

DESERET NEWS.

WEEKLY.

TRUTH AND LIBERTY.

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WEDNESDAY, - SEPT. 28, 1881.

DEATH OF PRESIDENT
GARFIELD.

THE President is dead! This was the mournful word that passed from the lips of the people. After struggling for seventy-nine days with the Destroyer, gallantly, patiently, hopefully, the brave man who was smitten down by the bullet of a cowardly assassin has given up the fight, and his spirit has gone into the presence of its Creator. The mourning lines in this paper, the black drapery hanging in festoons from the stores and public buildings, the craped doors, the flags drooping at half mast, are tokens of the genuine sorrow which weighs down every heart in Salt Lake City on this day of gloom. Tears of sympathy for the tender and loving woman whose faith and presence have aided so much in sustaining her wounded husband, drop from many eyes as the suspense which has kept the public mind in tension for nearly three months, ends in the certainty of death.

Not only is a family bereaved of its leading mind and guiding hand and affectionate heart. A nation is in mourning for its chief, stricken down by foul murder in the might of his manhood and the glory of his life's success. It is a great calamity that has befallen the United States. Nothing since the tragic death of Lincoln the Emancipator has smitten the country such a fearful blow. No crowned despot or titled tyrant, ruling by force over unwilling subjects, was the aim of the weapon of death; but a free people's choice, a grand and noble soul placed on the pinnacle of power for his merits and capacities, and who held the guiding reins of government as one of the citizens, representing the sovereign power of the masses, the embodiment of the popular will, the expression of the nation's voice.

That such things can be in the midst of institutions like ours, fills the heart with sadness, the mind with grave thoughts, and the soul with deep humility. And the cries for revenge, the muttered threats of the populace, the combinations for lawless retribution are not good signs in a country boasting in the liberty of law. The spirit that prompts the unlawful extinction of the worthless life of the assassin is not that which builds up a community or exalts a people, but the very same that fired the murderer's breast with the flames of hell, and pierced at the same time the side of a Garfield and the body of the Nation. Grief strives with anger in the public bosom but law should be stronger than all, and while we mourn for the slain and detest the assassin, we must leave punishment to the judicial arm, and vengeance to Him who sits in the death of James A. Garfield. He was no common man. Physically and mentally he was great. He stood six feet high, with broad shoulders, a deep chest and well formed limbs, with a massive head, prominent features and brown hair and beard. A plain liver and dresser, he was temperate in habit and thoughtful in manner. Genial and pleasant in conversation, his mind was stored with treasures of information, and he was a kind husband and true father. This noble man won his way from the humblest ranks to the chief place among nations. For, the head of this great republic occupies a prouder position than that of any monarch on earth who fills a throne by mere virtue of lineage. Garfield climbed the ladder of fame, from the ground up, by his own force of will and intellect and patient industry, with the blessing of the Almighty, until he planted his feet upon the topmost rung, amid the acclamations of scores of millions of his fellows, the admired of friend and foe. His

name will go down to posterity with those of Washington and Lincoln, and be enshrined in the people's hearts as well as emblazoned in the history of the period.

The man whose loss the nation mourns was a scion of New England stock. He descended direct from the Puritans. He was born in the township of Orange, Cuyahoga County, Ohio, about fifteen miles from Cleveland, November 19th, 1831. Two years after, his father, Abraham Garfield died, leaving a wife and four children. The land which the family owned was poor, and it took all the fortitude and toil of the widowed mother to keep her little family till the boys could help make a living. James A. when but a youth, worked on the farm in the summer and at the carpenter's bench in the winter, and was never idle. It was his anxiety to acquire learning that prompted him to take the position of a driver on the tow-boat, a scarcity among the farming people. He soon was able to work on a boat and hold the helm. Having saved a little money, he next went to the Geauga Academy where he studied hard. He worked as a carpenter to sustain himself, cooked his own food and taught a country school in the winter. He next entered Williams College, Massachusetts, borrowing some money of a friend to pay for the course, which he afterwards repaid to the last cent.

Two years after, he graduated, became an instructor at the "Campbellite" college, in Hiram, Portage County, and in a short time was made its President. This was in 1858. The then college principal occasionally spoke on Sundays in the Disciples' meeting houses of the neighborhood, and he also studied law and became well read in general literature. About this time he married Miss Lucretia Rudolph, a farmer's daughter, whose fidelity and admirable qualities have since won a nation's admiration. In 1859 he was sent to the Ohio Senate to represent Portage and Summit Counties. Raised in this neighborhood and figuring prominently in its affairs, he learned a great deal concerning the faith of the Latter-day Saints, and was familiar with many incidents of the Ohio episode in their history.

When the war broke out he entered the army with enthusiasm on the side of the Union, as Colonel of the Forty-second Ohio Volunteers. He routed the rebels under Marshall in Kentucky, and in a short time was promoted to the rank of Brigadier General, took part in the battle of Pittsburgh Landing, was at the siege of Corinth acting as Chief of Staff of the army of the Cumberland, had his horse shot under him at the battle of Chickamauga, previous to which he was elected a Representative to the Thirty-eighth Congress, and was soon after, for gallant and meritorious services promoted to be Major-General.

In 1863 he took his seat in Congress as a staunch Republican, and the confidence of his constituents was manifested in his re-election to the Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth and Forty-sixth Congresses. He rose to the proud position of Republican leader of the House when Blaine was made Senator, and in January, 1880, was elected to the United States Senate in the place of that great statesman, Allen G. Thurman. At the Chicago Convention in June, 1880, he was nominated with the plaudits of the whole country. He entered the highest office in the gift of the people with perhaps brighter prospects than any other Chief Magistrate of the Republic.

His inaugural message was a manly, vigorous and statesmanlike document, with the exception of the part relating to Utah, which the people here considered unkind and as a mark of that weakness which always exists in some form in human character. Being more familiar with the facts probably than any other public man in the country, we thought he exhibited a yielding to popular clamor and the pressure of political influence, more than comported with his knowledge of the situation and his general greatness of mind. But no bitterness of spirit was ever felt by us towards him on that account. Trouble, however, seemed to overtake him as soon as his cabinet was formed. The Conkling embroglio is a matter of national history. The division in his own party, rumored differences between him and the Vice President and also some

members of his cabinet, did not redound to the credit of the Administration. Then came the resignation of Conkling and Platt and the quieting of the troubled waters at Washington. And the President, rejoicing in the prospect of peace and amity, was about to leave the seat of government to join his wife for rest and recreation, when, on the morning of July 2d, at the railroad station in company with Secretary James G. Blaine, he was shot down by the miserable creature Charles J. Guiteau, whose name will be a synonym for treachery, cowardice and infamy throughout succeeding generations.

His long battle with disease and pain, his patient endurance and gradual sinking, with gleams of hope and promise of convalescence occasionally shining through the gloom of dissolution, are well known to the world, for his daily and almost hourly condition has been transcribed in the papers. The great heart is now still. His sufferings are over. Repose has come to the weary body, rest to the struggling spirit. He is in the presence of the Eternal God. A just Judge will determine his deserts. We mourn his sudden taking off, we mingle our grief with the tears of a stricken family and a bereaved nation, and we trust that the Providence which has permitted this great calamity will overrule it for good. Peace be to the remains of James A. Garfield, the industrious boy, the eager student, the wise preceptor, the gallant soldier, the prudent statesman, the strong President, the suffering patient, the victim of a miscreant's hate. And may God bless the widow and children now weeping over an irreparable loss!

A NEW PRESIDENT.

CHESTER A. ARTHUR is now President of the United States, having taken the oath of office this morning in New York, in accordance with the wishes of the Cabinet. We wish President Arthur a peaceable and prosperous administration. We have never entertained the fears expressed by many persons at the first prospect of General Arthur's accession to the Presidency. We believe that he will fill the position with honor and sagacity, and we look for no immediate changes either in public policy or the construction of the Cabinet. It is to be hoped that President Arthur will receive the support of both wings of the Republican party, and also of all lovers of their country without regard to partisanship.

A RULING IN FAVOR OF DISORDER.

ONCE more the influence of the Third District Court has been exercised in favor of the liquor traffic and against the local authorities in their efforts to control it. The old ordinance requiring a license fee of one thousand dollars a year was declared void by Judge John A. Hunter, on the ground that it was too high and was by reason of its excess in the nature of a tax. Judge J. B. McKean, of the same Court, some years previous, after having ruled against the validity of a similar ordinance, in the ordinance that Judge Hunter since repudiated. The City Council recently passed another ordinance, reducing the license fee to eight hundred dollars a year. This, Judge Hunter on Saturday evening last, declared inoperative and void, for reasons which are set forth in another place in this paper.

One of the most important of these is the argument that because the Legislature which granted the City its charter had also enacted a general law, requiring all persons selling liquor, to first be licensed by the County Court, the two laws must be construed together as "no exception" in the case of cities. The Court presumed that all liquor dealers had obtained a license from the County Court, and while granting that the City could also require a license fee of the dealers already licensed by the County Court, yet he claimed, it had no right to regulate or restrain them, the language of the charter being "to license, regulate or restrain."

Reference to the statute regulating the manufacture and sale of intoxicating liquors shows that the law

was clearly intended to apply only to districts outside of incorporated cities. The system of local government in this Territory being to vest the power of regulating municipal affairs in the City Councils by special charters, and the affairs of regions outside of incorporated cities in the County Courts, one class of officials not interfering in any way with the other. So, in the law referred to by Judge Hunter, the closing section says:

"No provision of this act shall be so construed as to interfere in any way with the rights of the municipal authorities of incorporated towns and cities."

The intent of the law is evident to any one who can read. It does make "an exception in relation to the cities." The practice has been in accordance with the law. No license fee has been demanded by the County Courts of liquor dealer in the cities, because that might encroach upon the rights of municipal authorities.

The stress which Judge Hunter puts upon the word "or" and the inferences he draws from it, might be expected of a pettifogging pleader but will not add to his reputation as a judicial officer. The whole charter ought to be viewed in its entirety. The powers granted thereby should be construed liberally, because the object in view is the regulation of affairs for the peace, good order and general welfare of the inhabitants. The City in passing an ordinance for the licensing of the sale of liquor, exercises police authority to regulate something which it has not power to prohibit. Section 24 of the Charter authorizes the Council to license regulate or restrain the manufacturers or vendors of ardent spirits. Section 42, however, empowers it to "license tax and regulate merchants, and retailers, distillers, brewers, &c. Section 70 confers power to "pass, make ordain, establish and execute all such ordinances not repugnant to the Constitution of the United States or the laws of the Territory," as the Council "may deem necessary for the peace, good order, regulation, etc., of the city, and for the health, safety, and happiness of the inhabitants thereof."

Both general and special powers are conferred upon the Council. And if the word "or" occurs in section 24 the word "and" is found in section 42. If a dispenser of intoxicants by the drink or dram is not a "retailer" what is he? If he is a retailer of ardent spirits or anything else, the City has power to "license, tax and regulate" his business. If the municipal authorities deem it necessary for the peace and good order of the city to regulate or restrain the traffic in liquor, which causes so much disturbance and requires the services of so many policemen, by imposing a high rate of license, what is there in the charter or in good sound logic or common sense to prevent that method of regulation or restraint? Does Judge Hunter expect the public to believe that the City has no right to regulate or restrain by means of license fees? Is not that mode of regulation or restraint adopted all over the civilized world? And in taking advantage of one word in one section of the charter and ignoring other parts of the instrument, is he not playing into the hands of an element of disorder and working against the interests of the inhabitants of this city? The number of those who would answer "no" to this question are without doubt very few and insignificant.

As to the amount of license fee that it takes to make it a tax, His Honor leaves us in the dark. The City Charter in section 41 makes the fee discretionary with the City Council. That body is made the judge of the sum necessary. The Supreme Court of Nebraska, recently, in full bench, unanimously ruled that a license fee of one thousand dollars per annum was not excessive, and was not a tax within the meaning of the law. Judge Hunter leaves us to infer that all the license fee the city can demand is an amount necessary to cover the cost of issuing it, ignoring the consequences of the liquor traffic, its expense to the city because of the disturbance of the public peace growing out of it, and all other considerations usually held in the discussion of this subject. And common people who are not influenced by chicanery and word-twisting, will come to the conclusion that the object in view is to give facility to the defiers of local regulations, to multiply dram shops and

low tipping dens, with all their concomitants of evil, and thus encourage among the people of this Territory the vices and corruptions which abound in other communities.

We should be sorry to misjudge or falsely accuse any one, but, as the Lord lives and Satan works to oppose him, we believe these movements in opposition to the local laws and the expressed wishes of the large majority of the people to be inspired by the desire we have mentioned, the ultimate end being to sow the seeds of disunion, discord, strife and demoralization, for the breaking up of the institutions of the Latter-day Saints. But just as firm as are our convictions of this intent, so sure are we that the plan will fail and will result in shame and confusion to those who thus plan for evil and lend their aid to work injury, when they should labor to put down vice and establish righteousness and peace in the earth.

This decision should be tested in a court where there is some chance of a just ruling.

LIST OF SCANDINAVIAN PASSENGERS

Sailing from Liverpool per S. S. "Wyoming," Sept. 3, 1881.

FOR SALT LAKE CITY.

Else Marie Jensen; Thomine Christensen; Anne Sophie Haagen; Matte R. Schultz; Peter and Christian Nielsen; Severine Lindbart; Pernelle, Hilda K. S. and Marie Svensen; Niels W. Magun; Ole, Stine and Waldemar Christensen; Anders P. Andersen; Inga Bjorklund; Maria C. and Kerstin Berglund; Anna M. Anderson; Anna M. Johansson; Ida M. Begnston; Johan Berg; Anna C. Hagelin; Gustaf and Maria W. Brandt; Mathias Wahlén; Anna Anderson; Niels O. Olofson; Johan E. Olsson; Bengta and Anna Gustafson; Alfred Frojd; Johanna Jonson; Christina and Alma Roslund; Anders Lofgrew; Elna Sundgren; Per J. Rosvall; Ala and Johan Sonason; H. S. Winnerstrom; Christina and Charlotta Nilsson; Christina Olson; Frederika, Nils P. and Emil E. Persson; S. W. Fogelberg; Carolina Mansson; Anette Carlson; Karen J. and Ester M. Hansen; Carl Madsen; Ola J. L. Nordstrom; Christine Hansen; Thora Hennigsen; Marie Hansen; Anea Larsen; Sophia Davidson and child; Marie Christensen; Constance Floyd; Anna E. Clamemse; Karen S. Hendriksen; Marie C. Frederiksen; Niels Andersen; Anna C. Pedersen; Christian Andreassen; Christine Nilssen; Maren K., Johanna and Anna Ellen Jensen; Aline Anderson; Johan F. Johanson; Charlotte Gustafson; Susanna Anderson; Alfred Anderson; Henrik, Emilie, Haldur, Rudolph and Laura Johannessen; Karen and Christian Olsen; Johan Evanson; Ludwig and Christine Ernstom; Berdines Larson; Nicolia and Elen Anderson.

FOR PROVO.

Mariane and Martin A. Jensen; Anna S. Anderson; Nielsine, Niels, Karen M., Else, Erik and Hans Niels Eriksen; John Olson; Frans A., Emma and Carl A. Johanson; Johanna J. Spangberg.

FOR NEPHI.

Kirstine and Annie Anderson; Christine M. Steffensen; Jens, Peter and Anders P. Petersen; Petrine M. Jensen; Birgitte, Jorgen, Line C., Maren S., Peter Chr. and Nephi Nielsen; Martin C. Christiansen; Kirsten M., Soren S. and Cicilia Nielsen; Else C. Peterson; Hogan P. Sjusted; Christine W. H. Anderson; Niels Julius Rasmussen; Niels Petersen and Maria P. Molier; Dortha K. Madsen; Andreas M. and Stephen M. Petersen; Ane Christine Madsen; Ane Chr. Christensen; Jensine P. Frandsen; Anders P. Jensen; Anne Magdalene Petersen; Hans P., Hansine, Christoffer M. and Helene S. M. Petersen; Niels and Peter Mortensen; Caroline Andersen; Soren M. Johanson; Niels M., Mette K., Sophie L., Nicoline M. and Mads Michaelsen; Anne and August N. Larson; Albert and Christine Johannessen; Louise Caroline Carlson.

FOR OGDEN.

Matte Petersen Motter; Anne Margrete, Anders Carl and Elise Petersen; Adolf Frederik and Johanna Maria Nilsson; Gustaf Hjalmer Anderson; Gustaf A. Soderberg; Anna M. Schultz; Lovisa W. Sundberg; Anna Ahlgren; Augusta Larsson; Sven, Johanna, Anna, Aman-