

THE HERALD.

SALT LAKE CITY, UTAH. WEDNESDAY, April 16, 1890. THE DAILY HERALD is published every morning, Mondays excepted, at THE HERALD BLOCK...

and he refuses such business. Everything of such a character that political capital could be made of it he declines, as he does all cases which would involve his going into court. He will be financially and in his record well prepared to make the race in 1892.

AN UNWISE CIRCULAR.

We respectfully suggest to the secretary of the chamber of commerce that it is possible to let enthusiasm run away with judgment; that there is such a thing as overdoing; that a good many citizens have received a copy of the following: SALT LAKE CHAMBER OF COMMERCE, April 12, 1890.

CENTRALIZATION AND THE SUPREME COURT.

The decision of the supreme court of the United States in the NEALE matter illustrates, quite distinctly, the difference between Republican and Democratic principles. There are two members of the court who are Democrats, the others being Republicans. The chief justice and Justice LAMAR, true to their Democratic creed and to the underlying principles of human freedom, dissented from the majority, or Republican, opinion of the court, and asserted that murder committed under the jurisdiction of a state, is punishable by the laws of that state. They believe in such a construction of the constitution as shall leave the largest possible measure of freedom to the state and by parity of reasoning, to the people of the state; the majority of the court, in accordance with its predilections for centralization of power, for a government which shall be strong at the comparative sacrifice of human liberty and the partial destruction of the right of local self-government, broadly construes the federal authority to be wide enough to punish a man who violates the laws of a state by slaying one of its citizens. We regard this as an extremely dangerous position. It is argued by the court that the constitution directs that the President shall take care that the laws are faithfully executed; that the law requires an associate justice of the supreme court to go on the circuit; that the act of the prisoner having been committed in pursuance of the law of the United States, he cannot be guilty of a crime under the laws of the state of California; that the circuit court, therefore, had authority to release him on a writ of habeas corpus. The minority very logically reply to this by saying that Judge Fink was being protected as a private citizen, and that his official position did not enter into the question; Fink sought the man, not the court. The dissenting justices say that if the United States has authority to release NEALE on habeas corpus it would have had authority to try TRIMMER for murder had he killed Judge Field.

There are many other provisions of the constitution that may be made the basis of a similar claim. In fact it may be said that all of our personal rights and liberties are secured to us by the constitution; certainly it is true that no state can deprive us of our rights, the right of trial by jury, or abridge the right of free speech, or persecute us by bills of attainder or ex post facto laws; all these things would be in direct violation of the constitution of the United States and of the rights made to secure to us these heritages of freedom. Would our supreme court hold that murder done in attempting to enforce or to prevent the exercise of these rights, of all our rights, in fact, is cognizable alone by the federal courts? So then the federal authority is getting wide enough to suit the most earnest Republican with monarchical tendencies. It has been truly said that the most advanced federalist of the last century would be the foremost of states rights Democrats of to-day, so far have theories of centralization advanced beyond any sense of patriotism.

THE RECKONING.

At the election in Butte, on Monday, the Democrats carried the city, choosing the mayor and six of the seven aldermen. The only Republican elected had a majority of three. There was but one issue before the people, and that was whether or not the citizens would sustain the action of the canvassing board in throwing out the returns from the tunnel precinct. Butte is in Silver Bow county, and the throwing out of the tunnel precinct last fall gave the county to the Republicans, and the United States Senate is about to seat two Republicans whose right to the places depended entirely upon the vote of the precinct names. The citizens of Butte have shown what is their opinion of canvassing board and of the Senate. They have rebuked the fraud and theft by which the minority is made to represent the new state in the upper house of Congress. This was predicted when the steal was perpetrated. Western people now how to punish for political crime. We will be disappointed if at the general election in the autumn the Democrats do not sweep the state and thus teach the conspirators and scoundrels of the opposition that it will not do to deny the lawfully expressed will of a majority. The reckoning will be so terrible that the Republicans will never recover from its effect, but will hereafter occupy the second place in Montana politics. And the Republican party of the nation will also be taught a lesson. The party admitted the state only because it expected to strengthen itself in the Senate and the electoral college; but it overreached itself and then set out to accomplish its purpose by robbery and the denial of rights. It was a desperate game, and the President had to step in to help the conspirators, which he did by a hasty proclamation of admission before he had received official notice of the observance of the legal formalities. But the rebuke and punishment follow speedily. Butte has given in her verdict, and the state will follow at the first election, Montana being thereafter proudly Democratic. The good work has begun. Those who predicted that President Cleveland would prove a failure as a lawyer are as bad prophets as those who said he would not make a good President. His income is not less than \$25,000 a year,

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