tender chords in the human heart, and we venture to assert that none will respond more quickly than the ones caressed by the winning hands of kindness. When amid all the privations and hardships that beset the thorny path of the average man, he perceives that a wide and lofty human brotherhood is willing to sustain his tottering footsteps, then we undoubtedly know that the weary, fainting soldier in life's arduous campaign is indeed refreshed and assisted in his onward march.

The wider conceptions of the illimitable grandeur and power of our common Creator, which are advancing side by side with the material progress of our age, are steadily opening up the Godward side of the human heart to lofty and noble feelings. Man has it in his undoubted power to shed bright rays along the darker paths of life by the efficacious use of the diviner features of his nature.

In conclusion I wish to state that this is not intended as a criticism, nor the writer any critic, but I simply give this as an opinion based on prevailing sentiments among many of the enlisted men in our military organization. And while I am pleased to say that these abuses do not exist to any alarming extent, still wherein they do exist, these evils (and such they are) should for the best interests of the Guard cease. When this result is attained there will be less resignations tendered and we may be proud of our humble contribution in assisting to make our National Guard what it is designed—a model military organization.

JOHN M. DUNNING,
Captain N. G. U.

WOMEN CAN VOTE

OGDEN, Utah, Aug. 9.—The test case to decide the right of women to vote came on this forenoon before Judge Smith in the Fourth district court on application for a writ of mandate by Mrs. Anderson, asking that Deputy Registrar C. D. Tyree be commanded to register her as a voter. The case came to argument upon the agreed state of facts as represented in the affidavit for the writ, the case being opened by C. S. Varian for the defense on the affirmative order to show cause why the defendant should not register the plaintiff as a voter. The attorneys for the plaintiff were H. H. and H. P. Henderson, R. H. Whipple, J. E. Bagley, J. S. Boreman, Judge Judd, F. S. Richards, Judge Sutherland and Judge Hiles. While the defendant was represented by P. S. Williams, John M. Zane, Arthur Brown and C. S. Varian.

The arguments occupied the day, and Judge Smith stated that he would render the decision Saturday afternoon.

OGDEN, Aug. 10—When the court convened this afternoon the district court room was crowded with attorneys and prominent citizens eager to hear the decision of Judge H. W. Smith on the test case brought to determine the right of women to vote for or against the proposed Constitution and for the election of State officers at the same time. The decision was the principal topic of discussion. The general guess seemed to be that the court would decide that women could vote for the first State officers, but not on the Constitution.

In beginning his decision Judge Smith stated the case succinctly, and that the facts alleged in the affidavit for the writ of mandate were admitted. Hence the only question to be determined was the legal proposition, whether women were entitled at the coming election to vote for or against the Constitution and for State officers then to be elected, and whether under the law, women are qualified voters entitled to use the electoral privilege upon the questions. It cannot be said that any partisan questions enter into this discussion or decision, because no one has any knowledge of how the decision of the question will affect the result of the coming election. It is a question of construction only and the rules of construction of legislative enactments are to be closely followed so as to arrive at the full and intended meaning of what legislation and congressional enactments have been made upon this point. No woman in the Territory, I apprehend, wishes to vote unless she has the undoubted and explicit right to do so, and this action is for the purpose of determining her rights. Hence it is of the greatest importance to determine this question correctly in accordance with the full meaning intended by Enabling act, and the acts of that convention that framed the law which will be the law by which the people of the Territory will be governed, in the opinion of the court.

The whole matter hinges principally upon sections 24 and 19 of the Enabling Act and upon the second section of the declaration of rights. The first and second sections of article 4 of the Constitution, and the 11th, 12th and 14th sections of the schedule embraced in the Constitution.

The court then quotes these sections and says that the contention of the plaintiff is that it was the duty of the Constitutional Convention to designate who shall be the electors generally and that they must permit that class of persons named in the second section of the Enabling Act to vote upon the Constitution, and further that the Constitutional Convention performed that duty and created the electorate of the proposed state, and that she falls within the class of persons upon whom the franchise has been conferred. In brief, that she and all others upon whom the proposed Constitution confers the franchise as well all those persons upon whom it is conferred by the act of Congress, are entitled to vote upon its adoption or rejection.

The claim of the defendant is that Congress by the Enabling Act has created the electorate that is to pass upon the adoption or rejection of the Constitution, and that the Constitutional Convention has provided that that same electorate shall select the first state officers vested in any individual or set of individuals, but the right of voting is purely conventional and is given or withheld at the will of the legislative power. It may be enlarged or restricted, granted or withheld, and no one may complain, if done in a uniform manner. Congress has never attempted to say what person or persons shall constitute the electorate of any stat but the opposite is affirmed by the constitutional amendment which declares that the powers not delegated to us by the Constitution, nor prohibited by it, are reserved to the states respectively, or to the people. There is no attempt in the Constitution to limit the power of any community or extend the franchise to any class of persons that they may see fit to favor with it. In this light it is doubtful if Congress ever intended by the Enabling Act to provide an electorate for selecting the first officers of the State, and I do not think it would be made within the power of Congress.

In the opinion of the court section 4 of the Enabling Act ratified by the Constitutional Convention and made a part of the Constitution, provided a class of voters to vote on the Constitution and this class are the ones entitled to this vote. The voters of the proposed State "the people" are those upon whom the political responsibilities and and duties are devolved and under this new Constitution men and women have these responsibilities and duties; hence the Constitution should be voted for or against by these persons upon whom that instrument places the duties and responsibilities of electors.

If I am right as to the test by which we are to determine who are the qualified voters of the proposed State of Utah, then it seems clear to me that the plaintiff is entitled to vote both upon the adoption or rejection of the Constitution, and certainly for the election of State officers of the proposed State of Utah.

This conclusion necessitates the issuance of a peremptory writ of mandate and the order will be that a peremptory writ issue requiring the defendant to register the plaintiff as an elector of the second election precinct of Ogden city.

VIEWING THE HOAX.

ST. ANTHONY, Idaho,
August 5, 1895.

The Indian situation each day presents something new in the way of a "hoax." The people of this vicinity who have all along had great fears of a raid being made in this direction are now resting easy, as the Indians are reported to be most everywhere but near here. It seems that the most "reliable information" is often erroneous. St. Anthony is situated only a few miles below the old Lemhi Indian trail, over which so many of the reds have been reported as going into the Hole, and of course the people would naturally infer that if any serious trouble occurs they would be in peril, but different parties from the place who have made trips to the trail have failed to discover the passage of but few Indians.

Some very alarming reports have been sent out of Jackson's Hole as to the actions of the Indians, for what reason is not obvious, but nearly all of which have had their effect. Whether the people up there were really afraid or not is not known, but they were well enough acquainted with the nature of the Indians to know that the whites would not be molested as long as they did not bother the Indians in