

he is down, but it must be acknowledged that public opinion is almost unanimous in the belief that Mr. Colfax lied when he said he had received no money from Oakes Ames on account of Credit Mobilier stock. It is generally believed that he has been dodging and squirming to get out of a false position, and has been sinking deeper in the mire at every step. The evidence against Mr. Colfax is strong, and his rebutting evidence has been weakened by recent developments. Indeed, his explanations seem to disclose facts nearly as suspicious as the original charges.

The Springfield (Mass.) *Republican's* Washington correspondent says that Mr. Poland himself privately intimated his belief that Schuyler did receive the \$1,200 dividends from Ames.

The sober, staid old New York *Journal of Commerce* has the following:

The Poland committee report is a profound disappointment to all lovers of truth for its own sake, and every mind in the least degree judicial feels that justice has been outraged in what should have been her sanctuary.

Colfax, Patterson and Harlan, and all the other political leaders implicated in the Credit-Mobilier scandals, look for their deliverance to the prevalent low moral tone of Congress. They feel safe in the protection of the large number of now unsuspected Congressmen of both parties who are interested in discouraging the infliction of severe punishment on bribe-takers.

The omission of Mr. Colfax's name from the Credit-Mobilier report excites no surprise. After the wretched whitewashing ofingham, Kelley, Garfield and other Credit-Mobilier offenders, it was but a little stretch of indulgence and sympathy to leave out Colfax altogether. Clever dabblers with the whitewashing brush as the committee are, perhaps they thought it was useless to try to cover up the black stain on Colfax's character. Of all the men concerned in the Credit-Mobilier scandals, Colfax is the one who has sneaked and shuffled and prevaricated the most. For other offenders, it is possible to have some little compassion; but for him the feeling is naturally one of contempt. Whatever fate befalls the other, it is of the greatest importance for the future of this country that Mr. Colfax should be made an example of. No class of politicians is so dangerous as that of the oily impostors to which he belongs. Though he may escape scot free in the sheltering arms of his partisan friends, the people will judge him with a righteous condemnation. Fortunately he can be reached and punished by public opinion, if not through the medium of a corrupt Congress.

The general moral of Mr. Colfax's case is that honesty of heart is better than the superficial article, and that the latter, no matter how superfine and glossy, if uncomplemented by the latter, can not be depended upon, but is liable to fail, and to badly disappoint and wreck those who trust in it, at the very time when least expected, and when support is most needed.

**ROUGH FOR ROUGH.**—The *Chicago Times* talks back in this fashion about Harlan—

Old Harlan, in his *Washington Chronicle*, lays down this rule for the Mormons: "But so long as they seek a home under the American flag, settle upon American soil, and ask the protection of American laws, they must be content to abide by those laws in all their length and breadth." Application of that rule in his own case makes him an outlaw.

**SAVED FROM STAGNATION.**—The *Pioche Record* thus testifies—

The Mormons of Panacea valley saved us from general business stagnation during the prevalence of the epizootic, for which, in behalf of the community, they are hereby heartily thanked. Had it not been for their assistance, in the hauling of ore to the mills, business would have been almost totally suspended. The Raymond & Ely Company, alone, procured of them the services of from sixty to seventy-five teams—horses, mules and oxen.

**POOR COLFAX,** now that he finds himself safe back at his old home and among his old neighbors at South Bend, deem it advisable to take two hours to publicly assert, prove, and defend his innocence. It is to be hoped, now that he has retired to private life, that the public will not be bored for months with tiresome reiterations of his innocence and his virtue, as was the case concerning his proposed retirement. It will be better for him to be silent upon his own wonderful good qualities. He is out of prominent public life, and he is not likely to be called back into it, so that any ostentatious parade of his good character is superfluous. If he will only be content to retire quietly, the country seems in the humor to quietly do without him, so far as public position is concerned, and the public does not manifest any eagerness to hear any further panegyric upon his uncommon virtues, but is evidently quite willing that the South Bendians should monopolize the benefits arising from his character as an exemplar for the rising generation. We are sorry, very sorry for him,

but enough has been said in praise of his immaculateness. People do not want to be surfeited, even with such good things as Colfaxian virtue. "Let us have peace."

**GOVERNOR OF UTAH.**—The Ogden *Journal* of March 8 says later information confirms the dispatch concerning the proposed appointment of Gen. Connor Governor of Utah.

This morning's dispatches say that it is again stated in the East that President Grant has offered the Governorship of Utah to ex-Delegate Claggett, of Montana. Such an appointment would evince an imperial disregard of the wishes of the people. How is it that in this matter of appointments, their voice seems to be an element never taken into consideration, but worthy only to be utterly ignored? Such a policy can not always be pursued with safety, for it is fraught with danger to the peace and perpetuity of the republic.

**DOING THE DIRTY WORK.**—The following are severe but deservedly so upon a certain individual and other individuals—

It looks very much as though the agent of the Associated Press, located at Salt Lake City, is doing work for the Federal officials in Utah. At all events, scarcely a day passes in which he does not seek to manufacture public sentiment against the Mormons and in favor of the ultra persecution contemplated by some extreme moralists. His latest effort has been to establish the belief that Brigham Young has a regular Credit Mobilier of his own, of which Mr. Hooper is the Oakes Ames, and that large sums of money have been used to induce the government to let Utah alone. The prosperous condition of the Utah people and Territory, directly attributable to the energies of the Mormon people, proves that money has been employed in a different way from Credit Mobilier customs.—*Chicago Tribune*.

Another "range of land-jobbers," who desire to gobble up the garden which with untold hardship and privation the Mormons have made from a desert, which, today, would be as arid and sterile as the country 500 miles this way, but for their industry.—*Fort Dodge Times*.

**IF AND IF.**—"Why do the heathen rage and the people imagine vain things?" Says the *Montana New North West*—

The dispatches for the last few days have indicated that the President is determined if possible to secure legislation which will enable him to suppress the theocratic despotism of Brigham Young in Utah. This determination he has twice set forth in his messages. Last year an attempt was made by Judge McKean to enforce the Territorial law of Utah against Polygamy, but as he could not have the cases prosecuted in the Territorial Courts with any possibility of success, he tried then sitting as Judge of a United States Court, the processes and verdicts being issued by the United States Marshal. By this method several convictions were had, but on appeal, as it seems any reasonable person would have known, the Supreme Court of the United States reversed the action of Judge McKean and Brigham was victor.

Certain it is that President Grant is in earnest on the subject, and if he can secure the requisite legislation and appoints Claggett Governor, it will be written of Polygamy in Utah—"Suppressed in 1873."

### SPEECH

Of Hon. Allen S. Thurman, of Ohio, on the Utah Bill, in the Senate, Feb. 26, 1873.

Mr. President, it is not my purpose to go at this time into a discussion of this bill. I can bear witness with the Senator from New Jersey of the perfect good faith with which the Committee on the Judiciary entered upon the investigation of the matters contained in this bill, and sought to make it a bill which would further the ends of justice, and not be perverted into an instrument of persecution of anybody on account of a difference of opinion on religious or social subjects. But while that was undoubtedly the purpose of the committee, and great care has been taken to draw this bill so as to prevent as far as possible, as it was thought, any such perversion of the law, in my judgment the safeguards are not sufficient. I thought so in committee; I think so still. The more reflection I have given to this subject, the more I am satisfied of it.

The condition of Utah presents a problem of the most difficult solution, and the more difficult perhaps when submitted to the Congress of the United States, because I do not believe there is in all this Congress, with the exception of the Delegate from Utah himself, one person who does not disapprove of

what is called the peculiar institution of Utah. In other words, monogamy is the rule in the United States. The Mormon church is the first attempt to establish within the United States the institution of polygamy. It is very true that polygamy is an old institution, and it is very true that it prevails at this moment among more than half the inhabitants of this globe, but the people of the United States have always set their faces against it, and I trust they always will as far as they have the constitutional power to do so.

The church has grown up and this peculiar institution has grown up, and this church has shown a vitality that to persons who have not made the growth of sects a study seems almost miraculous. To those who have been in Utah even for a short time, as I was a few years ago, on a visit there with a committee of this body, it is difficult to comprehend the attachment of the people of that church to their church. But, sir, it is an attachment equal to that which is felt by any devotee on the face of the globe, and its reasons are to be found not simply in spiritual motives, but to be found, perhaps, still stronger in the workings of that church for the material well being of the people.

I think a large majority of the Mormons in Utah are persons from Europe. I think that a large majority of those who come from Europe, in fact ninety per cent. of them, are perhaps persons who, in their original homes, never had ten dollars' worth of property in the world that they could call their own. Perhaps that statement is not strictly correct, but I think I may safely say that nine tenths of the Mormons who are brought from Europe and are now in Utah never in their original homes owned fifty dollars' worth of property that they could call their own. Very few of them, indeed, ever had a good suit of clothing; very few of them ever saw a day pass over their heads that they could say, "This day I will have a good, wholesome meal;" very few of them, indeed, were able to read one word, much less to write, and a large portion of them never were inside the portals of a church. It was these people, hard-working, ignorant, in the very depths of poverty, and without the slightest hope of ever being able in the world to call a foot of land their own, or ever to have a comfortable subsistence, that the Mormon missionaries found and have brought to the Territory of Utah. And there, sir, what a change in their material condition has taken place! The head of a family brought to Utah is immediately put upon a piece of ground, an acre and a quarter called a town lot, or from five to ten or fifteen acres of land, according to his capacity to work it for farming purposes. He is aided in his farming operations; if he does not know how to farm, he is instructed how to farm, aided in the building of his house, aided in the cultivation of his lands; seed and agricultural implements are furnished him; and in a very few years that man who had never known anything but the extremest depths of poverty, finds himself in a comfortable home, the owner of a comfortable farm, his children well clad, three good meals every day for them, and all his children going to school, being taught to read and to write. You might as well try to make that man believe that he could live without air as to make him believe that that change in his circumstances thus brought about by the Mormon church was not the work of Almighty God. He does believe it, and will die for that belief.

And therefore it is, sir, that this problem is so difficult of solution. That belief which is thus implanted in that man, which grows with his growth, that marvelous change which has taken place in his circumstances, that to him seems like an immediate interposition of the Divinity itself, will make him stick to that religion, pass what laws you will. It is by something else than law that this evil, this peculiar institution of theirs, must be eradicated. I do not say that, therefore, we should recognize that institution; on the contrary, I think that we should not recognize it at all. We have recognized it to a certain extent, and perhaps further than we ought ever to have done, for strangely enough we made Utah a Territory when there were none but Mormons there, and still more strangely we made the chief priest of the Mormon church the Governor of that Territory, if I am not mistaken.

This Government did that; this Government made those people organize the Territory, and made the president of the church and the man they consider the apostle of God the territorial Governor, and has maintained that territorial government ever since.

But, sir, whatever we have done, I still admit that nothing ought to be done that recognizes or that sanctions this peculiar relation of Utah, and I am not without hope that in time, and by the working operation of causes not produced by law, the peculiar institution of that church will be given up. But, sir, it is a most delicate subject to handle. We have seen that the Mormons, when persecuted as they thought, first in Ohio, left Ohio; when persecuted as they said they were in Missouri, they left Missouri; when persecuted as they said they were in Illinois, they left Illinois and went across what was then an almost unknown desert and settled in Utah, then within the bounds of Mexico. We have seen them manifest their determination not to give up their religion and to endure any persecution rather than give it up.

That being the condition of those persons, anything which tends to bring about a conflict between them and those entertaining different opinions is, if possible, to be avoided. No matter how right we may be in our opinions—and certainly no one believes in our opinions and in our social institutions more than I do, or is more averse to those of the Mormons—no matter how right we may be, we must not lose sight of the condition of the eighty or ninety thousand Mormons in the Territory of Utah. You may say that they are wrong, but they believe that they are right. You may say they are superstitious. They believe that it is religion. You may say that their institution is contrary to civilization. They believe that it is a civilizing institution as well as a sound and a just one. And, sir, if you proceed against them too severely the effect is to make not simply the male population there, but to make the women and the children suffer by the conflict that you will provoke.

The mode that has lately been inaugurated in respect to Utah is to enforce or attempt to enforce with great rigor the laws against polygamy. You have seen the president of the church, Brigham Young, brought into court on an indictment for murder; you have seen him threatened with indictments for bigamy. I will not say what kind of courts we have there, for I am a little chary about making accusations against men for which I have no plain and obvious foundation; but I will say that they are courts in which I have no confidence, or very little. You have seen how those courts have undertaken a kind of legal crusade against the Mormons. I do not say that there have been no faults on the part of the Mormons. They have been perhaps as great or greater on their side, but we see what shape this new crusade takes—not a crusade of arms, but a crusade of law; and this bill is intended to give to those courts additional power to carry on legal proceedings against those people.

The most material part of this bill, practically considered, is that which relates to the selection of jurors. Jurors are now selected under a law of the territorial Assembly. This bill proposes to take their selection wholly away from territorial authority and to vest it in three persons, the United States judge, marshal, and clerk; and it provides that they shall select two hundred names, and put those names in a box, and that from that box the jurors, grand and petit, shall be drawn.

Now, sir, on its face that is a very fair provision. In New Jersey or Ohio that would operate very fairly and very well. I do not think it is at all equal to the system in some of the States for the selection of jurors. I do not think it is at all equal to the system in my own State, which is the best that I know anywhere, and which secures for jurymen the very best men in the county. But, sir, so far as a Territory is concerned, or so far even as one of the old States is concerned, this law, if fairly and honestly executed, would be a good law; but there is where the trouble comes in. I will not say that it would not be honestly executed; I will not say that it will be perverted; but I do not like to give a power which can be perverted without any restraint upon it.

I am afraid to clothe men with the power to pervert it; I am afraid to trust human nature in such a contest as is going on out there; and therefore it is that I want that board of jury commissioners, so to call them, which this bill proposes shall be composed of the judge, the marshal, and the clerk, enlarged so that the people may have some word in the selection of the jury commissioners. Then I think we shall have a safeguard. The provision that the names of jurors shall be selected without reference to religious and social opinions is very well indeed; but to guard against a perversion of that law I want the board that selects them to be one that cannot possibly pervert the law.

There is another thing that I want in this bill. I want a provision that in criminal cases of a very grave and serious character there may be a writ of error from the Supreme Court of the United States to the supreme court of the Territory. The questions that are likely to arise there, the questions that will arise there, are such that it will contribute immensely to the peace of that Territory and to its well-being if now and then a case can be taken to the Supreme Court of the United States and there can be an authoritative decision of the law.

Say what you will, Mr. President, it will be extremely troublesome to produce in the minds of all the people of Utah a perfect confidence in their district judges. The suspicions of the people may be unfounded; their distrust may be without reason; but that distrust on the part of at least one half, if not a majority of the people, of their judges there, will be inevitable, and it would be of the greatest importance to quiet the public mind there and also tend to prevent those judges themselves from doing wrong and make them more careful, if there was a revisory power in serious criminal cases given to the Supreme Court of the United States.

These are the two points in this bill to which I wish principally to call the attention of the Senate: first, as to the mode of selecting the jurors, and next as to the propriety of allowing an appeal, by way of writ of error, to the Supreme Court of the United States in the most grave and criminal cases. I have therefore, Mr. President, prepared a motion which I now make. I move that the bill be recommitted to the Committee on the Judiciary, with instructions to provide for the election by the Legislature or by the qualified electors of Utah—whichever may be the better mode—of three jury commissioners, who shall act in conjunction with the judge, marshal and clerk, and with equal powers, in selecting all the persons from whom the jurors are to be constituted, and also to provide for writs of error from the Supreme Court of the United States to the Supreme Court of said Territory in criminal cases in which the punishment is capital, or imprisonment for six months or upward, or a fine of \$1,000 or upward.

If that be adopted, Mr. President, you will have then your jurors selected by a board composed of six persons, three of them officers of the United States, the judge, the marshal, and the clerk, and three of them elected either by the General Assembly or by the people, as Congress may see fit to provide. I am indifferent which it shall be, whether the three jury commissioners shall be elected by the Legislative Assembly of Utah or whether they shall be elected by the qualified electors of Utah; whichever is the more advisable course may be taken. Then you will have a board where, in all human probability, there can be no perversion of the law, a board, too, that will give satisfaction to all the people, at least all the right-minded people of that Territory, and I think that it will contribute very much indeed to harmonize matters there if such a provision be made. Then in respect to the other provisions that the Supreme Court of the United States in extreme cases shall have a supervisory power by writ of error, that explains itself.—*Congressional Globe*.

### DIED.

At Portland, Oregon, March 7th, from injuries received from being run over by railroad cars on the 2nd inst., THOMAS, son of William and Ann Fennemore, aged 20 years.

*Mill Star*, please copy.

At Spring City, March 4th, after an illness of 45 days, SARAH, wife of Valentine L. Acord, aged 34 years and 5 months.