for the first time, are unqualifiedly true, and it certainly is and has been a matter of much surprise to me that people who come east on a pleasure trip should be content to return west without paying a visit to Washington. I am aware, of course, that the prevalent idea with a great many people of a tour "east," is to visit such towns as Chicago, St. Louis, Cincinnati, New York, Boston, Philadelphia, etc., and then return home and tell their friends what a delightful time they have had; while if the truth were known, the tremendous traffic on the principal streets of either of the above named towns, the inconvenience to be put up with even at so-called first class hotels—to say nothing of the price charged for the privilege of putting up with said inconvenience—has made them sigh for the quietude of their native town, and inwardly assert that large cities are all a humbug. Delightful time, indeed! Personally, I have been accustomed to large cities all my life; but for all that I cannot say that I am partial to them. Broadwey, New York, is all very well in its way. People whose business is situated there become accustomed to the noise and confusion of the traffic on the street; but when an unostentatious country stranger arrives there, he is simply filled with wonder; he stands and looks on, and tries to reckon what it all means. He is afraid to venture too far in case he loses his way. He is almost afraid to run across the street for fear of being knocked down and trampled to death in the attempt. He watches the carriages, wagons, omnibuses, street cars, flying to and fro, and where the hundreds and thousands of pedestrians come from, where they are going, and what causes them to rush so much along, is all a mystery to our verdant, country friend. Now, to do business in Broadway is a considerable of a task, more especially if that business calls you to the neighborhood of Wall Street, say between 12 and 2 o'clock of the day. Some people may tell you they enjoy such confusion; but personally I prefer to do business—when I have any—without the risk of breaking my neck. And I find there are other people who think as I do in this respect; for while recently in New York, a gentleman of my acquaintance, referring to the bustle and confusion of New York generally, and Broadway in particular, said he would not live in New York, even if somebody were charitable enough to give him the best house on Fifth Avenue, furnish it and means to run it. Yet the same gentleman could live contentedly in Washington, because of the ab-