

## ASSAILING AXTELL.

THE San Francisco *Chronicle* has devoted a portion of its editorial space to an attack on the character of ex-Governor S. B. Axtell, who has been appointed Chief Justice of New Mexico. The slurs and slanders of the *Chronicle* can do the gentleman no injury. Like some other papers that might be named, that journal is conducted with ability, but little principle. The personal abuse of such publications is a compliment rather than a detriment. An action for libel would not be likely to prevail, for the assailed party could not prove that he was hurt in the public estimation by anything such a paper might say. On the contrary, it could be shown that he must be considered of some consequence, to be lampooned or lied about by a journal which is known to be regardless of principle and reckless of results to the objects of its vituperation.

The *Chronicle* makes a number of statements about Mr. Axtell's career in Utah, which are chiefly distortions of the facts, and predicates its prophecies of evil to New Mexico under his judicial administration, upon its own untruths. We do not know how far the gentleman's abilities extend in the domain of jurisprudence, but from what we know of his general talents and the fair and just disposition he manifested during his official career in this Territory, we have no doubt that he will make a good judge for the Territory to which he has been assigned.

Governor Axtell's offence in Utah was the mistake of thinking he was sent to be of benefit to the entire people of the Territory, instead of a tool of a little clique of office-holders and their immediate associates. He visited the agricultural settlements as well as the mining camps; addressed the "Mormons as well as the "Gentiles;" recognized each class as citizens; was not afraid to be seen speaking to a "Mormon" on the street or elsewhere; tried to harmonize the conflicting elements of Utah society; and paid no attention to the jibes or threats of the malicious and the malcontents.

To accuse him of any connection with "Mormonism" is as absurd as it is groundless. The *Chronicle* says "Axtell occupied offices and furnished rooms in a house belonging to a Mormon." Awful was it not. Seeing that he had no house of his own here, and that Federal officials are now and have been guilty of the same crime, it was enough in itself to warrant his removal from office, particularly as the house was a public hotel, which had afforded food and shelter to some of the most prominent dignitaries of the land.

Governor Axtell, while in Utah, comforted himself as a gentleman and a consistent representative of the Government. He was free to express his opinions, and not backward in differing with either "Mormon" or "Gentile." And in giving a certificate of election to the "Mormon" Delegate, who had been elected by the votes of nearly all the people of the territory—another of the crimes alleged against him by the *Chronicle*, he simply performed his sworn duty, and would have been without justification in law, equity or morality if he had failed to do so.

We have no particular reason to praise Mr. Axtell; he showed no predilections in favor of our people or our institutions while among us; he simply pursued an impartial course, and won the hatred of the adventurers who desired to ignore all "Mormon" interests, trample on all "Mormon" rights, and gain full possession of the Territory and its finances. That's all that allied Axtell. We believe he will make a fair judge for New Mexico. Success to him.

## AN ENGLISH CONTROVERSY ON MARRIAGE.

A CONTROVERSY in relation to marriage has been kept up for many years in England, and is not yet settled. The bitterness of feeling which it occasions when revived at frequent intervals, reminds one a little of the intermittent anti-polygamy fever which is of an epidemic in religious circles in this country.

The dispute is over the propriety of marriage with a deceased wife's sister. Such a contract is illegal in Great Britain, and attempts have been made almost every year for a

long time to make it lawful by Act of Parliament. As time rolls on, the number of its supporters increases, until at the last vote on a bill with this object in the House of Lords, it was only defeated by a majority of four out of a total of 360.

The greatest opposition comes from the "Lords spiritual." The Bishops and clergy are vehemently against it, as they seem to suppose, on scriptural grounds. But their arguments are as baseless as those that are brought forward by religious people against plural marriage. There is nothing in the Bible that condemns either marriage with a deceased wife's sister or with a living wife's sister. Strange to say scriptural authority sustains both. The ancient patriarchs sometimes married two or more sisters without the divine disapproval, and the only scriptural passage which seems to condemn the practice is that which Dr. Newman tried so hard to ring in on the occasion of his discussion with Apostle Orson Pratt on polygamy; namely, Leviticus xviii, 18. But on proper examination and with a fair interpretation, not seeking to distort the text, it only amounts to a prohibition against a man's marrying his living wife's sister against her consent or, as it is worded, "to vex her."

It also limits this prohibition to the lifetime of the wife. It is expressly stated, "in her life time." How this can be applied to marriage with a deceased wife's sister, it is difficult for any one but a professional wrester of the Scriptures to determine. But the English clergy are wrathful at every new attempt to legalize such marriages, and it is mainly to their opposition that its failure hitherto may be attributed.

There is another point of resemblance between this controversy and the anti-polygamy conflict. The number of persons who desire to contract a marriage of the kind objected to is very small. And the determined hostility of people to a practice which does not really concern them, only provokes the minority to a more persistent endeavor to maintain that which they consider to be their right.

And the same inconsistency is manifest in the arguments of the opponents of both systems. It is claimed that the number of persons who want to marry a deceased wife's sister is so few that they ought to give way to the views of the great majority; and at the same time it is urged that the law must be sustained against it because of the terrible consequences that would ensue to society if the practice were allowed to prevail. The very same contradiction occurs in the attempts at argument against a plurality of wives.

We have no doubt that the minority in England will soon become the majority on this question. The royal family appear to have gone over to the reformers—the Prince of Wales, the Duke of Edinburgh and the Duke of Albany voting with the minority—and the absurdity of the reasoning against it must become sufficiently apparent to prevail even against the dense stupidity of the clerical dogmatists.

It only requires time, patience, persistence and opportunities to change the public mind on questions in which prejudice have governed instead of reason and true knowledge. Reformers, especially those with a mission, ought to be ready and willing to wait as well as work.

## "AFTER THE STORM, ETC."

What has become of all the great popular excitement and indignation against the Mormons that a few months ago was so rife among the people? It has all died away, just as the Mormons predicted. Humanity only has intermittent spells of virtue, after all.

The above is from the Boston *Globe*. The spells of virtue which come over the multitude are, it is true, not very enduring. But in this case virtue had very little to do with the disturbance. The real cause of the hubbub was an attempt to steal a Territory. It was not a matter of morals but of politics. The preachers were stirred up by the politicians. Polygamy was made the watch cry but this was merely a "blind." The object in view was the complete control of Utah by a few conspirators, the territorial money-box being the chief feature in the perspective. The priests were easily aroused because of their utter failure to controvert "Mormonism" or withstand the arguments of its ad-

vocates, which so clearly expose the weak places in their crumbling ecclesiastical systems. And the populace can be excited on anything that appeals to their prejudice.

If virtue had ought to do with the excitement, surely there was opportunity enough for the exercise of its impulses in the reform of the degraded hosts who swarm in the vicinity of the meetings which were held during the excitement that the *Globe* refers to, and which remain and increase and are real objects for the labors of the virtuous and philanthropic. But these spasms of anti-"Mormonism" are necessarily of brief duration, and are always succeeded by indifference or a reaction to a more rational and favorable condition of mind. "After the storm comes the calm." Then comes the "Mormon" missionary's best opportunity.

## BRIEF TELEGRAMS.

In New York on Sunday six cases of sunstroke occurred.

The capital stock of the Rio Grande and Pecos railroad has been increased to \$20,000,000.

The New York Central had to give in to the demand of the switchmen for an advance of wages to \$50 per month.

Ex-Governor Hartranft was thrown from his horse during the Masonic parade on Saturday at Philadelphia, and was severely hurt.

At Pittsburg, Pa., Monday afternoon Campbell and Walling, the Leadville pugilists, met to perfect arrangements for a fight, which takes place fifty hours afterwards.

At Leadville, Thomas O'Connor, a well known veterinary surgeon was shot and killed yesterday by officer Townsend. O'Connor resisted arrest and fired once at the officer.

At San Francisco, the Board of Health decided this afternoon to release the British steamer *Altensuel*, which has been quarantined a week. The steamer will be docked tomorrow.

Henry Forbes, a seaman on the steamer *Marco Aurelia*, from Havana, was admitted to the hospital at New Orleans on Sunday. He is now pronounced a clear case of yellow fever.

The ship *W. A. Campbell*, which has arrived at Liverpool, reports that on January 19th, in latitude 73 deg. 30 min. north, longitude 17 deg. 3 min. west, she saw a ship on fire and went to her. She saw no signs of life left on her.

The New York Board of Trade passed resolutions declaring the advance asked by freight handlers should be granted, and protesting against such a sweeping advance on the west bound freight rates as were lately announced by the trunk lines.

A special from Fort McKinney, Wyo., says: From a reliable stock grower it is learned that there are 3,000 Crow Indians between Tongue and Powder river. They are very insolent and are killing cattle. Trouble is apprehended any moment.

Yesterday afternoon a small boat containing ten persons, while attempting to reach Sancellito, was capsized in Richardson's bay, Cal. Seven of those in the boat were rescued, but the three, Miss Reinfield, aged 20, her sister, aged 12, and her brother, aged 16 were drowned. The bodies were not recovered.

In his Sunday sermon Beecher endorsed the freight handler's strike as justifiable, and said the Knights of Labor and Workingmen's Union, etc., were popular educators, and the education of common people was to be approved. He did not always approve of strikers. Cheapening of things was a grand thing but capital should not cheapen iron.

A Louisville dispatch says: The horned cattle sales at the farm of A. J. Alexander, began on Saturday, and the imported cow Thorndale, by Sixth Duke Oneida, brought \$5,000. Another Thorndale Rose brought \$4,000. Others brought good prices. The bulls averaged \$1,373, cows \$397.

In San Francisco, James McCoy, an experienced Virginia City miner, with some associates, has taken up a gold-quartz claim within the city limits, near the Industrial School. The lode is claimed to be over 600 feet wide and traceable two miles. A tunnel has been begun. Assays run from traces of gold and silver to \$12 per ton.

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