

Words in the ordinance, and in the charter authorizing it, were sneezed down to a significance that suited the purpose. The court adopted the rendering of the turncoat attorneys, and so the job was done.

Let us briefly examine some of the arguments of the Court. It may be asked, "What is the use now that the decision is rendered?" None, perhaps, so far as the decision is concerned, but a great deal in other ways. There are such things as justice, right, and consistency, though some courts may have no use for them, and the public have the right of review on all doings of public servants. It is proper that questions ruled in the behalf of whoremongers should be understood by the public in their proper light, and the history of Utah jurisprudence shows the folly of dependence on judicial rulings either as reliable authority on the meaning of words or the end of controversy on questions of law.

It is conceded that the city has no power to pass ordinances except that conveyed to it by legislative charter. The question before the Court was, had the city authority in its charter to pass the ordinance under which Vandercok was prosecuted for lewd and lascivious conduct? Section 22 of the charter gives power to the city to restrain and punish prostitutes, and to suppress or restrain bawdy and other disorderly houses. Section 39 gives authority to prevent any obscene or indecent exhibition, exposure or conduct. Section 61 gives general power to pass such ordinances "as they may deem necessary for the peace, good order, regulation, convenience and cleanliness of the city, and for the health, safety and happiness thereof," the only restriction being that the ordinances shall be "not repugnant to the Constitution of the United States or the laws of this Territory."

Judge Zane says that under section 22 there is no warrant to pass the ordinance in question except as to prostitution. "The power to restrain prostitutes," he says, "would authorize the power to restrain prostitution." Well, then, how can prostitution be restrained? By simply punishing one of the parties to the offense? Does not the term itself imply more than the passive or submissive party? Must not the active, who is really the chief party to the crime be at least equally guilty, and in order to suppress prostitution by ordinance, is it not necessary that the male as well as the female prostitute be punished?

But the special pleading attorney, whose arguments seem to have been indorsed by the complaisant Judge, says, no one but a female can be a prostitute. And his authority for this definition is Webster. Reference to that authority shows that the terms prostitute and prostitution embrace both sexes. "To devote to base or unworthy purposes" is to "prostitute." "Devoting to infamous purposes what is in one's power" is "prostitution." In the case at issue prostitution in its sexual sense was involved, and in the suppression of the kind of prostitution referred to in the charter, it is essential that the "prostitute" who, according to Webster is, "One who prostitutes; one who submits himself or offers another to vile purposes," should receive his part of the penalty. Under the ordinance, "any person who is guilty of 'lewd or lascivious conduct or prostitution,' is liable to both fine and imprisonment."

But Judge Zane says lewdness under the ordinance must be public to constitute an offense; and that "in lewd" means the same as "lewd." He admits that the terms "lewd and lascivious" in the ordinance mean substantially the same as "obscene and indecent" in the charter. But he says this does not refer to a single act. It means "a repetition of acts, openly and publicly scandalous." By this ruling, a man and woman may commit any kind of obscenity, indecency, lewdness and lasciviousness so long as it is not public, and, anyhow, if they are not guilty of a repetition of acts there is no punishable offense under a law against lewd and lascivious conduct! Nothing can be "lewd," then, unless it is done before many persons and repeated.

If Webster is good authority for one definition in an argument, it is good for another. "Lewd" according to that authority is synonymous with "wanton," "impure," "unchaste," "lecherous," "libidinous," "filthy," etc. "Lewdness" is "the unlawful indulgence of lust," "licentiousness," "debauchery," "profligacy." Webster says nothing about publicity. Does Judge Zane mean to tell us that there can be no unlawful indulgence of lust unless it is public? That no act of lechery can be committed unless it is done before many persons? He will say, perhaps, not in the meaning of the charter, for this refers to public conduct. That is the way he construes it but does it say so? Not at all. Some of the acts referred to in the same section are public acts, no doubt, but not all. "Any obscene or indecent exhibition, exposure or conduct" are the words. "Exhibition" and "exposure" might be construed as to signify public exhibition or exposure, though this is not necessarily implied for both can be more or less private, but "conduct" preceded by "or" is segregated from the other expressions, and stands alone as "obscene or indecent conduct," (which Judge Zane admits means lewd and lascivious conduct) without reference to privacy or publicity.

Judge Zane argues as to the meaning and intent of the Legislature. Very good. Let us see how the Legislature

viewed the significance of lewdness," and whether that body considered "lewdness" must consist of public acts. See page 603 Compiled Laws of Utah:

"Every person who keeps a house of ill-fame in this Territory, resorted to for the purpose of prostitution or lewdness, or who wilfully resides in such house or resorts thereto for lewdness, is guilty of a misdemeanor."

How does this comport with Judge Zane's interpretation? "Lewdness," as the Legislature viewed it, is that kind of obscene or indecent conduct for which persons resort to a house of ill-fame. That is just the kind of "obscene and indecent" or "lewd and lascivious" conduct with which Deputy Marshal Vandercok was charged, the damning proofs of which it was so desirable to keep from the light, and which Judge Zane contrived from the intent and meaning of the Legislature, ruled must be public to constitute an offense under the charter which the Legislature enacted.

Then, as to the "general welfare" clause of the charter. We ask any person with ordinary good sense if an ordinance to punish filthy men who resort to houses of ill fame, make beastly exposures of their persons, play vile tricks, too obscene to mention, and prostitute their bodies in the most degrading manner, is not necessary to the peace, good order, regulation, health, safety and happiness of this city? It has not been shown nor, we believe, contended, that the ordinance is repugnant to the Constitution of the United States or any law of this Territory.

What then can be thought of a Judge, who heavily fines and sends an honorable, respected citizen to the penitentiary for unlawful cohabitation, refusing his offered proof that he had kept from sexual cohabitation with his wives, and turns free to continue his libidinous practices, a creature who dares not face the evidence of his acts; and that too under the plea that his beastliness was not public, and that power to punish such conduct does not come under authority to pass ordinances for the peace, good order etc. of the inhabitants of the city?

The courts have ruled in reference to polygamy—without a syllable of proof—that it was an "overt act against peace and good order." If that is true, how much more in violation of peace and good order are the acts against which the city has passed ordinances which are now set aside in the interest of whoremongers, obscene, lecherous, defiled and beastly libertines and debauchees, whose chief virtue (?) consists in their venom against the "Mormons." Truly, shame has fled from the faces of those who minister in the temple of justice, consistency hides itself from their presence, purity keeps afar off, and while sophistry and casuistry blunt the darts of the law, profligacy is encouraged, lechery is protected and Satan rejoices over the spectacle and his prospects!

#### "MORMON" TEACHINGS AS TO VIOLENCE.

ONCE more an attempt has been made by our unscrupulous enemies to bring about a collision between the people of Utah and the government of the United States by means of the military. And once again it has failed, but the falsehoods that have been sent abroad by the press and the telegraph will be to some extent believed in the world, and the "Mormons" will be viewed as a turbulent set, while the truth is, that every thing is as quiet and peaceful in Utah as self-control and good order can make society anywhere. During the Satanic cry for martial law, there has not been the first indication of a riot, and the only person injured is a "Mormon" night watchman who was shot in a dark lane by a U.S. deputy marshal with whom he had previously had some difficulty.

And yet in spite of this quietness and the utter absence of any actual disturbance, people at a distance have been made to believe that the "Mormons" Church has been counselling violence and that there is danger here to life and property in consequence. And the murderous assault by a "Gentile" on a "Mormon" is actually cited as an attempt at assassination under "orders from the Priesthood!"

The people of this Territory have had ample occasion to arouse them into retaliation against their persecutors, and if they were not governed by higher principles than their accusers they would long ago have acted as other people would have done, and made it exceedingly uncomfortable for the crawling wretches who have played the spy, the eaves-dropper, the informer and the blood-money vampire. But they have patiently endured the indignities heaped upon them, have submitted to all legal processes served upon them, and a great deal that has been illegal; borne intrusion at unseemly times into their homes and bed-chambers, the questioning of their wives and children upon their most private acts, the jibes and sneers and blasphemies of godless and licentious wretches, whose lives are a libel upon chastity and whose touch is a profanation; and have seen, without resistance, respected and godly men and women sent away to prison among malefactors, on indictments and verdicts found by persons some of whom were defiled by the basest of crimes. And there has not been an overt act

committed by them during these provocations or any physical resistance resorted to.

This forbearance has been the consequence of self-control, under the positive counsel of their Church leaders, which is according to Church doctrine and discipline. Violence and retaliation are contrary to both. Patience, endurance, submission, forbearance, returning good for evil, are taught in the standard written authorities of the Church, and practically by the presiding officers of the Priesthood. We here direct attention to a discourse delivered by President John Taylor, February 1st, 1885, in the Tabernacle in this city. It was preached just after the brethren illegally convicted and sentenced by that scoundrel Sumner Howard had been sent to the Detroit penitentiary, and when the raid had been inaugurated here of spies and informers, and public indignation was great. President Taylor said concerning Arizona affairs:

"I found that such had been the outrages committed that it was impossible almost for any man standing in an honorable position to maintain his position unless he broke the law by resisting the officers, and they thought it not prudent to do so, and so do I. It may suit others to violate the law, to trample upon human rights and desecrate the sacred temple of liberty, and this is frequently done by the arbiters and minions of the law, in the name of Justice; but we profess to be governed by higher, by nobler and more exalted principles and to move on a higher plane; and if Jesus could afford to endure these attacks of sinners against Himself, we, if we have the Gospel that we profess to have, ought to be able to endure a little of the same thing."

After speaking of the outrages perpetrated upon the people here, he continued:

"Well, what would you do? Would you resent these outrages and break the heads of the men engaged in them, and spill their blood? No! Avoid them as much as you can." \* \* \* "And get out of the way as much as you can. What, won't you submit to the dignity of the law? Well, I would if the law would only be a little dignified. But when we see the ermine bedraggled in the mud and mire and every principle of justice violated it behooves men to take care of themselves as best they may."

"Would you resist law? NO! As I said before, I can stand it if they can. It is for us to do what is right, to fear God, to observe His laws, and keep His commandments, and the Lord will manage the rest. But no breaking of heads, no bloodshed, no rendering evil for evil."

That this good counsel was followed, the history of the past ten months abundantly testifies. The hounds that have been tracking victims of a perverted law have not been molested. Whenever they have had any definite color of authority they have been unobstructed in their "searches and seizures," which have often been "unreasonable" and sometimes without warrant. So well, indeed, was this advice adopted and practiced that on the 24th of July following, on the occasion of the anniversary of the entrance of the Pioneers into Salt Lake Valley, the Presidency of the Church in a published address to the Latter-day Saints, said:

"We have been very much pleased at the heroic conduct and the honorable course of our brethren and sisters who have had to endure the insults and outrages perpetrated by the present crusaders. The conduct of the Saints under these trying circumstances has been eminently proper."

We do not believe there is a body of people in the world outside of Utah who would have abstained as they have done, from violent resistance of the unjustifiable proceedings against them. And their patience and non-retaliation has caused some of their defamers to insinuate that this arose from cowardice. The taunt came from the lips of cowards, who knew that their security to libel the "Mormons" lay in the very endurance of insult, in accordance with good advice, which they now seek to conceal while they howl for "martial law."

A recent solitary case of violence, which was purely a personal matter, has been made to do big duty for our accusers. A low-lived creature had been the cause of an attack in an equally low-lived paper upon the character of a young man of choleric temper, who retaliated by striking his calumniator. The assault was promptly punished in the police court by a heavy fine and costs. The person assailed happened to be a deputy-marshal and his assailant a "Mormon." This was enough to arouse the vengeance of the whole force of Federal officials. The daring man who touched the sacred dime-dignity of a deputy was further fined by the District Court \$150, with costs, and imprisoned five days in the penitentiary.

Although this assault was in direct opposition to the counsel of the "Mormon" leaders, it was represented by the villains who are howling for military intervention as instigated by the "Mormon" Church. Just the same with the present cause of public discussion. It is claimed that the young man who was shot by this same deputy-marshal was the instigator of the trouble. That he with two other men waylaid the deputy on his way home and assaulted him, and that the assailant was shot and his companions

fled. There are several improbabilities in this story, and the testimony of the wounded man when he and all around him believed he was dying, flatly contradict this version given by the deputy who did the shooting. And yet this story is given to the country as though it was proven truth, and the "Mormon" Church again is made responsible for the alleged attack.

There are two conflicting explanations of the affray, and neither has yet reached the status of a demonstrated fact. But there is one thing as certain as the sun, and incontrovertible as the truth of Jehovah: and that is, that if any violence was attempted against the deputy by one man or more, it was in direct violation of the general teachings and special instructions of the "Mormon" Church and its leaders. Those general instructions are to be found in its standard works, and some of the special instructions are quoted in this article. "Vengeance is mine, I will repay saith the Lord," is and has been a guide to the Latter-day Saints. Retaliation is foreign to the spirit of the principles they have received. They are positively forbidden to shed blood. They are commanded to seek for redress of grievances only by legal and peaceable means. Any deviation from this course is contrary to revelation, counsel and Church policy. Those who represent otherwise either know not what they are talking about or they wilfully misrepresent for a vile and villainous purpose.

We feel naturally indignant over the continued indignities which our people have had to bear, and we have protested against them in strong language. We expect to do so still. But no words we have at command can express the loathing and contempt we feel for the wretches who are striving to bring an armed force into this Territory, to provoke a collision and to foster strife, and in order to further their hellish designs accuse the Church of advising that violence which it has positively forbidden and has been successful in preventing. And notwithstanding the many provocations that are continually thrust upon the people, we say as our leaders have said, No violence, "no breaking of heads, no shedding of blood." God rules, and in due time He will avenge His people of their adversaries.

#### THE CITY COUNCIL AND THE SUPPRESSION OF VICE.

OUR correspondent "Ink bottle," whose communication appears in another column, is a little severe on the City Council for its policy in regard to the social evil. We are opposed to the system which gives color to the idea that the vile dens which "civilization" has introduced here are virtually licensed to carry on their filthy business. The periodical raids made upon those haunts of vice are not considered by the public as earnest efforts to suppress prostitution. And it does look very partial and unjust to fine or imprison the unfortunate victims of man's lust, and let the chief criminals who are partners in the sin go free and unpunished.

The intent of the law against this evil is plain, however it may be interpreted by Federal courts. It is not only to punish the keepers of bad houses and the inmates thereof, but those who resort to them for lewdness or prostitution. That is, undoubtedly, the male as well as the female prostitutes. The city ordinance harmonizes with the Territorial statute on that point. But there is some excuse for the present Council in that they have only been following the course of their predecessors for some time. We do not think there has been any intention, directly or indirectly, to "license" the evil. And seeing that they have commenced a different policy, they should have credit for what they have attempted to do, particularly if they do not allow themselves to be driven from their purpose by one defeat.

It must be remembered, too, that as a rule the city has been obstructed by the Federal courts in its endeavors to control the liquor traffic and keep down the social evil. Under the vigorous administration to which "Ink bottle" alludes, the suppression of houses of ill fame under an ordinance abating them as a nuisance, was made an expensive matter for the city. Protection was given by the Federal court to the women whose houses were raided by the police, and heavy damages were assessed against the municipality. When the higher courts do not harmonize with the lower, but the efforts of the lower to suppress vice are counteracted in the higher, by technical rulings which might just as reasonably and legally be construed in favor of the city as against it, what are the police to do and what, can a City Council accomplish?

However, a movement has been made in the proper direction, and it is to be hoped that it will be continued. The combination among the male prostitutes with official help to defeat the city's efforts, ought not to prevail, and cannot, with due diligence and consistent perseverance on the part of the city authorities.

We say, with "Ink bottle," go-ahead, purge the city from the immoralities that have been fostered by those who should be ashamed of their doings, and while striving honestly to suppress prostitution, make it at least as disgraceful and expensive for the degraded and degrading men who practice and support it, as for the unfortunate vic-

tims of man's lust and deception, who have been relegated by the stern rules of hypocritical society to a life of infamy and a death of shame.

#### WHAT THEY COUNT UPON.

THERE is one thing upon which the scoundrels who lie about Utah by lightning and by the press generally count upon with some security. That is, the lack of effort on the part of the people they misrepresent to counteract the evil intended. The public mind is poisoned against the "Mormons" and very little is given by way of antidote. It is true that our side of the question is not wanted, and that it is with great difficulty that facts relating to it can be presented so as to be considered. But, nevertheless, it seems to us that duty requires the truth to be sent forth as widely as the falsehoods. The idea that the fabrications of our enemies are too absurd or monstrous to be believed is fallacious.

People will believe anything about the "Mormons," and this willingness to accept the grossest untruths and most ridiculous exaggerations in regard to Utah, is not confined to the unlettered and unthinking. The word sent from Washington when the rumor was started that there was danger of an outbreak here on last Pioneer Day, shows that wild and wilful falsehood deceives leading national officials as well as common folks. The army that was sent here in '57 was started on baseless rumor. The proposition to forward troops here last July was suggested by wilful falsehood. And the latest attempt to raise a disturbance and get martial law established sprung from the lie that armed "Mormons" were contemplating an outbreak.

These vile endeavors of black-hearted scoundrels here, official or otherwise, should be counteracted. And it should not be left to two or three newspapers to refute the falsehoods which injure business, damage the Territory, deceive the public, and endanger the lives and liberties of thousands. Men in Utah whose interests are involved in the peace and good order of the Territory ought to exert themselves in their own behalf, if they do not take other things into consideration. If the telegraph is used for lies, it should also be used for truth, to correct the false impression produced, whether upon the public or upon the Government. Every one knows that there is not and has not been the slightest danger here of an uprising, or riot, or public disturbance with any danger to the public peace. And yet adventurers and unkind villains, who expect to profit by a revolution in Utah, can inflame the popular mind abroad, and deceive the head of the nation with wilful falsehoods about the condition of affairs in this city and Territory, and scarcely a hand is lifted to prevent the evils that might result from the shameful imposition.

Both "Mormon" and "Gentile" business men are interested in the maintenance of peace in Utah. They should do something for its preservation. They can, at least, when the conspirators here send forth their libels, unite in a protest against the conspiracy and be as diligent in action to prevent a catastrophe as the villains are in attempting to create one.

It is because they can lie with impunity that the conspirators are so bold and reckless in their deceptions. If those who have the greatest interest in averting the troubles that may grow out of these repeated falsehoods would exert themselves enough to expose the calumnies, the defeated plotters would not feel so free to tamper with the lives and fortunes of the people of Utah.

#### THE ATTEMPT TO DECEIVE THE PRESIDENT.

So far, the scoundrels who have tried to precipitate military intervention in the affairs of Utah have failed of their purpose. The sensational and lying dispatch they sent to the seat of Government elicited a different response to that which they anticipated. Gen. McCook, the commandant at Fort Douglas, we understand, was authorized by the President to investigate and report. Investigation is just what the rascals who make the strife and urge inimical legislation do not want. They plot and scheme, always, to stave it off. But investigation is what the people of Utah have requested and applied for over and over again. Perhaps some day their petitions will be heard, and it will be learned how they have been lied about. General McCook is no friend to the "Mormons," and has no sympathy with "Mormonism," but we have always regarded him as an honorable man and an efficient officer, and we believe he has too much fairness and justice to wilfully misrepresent affairs in this Territory. He is placed on his honor in this matter, and we only wish for the truth to be told to the President. There has not been the slightest occasion for martial law, military aid or the scare which a few miscreants here have assumed for an evil purpose. And the story about "armed Mormons" and the rest of it, was a whole-cloth manufacture by the Tribune gang and their associates.