UTAH CENTRAL RAILWAY COMPANY.

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(o)

NEW TIME CARD—IN EFFECT JUNE 1st, 1882.

(o)

PASSENGER TRAINS leave Salt Lake City daily for Ogden, and Intermediate Stations, at 7 a. m. and 3.40 p. m.; arrive in Ogden at 8.40 a. m. and 5.20 p. m.

PASSENGER TRAINS leave Ogden daily at 10.10 a. m. and 6.15 p.m.; arrive in Salt Lake at 11.50 a. m. and 7.55 p. m.

SPECIAL PASSENGER TRAIN

Leaves Salt Lake daily for Juab, and Intermediate Stations, at 7 a. m.; connects with B. C. R. R. W., & J. V. R. R., S. L. & Western Railway, Utah and Pleasant Valley R. R., and Sanpete Valley Railway; arrives in Juab at 12.05 p. m.

Leaves Juab at 1.20 p. m.; Nephi, 2.00; Provo, 4.00; Lehi Junction, 5.00; Sandy, 5.45; Junction, 5.50; Germania, 6.02; Francklyn, 6.05; arrives in Salt Lake at 6.30 p. m.

REGULAR PASSENGER TRAIN leaves Salt Lake at at 2 p. m. for Frisco, Milford and Intermediate Stations; connects with Stage at Milford for Southern Utah, Nevada and Arizona.

Leaves Frisco at 4.00 p. m.; Milford, 6.10 p. m.; Juab; 4.30 a. m.; Nephi, 5.08; Provo, 7.25; Pleasant Grove, 7.55; American Fork, 8.07; Lehi, 8.19; Draper, 9.00; Sandy, 9.15; Junction, 9.19; Lovendahl's, 9.27; Germania, 9.32; Francklyn, 9.35; arrives in Salt Lake at 10 a. m.

☞ **FREIGHT TRAINS** run as usual.

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Kentucky Nabob
BOURBON WHISKY.

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The success of HAUTHAWAY'S PEERLESS GLOSS has brought forward so many imitations under various names—some of which are highly injurious to the leather—that the Public are cautioned to ask for Hauthaway's Peerless Gloss and to use no other

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☞ Avoid imitations under various names.
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—THE—
STANDARD OF THE WORLD
ALWAYS RELIABLE.

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THE STRONGEST MILL MADE. SAFEST to buy because warranted the best (same as Scales,) contain all improvements. Warrantee substantial.

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HANCOCK INSPIRATOR,
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The most Successful Remedy ever discovered, as it is certain in its effects and does not blister.

READ PROOF BELOW from

Rev. P. N. GRANGER,
Presiding Elder of the St. Albans District.

St. Alban's, Vt., Jan. 20th, 1880.

DR. B. J. KENDALL & CO., Gents:—In reply to your letter I will say that my experience with 'Kendall's Spavin Cure' has been very satisfactory indeed. Three or four years ago I procured a bottle of your agent, and with it, cured a horse of lameness caused by a spavin. Last season my horse became very lame and I turned him out for a few weeks when he became better, but when I put him on the road he grew worse, when I discovered that a ringbone was forming. I procured a bottle of Kendall's Spavin Cure and with less than a bottle cured him so that he is not lame, neither can the bunch be found.

Respectfully yours, P. N. GRANGER.

KENDALL'S SPAVIN CURE is sure in its effects, mild in its action as it does not blister, yet it is penetrating and powerful to reach every deep seated pain or to remove any bony growth, or other enlargement, such as spavins, splints, curbs, callous, sprains, swellings, any lameness and all enlargements of the joints or limbs, or rheumatism in man and for any purpose for which a liniment is used for man or beast. It is now known to be the best liniment for man ever used, acting mild and yet certain in its effects.

Send address for Illustrated Circular which we think gives positive proof of its virtues. No remedy has ever met with such unqualified success to our knowledge, for beast as well as man.

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Ayer's Cathartic Pills
For all the Purposes of a Family Physic,

CURING *Costiveness, Jaundice, Dyspepsia, Indigestion, Dysentery, Foul Stomach and Breath, Headache, Erysipelas, Piles, Rheumatism, Eruptions and Skin Diseases, Biliousness, Liver Complaint, Dropsy, Tetter, Tumors and Salt Rheum, Worms, Gout, Neuralgia, as a Dinner Pill, and Purifying the Blood,* are the most congenial purgative yet perfected. Their effects abundantly show how much they excel all other Pills. They are safe and pleasant to take, but powerful to cure. They purge out the foul humors of the blood; they stimulate the sluggish or disordered organs into action, and they impart health and tone to the whole being. They cure not only the every-day complaints of everybody, but formidable and dangerous diseases. Most skilful physicians, most eminent clergymen, and our best citizens, send certificates of cures performed, and of great benefits derived from these Pills. They are the safest and best physic for children, because mild as well as effectual. Being sugar coated, they are easy to take; and being purely vegetable, they are entirely harmless.

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LOWELL, MASS.,
Practical and Analytical Chemists
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$500 Reward!

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DR. E. C. WEST'S NERVE AND BRAIN TREATMENT: a specific for Hysteria, Dizziness, Convulsions, Nervous Headache, Mental Depression, Loss of Memory, Paralysis or Premature Old Age, caused by over-exertion, excess or over work of the brain, which leads to misery, decay and death. One box will cure recent cases. Each box contains one month's treatment. One dollar a box, or six boxes for five dollars; sent by mail prepaid on receipt of price. We guarantee six boxes to cure any case. With each order received by us for six boxes, accompanied with five dollars, we will send the purchaser our written guarantee to return the money if the treatment does not effect a cure. Guarantees issued only by Z. C. M. I. Drug Store, Salt Lake City, Utah.

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Do you want the best SHEEP SHEAR made? Ask for KEEN KUTTER DOUBLE ARCH SPRING and take no other.

The best solid steel SHOVELS and SPADES are made by SIMMONS HARDWARE CO., ST. LOUIS.

Don't fail to call for Stockton's "LUCERNE" or WEED SCYTHE. It is far SUPERIOR to anything on the Market.

All AXES, HATCHETS and other EDGE TOOLS, POCKET KNIVES SCISSORS and SHEARS, bearing the Trade Mark of KEEN KUTTER are SUPERIOR to any other.

The above Goods can be Purchased of the wholesale Hardware Dealers in Salt Lake and Ogden. d288 1y

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GERMAN REMEDY.
FOR
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No Preparation on earth equals ST. JACOBS OIL as a *safe, sure, simple* and *cheap* External Remedy. A trial entails but the comparatively trifling outlay of 50 Cents, and every one suffering with pain can have cheap and positive proof of its claims.

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All Bills Promptly Filled.

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EVENING NEWS.

Wednesday, - - Sept. 20, 1882.

WOMAN SUFFRAGE.

THE DECISION OF HON. P. H. EMMERSON, OF THE FIRST DISTRICT COURT.

This is an application by the plaintiff, Lucy S. Anderson, for a writ of mandamus against the defendants, who are respectively Chief Registrar and Deputy Registrar for the County of Weber, to compel them to administer to her the oath prescribed by the Commissioners of Election and register her name among the legal voters of Ogden precinct, in said county.

The petition recites that the plaintiff is a native born citizen of the United States, over the age of 21 years, and has resided in this Territory for more than six months last past, and in the precinct of Ogden for more than one month immediately preceding the time of offering herself for registration as a legal voter in said precinct, and that the defendants refused to administer the oath to her and to register her name among the legal voters of said precinct, upon the ground that she was a female and not entitled to vote.

At the time the petition was presented to me, the defendants appeared by counsel and demurred to it, the counsel for both parties stating that by the petition and demurrer they desired to raise and have decided the sole question of the validity of the Act of the Territorial Legislature of 1870, conferring upon females the right of suffrage; that the defendants based their right to refuse to register the plaintiff upon the ground that the Act mentioned was void.

I should have been much better satisfied if I could have given more time to the consideration of this question. The arguments of counsel were closed on Thursday evening. On yesterday (Friday) my attention was occupied by other matters in court, and the present term of court closes to-day; hence I must content myself with these hastily prepared reasons for the decision I am about to make.

The Act in question was approved February 12, 1870, and is as follows: "Every woman of the age of 21 years who has resided in this Territory six months next preceding any general or special election, born or naturalized in the United States, or who is the wife, widow or daughter of a native born or naturalized citizen of the United States, shall be entitled to vote at any election in this Territory."

Sec. 2. "All laws or parts of laws conflicting with this act are hereby repealed."

The qualification of electors previous to the passage of this act is found in section 3 of "An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote, or serve as a juror," passed in 1859, as amended in 1868, and is as follows: * * * "neither shall any person be entitled to hold any office of trust or profit in this Territory, or vote at any election unless he is a male citizen of the United States over 21 years of age, and has been a constant resident of the Territory during the six months next preceding said election or appointment."

Sec. 6. "No person shall be deemed a resident within the meaning of this Act, unless he is a taxpayer in this Territory."

Section 5 of the Organic Act, in force when both the above-mentioned acts were passed, provided: "That every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this Act shall be entitled to vote at first the election, and shall be eligible to office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2d, 1848."

It is claimed that in passing the act of 1870 conferring the elective franchise upon women the Territorial Legislature exceeded the power conferred upon it by the above quoted section of the Organic Act, by attempting to confer the right to vote upon a class not named in the first part of the quoted section, which names the qualified voters at the first election under said Act.

Section 6 of the Organic Act provided that the legislative power of the Territory should extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of that Act. It has been repeatedly declared that the power given by the above grant was extremely broad. It will not be denied that determining who shall be electors, and upon what terms and conditions the right or privilege of suffrage shall be exercised is a rightful subject of legislation. In fact the Organic Act made this a duty of the newly organized Territory in order to carry out and effectuate the purpose for which it was organized. The question then is, is the Act under consideration contrary to the express words or intent of the grant of power? If in the Act of 1870 the right is limited to citizens of the United States, it is not contrary to the express words in the grant of power, for the only express limitation is contained in the *proviso*, and that is to citizens of the United States.

It is contended that the sentence "but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly," refers back to the first part of the section, and restricts the Legislative Assembly to fixing the qualifications of the class there mentioned, namely, "male inhabitants." As by the XV amendment to the Constitution the words "free white" must be considered as stricken out, this seems to me a strained and forced construction, and that we could with equal propriety say that the restriction extended to those who were residents of the Territory at the time of the passage of the Organic Act. The Congress fixed the qualifications of the electors for the first election, and these were that they should be males, citizens of the United States, over 21 years of age and residents of the Territory. After that election and until the Legislative Assembly acted, no person in the Territory had a right to vote, and the Legislature was left free and untrammeled to determine who should vote and under what conditions that privilege should be exercised, provided it was conferred upon citizens of the United States only.

The word "qualifications" in this connection must be given its usual and natural signification, as used by law writers. In State Constitutions and statutes, as well as among the law writers and in judicial decisions it is used with reference to the elective franchise, to distinguish the class, as well as to point out the personal requirements of the individual voters.

For the Legislative Assembly to confer the elective franchise upon females is not, in my opinion, the exercise of a power contrary to the express words or intent of the Organic Act, but it is entirely within the grant of power conferred by that act.

It is further contended that the Territorial Act is contrary to the terms and intent of sections 1859 and 1860 of the Revised Statutes of the United States, passed in 1874, and found among the provisions applicable to all the Territories, and which provisions take the place of the Organic Act.

If this objection shall, upon examination, be found to be true, of course the Territorial Act must give way, because the acts of Congress, as far as the Territories are concerned, are supreme and paramount.

The sections referred to are as follows:

"Section 1859. Every male citizen above the age of 21, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of the Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

"Section 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the Legislative Assembly, namely:

"First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of 21 years, and by those above that age who have declared on oath, before a competent court of record their intention to become such, and have taken an oath to support the Constitution and government of the United States.

"Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude."

The third and fourth subdivisions refer to officers, soldiers, and seamen of the army and navy, and are not necessary to recite here.

If I understand the objection of counsel for the defendants it is that there are no limitations in the latter section, to which the expression, "Subject, nevertheless, to the following limitations specified in the next section," in the former section could refer, and that it did and must refer to *male* citizens in that section.

In section 1859 Congress fixes the qualifications of all voters in Territories *thereafter* to be organized, for the first election only, and with the limitations in the following section, all possessing these qualifications are entitled to vote. And because Congress specifies who shall compose the first electors, the word "limitations" is very properly used in referring to the provisions of the next section. The first limitation in that section is upon those who have declared their intention to become citizens, and the right to vote at the first election is limited to those of that class, who, in addition to the oath required by law to be taken upon a declaration of intention, should take an additional "oath to support the Constitution and Government of the United States," and does not include those who have simply declared their intention or taken out their first papers without taking the additional oath of allegiance.

The voters at the first election are further limited in the third and fourth subdivisions of section 1860. But it seems to me that a complete answer to the criticisms of counsel may be found in the fact that section 1859 applies only to Territories which should thereafter be organized, and consequently does not apply to this Territory. Section 1860 contains a grant of power only as is therein stated and by the reservation of a general revising power.

I find nothing in this section which prohibits the Territorial Assembly from conferring the elective franchise upon females who are citizens of the United States. Neither do I find anything in Section 1859 which shows an intention on the part of Congress to confine the right to vote in Territories already organized, to male citizens.

It is further claimed, that if the Territorial Assembly possessed the power to confer the elective franchise upon women, the act passed for that purpose fails to do so for several reasons.

One objection is, that the act of 1870 confers the right to vote upon females, upon different terms than that applied to males, in that the latter are required to be taxpayers while the former are not. Even if this should be found to be the fact I cannot think that this would invalidate the law.

The Legislative Assembly proposed to confer this privilege upon a new class, not heretofore enjoying it, and in the absence of any inhibition to the contrary in the laws of Congress, I think they were at liberty to do it upon such terms and conditions as to them might seem reasonable and just, so far at least as no constitutional or organic rights of the males in the premises are restricted or abridged.

I think it would have been competent for the Territorial Assembly to have enacted that all female citizens of the United States over the age of 21 years, who could read and write in the English language, should vote, although this educational qualification is not required of the males.

It is asked, what words of the Territorial Act of 1859, fixing the qualifications of male voters, are repealed by the Act of 1870. I do not know that any particular words or any set of words are repealed by the Act of 1870, but I do know that whatever words there are in the Act of 1859 which are restrictive, confining the right to vote upon males only, are so modified and controlled by the Act of 1870 that the right to vote is no longer confined to male citizens.

It is further claimed that the Act is void because it attempts to confer this right upon those who are not citizens, and are not twenty-one years of age, and without restrictions in regard to residence. A mere reading of the Act shows that it is confined to females who are twenty-one years of age and who have been resident in the Territory six months.

It is further claimed that the use of the words, "or who is the wife, widow, or daughter of a native born or naturalized citizen of the United States," is an attempt to confer the privilege upon those who, by the laws of the United States, were not entitled to it, and that the previous words, "born or naturalized in the United States," includes all, who could by any possibility exercise the right; that is, it includes all who are citizens of the United States. The Legislative Assembly could not confer the right to vote upon any one not a citizen. In construing this act we must apply to it the same rule that we would in construing any act of the Legislature, or the act of any Legislature, and not start out with the presumption that they attempted or intended to do what they were prohibited from doing.

Strictly speaking, naturalization is the act of placing an alien in the position, or investing him with the rights, of a natural born citizen. In the ordinary use of the word we refer to this act which results in citizenship as something done by the individual in court, and in conformity with the law upon the subject of naturalization. The law which makes a foreign born woman a citizen by the fact of her marriage is not found among the laws upon the subject of naturalization. Having used the words, "born or naturalized in the United States," it might be claimed, with some show of reason, that if excluded all those who were not native born, or had not themselves appeared in Court and been naturalized in accordance with the laws upon the subject; hence they use these words so as to include all of this class. The wife of every citizen is a citizen, by virtue of the fact of marriage, without reference to her residence, provided she belongs to that class of people who could be lawfully naturalized.

The "wife, widow, or daughter," mentioned in the Act, who are granted the elective franchise, are those who within the intent and meaning of the statute are citizens of the United States. The act does not attempt to confer the right upon those who are not citizens.

The demurrer to the petition is over ruled and a peremptory writ is ordered.

P. H. EMMERSON, Judge.

If you would rheumatism foil,
Provide, in time, St. Jacobs Oil.

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A HOUSE WITH 5 ROOMS, HALL, BUTTERY and cellar, corner lot, 10 rods square, south and east front, with picket fence, and planted with choice fruit trees, good corral and outhouses, one block north of 21st Ward Schoolhouse, on street car line. Apply on the premises or of

S. P. NEVE,
Carpet Department, Z. C. M. I.

THE CASE
AGITATOR
Ahead of all Other Competitors!

SALT LAKE CITY,
August 12th, 1882.

J. W. Lowell, Esq.,

Dear Sir.—The J. I. Case Agitator we bought of you last season is the best machine we ever saw or used; it will thresh more grain and thresh it better and cleaner than any other machine we have ever seen, and we can confidently recommend it to any persons wishing to purchase a good Thresher.

Yours, etc.,
G. W. LUFKIN,
W. A. BARRON.

ASHLEY'S FORK,
UINTAH CO., Feb. 26th, 1882.

John W. Lowell,

Dear Sir.—The Agitator Separator and Woodbury Power that we bought of you, we can truly say give entire satisfaction. It beats anything that we ever saw to thresh and clean. We have run seven different kinds of machines, but this is the champion. The cleaning and the separating are perfect. We have not had a man find fault with it yet, and we believe that the people here will testify to our statement as being the truth. It comes as near being perfect as it is possible for a machine to be. We cannot tell you upon paper all its superior qualities or how much we think of it, but can say this, that could we not get another like it, no money would buy it.

Yours truly,
GEORGE BROWN,
S. J. CAMPBELL,
WM. P. REYNOLDS,
ROBERT BODILY.

CEDAR CITY, Sep. 23rd, 1881.

John W. Lowell,

Dear Sir.—Our machine, Agitator, is doing excellent work. Cleans the best and threshes faster than any Thresher we ever saw.

We remain,
CORRY & HUNTER.

LEHI, Utah County,
February 7th, 1882.

To John W. Lowell, Esq.,

Dear Sir.—As our opinions have often been asked about the merits of the Agitator Threshing Machine we purchased from you last fall, we take pleasure in sending you the following as our experience with it. To answer the numerous inquiries, and perhaps others who would like to know, we recommend the following points of superiority over all other machines we are acquainted with—

1st.—Lightness of draft. Our team of five span of average native horses and mules, being fully equal to the work, and without crowding or hurrying them, they gave us all the speed and power we needed.

2nd.—Thorough threshing and cleaning, and that *without extra effort* on our part; such a thing as the sieves being crowded or clogged, or requiring the attendance of one person at the tail end of machine having never occurred or been needed.

3rd.—Lightness of wear. After having threshed 18000 bushels of grain, lucern seed, etc., the general wear on the machine being scarcely perceptible.

4th.—Lightness of running expenses. By comparing notes with our friends of other machines, we find ours have not exceeded half of theirs.

We also consider the capacity for threshing in quantity, superior to other makes of machines. Although the farms here are small, necessitating a great deal of moving, and often to distant points, yet we threshed as high as 800 bushels per day.

We also consider the Straw Stacker, End Shake, Elevator principle and many other points are *all* worthy of notice and examination of any and all persons who may contemplate purchasing a machine.

A. J. EVANS,
M. T. WOODHOUSE,
H. M. ROYAL,
M. B. BUSHMAN.

I have helped wear out four machines of other kinds, and I heartily endorse all of the foregoing points.

A. D. RHODES, JR.

CEDAR CITY, March 18th, 1882.

Mr. J. W. Lowell,

We bought one of the J. I. Case 32 inch Agitator Threshers last year and consider it by far the best Thresher ever brought to this country. It runs very light, saves all the grain and is a very durable machine. We threshed grain at the rate 2½ bushels per minute.

Yours, etc.,
CORRY & HUNTER.

I also take the liberty to refer thresher men to the following reliable people who have purchased the Agitator Machines:

Messrs. Robbins & Simmons, Kaysville.
Bishop Peter Barton and others Kaysville.
Woolley, Lund & Judd, St. George.
M. Badt, Wells, Nevada.
S. A. Worthington, Grantsville.
Cummins & Matthews, Grouse Creek.
Bishop H. Jensen, Manti.
H. S. Stevens, Ferron City.
Bishop S. S. Smith, Manassa, Col.
Jas. Larson and others, Malad City
Samaria Co-op., Samaria.
W. F. Garner and others, Ogden.
Laketown Co-op., Laketown.
D. Woodward and others, Willard.
Slater & Sons, Slaterville.
Bishop Harper & Sons, Call's Fort
And many others.

☞ I now have orders for over Twenty of these famous Threshing Rigs, and those who want them should send in their orders at once to

JOHN W. LOWELL,
SALT LAKE OR OGDEN.

"CORTICELLI" AND "FLORENCE."

FLORENCE!
THE ONLY
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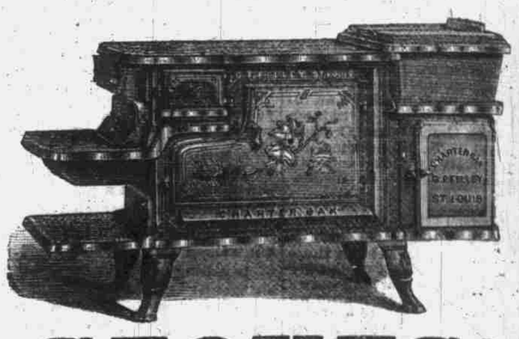

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