

by the President." (Sections 1841, 1845, 1875, 1876.)

It is clear that the omission of this limiting clause as to the term of office of the Judges was intentional. It was not the purpose of the law to allow politics to govern arbitrarily in the selection of the judiciary. The theory of our governmental system is that the judicial power should be above politics, using that word in a party sense. We do not say that the practice is now in accordance with the theory. But it is plain that a District Judge in a Territory is installed for four years without other limitation. That he may be removed "for cause" we believe is generally conceded. But we think that a Judge who determines to occupy his post to the end of his term, would be able to offer very solid resistance to any attempt to oust him, except for malfeasance or incapacity in office conclusively demonstrated. If he chooses to resign, that is another thing entirely.

The judgeships in Utah are now filled by appointees of a Democratic President. But they were confirmed by a practically Republican Senate. At any rate they have been chosen for a term of four years. They have the right to expect to remain in their offices until the end of that term, unless they should exhibit such unfitness for the position that their removal might be justified. The judiciary occupy a different status from any other class of office-holders, and this protection to them was evidently designed by the framers of our national statutes.

What must be thought, then, of the individuals who are now working with all their might, and pulling political wires, and spreading infamous reports, and misrepresenting the acts of judges now holding a four-years term, for the purpose of pushing them out and getting themselves foisted in? Can decent people entertain for such paltry tricksters the slightest particle of respect?

We consider the means that are now being employed to substitute for incumbents of the judicial office persons who have demonstrated their unfitness for the position, unworthy of any one having the least pretension to manhood. Such persons are no friends to the material interests of Utah nor to the peace of this community. If the puppets on whom they hold the strings were eminently suited for the places designated, these proceedings would be almost equally open to censure. There is no vacancy in a Federal judicial office in Utah. It is indecent

for any man to endeavor to push himself forward as a candidate for that office. No one with common self-respect would resort to such tactics. And it is a matter of surprise that any man, with ever so hard a face and heart, would expose himself to the odium which must overtake him on the hard way of the inveterate and unblushing office-hunter.

As to the promoters and behind-the-scenes manipulators of this disreputable scheme, nothing higher or more respectable can be expected of them while they are bent upon their old work of fostering dissensions and striving to make gain out of the tumult aroused by their plots and misrepresentations. But the conservative and high-minded men of all views and parties in Utah should set themselves against such indecent measures, and use their influence practically to prevent their accomplishment.

#### THE MARSHAL'S LETTER.

MARSHAL DYER'S communication to President Harrison, which will be found in another column, conveys not only the Marshal's resignation but also a defense of his own official conduct and some suggestions to the President.

While we do not endorse all the Marshal's views respecting the majority of the people of Utah, we have no doubt that he expresses his own honest sentiments, and we think he is justified in tendering to the President the suggestions he has offered in regard to the kind of man who should be chosen as his successor. That he has been assailed by political opponents while endeavoring to discharge his duties according to law and his oath of office, is a fact well known to the people of Utah. It is proper that this should be understood by the President.

Marshal Dyer strikes the key-note of the situation here, when he recommends "moderation in enforcing the law," "without vindictiveness or malice," showing that "submission to the laws is the end in view and not persecution of the Mormons as a sect or class." This accords with his testimony that the "Mormons" are "a law-abiding people, except only as to such as affect their religious convictions." The policy of "mercy and kindness in the enforcement of the laws," which he insists are beneficent and fruitful of good in their effect, is most certainly the true policy, if the object said

to be in view is really sought to be attained.

But this is not the real aim of some radical and uncompromising agitators. They revel in cruelty and rejoice in the crushing severity which is the resort of tyrants and bigots the world over. A settlement of the difficulties which have retarded the progress of this Territory would be obnoxious to their sentiments and purposes, and therefore any official who takes a course to effect that end will be assailed by their vituperations and be exposed to their plots.

We have not approved of some of Marshal Dyer's movements, and we do not coincide with his remarks about the fanaticism of the "Mormon" people. We know that they are more conscientious in every respect than their defamers; and that their zeal for their religion springs from sincere and soul-felt conviction of its truth, not from fanatical excitement. But we believe the marshal has been as fair as could be expected of a man in his position, whose duty it has been to arrest and have the custody of many persons charged with the infraction of law, and against whom there is so much prejudice and animosity.

We hope and believe the Marshal's suggestions to President Harrison as to the kind of man required to fill this important office will have due weight. Considering the great scramble for the place, we would not be surprised if some person should be chosen who does not reside in the Territory, notwithstanding the President's announced territorial policy. A partisan is undesirable. We would not expect a man prejudiced in favor of the "Mormons" to be appointed, we do not think a malignant enemy to the majority of the people here ought to be foisted upon them.

A fair and humane enforcement of the laws—no matter what may be our opinion of their propriety—will receive no opposition from the great body of the people of this Territory. But the rigorous, merciless and vindictive policy which a few agitators desire to see revived, would be disastrous not only to men and women who are striving to live so that even their enemies can find no reasonable fault with them, but to the general interests of Utah, affecting all classes and all parties, and tending to postpone to a distant date that unity of purpose and act which the conservative men and women of the Territory earnestly desire to promote.