

and efficient men to transport the mail and select station points at convenient distances and erect suitable buildings and provide grain and forage thereat; animals and vehicles were rapidly forwarded throughout the whole length of the route, and with such liberality and energy were these proceedings conducted that, instead of occupying and often exceeding the schedule time of thirty days, as had heretofore been the custom in the most favorable seasons of the year, the trips were performed in a less and still lessening number, until Mr. John R. Murdock and company took the July mail through in the unprecedented short time of fifteen traveling days, with every prospect for even that brief period being still further shortened. This prompt, safe and reliable service, attained by the expenditure of upwards of \$125,000 in a few months, was well understood in the Post Office Department in Washington, but instead of even making punctual quarterly payments at the low contract rate of \$23,000 a year and extending every legal facility and encouragement in their power to the contractor, that Department, taking an unjust and altogether unwarrantable advantage of a clause wisely designed for the protection of public rights, tyrannically disannulled the contract, alleging, as cause for such outrageous usurpation, naught but a failure in commencing the service at the time required, when they well knew that service was put upon the route weeks before the arrival of the acceptance of the bid, unduly detained through the fault of their pet contractor, and bolstering that allegation with the false and slanderous assertion, "the unsettled state of things at Salt Lake rendering the mails unsafe under present circumstances." To all human appearance such conduct could only have been actuated by the fell design to prevent Utah from receiving a single dollar of public money for the performance of public service honorably contracted for, even though that service were performed in a praiseworthy manner hitherto unexampled, and to deprive us, if possible, from becoming acquainted with the exterminating plans concocted in Washington against the most loyal Territory known since the days of the Revolution. Would they have dared to thus treat any State or any other Territory, or to have even suggested such treatment? Every one knows that they would not. What is obviously the only inference to be drawn from such tyrannical usage by so important a Department of the General Government? That a deep settled and pre-determined plan has been agreed upon to deprive us of every vestige of Constitutional rights, for that usage accords only with the cry constantly re-iterated throughout the States, 'destroy the inhabitants of Utah,' thereby compelling a numerous portion of the citizens of our boasted Republic to fall back upon the indefeasible right of self-defence and adopt lawful measures for their own protection.

It is a matter of deep regret that officers of a Government, founded at so great a sacrifice by our forefathers upon 'a land choice above all other lands,' have become so sunken in degradation as to have utterly lost sight of those pure and just principles embodied in the Constitution, and prefer, in the mad pursuit of low, grovelling and selfish aims, to adopt and carry out that suicidal policy a persistence in which can but end in rending to pieces a Nation that otherwise might

become the happiest and most powerful on the globe. Reckless office-holders and office-seekers have their poisoned fangs so deeply buried in the vitals of the body politic and are so thoroughly organized and drilled in the defence and attack of the spoils, while the tradesmen, the mechanics, the husbandmen and the humble laborers—the real virtue and sound intelligence of the Republic—are so busily occupied in their daily toil and, except here and there a few, are so little aware of the dire portent of the future and of the measures necessary for insuring public tranquility, that it is a discouraging task to attempt arresting the turbid current of official corruption that would sweep every vestige of truth, virtue and human rights from our happy country, but the crimsoned satellites of plunder, oppression and usurpation may rest assured that every friend of liberty will resist their destructive progress and stand fast by the Constitution and all laws conformable therewith.

True, all human instituted governments contain more or less of the weakness pertaining to imperfection, and to this law our Government is by no means an exception, still I am not acquainted with any man-made form of government in which are sown so few of the seeds of its own dissolution. Lovers of justice as were the Revolutionary patriots, endowed as they were in their deliberations and acts with a goodly portion of that wisdom which cometh from above, and wielding an influence seldom attained by so small a number, yet they were unable to devise a republican form of government without a system of checks and balances, dividing the federative power into three distinct branches controllable only by the will of the sovereign people. Their former experience makes it matter of no surprise that in their deliberations and acts they leaned so strongly to the side of the largest degree of individual freedom, nor, having suffered so sorely under the cruel rod of religion established by secular power, that they so clearly and strenuously guarded and guaranteed the widest scope to freedom of conscience and consequent right of worship in accordance therewith. But with the sound judgment and experience possessed by those great statesmen, it is only another evidence of the weakness incident to humanity, even when acting under the best of motives, that after having so long groaned under the bitter oppression of British colonial rule and successfully struggled for the establishment of the inherent right of each and all to 'life, liberty, and the pursuit of happiness,' with the positive guarantee that every one should be privileged with and protected in the blessings flowing from a republican form of government, whose characteristic consists solely in the well defined and well understood fact that the rulers and laws shall proceed only from the election and consent of the governed, they should in April, 1784, pass Resolutions, and in July, 1787, over two months previous to the adoption of the Constitution, pass an Ordinance specially legislating for American citizens residing on public domain, directly contrary to the very genius of the Articles of Confederation by which they had mutually pledged each other they would be guided. And that very legislation, contrary as it was to the authorities and limitations of the Articles of Confederation existing at the time of the passage of the celebrated Ordinance of '87 and to those of the Con-

stitution adopted in the same year, as well as to the great truth embodied in the Declaration of Independence, that governments derive their just powers from the consent of the governed, could be and was endorsed by Americans so long as the usurped power was exercised in justice; and the portion of that illegal legislation copied into 'Organic Acts' for Territories could still be endured, were it not so grievously abused, as is the case when officers are attempted to be forced upon a free people contrary to their known and expressed wishes. Still, looking as our patriot fathers measurably did to the governmental experience and example of the mother country, and surrounded as they were by so many conflicting views and entangling questions, it is not a subject of so much surprise that they inadvertently took so illegal a course, as it is that an early Congress under the Constitution continued to perpetuate and endeavor to make legal that which neither was nor ever could be law, without first destroying or re-modelling the very Constitution from which Congress derives its power to act. And, again, the course of that Congress is by no means so surprising as that Congress after Congress, with a lengthening experience in the workings of the governmental machinery and a boasted increase of enlightenment, should still continue to fasten a portion of that unconstitutional relic of colonial barbarism upon American citizens, whenever a laudable spirit of enterprise induces those citizens to lawfully occupy and improve any portion of the public domain. And it is most surprising of all, that Americans occupying public domain in Territories have so tamely submitted to such long continued and obvious usurpation.

Even since the more odious features in the Ordinance of '87 have been omitted in the Organic Acts more recently passed by Congress for Territories, which Acts are but illegal patterns after that unconstitutional Ordinance, officers are appointed to rule over American citizens in Territories and to have a voice in the enactment, adjudication and execution of Territorial laws; and worse still, those officers are frequently appointed from a class well known, through the rightfully expressed wishes of large majorities, to be justly objected to by those whom they are appointed to govern. Call you that republican? It is British colonial vassalage unconstitutionally perpetuated by tyranny and usurpation in the powers that be. It is difficult to conceive how a people so enlightened as are Americans, should for so long a period have suffered themselves to be measurably disfranchised by usurpation's curtailing their rights when passing an air line from a State into a Territory, more especially when that changing of locality is to result in the improvement of regions that would otherwise remain waste.

It is foreign to my present purpose to detail that policy which should have governed from the beginning in relation to enlightened residents in our Territories, a policy that would not have curtailed them in the least Constitutional right, and would thereby have utterly excluded that odious and suicidal inconsistency existing from the first until now between the form and the administration of our Government, and would have caused the administration, as does the form, to guarantee equal freedom to all, in Territory as well as State, but will merely remark, in passing, that the continued practice of

that wretched inconsistency has done and is doing much to undermine the fair fabric of American liberty.

Utah also, like other Territories, saw fit to waive those Constitutional rights so illegally denied to citizens who cross certain air lines of a common country to extend the area of civil and religious liberty, and an Act organizing our Territorial government was passed by Congress on the 9th of September, 1850. Fortunately for us a wise and good man then occupied the executive chair of our nation, a statesman whose sound judgment and humane feelings prompted him to extend to us our rights, so far as the 'Organic Act' and hungry office hunters would permit. He appointed a part of the customary appointees in accordance with the wishes of the people, and no doubt thought that he had appointed good men to fill the remaining offices, but in this he was partially disappointed, being deceived by the foolish although very common habit of recommending men who are not worthy. I am also confident that his successor endeavored to make as good appointments for us as circumstances and unwise counsels and recommendations would allow, but during his administration prejudice began to set in strongly against Utah, and he was so unfortunate as to appoint, at the instigation and solicitation of a then influential Senator in Congress, a person who proved to be as degraded as his capacity would admit, and who it is reported came, acted, left and still acted in accordance with the instructions from the Senator who procured his appointment, but in a manner outraging morality, justice, humanity, law, and even common decency.

The members and officers of the last Legislative Assembly, familiar with the evils visited upon the innocent by the miserably bad conduct of certain officials heretofore sent here by Government, knowing that all republican governments, which both our General and State governments are in form, are based upon the principle that the governed shall enjoy the right to elect their own officers and be guided by laws having their own consent, and perfectly aware that by the Constitution residents in Territories are guaranteed that great right equally with residents in States, (for Congress has not one particle more Constitutional power to legislate for and officer Americans in Territories than they have to legislate for and officer Americans in States) respectfully memorialized the President and Senate to appoint officers for Utah in accordance with an accompanying list containing the names of persons who were her first choice for the offices placed opposite those names, but if that selection did not meet with approval, they were solicited to make the appointments from a list containing other and a larger number of names of residents who were also the choice of the people, and if that selection was also rejected, to appoint from any part of the Union, with the simple request, in such event, that the appointees be good men. In this matter of appointment of officers, what more rights could the most tyrannical in a Republican Government ask a Territory to waive? Yet up to this date no official information concerning the action, if any, taken upon that memorial has ever reached us.

Time glided by, and travelers and newspapers began to confirm the rumor that the present Executive and a part of his Cabinet had yielded to the rabid clamor raised against Utah by lying edi-