

has been in about two years. The paper circulates in every Territory and most of the States.

Here Mr. Varnan moved to change the charge against Mr. Blandin to make it harmonize with the advertisement put in the *Tribune* by defendant. The motion was granted. He then read an application for divorce filed by defendant and the accompanying verification sworn to before a notary public in New York, to show the fraudulent nature of Mr. Blandin's practice. He also read the titles of several similar applications. He then read defendant's advertisement in the *Tribune*, which closed the evidence for the prosecution. As the defense had nothing further to offer, the case was submitted. After a short consultation, the majority of the court agreeing, a decree was entered that the defendant, Charles T. Blandin, be permanently disbarred and prevented from all further practice as an attorney in any of the courts of this Territory.

Counsel for defense thought the penalty extraordinary, and asked the privilege of filing a motion for a rehearing. Granted on condition that said motion should be filed within ten days after the findings in the present suit are filed.

In the matter of the disbarment of James McKnight the court appointed C. W. Bennett, W. C. Hall and Alma H. Winn as a committee to take testimony and depositions in the matter, with instructions to report next term.

At this afternoon's session of the Supreme Court, the argument on the motion for a rehearing of the Blandin case, was delivered, but the motion was overruled, and Mr. Blandin is permanently disbarred.

DISGRACEFUL PROCEEDINGS.

SOME of the scenes presented yesterday in U. S. Commissioner McKay's office, in connection with the proceedings in the case against Royal B. Young, were extremely disgraceful to the prosecution. If there was such a feeling in the breast of U. S. Attorney Dickson as a sense of decency, he would, on mature reflection, be thoroughly ashamed of himself. He may not realize it, but it is nevertheless true, that his conduct in some respects is beginning to inspire a feeling of intense disgust in the minds of thoughtful people of all classes. He is robbing his office of every particle of that dignity that ought to be attached to it.

The threats and intimidation used by Mr. Dickson toward Mr. Young yesterday afternoon, for the purpose of compelling the latter to produce witnesses to prosecute himself, were not only undignified and extra-officious, but absolutely unprofessional. They were a means to which no high-minded official or gentleman would resort.

A good many people talk, in connection with the present anti-"Mormon" raid, about search warrants. Such a document is not authority to search for an individual, but for the recovery of stolen property. A warrant of arrest may, under the common law, give authority to enter premises where the accused is presumed to be. This, however, is a disputed point, in view of our written statutes. But we repeat, a subpoena is not authority to make forcible entrance into private premises.

It may be held that an evident effort to evade the service of a subpoena is a questionable proceeding on the part of a person who is wanted as a witness. This depends upon circumstances. In the instance under consideration they were exceptional, as was subsequently demonstrated as the investigation proceeded.

The witness wanted was a lady. The sad experience of others of her sex placed on the witness stand in cases of the same character naturally gave her a terror of being placed in a similar position. Doubtless there are delicate and refined ladies who would as soon face death as be subjected to the brutal browbeating, purposely broad and indecent interrogations, sneers and innuendoes of Prosecuting Attorney Dickson and, if possible, his more unscrupulous and vulgar assistant, C. S. Varnan.

If there be any doubt in regard to the brutality of the ordeal through which delicate ladies are dragged by the prosecution let such peruse the account of yesterday's proceedings before Commissioner McKay. After Mr. Dickson had interrogated a lady witness and received answers completely covering the ground in regard to the most intimate relations a woman could have with her husband, he propounded another incorporating elements of the broadest vulgarity, and indecency. In view of its being entirely unnecessary no gentleman would have thus insulted a lady, the fact of her being temporarily at his mercy making his proceeding all the more inexcusable. Not content with this way of putting the lady witness through a crucible of cruelty, he followed up his insulting course by broad innuendoes in relation to the winding up of a clock, his ribald irony being of such a character that it was seized upon this morning as presenting an opportunity to the Salt Lake *Tribune* to get off one of its nauseating obscene jokes.

Let decent people note yesterday's proceedings in the case against Mr. Young and they can easily form their own opinions as to whether Mr. Dickson acted the role of a dignified and conscientious officer and gentleman, or whether he enacted the part of a

bully, an intimidator and an ignorer of ordinary amenity and decency. There will not be any difficulty of reaching a conclusion as to the character of our opinion upon the subject.

THE POSITION UNCHANGED.

In another column will be found a communication from Mr. Andrew Cahoon an ex-"Mormon" in which he reaffirms the following test, which he formerly stated:

"If polygamy is a command of God, we may be perfectly sure He will protect from all harm and hardship all those who obey Him. If He does not protect them, then we may be sure He did not command it. This is common sense, and the plainest way of stating it."

In alluding to this method of proving the divinity of any doctrine or institution, we showed the similarity of his logic to that used by those who took part in crucifying the Savior, and of the unrepentant malefactor, who wanted Him to show himself to be the Christ by saving himself from an ignominious death.

Now he makes other citations to further prove his position, which, however, only strengthens ours. The protection of Israel by divine interposition does not alter the fact that this manifestation in their behalf occurred after they had been subjected to the most grievous bondage at the hands of the Egyptians. The water also burst forth from the rock at a juncture when they were "about famished with thirst," and from hunger when the quails and manna were provided. Daniel and the three Hebrews were protected at a moment of extreme peril, which has always been the case with the Latter-day Saints thus far and will, doubtless, be again. Peter and the Apostles were frequently delivered from their enemies, although ultimately slain by them, as have numbers of our Elders, and we firmly believe all that has been predicted about latter-day Israel, but the quotations made by Mr. Cahoon do not place him a hairsbreadth nearer right in our opinion than we previously considered him to be.

Here is exactly what we stated in the first article:

"Neither sacred nor secular history sustains the theory that the expounders or practicers of divine truth have ever been allowed by their fellowmen to rest on beds of ease, but have, as a rule been awarded the legacy bequeathed by the Great Master. They have been hated, despised and maltreated."

None of our correspondent's citations touched that position, by way of moving it, but tend to sustain it. Sacred history throughout shows that the Almighty suffers his servants to be tried and afflicted by their enemies for a wise purpose, and, then, in his own time and way, He delivers them. Instead of having any contrary idea in relation to the present crusade against the Latter-day Saints, we have the utmost confidence in such an outcome.

The theory of our correspondent is comforting to cowards, although we by no means consider him one, as it affords a plausible apology for those who want one, to haul down the flag so soon as trouble arises. To fly the track at a critical time gives the Lord no opportunity to interfere with his power, He being precluded by a passive submission to the demands of the enemy. Thus Mr. Cahoon's theory is contradictory.

HOW VERY CHRISTIAN!

The following precious bit, which breathes such a tolerant, law-abiding, Christian spirit is clipped from the *Dillon Tribune*, a paper published in Montana:

"There is supposed to be a few Mormon missionaries prowling around in Montana on secret mission work. These missionaries have never attempted to openly advocate their beastly plurality or polygamous doctrines in this Territory. It is well enough to warn the people at the present time. The people of Arizona Territory are trying to drive Mormon missionaries out of that Territory. The following extract from an Arizona newspaper may be appropriately applied to Montana:

"We understand that two Mormon missionaries are traveling through this section seeking whom they may devour. This thing must stop. We warn the wretches to get out as fast as their legs will carry them; for if they don't it will be worse for them. We don't want any Mormon funny business in ours, and we won't have it. There is plenty of good cold lead for all Mormon missionaries who monkey with our people, after they have been told to vamoose the ranch. We are talking."

Montana and Arizona are not parts of Russia or any of the other rigid, exclusive monarchies of Europe in which scarcely any pretension is made to religious liberty, as one might suppose from reading the foregoing, but Territories in the land of boasted freedom, America—parts of the Union in which the law is supposed to prevail, and to be ample to protect the people in their rights. And these editors presume to express the sentiments of the people

of these parts towards the "Mormons." And those whom they propose to treat to cold lead are missionaries, laboring without hire or hope of earthly reward to propagate the religion of the Bible. And those editors probably pretend to be Christians! Whether they do or not, the bulk of the people they presume to represent, do! How do their expressions correspond with that charity and toleration towards those differing from them in belief which the Savior advocated? Or how do their sentiments agree with those expressed by the founders of our nation, who regarded religious liberty as a right inherent with all men, and one which they were ever ready to risk their lives to defend? Or, how does their intolerance compare with the liberality manifested by the despised "Mormons," whom they denounce and flippantly propose to treat to cold lead? The "Mormons," or Latter-day Saints, more properly speaking, were the original settlers of this western country, and they have been largely in the majority in Utah ever since it was settled, yet never have they interfered with those who have chosen to believe in or teach other religions than that which they profess. So far from doing so, they have frequently opened their meeting houses to preachers of other denominations and allowed them to proclaim their doctrines therein free of charge. More than that, they have allowed those who have shown the utmost hostility to them as a people and avowed their intention of leading "Mormon" children from their faith to come and establish churches and schools in their midst without even in the least degree molesting them. They have patiently borne the vilification and abuse which people of this class have constantly heaped upon them, too, without the slightest sign of resentment, and have but seldom deigned to notice or deny their false statements.

Let the world judge by the fruits shown which of the two classes, the "Mormons" or those who denounce them, best deserve the title of Christians. Such expressions as those we have quoted will only tend to convince intelligent, thoughtful people who read it that the Saints are indeed the people of God, who, according to the words of the Savior, were to be hated of all men for His name's sake.

MR. CAHOON REPLIES.

COTTONWOOD, Jan. 26th, 1885.

Editor Deseret News:

Please accept my thanks for the notice of my article, "A Friendly Voice." I am pleased with your effort to answer me, whether successful or not others must judge.

You claim that my test is improper, when I say, we may be perfectly sure "God will protect those who obey his commands," and, when he does not so protect, we may be sure he did not command. To doubt this proposition is to lose faith in God.

I still think I was right and that the test was a proper one. "When Israel was pursued by Pharaoh and his hosts, did not God" roll back the sea "and protect his people and drown their enemies;" "when about famished with thirst, did he not bring forth water from the rock to quench their thirst," when about to perish with hunger, did he not feed them with quails and manna?

When Daniel was cast into the lion's den, did not God protect him! When the three Hebrews were cast into the fiery furnace, did not God preserve them from even the smell of fire on their garments! When Peter and the other Apostles were cast into prison, did not the angel go at night, open the prison doors and release them? Come now. This is all taken from the Bible, and you say that sacred history does not sustain the theory (advanced by me) that God will protect those who obey Him. Are you not wrong in that statement? I certainly think so. Can we expect any less of God. May we not look for more? The Bible says, the power and majesty of God should be manifested in the last days, in the protection of His people, so much more that it should no more be said "the Lord liveth" that brought up the children of Israel from the land of Egypt, "but the Lord liveth" that brought His people from the north country, and from the south, from the east and from the west, and from whithersoever He had scattered them.

In your zeal to maintain the divinity of the revelation referred to, are you not sacrificing doctrines that have been taught and cherished by the Mormon church for the last fifty years? I think so. And I am still inclined to hold to my first proposition, that the reason God does not protect is because He did not command.

By adopting my theory, the justice and wisdom of God is vindicated, and we are relieved from the unpleasant test of inventing excuses for his apparent neglect. This is common sense and the plainest way of stating it.

Yours Respectfully,
ANDREW CAHOON.

SUBPENA SERVICE.

ON account of the extraordinary methods adopted by officials in the present anti-"Mormon" crusade, we have deemed it necessary to explain to the people a few of their rights, to enable them to ward off imposition. Speaking of the nature of a subpoena

we have held that it is not authority to make forcible entrance into private premises.

While this is strictly correct with regard to a subpoena of itself, under certain circumstances force can be called into requisition to obtain its service. But this authority must be had by additional process.

On page 389, Laws of Utah, passed at the Legislative session of 1884, is the following section (1,219):

"If a witness is concealed in a building or vessel, so as to prevent the service of a subpoena upon him, any court or judge, or any officer issuing the subpoena, may, upon proof by affidavit of the concealment, and of the materiality of the witness, make an order that the U. S. Marshal, or the Sheriff of the county, serve the subpoena; and the officer must serve it accordingly, and for that purpose may break into the building or vessel where the witness is concealed."

The official order obtained on the showing and in the manner prescribed, is authority to make forcible entrance into any building, etc., but not the subpoena. It appears that the law regulating this matter was adopted, like many others, from the California code.

PERJURY!

ON more than one occasion Prosecuting Attorney Dickson has seen fit, in court and on the street, to talk very glibly about the perjury he asserted had been committed by his own witnesses—witnesses dragged into court as with a halter round their necks to tell something that he supposed they should tell, and that would tend to lead to a conviction in the case he had in hand.

The real fact of the matter is, what has appeared in the estimation of Mr. Dickson to be fabricated testimony on the part of witnesses who have thus been dragged into court can easily be shown to be no perjury at all. Mr. Dickson—not in his zeal as a faithful public officer, but in his anxiety to pander to a morbid public sentiment, to make a name by the persecution of an unpopular people—institutes a lawsuit, or any number of lawsuits, upon the most questionable foundation. He knows this better than any other person, for while he is a young man, and has much to learn by experience, he has the sense to understand that all cases he institutes ought to be founded on more than common rumor.

But what are the facts? In his endeavor to enforce the Edmunds law he condescends to the most despicable methods. He has engaged a corps of men to act as spies. Chief of this corps is one of the vilest wretches on earth—a man who some years ago hired a miserable scoundrel to swear lies against certain citizens with the hope that he would bring about their conviction. In the present raid against the "Mormons," this man, whose chief recommendation to the position which he holds is his villainy, is sent out to hunt up testimony against all whom he may suspect of being guilty of polygamy or unlawful cohabitation. Under his direction, other men, with no better characters, engage in the same despicable employment. By and by these vile wretches make their reports to their master; they make some showing of a case against perhaps a score of persons; and Mr. Dickson, with his pockets stuffed full of evidence obtained in this questionable manner, and from this unreliable source, issues orders to be issued a batch of subpoenas, and in a short time, as has been the case recently, Commissioner McKay's room is filled with a crowd of witnesses who, according to the Prosecuting Attorney's view, are to know and to tell sufficient to convict the person against whom he has laid the charge.

What is the result? The examination commences, and the evidence as it is drawn from the witnesses does not come up to Mr. Dickson's expectations. He winces. He affects to be surprised. Then he proceeds to browbeat the witnesses like so many pickpockets. He asks questions he has no right to ask. The defendant's counsel may object to such questions being put until he is blue in the face, but Mr. Dickson is allowed to ask them all the same. The honorable attorney for the defense sits in his chair abashed, ashamed. And thus the farce is allowed to proceed for, perhaps, two or three days, and when all the testimony is in, Mr. Dickson, smarting under defeat, hotly mutters something about perjury. Because the case has not turned out in accordance with the evidence he had in his pocket—evidence picked up by the vile wretches already mentioned, he affects to be surprised, and beg to prate about the difficulties he has to encounter in prosecuting certain cases in this community. cas

Of course he always manages to get the right side of the Commissioner, with the result that the defendant is bound over. The Commissioner, it may be stated, is not much of a lawyer. "In fact," said a person the other day, "he knows as much about law as a cow knows about astronomy."

But where does the perjury come in, if any? Is it not all on Mr. Dickson's own side of the house? Is not the evidence upon which he has proceeded—supplied by a man, in many instances, whose character is base and untrustworthy—for the most part consummate

fabrication—a myth? If not, why the miserable showing Mr. Dickson makes—a showing of which he himself probably feels ashamed, although he may manage to get his defendant bound over.

In a few days a grand jury will be empanelled. Probably some indictments will be found by it under the Edmunds law. We trust, however, that the said jury will be composed of fair, honorable, upright men—men who will recognize this fact: that the "Mormons" have rights as well as the non-"Mormons." We also trust that the witnesses who may be dragged before the grand jury will be careful to remember just what testimony they give, otherwise should the case in which they testify come to trial and their testimony in court not prove strong enough for Mr. Dickson they may be confronted—as many witnesses were in the Clawson case—with the insinuating inquiry: "Did you not testify before the grand jury so and so?" and thus be made to appear before judge, jury and the whole court, as if they were attempting to equivocate. This sort of thing was done so frequently in the Clawson case that Judge Bennett, it will be remembered, objected several times to such grand jury notes being introduced, and went so far as to say that it appeared to him they had been made "on the street." Be that as it may, all we ask is that Mr. Dickson pursue an honorable course, and let the grand jury have stamina enough to hurl in his face any question—able depositions that may be attempted to be laid before it for the purpose of securing indictments.

Let us have fair play, but let us hear no more of this cry of—perjury!

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