Those who are elected by them to subserve their interests should be paid for their services. If the regular method of payment fails, the people who engaged the service have the right out of their own money to supply the deficiency. The taxpayers do not grumble. It is only a few frothy strife-breeders who contribute nothing to the public revenue that raise the howl. They do not count except in making a noise. No attention should be paid to their vaporings. Do what is right and let the consequence follow.

A FOURTH JUDGE REQUIRED.

THE following bill has been reported favorably to the United States Senate by the Committee on the Judiciary:

SEC. 1. Hereafter the Supreme Court of Montana shall consist of a a Chief Justice and three Associate Judges, three of whom shall constitute a quorum, to hold office for four years, and until their successors be appointed and qualified, shall hold a term annually at the seat of government of said Territory, provided, however, no Justice shall act as a member of the Supreme Court of Montana in any action or proceedings brought to such court by writ of error, bill of exceptions, or decree rendered by him as Judge of a District Court.

SEC. 2. That said Territory shall be divided into four judicial districts, and a distant court shall be held in each by one of the justices at such time and place as may be prescribed by law.

SEC. 3. That all offenses committed before the passage of this act shall be prosecuted and tried and determined in the same manner and with the same effect as if this act had not been passed.

It is quite likely that this bill will be enacted. There can be no reasonable objection to it except that is framed exclusively for Montana. It ought to be made general to all the Territories. If some friend of the people will move to strike out the word Montana and insert "each Territory," and work for the amendment, he will do a service to the West and to the cause of justice that will be duly appreciated.

It is not so much because there is more work for the courts in some of the districts in the Territories than they can readily perform, that we are in favor of the fourth judge movement, as that the present three-ply judicial system is unfair both to the courts and the people. An appeal to a territorial Supreme Court is often pretty much of a farce, and a very expensive play at that. The judge who renders the decision appealed from sits upon his own decision, and only needs to get one other judge, who perhaps desires a reciprocal favor, to agree with him in order to maintain his original position. This is so unfair and open to such opportunities for evil as to need no argument for its abolition.

It has been stated that all the Territories but Utah would favor the appointment of a fourth judge. Utah has never opposed the movement. On the contrary, we think that this Territory more than any other needs a change in this respect. The varied rulings that have been given on the same question in the same court, require adjudication in a court where the judge that rendered them has no voice in their determination. A decision in the Third District Court means its confirmation in the Supreme Court of the Territory if appealed, and when the case cannot be carried beyond there is little chance for the appellant. We earnestly hope that the Montana bill will be made general in all the Territories.

MORE LETTER STEALING.

THE local receptacle for anti-"Mormon" slander, states that the Governor of Idaho is hand and glove with the "Mormons," and in proof of the assertion alleges that "a letter written from Governor Stevenson to a leading Mormon in Bear Lake has fallen into the hands of the Gentiles in Bingham County." If this is true—you must always interpose this query in regard to anything that emanates from that source—it is good reason to believe that it is another case of tampering with the mails.

Governor Stevenson is not likely to suit the rascals who are at work in Idaho for spoils. He does not care a rap for their ill will. He is as strong an anti-polygamist as any, but he does not treat any man as lawless until he breaks the law, and is not inclined to join in vituperation nor in the schemes of the Republicans to oppress and ravage the "Mormons" for party puposes. Hence their abuse of the sturdy old Democrat. We hope this letter will be published as promised, and that then the special investigation ordered from the Department at Washington will take in the stealing of the Governor's letter to Bear Lake as well as of the Fordham letter to Best.

From Montpelier to Pocatello and thence to Ogden, embracing the Oregon Short Line and the Utah and Northern, needs a thorough postal overhauling. Let the mail-robbers be hunted down, and let the receivers of stolen letters be put on the same category with the thieves.

THE TRIUMPH OF LECHERY.

ONCE more the Federal authority in Utah has been exercised to screen and encourage the lecher and the bawd. When the debasing vice known as the social evil was first introduced and fastened upon the body of this municipality, the local authorities took vigorous measures to extirpate and cast it out. Their praiseworthy exertions were rendered abortive by the action of the Federal courts. The attaches and hangers-on around those tribunals were the chief supporters of the foul ministers to lust, and their influence prevailed so that the evil was protected and kept from destruction.

The suppression of vile resorts being thus rendered impossible, restraint was next adopted in the shape of fines upon the keepers of those haunts of sin and their inmates. This not striking at the root of the evil, an endeavor was made to reach the demand instead of the supply. While base men with money were ready to purchase corruption, those who supplied the demand were able to pay their fines and still flourish and fatten in their infamy. Measures were then taken to catch the male supporters of female wickedness. They were successful in detecting a large number of bestial persons, including many alleged "respectable" people and some Federal officials. At once the former tactics were adopted. The help of the Federal courts was invoked. The same judicial power which was exercised to its full extent and pushed beyond legitimate bounds to break up "Mormon" homes and disrupt "Mormon" families, was put forth to save the "Gentile" debauchees from the consequences of their crimes.

And now the judicial ermine has been thrown around so as to completely envelop the depraved brutes who revel in licentiousness. The plate-passing Methodist and the rejected and besmirched Michigander unite in a ruling that virtually removes all probable cause of fear to the votaries of prostitution. The magistrates who alone have endeavored to enforce the local statutes against the evil, are deprived of the power to punish the violators of those laws. The process by which this aid to vice has been effected may be understood by reading carefully the decision of the majority of the Supreme Court of the Territory. Chief Justice Zane, much to his credit, dissents from the ruling. The court peremptorily prohibits the Justices of the Peace from trying such cases.

In doing so it exercises authority which is only conferred upon it "when necessary to the complete exercise of its appellate jurisdiction," and this was not a case of appeal. It takes from the Justices of the Peace power conferred upon them by the Legislature in conformity with the Organic Act. The jurisdiction of those magistrates, according to that Act, was to be "as limited by law." That is, the law which the Legislative Assembly should pass, subject to such restrictions as are specified in the Organic Act. The Legislature has given the Justices jurisdiction over cases in which the penalty does not exceed three hundred dollars fine and six months imprisonment. There is nothing in the Organic Act or in the Constitution of the United States which forbids this. That jurisdiction is, then, "as limited by law." It is a rightful subject of legislation, as no one will have the hardihood to deny. The rule in other Territories or the States does not apply. Their limitations as to the powers of Justices differ from each other and do not govern in this Territory.

As to the trial by a jury of six men, that is a jury provided for offenses tried without indictment. The authorities cited by the Court refer to misdemeanors tried after indictment. The cases, too, are not tried under the common law, but the statutory law, and therefore a jury at common law is not required, but the jury provided in such cases under the statutory law. And the court admits that the "prevailing doctrine" is that even when there is no jury at all in the inferior courts, the guaranty of the Constitution of a trial by jury is secured if the party can appeal to a higher court where a jury of twelve can sit upon the case. And such an appeal is provided by law in the case under consideration.

What is the decision but a labored effort to prevent the local magistrates from trying cases of male lechery? Its sophistry is clear to every student of law, and its effects are in the interest of licentiousness and crime.

When the District Courts ruled that the section of the Edmunds law against unlawful cohabitation meant only the consorting of men and their plural wives, in other words that it was only for "Mormons" and not for "Gentiles," they stated that common sexual crimes were left to the local statutes and the local officials to punish. Seducers and cohabiters with more than one woman "outside of the marriage relation," were declared exempt from the Edmunds law. But when the local authorities proceed to enforce the local statutes against them, the Federal authority again steps in for their relief, and says the local courts have no jurisdiction.

Every energy and force of the Federal judicial power is exercised to inflict penalties on "Mormons" who have more than one wife. And at the same time, the frequenters of houses of ill-fame are sheltered from all punishment either under the Congressional or the Territorial statutes. This is how justice (?) is administered in Utah. This is the mode by which the "benighted Mormons" are to be taught that "respect for the law and the courts" which some of the vilest creatures on earth pretend to be the object of the vindictive proceedings which disgrace the present anti-"Mormon" crusade.

Who ever heard of a district Attorney or a U. S. Marshal hunting down a sin-soaked reveller in unmarital sexual crime? What Grand Jury has brought in an indictment against a male or female prostitute? What sincere effort of any Federal court has been put forth to restrict, suppress or punish the common corruption of the age in Utah? The result of the rulings that have been given in this matter is the encouragement of reeking vice, the upholding of bestiality, the triumph of the strumpet in the perfect immunity of her paramours. And all this proceeds from the professed champions of "Christian morality," the pretended admirers of chaste families, the feigned advocates of unsullied homes!

Let the world look at the actual reality and see what a hollow pretense, what a ghastly humbug, what a leering lying, damnable sham is the whole judicial and official assault upon the family relations of the Latter-day Saints! It is enough to make demons yell in derision, and while pure men and women blush with shame at the deep hopocrisy, cause the heavens to decree a just vengeance in the wrath of a righteous and burning indignation.

THE TREASURER'S BOND.

IN taking an appeal from the decision of the Third District Court against the Auditor and Treasurer, those officers have been required to execute large supersedeas bonds. The Treasurer is to give a bond in $75,000 and the Auditor in $5,000. The official bond of the Treasurer that is still in force, is in the same amount and is endorsed by Brigham Young, A. M. Cannon, W. A. Rossiter, D. McKenzie, O. P. Arnold, A. C. Pyper and R. R. Anderson

The impudent attorney and office-hunter who applied for the bonds, stated in court, as reported in the ring organ, that $5,000 could not be collected of Mr. Jack and the surviving bondsmen put together. Only one of the bondsmen is unable to meet his part of the surety, that is A. C. Pyper, who has gone into the sphere where no liars, legal or otherwise, can find an opportunity to defame their betters. Either of the other gentlemen is good for far more than the amount named as beyond the financial responsibility of the whole number. Their property is represented on the tax list. If either of them is absent his property, which is what is really liable, still remains. And the remark is nothing but a personal insult from a fellow who is trying to push himself into an office against the wishes of the people, and for which he is about as well suited as he is to guide a ship across the Atlantic.

Disparaging remarks have been made about the Treasurer's bond, and the so-called bond of the person who is panting to get into his official shoes. And a great deal of nonsense is indulged in about the "danger to the Territory" and "the betrayal of the people who pay the taxes." Is there anybody but a mendacious knave who will say that Treasurer James Jack has not faithfully discharged the duties of his office and accounted for every cent that has come into his hands? Has any one ever been able to find fault with the financial reports he has made to the Governor and the Legislature? Does anyone in Utah, "Mormon" or "Gentile," doubt his honesty? It is not the taxpayers who talk such rubbish about this matter, but creatures who contribute nothing to the Territorial finances, and who are as irresponsible in property as they are in veracity.

The people of Utah who are chiefly interested have no desire to complain. They would rather have the officer they have elected, without bonds, than an intruder who wants to force himself into the handling of their funds without their consent, if he could get on his bond the name of every moneyed man in the Territory. There will be no trouble for James Jack to get all the security that is wanted, and we hope to see this plot to trample under foot the rights of our citizens combatted to the very utmost extremity of the battle ground of the law.

THE SNOW CASE.

THE appeal case of Apostle Lorenzo Snow was to be argued to-day before the Supreme Court of the United States. In addition to the able services of F. S. Richards, Esq., the splendid talents of Hon. George Tickner Curtis have been secured for this important cause. He is one of the most eminent members of the legal profession in the country, and his well known works are cited as authorities. The case involves the principle of segregation, resorted to in the Utah courts in order to multiply the penalties of the third section of the Edmunds law, and the rulings of Judge Powers that a man can cohabit with women whom he acknowledges as his wives, even if he does not eat, sleep or live under the same roof with them. We have no doubt that the case will be presented with all the force and fervor and skill for which the younger advocate is already famous, and the talent, wisdom and acumen which have made the name of the older counsel celebrated in every judicial circle. We shall wait with keen interest the result, and trust that it will be the release of the veteran Apostle and leader from an unjust and shameful imprisonment.

LEGISLATION AGAINST BELIEF.

THE Utah conspirators, as well as the Idaho Republican plotters, are anticipating the passage of the Woodburn bill, or the grafting into the Edmunds bill of the sections drafted in this city, which contemplate the same infamy as is proposed in the Woodburn measure and incorporated in the Idaho test oath enactment, which is now under test of its own validity. We do not believe that any such atrocious scheme will find sufficient favor in Congress to pass the House of Representatives. But even if it should be shuffled through the lower House on unexpected pressure, it is by no means certain that the Senate would consent to the flagrant wrong.

However disguised in its language, cunningly framed to get round objections against its purport, it is designed to disfranchise all voters belonging to the "Mormon" Church. That is, to make belief, or membership in a religious body a bar to voting and holding office, so that the majority of the citizens of Utah, who belong to the obnoxious Church, may be deprived of the ballot, and the minority, who are not connected with it, may gain the political ascendancy. A very bold and impudent scheme, but with all the care exercised in its verbal construction, too glaring a violation of settled principles to be endorsed by sound lawyers and experienced statesmen, however strong may be their anti-"Mormon" prejudices and desires.

When the first Edmunds bill was under discussion in the Senate, the question of punishing people for their beliefs was brought prominently into view. Fear was expressed by some Senators that the bill might be so construed that men and women who had not broken the law could be prevented from voting. It was for this reason that the clause was inserted in the ninth section, which says: "Nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy." During the debate, Mr. Brown, of Georgia, expressed his willingness to punish persons legally convicted of bigamy, but declared he was not willing "to drive from the polls in Utah every man who believes that he or any other man has a right to practice polygamy if *he* does not practice it." And he made the following further remarks, as published in the *Congressional Record* and endorsed by the author of the bill;

"Again, as to the instance put by the Senator from Vermont in my State, if it were possible for there to be such an instance there; if any man there believed it was right to burn his father's wives—we do not allow them to have but one wife there—upon the funeral pile, I would inflict penalties upon him for practicing it; but if he really believe it is right. I have no right to exclude him from holding office because he says he believes it."

Mr. Edmunds—"So I say; so say we all."

Thus it will be seen that Mr. Edmunds, and indeed both the supporters and opposers of the Edmunds bill, were agreed on the doctrine that citizens could not be disfranchised on account of their opinions in regard to polygamy or anything else, and could only be punished for their actions on violation of law. This also, as we have heretofore shown, is the doctrine of the Supreme Court of the United States.

In the discussion of the new Edmunds bill of the present session, which passed the Senate and is now before the Judiciary Committee of the House, when the section disfranchising the women of Utah was under debate, Mr. Hoar of Massachusetts said, as reported in the *Congressional Record*:

"Why does not the honorable Senator from Vermont come out and frankly say that no Mormon, no man who believes in plural marriages, no Mormon Elder, no teacher in that Church shall be clothed with the suffrage?"

To this Mr. Edmunds responded:

"Mr. President, my friend from Massachusetts inquires why I do not come out frankly and say that I want to deprive a Mormon of the right of voting because he believes in certain things that I believe to be criminal. I do come out frankly and say that *I am not in favor of anything of the kind!*"

These quotations serve to show the sentiments of the strongest advocates of anti-polygamy legislation on the question of disfranchising people for their beliefs, or membership in or teaching the doctrines of a Church that advocates plural marriages. Legislation cannot be aimed against belief in, teaching, advocating, or countenancing polygamy, but only against practicing it. And any law, whether of a Territory or of the United States, which makes penalties for belief or deprives a citizen of any right, privilege or immunity on account of his belief, is unsound in policy, wrong in principle and in violation of constitutional provisions and the enunciations of the highest judicial tribunal of the country.

THE BERGEN CASE.

JOHN BERGEN was sentenced on Monday to twenty-four months' imprisonment and to pay a fine of twelve hundred dollars, for an offence the full penalty for which is but six months' imprisonment and a fine of three hundred dollars. The merciful and just Judge who inflicted this "unusual punishment," which is forbidden by the Constitution of the United States, expressed his vindictiveness against the class of offenders to which Bergen belongs, when he commenced to sit upon their cases. He then found fault with the law which he was sworn to administer impartially, by declaring its penalty insufficient.

To make up for its alleged deficiency, the lawful maximum punishment has been increased in two ways. First by finding several indictments for the same offense—unlawful co-habitation, segregating the time into several distinct periods. The validity of this proceeding is now under consideration by the Supreme Court of the United States in the Snow case. Second, for fear this mode may be declared unlawful by the higher court, a number of counts are made in the same indictment with a view to the desired object, that is, the multiplication of the legal penalties. John Bergen is the second defendant convicted under the latest dodge to inflict unusual punishment, having been convicted, on his own testimony, on four counts in one indictment, and sentenced to the full penalty of fine and imprisonment on each count.

His prosecution for polygamy, whenever it may take place, must occur in the First District, as the offense is alleged to have been committed therein. We notice that the Salt Lake *Herald* has virtually sat on this case and passed judgment upon it already. Apart from the fact that the journal is in the wrong judicial district to decide it, we question its assertion that, "The evidence, as every one will see, is sufficient to make out a polygamy case," and that, "there is every prospect of Mr. Bergen's spending seven years and six months in the penitentiary."

About the "sympathy" part of its allusion we have nothing to say. The public will no doubt be divided on that. But "every one will *not* see" that the evidence as published in the *Herald* is sufficient to make out a case of polygamy." There is not a scrap of evidence in its report of the proceedings which goes to show that Bergen married Matilda Lundstedt. The sworn testimony all went the other way, and there was not a sentence of testimony introduced to prove the offense.

Whatever the facts may be, or whatever the reporter or others may believe, there is certainly nothing in the evidence before the court which tended to prove a charge of polygamy, and if nothing further is adduced against Bergen when his case, if ever, comes up for trial, there is not any prospect of his receiving the penalty for polygamy. What the facts are we do not know. We only go by the testimony and that was all against the imputation which the *Herald* seems to think everybody will see is established.

We should think the defendant has enough to bear in the quadrupled sentence piled upon him, without having his case on a more serious charge prejudiced against him in advance from a source so unexpected.

Five thousand dollars reward for proof that any statement made by the patients of H. H. Warner & Co. and published with original signatures by H. H. Warner & Co., ought to be a satisfactory guarantee to the entire public, that these wonderful testimonials to the merits of Warner's safe cure are genuine.

Too Much Business.

BATAVIA, N. Y., July 15th, 1884.—Two years ago my health failed, which I attributed to pressure of business. I grew worse. Confined to my bed for two months. Warner's safe cure cured me.—C. D. DEWEY, president Johnson Harvester Co.

HAIR REMOVED
From any part of the body in FIVE MINUTES, without injury to the skin, by UPHAM'S DEPILATORY POWDER. Mailed (*securely sealed*) for $1.00. Sealed pamphlet FREE. Procurable of Druggists. ASK FOR IT. Don't be put off with something else. S. C. UPHAM, P. O. Box 1297, Philada., Pa.

PATENTS
MUNN & CO., of the SCIENTIFIC AMERICAN, continue to act as Solicitors for Patents, Caveats, Trade Marks, Copyrights, for the United States, Canada, England, France, Germany, etc. Hand Book about Patents sent free. Thirty-seven years' experience. Patents obtained through MUNN & CO. are noticed in the SCIENTIFIC AMERICAN, the largest, best, and most widely circulated scientific paper. $3.20 a year. Weekly. Splendid engravings and interesting information. Specimen copy of the Scientific American sent free. Address MUNN & CO., SCIENTIFIC AMERICAN Office, 261 Broadway, New York.