THE HERALD.

SALT LAKE CITY, UTAH.

TUESDAY, June 25, 1889

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"TAMPERING WITH THE JUDICIARY."

It seems that the one paper in this country which has the audacity to openly justify and defend the President for his removal of Chief Justice SANDFORD because the latter assumed his duty was to administer the law as he found it and HARRISON wanted the judge to follow another policy which should be outlined at the White House, is the Omaha *Bee*. Other journals, in their blind loyalty to the administration, have floundered about trying to find excuses and explanations, but in no instance has a justification been attempted, save by the *Bee*, and its effort is brazen and outrageous in the extreme. The Omaha *Herald* proceeds to answer it as follows:

The *Bee*, possibly with a lively appreciation that it has favors to ask of HARRISON, zealously rushes hot foot to the President's defense in removing the chief justice of the supreme bench of Utah. It says:

"During his senatorial term President HARRISON, as chairman of the committee on territories, had a distinctly marked policy upon Utah matters which was, after all, only the policy of the conservative people of the country bent upon seeing the laws rigidly administered. It was highly proper and manly in the President in removing Judge SANDFORD to state frankly and openly that as his policy in Utah was to be on the lines of a rigid enforcement of the laws he did not feel that Judge SANDFORD was the man for the place."

The average Republican organ is shameless in partisan matters and it is not surprising to find the *Bee* brazenly championing instead of apologizing for such flagrant intrusion upon the judicial branch of the government as that which President HARRISON has made. A "policy" for the judiciary; what policy is there other than the execution of the laws? The judge on the bench should be, must be kept above the coercion or influence of an administrative policy. Making him but the mouthpiece of the President is a usurpation and infringement upon the duties and privileges of a branch of the government which the drafters of the constitution created independent. The toleration of such infringement is the yielding to an autocratic theory of government, a one man power, a centralization of control which is a menace to republican institutions.

A President who claims and exercises the right to interfere in any manner with the independence and unbiased position of the bench, and to make the following of his "policy" the condition on which the judge shall hold office, is not properly qualified to occupy the Presidential chair. To invade the judiciary with political purposes is an unseemly usurpation—such an one as should not be permitted.

The denunciation of the removal continues to occupy much space in the editorial columns of the leading journals of the country. Of course they will get through with the affair one of these days, but they intend that the outrage shall be thoroughly aired first and the warning sounded. So much has been said that it may be safely concluded that while President HARRISON may privately dictate a policy to be followed by a judge, he will never again confess that he removes a judge because the latter is not in harmony with the policy of the President. Attorney-General MILLER also would give half a year's salary if he had not penned that famous letter to Judge SANDFORD.

Perhaps the ablest Democratic newspaper in Virginia is the Alexandria *Gazette*. In the issue of the 13th instant the editor wrote of the SANDFORD removal and MILLER's aspirations to the supreme bench as follows:

Attorney General MILLER, who says the President will not knowingly appoint any man to office who drinks or is given to profanity, in his letter to Judge SANDFORD, removing him from the place of chief justice of Utah, also says the judge was removed because the President was satisfied that he was not in harmony with his policy in respect of Utah affairs. Judge SANDFORD, in his reply, says: "If the President of the United States has any policy which he desires a judge of the supreme court to carry out in reference to Utah affairs, other than the one I have pursued, you may say to him that he has done well to remove me." Most people believe that the duty of judges is to expound the law, and that they have as little to do with politics, Presidential or otherwise, as the man in the moon. But, according to Mr. MILLER, such a belief is entirely erroneous. It is currently reported that the President intends to appoint Mr. MILLER an associate justice of the United States supreme court, because he was his law partner. When Mr. MILLER shall be a member of that court, will his decisions be rendered in accordance with other people's *policies*? What will the other members of that court think of their associate who says that his reason for removing a judge was that the judge referred to was not in harmony with the *policy* of the President?

Another of the influential newspapers of the South is the Jacksonville (Fla.) *Times-Union*, which devotes nearly two columns to the case in the issue of the 14th. Heretofore THE HERALD has quoted almost exclusively from the leading Republican and independent papers of the North, but this morning we reproduce something of the much that the South has said. The *Times-Union* says, under the head, "The Judiciary Invaded:"

The American people have believed that the invasion of the judiciary by executive power was absolutely impossible under our form of government. They have imagined that long years of minor usurpation and corruption must precede any assault upon the very citadel of our liberties. Rome descended by regular gradations before the purple was finally knocked down to the highest bidder; but for the first time in the history of our country a President peremptorily removes a judge appointed for life or during good behavior to make room for a can-sucker—the willing and obsequious tool of a narrow-minded, partisan master. Chief Justice ELLIOT SANDFORD of Utah, was appointed by President CLEVELAND, and has administered the law with such eminent ability and impartiality that the bar of Salt Lake, Republicans and Democrats, protested against "the deep damnation of his taking off." The SALT LAKE HERALD of June 4 publishes the facts and the correspondence which passed between the chief justice and the President and his subservient attorney general, revealing a humiliating record. The HERALD says:

Here follows the entire article, letters and comments, which appeared in these columns on the 4th, on which the *Times-Union* comments:

More startling than usurpation itself is the President's announcement of "his policy," which he wishes pursued in regard to the Utah affairs. It is not enough that an upright judge shall interpret and administer the law as the legislative department of the national government enacts it; we now have a President whose "policy" is to stand as the higher law. If he may knock down judges in the territories and set up puppets of his own imperious will, what state, what community is safe? Chief Justice FULLER of the United States supreme court may look out for his head, also, since it is said Attorney General MILLER himself has a hankering after judicial honors. Mr. CLEVELAND appointed Chief Justice FULLER. He is a Democrat. President HARRISON, no doubt, has a "policy" toward national, as he has toward Utah affairs. The partition wall broken down, what shall hinder the President from further usurpation?

If the President and his attorney-general can read that letter without a blush they must be lost to sensibility indeed. There is not an honest lawyer in the United States, Democrat or Republican, who will not protest against this first invasion of the judiciary. If we thought one leading member of that learned and noble profession could approve of it, we should almost despair of the republic.

THERE is one man who has occasion to rejoice over the Oklahoma boom. He is ex-Governor CRAWFORD, of Kansas. He was the Creek Indians' attorney in negotiating the sale of their land, and for his services received 10 per cent of all the money paid the government. His fee is probably worth more than the whole of Oklahoma.

KISSING THE BIBLE.

A case has just come up in New Jersey which again calls attention to the matter of continuing to swear witnesses and others on the Bible, as they still do in some states. A physician was called to testify, but he refused to kiss the greasy, dirty Bible. He said the lips are the most sensitive receptacles for germs of disease, and protested against placing his own lips to the book which had evidently been kissed over by hundreds of such people as attend court as witnesses in criminal cases. The person who kisses the Bible in court has no assurance that his lips do not come in contact with pollutions left by a predecessor suffering from a foul skin or blood disease or taint, not to speak of worse things. The court would not excuse the doctor, but compelled him to take the oath in the regular way.

There may have been a time when it was proper to seal an oath with a kiss of the Bible, but there is no longer any occasion for the observance of the custom. The solemnity of the oath is not added to by the practice, nor does the act more strongly bind the individual to speak the truth. The man who will swear falsely will not hesitate to commit perjury after kissing the Bible, and the truthful man does not have to kiss the good book in order to keep himself truthful. In most of the states the practice has been discontinued, and the common oath or the simple affirmation is deemed all sufficient. In those places where the custom prevails a Bible made with the view of being kissed by a motely crowd of dirty criminals, unhealthy tramps and diseased persons generally, should be provided—one whose covers are made of material which can be sponged off and cleansed when decent people are required to put their lips to it.

THE TRIAL of three of the men accused of participation in the CRONIN assassination has been continued until the next term of the court, the trio being SULLIVAN, WOODMAN, the many of many confessions, and COUGHLIN, the police detective. The state's attorney, who has given so much attention to the case from the first, says he has enough evidence to hang these three. It is to be hoped there is no "blow" in this claim. The Chicago police have told so many stories and announced so often that they had caught the guilty parties, that one is inclined to doubt much that comes from the prosecutors in this case.

THE SALEM, Oregon, papers tell about strawberries grown there which measure nine inches in circumference. How reckless some western newspapers are!

MORE RAILROAD.

The announcement that the Denver & Rio Grande Western is about to extend its road eastward to Denver, will be accepted by many as verification of the rumor which came over the wires the other day, that the Central Pacific was endeavoring to get control of the road named and the Colorado Midland. There is a reasonableness in the project which a good many railway schemes nowadays do not possess. It is likely to suggest that the Central Pacific will not go east when the Union Pacific goes west. The former may be willing to surrender the road to the government in payment of the debt, but it is not willing to be hedged up here in the mountains its own territory invaded and its through traffic made the subject of competition with a road which has the Central Pacific at its mercy. If the Union Pacific goes west, as it seems determined to do, the Central Pacific must go east, and what is more likely than it should go via the Denver & Rio Grande Western! So many railways have been constructed on paper lately, and so few have materialized, that people have come to look with doubt on new projects. It now causes a smile when the average citizen reads in the morning paper that another railway company has been incorporated, and it doesn't help the poor fellow's confidence any when he fails to find among the incorporations and officers the name of a man who could pay for the cross-ties on half a mile of grade. But schemes like the one noted above are apt to result in something more that the filing of the articles of incorporation and the dragging of the surveyor's chain over a few miles of country.

AN EXCHANGE says: "Secretary RUSK is preparing a volume treating of the common diseases of horses and cattle which will be distributed to the farmers of the country in the fall." How does Mr. RUSK know the horses and cattle to be distributed in the fall will be diseased?

SOME OF the newspapers are trying to boom DAN LAMONT for governor of New York. It won't do. In less than four years the genial colonel will be wanted at his old place as private secretary to President CLEVELAND. If he were governor he might feel above clerking for even a great man like CLEVELAND.

Oh, What a Cough.

Will you heed the warning? The signal perhaps of the sure approach of that more terrible disease consumption! Ask yourselves if you can afford for the sake of saving 50 cents, to run the risk and do nothing for it. We know from experience that Shiloh's Cure will cure your cough. It never fails. This explains why more than a million bottles were sold the past year. It relieves croup and whooping cough at once. Mothers, do not be without it. For lame back, side or chest, use Shiloh's Porous Plaster. Sold by A. C. Smith & Co.

PROPOSALS WANTED.

PROPOSALS TO FURNISH BUILDERS' hardware for the Territorial Reform School, according to the following list, are hereby solicited by the trustees of said school.

Proposals must be in writing and accompanied with a sample of goods agreed to be furnished by the bidder, and must be at the office of the superintendent of construction on the grounds of said Territorial Reform School, in Ogden city, Weber county, Utah, not later than 10 o'clock a.m. of Wednesday, June 26, 1889, at which time and place they will be considered by said trustees.

The trustees reserve the right to accept or reject all or any part of any proposal made or offered.

The following is a list of the hardware to be bid upon:

Fittings for 1 heavy double front door, with letter plate, bell, etc.
Fittings for 4 double doors, at a cost not exceeding ..... $6 00 each
Fittings for 13 single doors, at a cost not exceeding ..... 6 00 each
Fittings for 25 single doors, at a cost not exceeding ..... 4 00 each
Fittings for 20 single doors, at a cost not exceeding ..... 3 00 each
Fittings for 15 single (light, for closets, etc.) at a cost less than ..... 3 00 each
Fittings for 2 single doors, with Scandinavian jail locks.
Fittings for 10 light doors, with catches, instead of locks.
Fittings for 45 transoms (with 4-foot lifts).
Fittings for 192 windows (sash fasteners, lifts and pulls).
Fittings for 35 ventilation registers, 12x15 inches.
Fittings for 2 swing double doors (one without lock).
Two fireplaces and hearths.

Further information will be given by the superintendent of construction upon application.

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I have derived great relief from **Ayer's Pills.** Five years ago I was taken so ill with

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that I was unable to do any work. I took three boxes of Ayer's Pills and was entirely cured. Since that time I am never without a box of these pills." Peter Christensen, Sherwood, Wis.

"**Ayer's Pills** have been in use in my family upwards of twenty years and have completely verified all that is claimed for them. In attacks of piles, from which I suffered many years, they afford greater relief than any other medicine I ever tried."—T. F. Adams, Holly Springs, Texas.

"I have used **Ayer's Pills** for a number of years, and have never found anything equal to them for giving me an appetite and imparting energy and strength to the system. I always keep them in the house."—R. D. Jackson, Wilmington, Del.

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Headache,

from which I was long a sufferer.—Emma Keyes, Hubbardston, Mass.

"Whenever I am troubled with constipation, or suffer from loss of appetite, Ayer's Pills set me right again."—A. J. Kiser, Jr., Rock House, Va.

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Parties desiring information in regard to Salt Lake city and territory, can obtain the same free of charge by addressing any of the above named persons.

LEGAL NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the estate of John P. Smith, deceased.

NOTICE IS HEREBY GIVEN THAT George O. Smith, administrator of the estate of John P. Smith, deceased, has rendered for settlement and filed in said court, his final account of his administration of said estate and petition for distribution, and that Monday, the 8th day of July, A. D. 1889, at 10 o'clock a. m., at the court room of said court, in the County Court House, Salt Lake city and County, Utah Territory, has been duly appointed by the judge of said court for the settlement of said account and hearing said petition for distribution, at which time and place any person interested in said estate may appear and show cause, if any there be, why said account should not be settled and approved and final distribution made as prayed for.

Dated June 7, 1889.

JOHN C. CUTLER,
Clerk of Probate Court.

S. W. DARKE,
Attorney for Administrator.

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