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EVENING NEWS

July 1, 1884.

THE UTAH BILL IN THE SENATE.

Mr. Morgan. Mr. President, in thinking over the history of the recent past in a country where the people claim that they have been very greatly persecuted nothing has attracted my attention so forcibly to a new departure in the laws of Great Britain as

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and perhaps without affidavit or without any formal statement of an offense at all claim the arrest of a person as a suspected person, a suspect. I have thought that British liberty was more nearly strangled by that feature of recent practice in that country than by any other that I remember which had the form of law and the apparent sanction of judicial authority.

I think I see this provision of the billi for the issue of an attachment contains precisely that doctrine, and to that extent it is violation of the personal rights and the liberty of the perple upon whom this measure may operate. An attachment is a technical phrase. An attachment against property means the seizure of property for purposes of condemnation or to answer some judgement of a court. An attachment of the person is the arrest of the person, placign the body of a man in the custody of the law and depriving him of his right and privilege of breaking that custody except at his own peril.

If the law we are about to enact is a long the criminal countering to the criminal counter the District of Columbia, a U ted States court, took time to consider and heard argument, and he four an imperfection in that paper and decided that that ex-Senator was ended that that ex-Senator was ended that that ex-Senator was ended the his liberty and that the who proceeding against him was a tree process of an attachment? He found that it was necessary to have all of the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of this American the ground with care around him order that the rights of the ground with care around him order that the rights How did that judge come to such conclusion as that upon the innocen process of an attachment? He found that it was necessary to have all of the strictness of procedure that attends every crimnal cause in that proceeding. He tound it was necessary to survey the ground with care around him in order that the rights of this American c tizen might not be abused, although it was admitted and the man himself said he know he had become

of breaking that custody except at his own peril.

If the law we are about to enact is a constitutional law, any marshal or deputy marshal, sherid, or whatever officer may be charged with its execution, can take into custody the party whom it is desired to have appear before a commissioner, or before the court, or before the grand jury, and hold that person in his custody until he is discharged by due course of law. It makes no difference whether the person who is thus taken into custody may know anything about the transaction that the Government of the United States has been concerned in for a great number of years, but because that process had not issued as a proceeding according to law, because that man did not have the protection that was guaranteed to him in the Constitution, because he had been deprived of his liberty without due process of law, the court discharged him and held that those who had alm in custody, although they were officers of the United States for the most important transactions that the Government of the United States has been concerned in for a great number of years, but because that process had not issued as a proceeding according to law, the Constitution, because he had been deprived of his liberty without due process of law, the court discharged him and held that the Government of the United States has been concerned in for a great number of years, but because that process had not issued as a proceeding according to law, because that man did not have the protection that was guaranteed to had been deprived of his liberty without due process of law, the court discharged him and held that those who had him in custody, although they were officers of the United States has been concerned in for a great number of years, but because that man did not have to law, beca person who is thus taken into custody may know anything about the transaction or not, whether he may be a competent witness or not, whether he may have any ground of liability at all, upon a suspicion that he would violate the law or violate the mandate of his subpoens he is still held in custody, and the breaks it he have a like the law or violate the mandate of his subpoens he is still held in custody. and if he breaks it he breaks it at his peril, and the officer who has charge of him has a right to kill him if he undertakes to break away from that

him has a right to kill him if he undertakes to break away from that custody

I claim that under the Constitution of the United States as amended there is no power in this Government which can place an American citizen in that attitude except in the cases provided in the Constitution where an allegation of crime is made against him, and that allegation is supported by probable cause, upon outh or affidavit, and the eustody follows the regular procedure of the law. This bill, however, using the word "attachment," which, when used in respect of a person and not of property, means the seizure of the body of that person, authorizes a man to be taken into the constody of the law, his body to be seized, his liberty to be taken away from him, put entirely subject to the command of the officer in whose charge he may be placed, and kept there until discharges by order of the coupt hefore whom he is to be brought, upon the ground, not that he has threatened to commit any offense, not that he has said or done anything to influence any person to believe that he would commit an offense, for no fact previously ascertained is necessary as a predicate of this procedure, but solely upon the

in the Senate of the United States as a representative from Alabama was summoned here by the United States Government to testifyin the celebrated star-route cases. The subpoens was issued in ordinary due form and was executed, if I remember the facts aright in the State of New York. After the subpoens had been returned cause was shown against him and an attachment issued for his person. He was seized in some of the Territories of the United States and brought here

upon answering to a criminal tion, for it was a criminal acc

tion, for it was a Criminal accusation he demurred against the validity of the original process of subpœma. Per haps he made a point also upon the form of the writ of attachment. The indee presiding in the criminal countries in the District of Columbia, a University of the criminal countries.

ted States court, took time to consider and heard argument, and he found an imperfection in that paper and he decided that that ex-Senator was en-

ernment, were technically trespass

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SALT LAKE CITY. PAID UP CAPITAL, .

decided that that ex-Senator was en-titled to his liberty and that the whole proceeding against him was a tres-REGEIVES DEPOSITS PAYABLE ON DEMARR

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said he knew he had been supernaed and was needed here, and had prom-ised to come also, and still did not at-THE SPENCER HOUSE C. V. SPENCER, Proprietor. Post Office Block, 1st East between 2d and

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Now, you say that we shall issue an attachment against a man before we attachment against a man before we serve a supena upon him; that we shall issue a writ which in its nature is criminal, which is latended to carry out the criminal power and criminal judgment of the court, not a civil power; that we shall issue a writ for the purpose of holding a man's body in custody as a suspect, and we undertake before the American people to justify our conduct in a case of that kind upon the Constitution of the country. No, sir: it is a flagrant and a bold and a defiant violation of it. There is no power on the part of the nicest and best organized mind in the world to discriminate between a warrant for the Three doors South of Walker House, Main Street, Salt Lake City, Utah.

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by a formal application of the district attorney, har is there any provision whatever for proof, nor is there anything to show that the court itself as a court upon proof shall do it, but the court may do it a mero main.

Mr. Morgan. That is very true. In our efforts to administer justice in this country and after due consideration and after great experience on the part of the bar and the courts these statutes have been formulated and enacted, and all this strictness of procedure that the Senator from Texas refers to has D. J. GRIFFITHS, Proprieto LEGAL NOTICE. ADMINISTRATOR'S SALE.

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in the Probate Court within and for Salt Lake County and Territory of Utah. Before the Honorable Elias A. Smith, Judge

nave been formulated and enacted, and all this strictness of procedure that the Senator from Texas refers to has been provided in order that we might secure to the person attached the benefit of all the guarantees of the Constitution of the United States for the security of personal liberty.

Mr. Maxey. If the Senator will paradon me, I submit that, it being a question for decision by a court upon proof, the part, or his friends may put in their appearance to show that there is no sufficient reason for the issuance of the writ of attachment. But here there is no proof whatever. It is equal to a lettre de cachet of France, or to the placing of a denunciation in the mouth of the lion at Venice.

Mr. Morgan. This proposed statue undertakes to cover the requirement that there shall be probable cause for the arrest by saying that the court has reasonable ground to believe that such witness will unlawfully disobey a subpæns. There is no provision made for proof of probable cause; in fact, no probable cause exist, because there is no fact in existence, none known, none required by law to be proved, as an antecedent fact

ist, because there is no fact in existence, none known, none required by law to be proved, as an antecedent fact or a predicate for the issue of the warrant. It is a mere surmise or suspiction in the mind of the judge or of the commissioner that the party will not obey the subpæna, founded upon the character of the party, upon his relations to the case, some ground of mere, bare, pure suspicion, and nothing else. Under such circumstances it seems to me that it is beyond denial that a criminal proceeding can not issue nor a proceeding which, whether you call it criminalor whether you call it criminalor.

Administrator of said Estate. June 19th, 1884.



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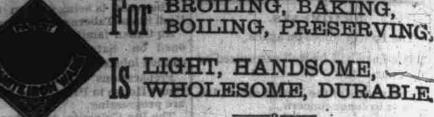
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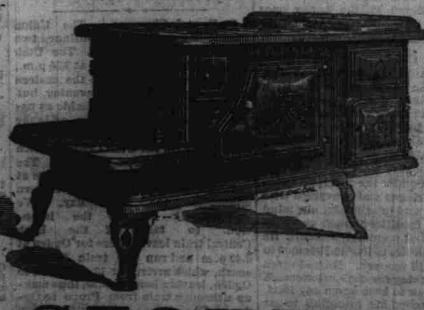
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