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TRUTH AND LIBERTY.

VOL. V.

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(SPECIAL TO THE DESERET NEWS.)

By Telegraph.

PER WESTERN UNION TELEGRAPH LINE.

WESTERN DISPATCHES.

JACKSONVILLE, 4.—Attorney General Williams arrived last night, was serenaded, and is now addressing a large audience. He is announced to address the citizens here on Saturday next.

SAN FRANCISCO, 4.—The police have got a clue which will, it is believed, lead to the discovery of the perpetrators of the outrage on the young girl in the western part of the city on Thursday evening. That an infamous outrage was perpetrated is regarded as unquestionable.

Kate Brenner, residing with her parents, No. 316 Minna Street, last evening picked up a piece of grange on the sidewalk, and it soon after died in convulsions, the physician in attendance says that her death was undoubtedly caused by strychnine, which had been placed on the orange by somebody, but with what intention can only be conjectured. There is no clue to the perpetrator of the murder.

Maria Concepcion Madrigal de Juarez, a native of Mexico, aged 19 years, attended the May festival of Presley, and was found in the Hay, she having committed suicide.

SAN FRANCISCO, 5.—A number of capitalists, miners and business men, leave for Schell Creek this week. Dispatches received on Friday speak of considerable discoveries of silver, carrying considerable gold, in that district within a few days.

Arrived, the steamship Alaska, from Panama. She has on board 1,000 passengers and took on a number of families who were compromised in the late revolutionary outbreak at Manzanilla. She brings over three hundred passengers and very heavy freight. The latest news I can get does not confirm the report of the capture of Mazatlan by the Federals.

The Mormon Folly.

The counsel for the extradition of Brigham Young protests against his release on the order of a Mormon Probate Court, and threatens to test the legality of the discharge in a higher tribunal. But whether the decision of the Mormon Judge be overruled or not, we presume the Mormon prosecutions are virtually at an end, and the prisoners now held in custody under the indictments found in Judge McKean's court must nearly all be released in accordance with the recent decision of the Supreme Bench.

More we examine the blunder of the Administration the worse it looks. For it was a blunder made in the face of such clear light that it can hardly be called anything else than the result of wilful ignorance. The Organic law of the Territory prescribes that for the first six days of the term the Supreme Court of Utah shall sit as a District and Circuit Court of the United States, to try offenses against the United States, and when the term of the Supreme Court of Utah shall immediately reopen as a Territorial court, with the same judges; but with a different presiding officer, and different subordinate officers. In business now is to try off-enses against the statutes of Utah, and to decide civil causes under the Territorial laws; and although in certain cases it is empowered to exercise jurisdiction for the United States, the ruling of all the authorities is clear that it is a local and not a Federal tribunal. The point which the Supreme Court has just established is not a new one, but has been established by the precedents of nearly half a century. Chief Justice Marshall, in *Ex parte*, Reports, page 515, decided that "the Territorial courts were not courts in which the judicial power conferred on the Federal Government could be deposited; they were incapable of receiving it, on the terms of the incumbent, as the United States, and the Supreme Court must be appointed sitting good behavior. The same view has been reiterated time and time again. The Supreme Court of Iowa held in *The State Bank of Illinois* (1 Morris, p. 233) that "under no circumstances can these courts properly speaking District Courts of the United States; they are more Territorial Courts having the powers of District and Circuit Courts of the United States, but not the powers of the Federal Government."

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There are, however, no precedents of successive Attorneys General to the same effect, and the practice of the Government has always been in accordance with what we so obviously the law. Now it is evident that while the court is a Territorial court its jurisdiction must be impeded by the proper Territorial officers, its processes must be executed by the Territorial marshal and sheriff, and the Territorial prosecuting attorney must present indictments against Territorial laws. Murder, law and robbery, and other crimes which Judge McKean has recently pursued with so much zeal, are offenses not against the United States, but against the statutes of Utah; and, according to all the decisions we have above alluded to, they could consequently be punished only by the court sitting as a Territorial tribunal and acting through the Territorial machinery.

Exactly why Judge McKean chose to proceed differently is not entirely clear. The Mormon crusade is understood to have been preached at Washington by the Rev. J. P. Newman, a gentleman whose Christian zeal in this instance seems to have got the better of his discretion. Judge McKean was a willing recruit, and the President was induced to support the movement with all the weight of his authority; the Territory is a Mormon state, and Judge McKean's device was to declare his court a United States court for all purposes; to turn the local marshal and sheriff and prosecutor aside; to order all grange and petit jurors to be drawn as United States jurors; and to instruct the United States District Attorney to prosecute by appointing one E. N. Baskin, United States District Attorney, ad interim, although the Attorney General's office had ruled that a Territorial court cannot appoint an attorney for the Territory; and under Mr. Baskin's instructions the prosecutions began. Mr. Bates, who was appointed afterwards, refused to sanction these unwarrantable proceedings, and referred the matter to Washington. The Comptroller of the Treasury, following the well established precedent, refused to pay the expenses of the trials. Attorney General Williams openly condemned Judge McKean's conduct, and declared that his rulings would not stand while they came to be reviewed. But Gen. Grant put his foot down. Law or no law, McKean's court should be a United States court, and if the Mormon crusade is not to be punished in one way they should be in another. Mr. Bates was requested to resign, and make way for a more ignorant or more despicable attorney; but he very properly refused, and declared he should await the judgment of the Supreme Court.

The President perhaps does not yet realize the full consequences of his blundering obstinacy. Not only are the Mormons irritated and the Gentiles placed in danger, but the Hegel agents of the past two years are all punishable. The indictments were void; the trials were not trials by a legally constituted court; the proceedings were null and void; the officers who executed the processes were trespassers. The organic act of the Territory provides that the United States Marshal shall execute all processes issuing from the courts when exercising their jurisdiction as Circuit and District Courts of the United States; and there his authority was arrested. When the President Young on Judge McKean's warrant he was guilty of false imprisonment, for which he can advance about \$8,000 for fees and expenses, cannot be recovered from the United States, and of course will not be paid by the Legislature or more despicable attorney; but he now dares to witness and jurors also constitute a debt incurred without authority. There seems to be every prospect of endless litigation, and the consequence of the doing of this fictitious court, and the violations of law have been so gross and so clear that it is likely to go on for years. The officers, after this it is to be hoped that the President will leave the courts alone.—N. Y. Tribune.

Civilization in the Indian Territory

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The Government, while placing the Indians in possession of free institutions, and pointing out to them the means of progress and civilization, has from the first neglected to guard them from the insidious danger of the white man. The worst of the Indians in the whole country have, from time to time, into the Indian Territory, and have taught the half-civilized and savage the value of the things themselves possessed. It was the duty of the nation to protect the Indians from just this danger, and from this direction principally. All the philosophy, all the benevolence, all the gentleness, all the wisdom of the best government policy, could not make head against the damning work of whisky and white rum. In opening the door wide to these influences, Government laid itself open to the suspicion (so far as the Indians were concerned) of preaching one thing and practicing another. The border ruffians, gamblers, thieves, and murderers who made the Indian Territory their sanctuary, would naturally, and as a matter of course, be regarded as average specimens of American civilization, and the red men, on their part, would be blamed if they modeled themselves after the majority of the whites with which they were brought in contact.

How utterly the Indians have failed to imitate the theories of free and liberal government is shown in the recent massacre. A court sitting armed to the teeth, a jury every member of which deliberated the law, and the law was in hand, and with two revolvers in his hand, a court-room crowded and over-awed by a gang of ruffians, and a defendant who was not willing to be tried, but who was willing to be killed, a court-room crowded and over-awed by a gang of ruffians, and a defendant who was not willing to be tried, but who was willing to be killed.

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quitted. They are at once fired upon by the other assassins, and a fierce and bloody struggle ensues, in which a score of lives are sacrificed. The whole affair is altogether savage, barbarous, brutal, and it is certain that none of the participants can be regarded as other than uncivilized. Nor can we expect anything better from the Indians so long as the ruffianism of the country is permitted to find an asylum in the Indian Territory. These infamous characters must be kept out at any and every cost. This is a duty which the Government owes to the tribes and to itself, and in the non-performance of which the country becomes responsible for a very serious wrong to the wards of the nation. The Indians can never be civilized while they are forced into contact with border ruffianism.—Sacramento Record.

A DOOMED CITY.—The Chicago Times says: Lloyd Tevis is the somewhat odd name of a fortunate gentleman who is now the owner in fee simple of the entire city of Sacramento. His property in the tract rests upon one of the "Sutter Titles," and recently, without attracting much attention, he has procured the claim, and procured a judgment in his favor. In accordance with this judgment the court has issued an order directing the sheriff to eject all persons now trespassing upon the tract. As these trespassers are the whole population of that city, it is obvious that the sheriff has a task of considerable dimensions before him. The duty is especially unpleasant in view of the fact that after he has removed all the other inhabitants, he will be obliged to oust himself. When the officer of the law does his work, and Mr. Tevis and Sacramento become synonymous terms, it will be strange if he is not elected mayor—to say nothing of the rest of the city officers.

This is a German's account of his experience on ship-board: "I feel that I was born to take part in the proceedings and (we believe) resigned. Judge McKean thereupon committed the task of prosecuting by appointing one E. N. Baskin, United States District Attorney, ad interim, although the Attorney General's office had ruled that a Territorial court cannot appoint an attorney for the Territory; and under Mr. Baskin's instructions the prosecutions began. Mr. Bates, who was appointed afterwards, refused to sanction these unwarrantable proceedings, and referred the matter to Washington. The Comptroller of the Treasury, following the well established precedent, refused to pay the expenses of the trials. Attorney General Williams openly condemned Judge McKean's conduct, and declared that his rulings would not stand while they came to be reviewed. But Gen. Grant put his foot down. Law or no law, McKean's court should be a United States court, and if the Mormon crusade is not to be punished in one way they should be in another. Mr. Bates was requested to resign, and make way for a more ignorant or more despicable attorney; but he very properly refused, and declared he should await the judgment of the Supreme Court.

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