solve, although some of the views of our great scholars are undoubtedly very speculative. In the study of the sciences I have named, our young folks will learn how it is that, in traveling in our mountains, we frequently see sea shells—shells of the oyster, clam, etc. Ask our boys and girls now to explain these things, and they are not able to do so; but establish classes for the study of the sciences, and they will become acquainted with the various facts they furnish in regard to the condition of the earth. It is the duty of the Latter-day Saints, according to the revelations, to give their children the best education that can be procured, both from the books of the world and the revelations of the Lord. If our young men will study the sciences, they will stop riding fast horses through the streets, and other folly and nonsense which they are now guilty of, and they will become useful and honorable members of the community.

I have been very much interested of late with regard to the studies and researches of the geologists who have been investigating the geological character of the Rocky Mountain country. Professor Marsh, of Yale College, with a class of his students, has spent, I think, four summers in succession in the practical study of geology in these mountain regions. What is the result of his researches? There is one result, so far, that particularly pleases me. There are some here who know a man by the name of John Hyde, from London, formerly a member of this church, who apostatized and went back; and his great argument against the Book of Mormon was that it stated that the old Jaredites and, perhaps, the Nephites, who formerly lived on this continent, had horses, while it is well known that horses were unknown to the aboriginal inhabitants of America when it was discovered by Columbus; and that there were no horses here until they were imported from Europe. Now, since Professor Marsh and his class began their investigations, they have found among the fossil remains of the extinct animals of America no less than fourteen different kinds of horses, varying in height from three to nine feet. These discoveries made Professor Marsh's students feel almost as though they could eat up these mountains, and their enthusiasm for studying the geology of the regions around Bridger's Fort was raised to the highest pitch. In their researches among these mountains they have formed the opinion that there was once a large inland sea here, and they think they have discovered the outlet where the water broke forth and formed Green River. Here in these valleys and in these ranges of mountains we can follow the ancient water line. This discovery of Professor Marsh is particularly pleasing to us "Mormons," because he has so far scientifically demonstrated the Book of Mormon to be true.

We shall hold meeting here to-morrow morning, and expect to leave you about 3 o'clock in the afternoon.

Here is the kingdom of God; do you want to enter into it, or not? Do you want the future blessings of this kingdom, or do you not? Have your choice, but whomsoever you list to obey, his servants you will be, whether it is Jesus, or the devil; please yourselves, have your choice. But all know we can not serve two masters acceptably; if we love one, we shall hate the other; and if we hold on to one, we shall despise the other. We must either be for the kingdom of God, or not. But we shall organize this holy order here before we leave. We give the invitation to all of you to come and get organized. Let us be one; let us carry out the order that God has established for the family of heaven.

God bless you.

Correspondence.

UTAH AFFAIRS.

No. 1.

Poland's Bill Amendment—The Governor's Course—The Judiciary—The Utah "Ring."

SALT LAKE CITY,
April 30, 1874.

Editor Deseret News:

Your issue of the 28th inst. contains the following—

"The House judiciary committee have decided to report, as an amendment to Mr. Poland's bill, a provision requiring the governor of Utah to appoint a commission to make up jury lists."

A fairer provision, certainly, than that which empowers a judge to pick his own jury, were the governor the friend of the people of the Territory, instead of being their aversion. By his own showing our present governor is leagued with our open and avowed enemies who are clamoring for proscriptive legislation (see his annual message to the assembly, Jan. 13, 1874. His message vetoing the assembly's memorial to Congress for a committee of investigation, &c.) He is especially obnoxious to the people, because out of some forty-five bills passed by the legislature, he vetoed nearly every important measure, and among them the general appropriation bill. He refused to commission legally elected officers, and, without prerogative, appointed men to fill those offices, who were most obnoxious to the people.

In 1871, when citizens on our southern frontier were surrounded and threatened by hostile Navajoe Indians, Gen. Erastus Snow telegraphed his Excellency for authority to call out the militia, or advise what had best be done in the premises, but received no reply. The situation was critical and the General telegraphed again, this time requesting the operator to wait upon his Excellency, personally, for an answer. The reply was, "I shall do what I like about answering it," or words to that effect, but no reply was made to Gen. Snow. Thus the governor's proclamation, forbidding militia gatherings, had to be disregarded or the people left to the mercy of the savages.

When Hon. Wm. Hyde, Probate Judge of Cache Co., died, only two days elapsed before the governor appointed his successor, a man most offensive to the people. Hearing of this, the county selectmen telegraphed his Excellency that a petition of nearly the entire inhabitants of the County was then in circulation, asking the appointment of one Hammond, and praying him to suspend action until they could be heard. The petition was presented, signed by some 2,500 persons, with affidavits proving that the Governor's appointee had not the required residence qualification. Still his Excellency refused to withdraw his appointment, preferring the man distasteful to the people and ineligible to the office. What fairness can we expect from such a man in appointing a commission to make up jury lists!

He is one of a class, who, by misrepresentations and inuendoes, are exciting Congress to believe that extraordinary legislation is needed here, when such is not the fact. What we do need is Federal officers like Judge Emerson, who, guided by the express terms of a recent decision of the National Supreme Court, recognizes the validity of the Territorial laws and is willing to administer them.

In the First District Court, on the 6th inst., two sets of officers presented themselves for recognition, one set bearing commissions, from the Governor; the other, having been refused commissions, presented certificates of election, duly certifying that they were elected to office by the joint vote of the Legislative Assembly, under the provisions of a Territorial act creating the offices and providing the manner in which they should be filled. Of this act, and in this case, Judge Emerson said—

"Whatever may be the opinion I may have upon the subject, I am bound by the decision of the National Supreme Court. This very act has been before that Court, and has been declared valid. I refer to the case of 'Snow *vs.* the United States ex. rel. Hempstead;' a case decided in the October term, 1873."

Quoting from that decision in the language of Mr. Justice Bradley, Judge Emerson said—

"The power given to the legislature is extremely broad. It extends to all rightful subjects of legislation consistent with the Constitution and the Organic Act itself. And there seems to be nothing in either of these instruments which directly conflicts with the Territorial law. If there is any in consistency at all, it is in that part of the Organic Act which provides for the appointment by the President of an attorney for the Territory. But is that necessarily an inconsistency? The proper business of that attorney may be regarded as relating to cases in which the government of the United States is concerned. The analogous case of the marshal, and the separation of the business of the courts as to government and Territorial cases, seem to give some countenance to this idea At all events, it has sufficient basis for its support to establish the conclusion that there is no necessary conflict between the Organic and the Territorial laws. The Organic Act is susceptible of a construction that will avoid such conflict, and that construction is supported by long usage in this and other Territories. Under these circumstances it is the duty of the court to adopt it, and to declare the Territorial act valid."

The Utah "ring," including the Governor, was thus defeated in the First District, but the dead-lock in McKean's district continues, and why? Not because of all manner of reasons invented by misrepresentation and calumny; not because the Territorial laws are unwholesome or unsalutary; not because the "Mormons" obstruct the administration of justice, as is alleged; but because Judge McKean obstructs it, by refusing to acknowledge the validity of that Territorial law, being opposed to the doctrine maintained by the National Supreme Court ever since May, 1870.

During the Senate debate on the Frelinghuysen bill, last session, Senator Carpenter said, "We do know that the judges of Utah Territory, to-day, are under the impression that they are commissioned—I do not say by the Government of the United States—but by that higher power which rules the universe, to extirpate Mormonism and Polygamy in that Territory. The Chief Justice of that court, (Hon. J. B. McKean) entered upon this crusade and was brought up standing by the decision of the Supreme Court (Clinton *vs* Englebrecht, 13. Wall. p. 445–6), which wiped out everything that he had done. Application is now made to us for the purpose of strengthening them in that purpose."

In that decision the Supreme Court unanimously held the Territorial jury law to be valid, and declared that Judge McKean's court "wholly and purposely disregarded it."

The law was passed in 1859. It had been acted upon by every Judge on the bench prior to the crusade. It is substantially a copy of the jury law of many of the States, and ample for all ordinary purposes, but not for packing juries. Had Judge McKean acted under that law, like his predecessors, and his associate, Judge Emerson, to-day, there would have been no dead-lock in our courts, but he is obstinate in his missionary zeal, and Congress, forsooth, must pander to him, or he will resign his office.

If, Mr. Editor, you allow me space in your columns, I propose, from time to time, to establish certain propositions touching Utah matters, the first of which is, that the already existing provisions for the administration of justice and the enforcement of the laws in Utah are ample for all ordinary purposes; that the avowed object of certain measures before Congress being to suppress polygamy, they should be so constructed, and so limited in their application, as no reasons exist for their general application.

VERITAS.

No. 2.

Powers of Territorial Legislatures—The Legislature and the Judiciary—"Mormon" Juries.

SALT LAKE CITY,
May 1, 1874.

Editor Deseret News.

Chief Justice Chase, when delivering the opinion of the Supreme Court of the United States in the Engelbrecht case, said—

"The theory upon which the various governments for portions of the territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority and with certain fundamental principles established by Congress. The first plan for the establishment of governments in the territories, authorized the adoption of state governments from the start, and committed all matters of internal legislation to the discretion of the inhabitants, unrestricted otherwise than by the State constitution originally adopted by them. In all the territories full power was given to the legislature over all ordinary subjects of legislation. The terms in which it was granted were various, but the import was the same in all."

Judge Titus, formerly Chief Justice for Utah, in an opinion given in Salt Lake City, in May, 1865, said—

"All the Constitutions vest the law-making power of the States in their legislatures. Congress, with its law-making power confined to itself, at its first session in 1789, up to 1865, has created thirty territorial governments [now 31], by which all legislative power and authority of such Territories, in relation to their own domestic affairs, have been vested in the territorial legislatures, more than twenty of these have become States, and the almost uniformly judicious exercise of these powers attests the wisdom of these grants."

Senator Morton, speaking of our Organic Act in the U. S. Senate, said—

"The Organic Act gives to the territorial legislature general jurisdiction to legislate upon all subjects except those which are mentioned in the sixth section." (i.e. 'They shall pass no law interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or property of other residents.)'

"It has the broad jurisdiction of a State legislature, not limited by those provisions that State constitutions generally impose upon their legislatures." (Cong. Globe, 3rd session, 42nd Congress, p. 1783.)

Under this jurisdiction, the territorial legislature have from time to time enacted such laws as in their judgment the wants of the people required, generally adopting, as a basis, the most approved laws of other States and Territories. On this point Hon. Thomas Fitch, addressing the House Judiciary Committee, Feb. 10, 1873, said—

"An act of the Utah Legislature, approved Feb. 18, 1870, entitled, 'An act to regulate proceedings in civil cases in the courts of justice of this Territory, and to repeal certain acts and parts of acts,' contains six hundred and five sections, and occupies one hundred and seven pages of the laws of 1870. It is a civil practice act, copied bodily from the revised civil practice act of the State of Nevada, which was taken almost without alteration from the California practice act, which was framed upon the basis of the New York code" [which has been essentially adopted by some twenty of the States]. "The passage of this act by the Utah Legislature is of itself a complete refutation of the allegations brought against them, viz., 'That they have purposely neglected for twenty-one years to pass and establish a wholesome, general system of laws necessary to the welfare of a civilized community.' It evidences, on the contrary, that the Legislature of Utah promptly recognized the change which the railroad and the development of the mines had wrought in the social condition of that Territory; and so recognizing the fact, that the people of Utah were passing from a pastoral, isolated community to one of mixed interest and of contact with surrounding, permeating civilization, they sought to shape and enlarge their laws to accommodate the new conditions."

By an act in relation to the judiciary, approved Jan. 19, 1855 (see page 29, Laws of Utah), the Legislature of Utah gave the supremacy to the district and supreme courts, presided over by federal judges, over all inferior courts. and provided, "That the district courts shall exercise original jurisdiction both in civil and criminal cases." (Sec. 1, chap. 1.) Thus expressly conferring on the district courts original jurisdiction in criminal cases where local laws are violated. a jurisdiction which, in the opinion of able jurists, they did not otherwise possess. Sec. 30 provides, "That appeals are allowed from all decrees or decisions of the probate to the district courts," thus making the power of the district over the probate courts well nigh absolute. Sec. 4 requires that "The judges of the district courts, respectively, shall report to the legislature, at each regular session thereof, all omissions, discrepancies, or other evident imperfections of the law, which have fallen under their observation;" clearly showing that the legislature not only gave the federal judges absolute power over all the inferior courts, but invited their aid in the prevention and correction of any abuses. And at no time in the history of Utah has any court ever questioned the jurisdiction of the federal courts.

Here are checks and balances provided for the courts. We have a well approved civil practice act. Our mode of selecting, impanelling and summoning jurors, and of electing marshals and attorneys is held by the National Supreme Court to be proper and valid. So far, at least, we may assert the sufficiency of our statute book for all ordinary purposes; and for the rest of the Territorial laws, while, with a Governor appointed by the President of the United States holding absolute veto power over every act of the legislature, and with the reserved right of Congress to disapprove, at any time, any territorial law, it is a significant fact that Congress has never interfered with them, only so far as they may affect polygamy.

Nor has the good character of "Mormon" juries been called in question. On the contrary, Mr. R. N. Baskin, one of the strongest advocates for proscriptive legislation, testified before the House committee on Territories, Jan. 21, 1870—

"I have been for five years past, a resident of Utah: I must do the Mormons the justice to say that the question of religion does not enter into their courts, in ordinary cases; I have never detected any bias on the part of jurors there in this respect, as I at first expected; I have appeared in cases where Mormons and Gentiles were opposing parties in the case, and saw, much to my surprise, the jury do what was right; but whenever their religion, or their peculiar institution, polygamy, comes in, then they are very sensitive, and you may be very certain what will be their decision."

On this very subject, Hon. Thos. Fitch, addressing the House Judiciary Committee, said—

"Admitting frankly that this may be so, I ask if the remedy proposed is not worse than the disease. Here you have a condition where nine-tenths of a community entertain views that preclude them from doing their duty as jurors in a special class of cases. Was not this the case in most of the Northern States with respect to the fugitive slave law? Was not this the case in the Southern States with respect to the crime of treason? If Congress declined to enact a law that would have enabled Chief Justice Chase to pick out a jury that should convict Jefferson Davis of treason, ought it now to enact a law to enable Chief Justice McKean to pick out a jury to convict Brigham Young of polygamy? It seems to me that the law would be a greater offence against the spirit of democratic republican institutions than is the existence of the evil thus sought to be reached. It were better to leave the traitor to the judgment of history, and the polygamist to the encircling and assailing influences of monogamic civilization. And even if it should be decided to permit juries to be packed in order that polygamists may be convicted, I submit that such an extraordinary statute should not be permitted to extend its operations one inch beyond the limits of its necessary domain. I submit that such a law should be made to apply only to trials for polygamy, and that all the wealth, the accumulations, the growing industries of 140,000 people (Gentiles and Mormons, polygamists and anti-polygamists), should not be thus placed within the grasp of a few men who might use their power for the basest and most sordid purposes."

VERITAS.

Our Country Contemporaries.

Ogden *Junction*, April 30—

This morning's U. P. train carried away the body of Vinyard, the suicide.

Sheriff Brown is out on the line of the U. P. R. R. in search of a Chinawoman, reported to be kidnapped from her lawful t'other half.

There will be a meeting of all the male members of the Church in the Weber Stake of Zion, on Saturday May 2d, at 10 a.m., and 2 p.m.

On Sunday, May 3rd, a general meeting of both sexes will be held at the same place and the same hours.

Members of the First Presidency and several of the Twelve Apostles will be present at all of these meetings, and a general attendance is specially requested.

The following is a condensed account of the laying of the corner stone of the new Episcopal Church at Ogden, on Wednesday last:

At 2 p.m., a procession was formed, consisting of the children of the day and Sunday Schools, the members of the Committee of the Church, the Right Rev. D. S. Tuttle, Bishop of the Diocese, and other Episcopal clergymen of the Territory. After singing and prayer the master mason placed the stone in position, when the Bishop with three strokes of the hammer, "consecrated the work to the glory of God." Addresses were delivered by the Revs. J. L. Gillogly, W. H. Stoy, and Bishop Tuttle, the latter, with great earnestness, pointing out that while men and women were the steeples that drew the attention of all men, children were the real corner stones and on them rested the upbuilding of the church.

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