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WEEKLY.

TRUTH AND LIBERTY.

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THE GOVERNOR, THE UNIVERSITY AND THE DISTRICT SCHOOLS.

THE organ of the male prostitutes and also of Governor Murray essays to defend the latter from the arraignment of the DESERET NEWS in its review of the Governor's report. Of all the lame apologies that the lame sheet ever attempted, this morning's effort is about the lamest. There is absolutely nothing in the whole article but such "arguments" as these: "Square falsehood," "silly evasion," "flat denial," "we believe the Governor to be correct," "slaves to the Mormon Church," etc., except this:

"The NEWS shamefully lies about the University. The facts are well known; the Governor believed the organization of the University was illegal, but offered to sign the bill appropriating the money, subject, however, to the decision of the question of legality, and that the Legislature refused to accept. It moreover refused to insert in the bill that the University should be non-sectarian, and the law forbids appropriations to sectarian institutions. Finally there is a wail because the Governor praised the missionary schools in Utah and did not praise the district schools."

"The facts *are* well known." They are a matter of record. They are just as related by the DESERET NEWS. The Governor refused to sign the appropriation bill with the item in it for the Deseret University; when that item was stricken out he signed it. Now he falsely charges, in an official document, that "the Legislature went so far as to strike down the Deseret University by leaving it without an appropriation." The meanness of his attempt to cripple the University is excelled in his shameless perversion of the facts in regard to the appropriation.

The statement of the *Tribune* that the Legislature refused to insert in the bill that the University should be non-sectarian might be sufficiently met by its own choice language; that is, "the *Tribune* shamefully lies." But that would be resting simply upon the *Tribune* sort of "argument." The clause insisted upon by Governor Murray concerning the non-sectarian character of the University *was* inserted, and after agreeing to sign the general appropriation bill if that clause appeared, he refused to append his signature till the item relating to the University was entirely expunged. These are facts beyond successful disputation, but of course not beyond the lying of such a sheet as the *Tribune*. The record will show the insertion of the non-sectarian clause, and the testimony of gentlemen whose bare word we value far more than the Governor's oath, if he denies the statement, was that the Governor promised to sign the bill if that clause was inserted, and when it was inserted he refused to fulfil his promise.

That there was no need of such a clause is patent to all who know anything of the University. No sectarian tenets, "Mormon" or any other kind, had ever been taught in the University. That religion was not taught there has been one of the objections urged against it by many influential "Mormons." The insertion of the Governor's absurd clause was viewed as giving the impression that the University had previously been sectarian in its character, and that was why it was opposed. But the necessities of the institution were such that a majority of the Legislature concluded it was better to give way to the nonsense of the Governor than to imperil the University, and so the clause was inserted as we have stated, and it is of no use for the Governor's reckless and shameless organ to deny it in his behalf.

The legality of the University was not in question. It is not a question now. The legality of the mode of election of its Regents was in question, but on the shallowest of grounds. The Governor wanted to appoint whom he pleased as the Regents. The law which created the University provided that the officers should be elected by joint session of the Legislative Assembly. The Governor tried to make it appear that those officers came under the provisions of section seven of the Organic Act. But they are not Territorial officers. They are merely the officers of an educational establishment. The Territorial Superintendent of District Schools may be classed as a Territorial officer. But the Chancellor and Regents of the University are simply the officers of that one institution.

The Governor might argue that the University is a Territorial establishment. Exactly in the same way is the Territorial Insane Asylum a Territorial establishment, and yet its officers are elected in the same way as those of the University. But the Governor had no objection to that, for he was elected one of the officers of the Asylum, and that made all the difference. He approved of the appropriation for the Territorial institution of which he was made a director, but refused to approve the appropriation for the Territorial institution in which he could not dictate as to its officers. And the same reasoning which would affect the legality of the election of the officers in the Deseret University, the appropriation for which he would *not* sign, affected exactly in the same way the election of the officers of the Insane Asylum, of which he was one, and the appropriation for which he *would* and *did* sign. Sensible people can form their own conclusions as to his motives.

"Finally the DESERET NEWS" made no "wail because the Governor praised the missionary schools and did not praise the district schools." Again, to use its own pet classical phrase, "the *Tribune* shamefully lies." The objection of the DESERET NEWS was that the Governor of the Territory, in the appendix to his official report, gave the statistics of all the sectarian schools here, but gave none in regard to the District Schools, while the latter are established by Territorial laws and supported in part by Territorial taxes, and the former are private schools with which the Executive has nothing to do. If that is fair, in the line of official duty, or half way decent in a Governor to whom, as part of the legislative body, the district schools are officially reported, then language is changed from its ordinary meaning, and honor, propriety and truth are different to what they have heretofore been considered in civilized society.

THE NEW EDMUNDS BILL.

SENATOR George F. Edmunds, as most of our readers are aware, has introduced another anti-"Mormon" measure. The full text of the bill appears in our columns to-day. We invite special attention to its provisions, that the public may understand to what lengths bigotry and malevolence will go in schemes to destroy an unpopular religion. Not that a thousand Edmunds bills, if passed, would destroy the Church of Jesus Christ of Latter-day Saints, but the intent and determination are manifest in these measures, and in order to effect the end *designed their* authors, without reserve, cast aside the restrictions and precedents which have for centuries been regarded as sacred in jurisprudence and binding in the enactment of laws.

The first two sections of the bill, to use the language of a distinguished authority on constitutional law, are "in contemptuous defiance of the great principles which protect the sanctities of the family and lie at the basis of civil society." That husband and wife cannot be required to testify against each other except by mutual consent, is an established principle of law, the necessity for which has never been seriously disputed. It is in the interest of social morality. To break down this safeguard to the sanctities of private life is to aim a blow at the family and attempt to disrupt the home. The promoters of this warfare on "Mormon" marriage make a great outcry about "home and family." They assert that it is these essentials that they wish to guard. But what they have done and what they are attempting to do, prove that their cries are a pretense, and that they are striking at the very vitals they assume to protect.

This bill not only makes it lawful for the legal wife to testify against the husband, but gives power to the courts to compel her to so testify in any case of bigamy, polygamy or unlawful cohabitation, and subjects the wife, or any other witness that is wanted by the prosecution, to arrest, without subpœna, like a criminal. The infamous nature of this provision will arrest the attention and meet with the reprobation of every fair-minded person.

The extension of the time of limitation for the prosecution of offenses under the Edmunds law is further special legislation, designed to make "Mormon" infractions of law more heinous than some of the higher crimes. The provision about the certifying and recording of marriages is intended to establish evidence of plural marriages, and to punish those who officiate in the ceremony if they do not furnish that evidence. The next provision is intended to give power to the courts to make unreasonable searches and seizures of ecclesiastical records, which are not public property and cannot be made public property by any Act of Congress without violating the Constitution of the United States. But that sacred instrument is fast becoming obsolete, and does not count in legislating against the Latter-day Saints.

The seventh section is a most unjust attempt to rob the women of Utah of the right of suffrage. We use the term "right" understandingly. The elective franchise is conferred as a privilege but it becomes a vested right by possession and usage. There is no reason why that right should be taken away from the women of Utah more than the men. The object clearly is to reduce the voting power of the "Mormon" citizens of Utah. This being the undisputed intention, why not take the franchise away from every person claiming to be a "Mormon?" This would be more reasonable and logical, and not any more unjust in principle, though it would be more extensive in its effects than to take it away from the women alone. It is to be presumed that the authors of the bill considered that the total disfranchisement of the "Mormon" people would be a little too strong a measure at once, that it would provoke too much discussion as to the motive and so they thought it better to approach their object by degrees.

The enfranchisement of the women of Utah was once a pet measure to break down "Mormonism." It was argued that if "the down-trodden women of Utah" could vote, polygamy would soon be doomed and "Mormonism" destroyed. But it has been demonstrated that those "down-trodden" women are as much in earnest in the support of their religion as the men, and so they are to be punished for their belief and because they do not vote as some people think they should. This blow at woman's freedom is as cowardly as it is illogical and subversive of vested rights. And it will have no perceptible bearing upon the end that its promoters have in view. It will meet also with considerable opposition in Congress.

The eighth and ninth sections of the bill prove beyond doubt, what we have often alleged, that those members of Congress who are most prominent in legislating against Utah, do not understand the situation here, and generally are ignorant of Utah affairs. They depend upon statements made by unreliable enemies of the "Mormons" and therefore work measurably in the dark. Those two sections are aimed at empty space. There are no laws which provide for the numbering or identifying of votes, and the civil and criminal jurisdiction once exercised by the probate courts was taken from them by Act of Congress eleven years ago. Mr. Edmunds ought to know enough of the subject on which he attempts to legislate to avoid making such an exhibition of ignorance as this attempt to repeal laws that have no existence.

The section intended to deprive illegitimate children of any interest in the estate of their fathers, is very narrow and illiberal policy, and will simply make it necessary for fathers of children called illegitimate in law to specially provide for them by deed or will, while the effects, when the fathers do not so provide, will fall upon the innocent children, a feat for the accomplishment of which Mr. Edmunds must take considerable credit and in which he must have great satisfaction.

Section eleven is another exhibition of the Senator's ignorance of the laws of Utah which he attempts to amend. There are no such laws on our present statute books as that section designs to annul. The section is worse than surplusage.

The next four sections forms a bold attempt at wholesale robbery. They propose to take for public purposes the property of private associations, call them corporations, if you please, though the corporate existence of the Church is an open question. These provisions cannot be made operative. They manifest as much ignorance of the condition of the Church properties and of the P. E. Fund Company as other sections do of the laws of Utah. They are in open violation of Article V. of the Amendments to the Constitution. And that they are manifestly unjust and dishonest, we think will be conceded by everybody but bigoted anti-"Mormons," who think the end justifies the means, and are just as ready for pillage as they are for persecution under cover of law. We would be sorry to have to live for a week on the property that the "trustees appointed by the President" will filch from the Church or the P. E. Fund.

The object of the provision to give the redistricting of the Territory into the hands of certain Federal officials, instead of the Territorial Legislature, is obvious. It is thought that by this means, coupled with the disfranchisement of the women voters, enemies of the majority of the people can be worked into the Legislative Assembly. One feature of this section is highly objectionable. It abolishes the present election districts, and would thus leave the existence of the Legislature dependent upon the action of five officers inimical to the interests of the great body of the citizens. Suppose one of them refused to act? It requires the whole five to attend to the business. What would be the consequence? There would be no Legislature at all, because the election districts and apportionment would have been "abolished." When the duplicity and recklessness of a Governor is taken into account, who has not scrupled to give a certificate of election to a friend that received less than one in every thirteen of the votes cast, and who is doing all in his power to deprive the Territory of a Legislature, the looseness and danger of the provision are apparent.

The next provision, if it should pass, will simply make the Commissioners feel happy. But it is only an assurance to them that they shall continue in office, an event which they and the Governor of the Territory can render safe without any further legislation. The section is unnecessary even for that purpose.

Sections nineteen and twenty are open to this objection: That while an unmarried woman who has illicit intercourse with an unmarried man is liable to a fine of one hundred dollars and six months imprisonment, if her paramour happens to be a married man she cannot be punished it all. The extreme "morality" of this provision can perhaps be explained by Senator Edmunds. The object of course can be easily perceived. But in laying these cunning traps to catch polygamists, how "highly moral" and consistent their authors appear! By these sections it is made a heinous crime for a woman to commit herself with a bachelor, but she may carry on the same game without stint with another woman's husband, and under Mr. Edmunds' code she is not guilty of any crime at all.

The enlargement of the powers of U. S. Commissioners and of Marshals and their deputies, is a further infringement upon the rights of citizens, those officials being appointed without any voice or vote of the people, and is anti-Republican and vicious. So with the proposition to place the schools of the Territory under the direction of an appointed instead of an elected officer. The same misinformation which has prompted other provisions in the bill, crops out in this. Books of "a sectarian character" are not now in use in the District Schools in Utah, notwithstanding that statements to the contrary have been made in the Senate of the United States. And the proposition to give an appointed superintendent power by his *ipse dixit* to say what text books are "suitable," thus opening the way for robbery and changes in text books at the expense of parents, is one of the many inconsiderate inconsistencies of this evil bill.

The rest of the latest anti-"Mormon" measure consists of a restoration of the old relic of the common law, the right of dower, which would have about as much effect on the polygamy question as it would on the Washington monument. It might make provision for plural wives in the event of the husband's death a little more complicated in some cases, but that could all be arranged without serious difficulty.

It is rather improbable that a measure bearing such manifest incongruities, violations of settled legal principles, and infractions of constitutional guaranties, will become a law at the present session of Congress; yet it is possible, under the unreasoning prejudice and priestly pressure which operate so powerfully during the crusade now waged against "Mormonism." But whether this wicked and cunning scheme, or any other that is attempted, shall so far succeed as to pass into the forms of law, the religion against which they are aimed, the Church which they are intended to overthrow, will remain intact, and God, who *has established it, will cause it to* ride triumphant over every foe. It is His work, and who can prevail against Omnipotence?

A "WHITED SEPULCHRE."

THE *Herald of Truth*, a religious paper, has a letter from a correspondent at Fresno, Cal., who is enthusiastic over the evangelical work of Dr. DeWitt, who has figured in this city as a Baptist minister. Of course he was strongly anti-polygamous. Here is what the correspondent writes under date of November 26:

"The revival at the Baptist church in our city still continues with great power. After a pungent sermon by Dr. DeWitt, of Salt Lake City, thirty-eight persons stood up in the congregation and requested the prayers of Christian people. Rarely, if ever, has there been such a profound awakening to the subject of personal salvation as now. Last Sunday we turned our Sunday school into an inquiry meeting, and as a result nearly all of our Sunday school scholars arose for prayers. The Lord is wonderfully blessing the labors of Dr. DeWitt among us. He is a man of mighty faith, deep consecrations, wonderful energy, and an intense love for his work. Notwithstanding the heavy and continuous rains, the congregations have been large and are increasing from day to day. This is the tenth day of the meeting."

It would be highly interesting, but perhaps not quite suitable to a revival meeting, if the testimony now attainable in this city concerning the alleged doings of the said "Dr." DeWitt were related side by side with the account of his revival work. It would be more "pungent" than any sermon and more "profoundly awakening" than any hell-fire exhortation. The "wonderful energy and love for his work" exhibited in California, according to what we are informed, had an outlet in this city which only men on "the list" can fully comprehend. This is a generation of hypocrisy, and "whited sepulchres" make splendid revivalists.

"SIMPLY UNANSWERABLE."

THE Governor's apologist and organ of the lechers says its statement defending the Executive was "simply unanswerable." Correct for once. Its chief argument was "Bah!" We do not pretend to be able to combat the conclusive reasoning comprehended in that elegant expression. It is the *dernier resort* of the *Tribune* sage when driven into a corner and is absolutely unassailable.

AN ELOQUENT ARGUMENT.

WE publish to-day a pretty complete synopsis of the argument made before the Supreme Court of the United States in the case of Angus M. Cannon on writ of error, by his counsel, F. S. Richards. We invite special attention to the argument. It is lucid, concise, couched in terse, forcible and elegant sentences, and is a presentation of the "Mormon" side of the case, which we think will be generally endorsed. We regret that its full text could not be given with the questions of the judges and Mr. Richards' responses, but that would have taken up too much space to the exclusion of other interesting matter.

As we expect to publish the opinion of the Supreme Court when it arrives, we thought our readers would like to see the argument of Mr. Cannon's counsel, so that they may be able to understand the points in which the Court has ruled, and to see whether the reasoning of the attorney has been met by the Court. It would be a little premature, perhaps, to say that some of the points taken by Mr. Richards cannot be turned aside. But they will not fail to make a deep impression on intelligent minds and to compel convictions of their truth, as well as of the sincerity of their talented advocate.

It is true that no matter how eloquent the speaker, nor how powerful his argument, the Court has failed to coincide with the views advanced and to decide in accordance with them. But even that is not conclusive evidence that they were incorrect or that the Judges were unconvinced of their legality. The doctrine of expediency has obtained, even in the highest judicial tribunal of the country, and the supposed necessity of suppressing polygamy weighs more in determining the policy to be pursued than strictly legal interpretations or constitutional requirements.

The challenge made by Mr. Richards in regard to the production of a single precedent in criminal jurisprudence for a construction of the term "unlawful cohabitation" to justify the new Dickson-Zane interpretation, has not been responded to, and we believe cannot be answered. His plea for a complete and definite exposition of the law, so that the people of Utah may know what it really signifies and intends, is powerful and timely, and the picture he draws of the conditions into which the rulings and proceedings of the lower courts have plunged the innocent families that have been disrupted in Utah, is vivid, *truthful*, *pathetic and masterly*.

We consider the whole argument deserving of thorough and general consideration, and that if published in pamphlet form and widely circulated, it would do much towards placing the "Mormon" situation correctly before the public mind. If the Court has given a decision unfavorable to the case of the plaintiff in error, it certainly was not the fault of his counsel who has presented his case in a most able, complete, concise and vigorous argument.

DEAD AND GONE.

THE grand jury for the September term, purged and doctored after an entirely new process, to suit the prosecution, was discharged on Saturday. A report was presented but it was not comeatable by the press. It was reserved for the champion of the lechers whom the District Attorney would not prosecute nor the grand jury indict. It will be found in another part of this paper.

There is nothing very remarkable in it. The county jail is denounced in strong language; nothing is said about the penitentiary. The houses of ill-fame to which the Judge drew attention are not proceeded against. The witnesses whom Prosecuting Attorney Varian insulted and vilified, and whom he would not believe on oath, were used as witnesses before the grand jury subsequent to his vile and unrebuked attack in open court. The grand jury seem to attach considerable weight to the testimony of those witnesses.

Mrs. Fields and Fanny Davenport, who are not now keeping bad houses, are indicted, while those who are keeping them are not indicted. The great fault of those two women seems to be that they were willing to disclose who visited them, that the male lechers might be punished, while the other keepers well known to Federal officials would not give evidence, and are therefore exempt.

The grand jury do not like the prosecutions now going on in the Justice's Court against the creatures who have defiled themselves in houses of ill-fame. Of course not; the reasons are obvious.

Finally they complain they have been abused by the press and that some of their number have been molested in their persons and property, as they believe for intimidation. But they do not cite any instance of such abuse or such intimidations, and we challenge them or either of them to produce the proof. It is the last vicious kick of an expiring body which will have no tear dropped on the tomb that forever covers its odorous corpse.