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 Henry Reed, Editor and Proprietor.

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St. Johns, Thursday, Sept. 10.

WAS IT POLYGAMY, OR WAS IT PERJURY.

The editorial of the Albuquerque Journal of the 27th ult., concerning the judiciary of Arizona and the Udall case, is a peculiar one. The motives that instigated the editorial are not understood. Usually that paper, since its establishment, has been distinguished by its dealing with facts, and always endeavored to guard carefully the truth upon such important matters. It is often that newspaper men, no matter how careful or cautious they may be, are led into error by the wiles, cunning and glib talk of some person interested who easily preys upon the profession.

To say that the article grossly perverts the facts and ignores the law of perjury does not express the sentiment. The whole editorial is a theory based upon falsehood alone. As the editor of that paper appeals to us for information and the facts, we believe it has been unwittingly misled, and that the motives were not vicious. We are pleased to enlighten the Journal.

When Romney proved up, it became necessary for him to prove not "that he had not abandoned the ranch continuously for six months," etc., but first, that Romney had made an actual and bona fide settlement upon the preemption claim; second, that he had fenced, plowed and cultivated some portion of the claim; and, third, that his residence thereon had been continuous from the date of settlement. Romney at the date of his filing, which was October 9, 1883, in his declaratory statement alleged his settlement to be on October 5, 1883. When the case was called before the clerk, Udall and Crosby appeared as witnesses. The first and second questions were answered by both witnesses unhesitatingly, to the effect that Romney made his settlement in 1881, two years before the date in his filing; that he had fenced, plowed and cultivated from three to twenty acres. At the third question the witnesses asked what continuous residence meant, and the clerk answered them that it meant his place of residence, where, when temporarily absent, he intended to return. Nothing was said about putting this or that down in extenso. Indictments were obtained against Romney, Udall and Crosby, in each of which the government alleged that Romney never made settlement, and did no fencing, plowing or cultivation upon the claim, and had never had any residence there. Romney did not appear when the cases were called in court for trial, but forfeited his bond. The first case tried was Crosby's; the evidence tended to show that he had seen Romney on the claim, and supposed that he had settled there; that he had seen fencing, plowing and cultivation which he believed was on the claim, and had seen Romney's children there up to within a few weeks of making the affidavit before the clerk. These, and other circumstances, under proper instructions of the court led the jury to believe that Crosby had not committed willful and corrupt falsehood within the meaning of the law. It is well to say that on this trial the cross-examination by the defense elicited the fact that Crosby was a Mormon. The presiding judge at once, and upon his own motion, struck out the statement of the witness, and emphatically instructed the jury that it did not matter what church or creed the

defendant belonged to or followed; that he was on trial for perjury, and evidence of his religious belief was not competent, and they should totally disregard it.

When the Udall case came up for trial the counsel for the prosecution very carefully guarded against any word or act of theirs that might in any wise intimate that he was a Mormon, and during the trial not a word was said to indicate Udall's religious belief, and the jury could not infer it from the trial. Udall had been a witness in the Crosby case, and had there testified that he had never seen Romney on the claim, and did not know when he settled there, and knew nothing about the plowing, fencing or cultivation, which fact of course appeared upon his trial. Besides this, it appeared from his own affidavit on file and in evidence in the case that he knew nothing about what he testified to before the land department, except what Romney had told him. The evidence for the prosecution conclusively showed that Romney had never made any settlement upon the claim, and that at the time he proved up there was not any part of the claim fenced or plowed; that it had not been cultivated at all, and that Romney had never resided on the land, but had during that time lived in St. Johns a near neighbor to Udall, and thirty-five miles from the claim.

As to the law, we don't know much about that, but we are advised that perjury may consist of a person swearing to a truth when he has no knowledge of the fact, or swearing to a fact which does not exist, but which he has reasonable grounds for believing does exist. That some times, as for instance questions involving law points, advice and counsel may be a justification, but when a man swears to a visible, physical fact he must swear to it truthfully or it will be perjury. Now, plowing, cultivation, fencing and residence are physical and visible facts, and easy of perception and knowledge, and when a man stands up in court under oath before his Maker, and swears that a certain quarter section of land has so much plowing, and fencing, and cultivation, and there is none, he commits willful and corrupt perjury, without regard to how many times he has been told so or from whom he obtained his information. That is Udall's case exactly, and it takes but a cursory examination of the two cases to see why Crosby was acquitted and Udall convicted.

No case was ever conducted with greater impartiality, or less tainted with Jeffriesism than Udall's case, and the Journal's reference was not only an unjust reflection upon Judge Howard, against whom not even a democrat raises a voice, but it is an insult to a sister territory. To show the Journal how it has erred we call attention to the fact that after the sentence of Udall he sent word by his attorney, Harris Baldwin, to Judge Howard that he was perfectly satisfied with his trial, and that in all respects, both on the part of the prosecution and the conduct and instructions of the court, he had been dealt with fairly.

ITS OWN ORGAN.

It is its own organ. Its melodies and harmonies, its registers, upper and lower, are all its own, and not that of any body or congregation of people. No one but its editor is responsible for, or is bound by, the weekly music it grinds for the edification or instruction of the people at large. It is not responsible for the "old, old story" and the sentiments of its earlier utterances, and yet it is difficult to see in its last issue any one thought that has not been placed upon record or not written in the interest and for the gratification of leprous leaders at the head of the church in Salt Lake City, in the territory of Utah, and its multitudinous stakes in the various territories they have corrupted with the heathenish and uncivilized, unlawful and unchristian rite of polygamy. Nevertheless, so vague, indistinct and unintelligible are the utterances of the Era that it may not now be of the

true polygamous faith. Its sentiments are as foggy put forth as is the printer's work on the paper intended to spread them abroad.

We quote verbatim an elegant extract from "Its Own Organ," written since its editor's conversion to meekness and lamb-like innocence, if happily these results have been attained by the court's adjudication of the case of Bishop Udall and that of Joseph Crosby: "When the press lends its aid to the slanderer the reputation of men of honor wither like the green grass when severed from its roots under the burning rays of the summer's sun; and weak minded persons wail and are ready to exclaim, 'there can not be a just Providence or we would not be blasted by the venomous scourge of the ton of the slanderer, or the pen of the libeller."

The Albuquerque Journal is responsible for this exhibition of the sublime in reflection, and the organ says so in these words: "The above reflections were induced by reading an Article in the Albuquerque Journal, entitled 'Was it Mormonism or Perjury?' We hope to see more questions of kindred or similar pith embodied in our greatest New Mexico daily at the east end of the track. Its effects on 'Its Own Organ' at St. Johns has passed beyond the experimental, and can but increase the duration of the present ecstasy of the editor."

If "David K. Udall will walk the streets of St. Johns the robllest Roman of them all," it will be when he has served out the term of sentence pronounced upon him by the court, and after his trial and possible conviction of polygamy, under which he will be held for trial as soon as released from his present imprisonment. And when that lordly strut is seen on the streets of St. Johns, and "the noblest Roman of them all" sallies forth for an airing in the balmy morning atmosphere of this lovely valley, it will not be to call upon Mr. Ruiz to explain how much a man must know of what he has to swear to. David K. Udall was a mild-mannered man, looked like one of thought, and as if he possessed more than the ordinary amount of intelligence of his people generally; but, like many a man before him, he became the victim of misplaced confidence—

even bishops are fallible. He believed the brusque, burly bully Romney; he had placed reliance on the church's recording angel, and when his false records came before the courts for verification and an accounting was to be had, the recording angel was non est—he had spread his great vampire wings and in the darkness and gloom of night had passed beyond the reach of court processes and United States marshals, leaving the dupes in his fraudulent schemes behind to protect themselves the best they could. If Romney had possessed sufficient manliness to have supported his friends in the hour of trial with his presence, or by explaining to the court the truth, he might have gone to prison in their stead, or with his friend Udall suffered the penalty of a violated law. But with David K. Udall's choice of chummies the public has but little to do; his acts are all that is subjected to special criticism or lawful responsibility.

MAKING PROGRESS.

The cattlemen are moving out of the Indian territory with such expedience as is possible, and that is all that can be expected from them. Reports from that territory, and also from Washington, are conflicting with regard to the numbers that have passed out. The order for the removal in forty days has, it is said, so far been complied with that no preparations are being made by the war department to expedite the departure or the movements of the cattlemen.

AFTER stating its earlier preference for Colonel C. P. Head for governor of Arizona, the Prescott Courier says:

"We beg of him (the president) to remember John G. Campbell, whose application is on file and who is well recommended. Mr. Campbell has resided in Arizona since 1862, has large property interests in the territory, was once elected to congress, and is known far and wide as a successful and honorable business man. If appointed to the place he will make it his business to protect tax-payers with the veto from designing people who will endeavor to raid the treasury and increase our present heavy indebtedness."

"Colonel Zulick, the candidate from New Jersey, is undoubtedly a good man and democrat, but he is a stranger to our people and unacquainted with the business and resources of the territory, while Campbell is well posted in all these matters, and is, besides, one of us."

These sentiments we most heartily endorse. For heaven's sake, don't send a Jerseyman to Arizona.

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