

# DESERET NEWS:

## WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - June 17, 1874.

### MILITARY OUTRAGE.

MARTIAL law is one-man law, the will of the officer commanding. As we are not living in a state of war, nor under martial law, at any rate as it has not been authoritatively proclaimed that we are, it has become an interesting and somewhat pressing question for the courts to consider and determine whether or not the military is superior to the civil authority, and whether or not civilians have any rights which the military are bound to respect. It is a question which can be satisfactorily settled only by the deliberate and peaceful action of the courts, not by turbulent ebullitions of physical power, civil or military.

It was stated that Major Gordon, commanding the troop of cavalry that let the law-breaking drunkard Hackett out of prison yesterday, drove Mr. Higgs out of the Fireman's Hall at the muzzle of the rifle, with the threat of "Get out of here, or I'll shoot you," this threat being otherwise much more strongly than elegantly emphasized.

Now if we were living in a country where the civil law was of any account, where it was respected by those who are in official station, civil or military, what would be the offence and punishment of Major Gordon for his conduct yesterday? Some of that conduct, as reported, certainly was unofficer-like, ungentlemanly, unmanly, and decidedly criminal. Granted that a soldier must obey the orders of his superior officer, what justification is there for exceeding those orders, and, as in this case, for criminally exceeding them? What punishment should an officer receive for so assaulting and threatening an unoffending citizen, with whom the officer had rightfully nothing whatever to do? If Major G., with his troop of cavalry, had received orders from the commander of the post to liberate the lawless drunken soldier and take him to camp, did the Major also receive orders to assault any peaceable citizen? If he received orders to take the drunkard soldier out of the city prison and the custody of the municipal authorities, did the Major receive orders to enter another room and, with murderous threats, attack a quiet citizen who had nothing to do with the prisoner, either as to arresting or holding him? What authority had the Major to enter the Fireman's Hall, by bursting open a door thereof, strike a murderous attitude, utter a murderous threat, in choice and forcible Billingsgate, and run a peaceable citizen out of the room at the muzzle of the rifle? Did the commandant of the post order this? Does he sanction and endorse such conduct? We cannot believe he ordered it, or will sanction it, but, if it should prove so, then the authorities at Washington and the public at large ought to be made fully acquainted with the facts.

Does it not seem that, if it has not already been done, Mr. Higgs, the thus murderously assaulted peaceable citizen, should make affidavit of the violent and unprovoked assault upon him by the officer, the depositions of witnesses be taken, and a legal demand be made upon the commandant of the post for the delivery of Major Gordon up to the civil law, to be dealt with as that law directs for the very serious criminal offence above mentioned, also that the body of the drunken and violent private soldier should be legally demanded, if it has not been, by the civil authorities, for a like purpose? If the property of any citizen was unnecessarily damaged or destroyed in the raid, should not the officer conducting it also be sued for the same?

If peaceable citizens are to be thus violently assaulted, if they are to be outrageously maltreated, threatened with death and perhaps murdered, by drunken soldiers and intemperate and enraged

military officers, and have no redress at law, it should be publicly known. If military and judicial and executive officers, representing the federal government in Utah, are really leagued together to break down and defy the municipal authorities and outrage and defy the civil laws, it should not be done in an underhand or skulking manner, but should go through the forms of law anyway, and thus be openly and fully proclaimed to all the world. Half-way measures are not sufficient. We should either have good civil law, properly respected, and an orderly community, or else an acknowledged authoritative declaration of a thorough military despotism, favored by the other federal officials.

If the military can ride roughshod over the civil laws and the civil authorities, attack peaceable citizens in the public streets and throw them into the ditches, or attack equally peaceable, unoffending, and unresisting citizens and drive them out of their houses or offices or places of business at the muzzle of the rifle or the point of the bayonet, it would be well to let the fact be judicially determined and declared. It would be a terribly bad precedent, it is true, but then every citizen would know better and more definitely what he might expect and what it would be best for him to do in certain emergencies.

### NATURALIZATION BY MARRIAGE.—The Washington Star of June 5 says—

"The Attorney General has decided that, irrespective of the time or place of marriage, or the residence of the parties, a white woman married to a citizen of this country is to be taken and deemed a citizen of the United States."

### RASH ACTION.

It is generally understood that the members of the House of Representatives were urged and teased probably almost beyond endurance by the representatives of the Utah "ring" to vote for the Poland or some other outrageous Utah bill, which urging and teasing might have made some of the members so nervously sensitive and irritable upon the whole subject as to cause them to say that they did not care what in hell the bill contained they would put it through, they being probably heartily glad to so get rid of it, and end the whole vexed Utah question. But that is not the end, it is hardly the beginning. Meantime the indecent haste, bad temper, and worse judgment manifested in the House do not seem to take well with the public. Poland's intolerant speeches, Ward's inflammatory diatribe, and the hurried partisan action of the House are not commended by the press. We have not seen one paper of ability, intelligence, and influence that has approved the bill, or that has not, in some form of expression, deprecated the action of the House upon it. Even the friends of the bill were "amazed" at the large vote for it. Passion and prejudice are blind guides in legislation and apt to cause the engine to be run into the ditch. The sober second thought of the country will hardly back up the revolutionary action of the House.

### SPARING OF THE TRUTH.—The following is from the New York Herald—

"SALT LAKE CITY, June 2, 1874.—News of the passage of the Poland bill through the House of Representatives, received here, creates intense joy among the Gentile merchants, bankers and business men generally. They all pray it may pass the Senate and become a law. Its exceedingly moderate tone commends it to all classes here who are not absolutely enslaved by fanaticism.

"It is impossible which not to overrate the advantage which will accrue to the Territory, both in a business and moral point of view, from the passage of this long deferred legislation.

"Help yourself to beans, but be sparing of the pork," said the economical old lady at the table. Of

the above dish of "news" from Salt Lake it may be said, help yourself to lies, for there are plenty, but of truth you can't help but be sparing, as there is so precious little there.

The "ring" rejoiced boisterously over the Poland Spoilation Bill, but nineteen-twentieths of the community consider it an outrage upon American citizens, and a disgrace to the republic.

REDUCTION OF FARES AND FREIGHTS.—The San Francisco Chronicle of June 5, reports an interview with Gov. Stanford, President of the Central Pacific railroad company, after his return from Ogden, on the subject of fares and freights between the Pacific and Atlantic seaboard. The reporter was informed that though no new schedule of fares and freights had been made up—the companies not having yet agreed upon the proper proportion to be charged by each—yet it had been decided to reduce the rates of both fares and freights on all the roads at an early day—just as soon as the equities could be adjusted; that the reduction would be considerable; that the two companies had agreed to issue another class of passage tickets for the accommodation of the middle classes, to be known as second-class fares; that these tickets would be issued when the new order of things contemplated by the recent conference was established, which, it was expected, would be soon; and that the public might look for reduced rates at an early day.

THE FISH CAR.—Apropos of the arrival of Mr. Livingstone Stone, with the car-load of young fish at Ogden to-day, some for this Territory, but the bulk of them for the Pacific coast, the following, from the San Francisco Mining Press, will be found interesting—

"An aquarium car will start on its journey to this coast on the 3d of June, to make a second attempt to cross the continent with a load of living fish. The car will be in charge of Livingstone Stone, the gentleman who was in this State last year obtaining salmon eggs for the Eastern States. The car in which the fish are to be brought this time is forty feet long, with broad head, passenger trucks, twelve wheels, air brake and Miller platform, and is well made and appropriately fitted for the purpose. The salt water fishes on the list to be taken are as follows: Lobsters from Massachusetts Bay; oysters from the same place; scup from Martha's Vineyard; striped bass, New York harbor; tan dogs, Martha's Vineyard; salt water eels, same place; king fish, weak fish and blue fish from New York harbor.

"The fresh water fish to be brought are black bass, glass-eyed pike and hornpouts, from Lake Champlain; eels, from the Hudson river; cat-fish, from New Jersey; shad, from the Hudson river; red minnows and alewives, from Massachusetts.

"To take across almost any of these varieties would be a great care and labor; and to take across the whole is quite an undertaking. The car will leave Charleston, N.H., about the 3rd of June, reaching Sacramento and this city about the 10th. It is to be hoped that the experiment of bringing these fish across will be more successful than the attempt was last year, when the car was wrecked, and those of the fish which did not fall into the river where the accident occurred, were destroyed."

### A BARREN VICTORY.

An Unavoidable Position—With a Caution.

It must seem, to the thinking portion of the community, that the commandant at Camp Douglas is placed in a strikingly unenviable position. When the troop of cavalry yesterday went hooting and yelling back to camp, with their drunken and criminal comrade, what were they rejoicing over? Were they not rejoicing that an aged citizen had been brutally

outraged? Were they not triumphing that the civil authorities had been, for the time, overborne and successfully defied by the military authorities? Were they not rejoicing over the victory of brute force over good law? Were they not sympathizing with, succoring, and delivering a drunken, brutal criminal, whose liberty had been forfeited, by his glaring abuse of it, to the law, and properly restrained by the officers thereof?

The troop had conquered where there was no antagonist, had prevailed where there was no opposition, had overcome where there was no resistance, not the slightest shadow of it, had succeeded where they were allowed to have everything their own way, had rescued a criminal from the just penalty of the law, had released from the quiescent, passive civil authorities, a drunken, lawless comrade, and therefore they could well afford to yell, like savages, at their empty victory, as they galloped triumphantly back to camp.

There was no cause for any force or violence, so far as persons were concerned, because there was no resistance to the demand of the officer. The civil authorities had in view simply the legitimate and commendable purpose to have the question of military vs. civil authority take such a shape that it could be properly brought before and adjudicated upon and determined by the proper judicial tribunals, and any passionate or lawless violence or indecent glorification on the part of the troops was entirely gratuitous and in excessively bad taste, and the glorification part was also decidedly premature.

Suppose the citizen so outrageously assaulted and injured by the drunken soldier had been a present instead of a former federal officer. Suppose he had happened to be the present Chief Justice instead of a former Associate Justice. What would the drunken and lawless soldier have cared? Drunken and beligerent and lawless soldiers are apt to be no respecters of persons, no regards of nice distinctions of age, gray hairs, or general venerable appearance. In their befuddled and quarrelsome and violent condition they can hardly be expected to recognize and respect the critical, physical, mental, political, partisan, or commission difference between a past federal official and a present federal official. So that it would not surprise the public at all to hear, some fine morning, of his Honor the Chief Justice, or any other present federal civil official, having been knocked down in the open streets, tumbled into the ditch, and left to soak there, by some drunken and reckless soldier. Consequently, as a mere matter of friendly caution, it might not be amiss to advise the present chief and associate justices and other civil officials, federal or local, as well as the citizens generally, especially those of a decidedly peaceable disposition, to decide a sharp eye open when drunken blue coats are around, or said officials or citizens may suddenly be served as poor Judge McCurdy was, if they don't find themselves in even a worse predicament. It will be good to remember too, that, as it appears at present, drunken and lawless soldiers have theoretical and practical immunity from punishment for crime, so far as the civil law is concerned, and that, according to current indications, the military authorities have far more sympathy for drunken and lawless soldiers than for the inoffensive and peaceable citizens whom those drunken and lawless military criminals may assault and half or wholly murder.

### THE REPORT ABROAD.

A SOMEWHAT sensational report of the occurrences at the City Hall last Thursday was sent to some of the papers in the West and probably in the East. The San Francisco Chronicle thus comments—

"The threatened conflict between the United States military authorities at Salt Lake and the Mormon city officials has been precipitated even sooner than was anticipated, but has scarcely been worthy of being deemed more than a tempest in a teapot. The question at issue was not very important in itself, being merely whether the municipal authorities should punish sol-

diers for infractions of city ordinances, or whether the offending boys in blue should be turned over to their officers to do penance for their misdeeds in the regimental guard-house instead of the city's calaboose. It did assume importance, however, when the Mormon city officials imprudently proclaimed that they would disregard the orders issued by the highest military authorities, and when they manifested a malicious purpose to provoke an emeute by their arrest and detention upon frivolous pretexts of soldiers out on leave from Camp Douglas, General Morrow and the officers under his command had no other alternative, under their recent instructions from Washington, than the course reported in our telegraphic news from Salt Lake this morning. Happily, the Mormon authorities did not attempt resistance, and the rescue of the soldier whom they had incarcerated in their cells as a 'd. d.' was effected without employment of the arms so dramatically loaded in front of the city prison."

Soldiers are not arrested and detained in this city on frivolous pretexts, though a partizan, subsidized, lying press may make it appear that such is the case. Violent personal and physical assaults are not exactly frivolous pretexts, and are not so regarded by any impartial tribunal. There was no "malicious purpose to provoke an emeute" on the part of the city authorities or any other local civil authorities. Citizens and visitants protection from assaults in the public streets and elsewhere, no matter by whom committed. The local civil authorities have taken that view of the matter and have endeavored, by good laws and fair administration thereof, to extend and insure that protection to all and from all, considering that no person, civil or military, is exempt from the operation of the law, or can be legally sustained in defying it.

Certain parties with a malicious purpose have carefully and venomously endeavored to work up an antagonism between the military and the local civil authorities, hoping thereby to incite an open conflict. But they have hitherto failed of this, through the prudent action of the authorities. The malicious purpose, however, still remains, and it succeeded in producing this late unpleasantness. The action of the military was based upon a lengthy and prosy opinion of Judge Advocate General Holt, probably elicited by a partizan and partial representation of the situation. Judge Holt's opinion may be law to the military, but it is by no means the end of legal controversy to civilians.

In Thursday's occurrences, so far as we have been able to learn, no regular formal demand was made of the authorities by the military posse, and certainly not the least shadow of resistance was offered, any assertions of a hiring press to the contrary notwithstanding. It is true, the major commanding did demand, expensively but very indefinitely, of fireman Mr. Higgs, "Where's that prisoner?" But Mr. Higgs had no more to do with "that prisoner" than the Emperor of Russia had.

We believe the local civil authorities thought and still think that the military is properly subordinate to civil law, in times of peace at least, and that the Supreme Court of the United States would sustain them in that supposition. Thinking so, they would naturally conclude that everywhere, outside of the limits of regularly constituted military posts, the military, wherein they violated the civil law, should be subject to its penalties, administered by the civil authorities, and they would like to have the matter authoritatively determined beyond controversy, as the peace and good order of the community and the liberties and the safety of the property, persons, and lives of the citizens depend, in a degree, upon this question, as shown conclusively by recent events.

The notorious Apache chief, Cochise, died on the 9th instant.

The Steamer *Prince Alfred*, from Victoria to San Francisco, sank, on Saturday, when about six miles from the latter harbor; the passengers and mails were saved.