NEWS. EVENING upon the Legislature power to pre-FUBLISHED DAILT, SUNDAT'S EXCEPTED, AT FOUR O'CLOCK

PRITTO ND PUBLISHED THE DESERT NEWS COMPANY CHARLES W. PENROSE, EDITOR. Wednesday, - . Sept. 29, 1880.

THE WRIT OF MANDAMUS.

THE principal topic of conversation to-day is the "Liberal" attempt to ing to all the Territories, extends penses of all prosecutions for offenses deprive the women of Utah of the this power further, and gives the suffrage, a right which they have Legislatures the right to prescribe treasury of the Territory." exercised under the local statute for the qualifications of voters subject more than ten years.

It will be observed that the proceedings in the case have been commenced in the Supreme Court of the Territory, which is now in session. A writ of mandamus was applied for and obtained, requiring the Assessor to erase the names of women from the Registry List, or show cause why he has not done so. This we believe is a great blunder, and rather remarkable considering

the legal talent which has joined in the conspiracy.

The proceedings were, doubtless, instituted under the provisions local statute called the Civil Practice Act, which say that the writ of mandamus "may be issued by any court in this Territory except a Justice's, to ap inferior tribunal, corporation, board or person, to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right to office, etc." The Civil Practice Act was approved Feb. 17th, 1870. But a little more that four years later, that is on June 23d, 1874, the Act of Congress popularly known as the Poland. Bill was approved, and that law contains the following provision. "The District Courts shall have exclusive original jurisdiction in all suits or proceedings in chancery," etc. The Act of Congress would prevail as against the territorial statute, even though the latter were the later law, but, as we have shown, the former was passed four years after the other. The Supreme Court of this Territory,

scribe the qualifications of voters after the first election in the Terriry, with the following as the sole ceptional provisions:

"Provided that the right of suff-rage and of holding office shall be exercised by citizens of the United eluding those recognized States, in as citizens by the treaty with the Republic of Mexico concluded Feb ruary second, Eighteen hundred and forty-eight.

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There is nothing about male citizens in this, the word only occurs in

eference to the first election. A later enactment of Congress applyonly to certain restrictions, among

of their fees.

which the word male does not occur, and the first of which is:

"The right of suffrage and of holding office shall be exercised only by the territorial treasury. citizens of the United States above the age of twenty-one years and by become such, and have taken an oath to support the Constitution and Government of the United States." It should be understood that citi-

enship is not a matter of sex. All tion. With this extended territorial persons born in the United States are declared citizens thereof, and by

Act of Congress the wife of a native treasury orn or naturalized citizen, who might herself become a citizen, is gres in relation to these costs and declared a citizen by the act of mar. riage, without any oath or cal certificate of naturalization. Now There is, in our opinion, no legal obligation resting upon Iron County to pay this bill, and judgment should have been rendered for the defendwere there any women eitizens recognized by the treaty with Mexico above named? Cer-The judgment of the court below tainly there were. Well, then, ac cording to the Organic Act, they cause remanded were equally entitled with the male citizens to become voters if the Le-

gislature so prescribed. The woman suffrage act is then uoted, and it is made to appear in he Herald article that women who are not 21 years of age are permitted o vote, and also that women yoters are not required to reside in any three passenger coaches, left by of London, England. Funeral services at county or precinct for a specified pe-

riod. This is certainly remarkable for American Fork, by special in face of the plain wording of the invitation from the choir of that laws. The woman suffrage act place. Among the party were Elprovides: der Joseph E. Taylor of the Presi-

"That every woman of the age of dency of the Salt Lake Stake, Joseph twenty one years, who has resided Bull, Esq., of the DESERET NEWS, in the Territory six months next W. C. Dunbar, Esq., of the Herald preceding any general or special electhen, has no original jurisdiction in this case. It is strictly an appellate widow, or the daughter of a native widow, or the daughter of a native- hours brought the company to their court, except perhaps in cases for born or naturalized citizen of the writ of habeas corpus. A mandam- United States, shall be entitled to destination. They were met at the us to an officer belongs to and is in vote at any election in this Terri- station by Bishop L. E. Harrington, and a large number of the citizens. This law plainly prescribes three who gave the party a most cordial welcome. The visitors were invited First, they must be of the age to the meeting-house, in the base-We will not enter now into the of twenty-one years; second, they ment of which were in readiness suitable refreshments, prepared by the American Fork choir, of which the company partook with a rather difficult to show wherein the tive born or naturalized citizens of relish. At 10 o'clock the combined choirs being seated, the spacious meeting house was soon filled. The hall was tastefully decorated with evergreens, pictures and suitable

The Organic Act confers knowledgments of bail; and, in ad- ish nightingale. An overture was dition, they shall have the same au- then given by the Tabernacie band, thority as examining and commit- and W. D. Owen sang, in a very efting magistrates in all cases arising fective manner, "Wrecked and under the laws of said Territory, and is now possessed by justices of the Saved," with accompaniment b Prof. Daynes on the organ. Bro peace in said Territory." The persons appointed under the above provisions are Commissioners Wm. Foster being called upot for a mong, responded with the old of the Supreme Court of the Territory, and there can be no doubt but time favorite, "My Pretty Jane," with accompaniment by the Tabthat their territorial jurisdiction is co-extensive with that of the power ernacle band. A quartette entitled which appoints them-that of the the "March" was then given by whole Territory. Bros. Foster, Whitney, Beezley The Territorial Legislature has

made no provision for the payment and Owens, which was ceived. It was then announced The last clause of article 2 of th that the closing feature of the morn-Act of Congresss above referred to ing exercises would be given by the provides: "And the costs and ex-Tabernacle Choir entitled "Glory to God in the Highest." It was renderagainst any law of the Territorial Legislature shall be paid out of the ed in a very impressive style. Benediction by Elder Henry Grow. Congress evidently anticipated

At 2 p.m both choirs and a few that the Territorial Legislature would provide for these expenses. invited friends assembled again, and In fact, by the terms above quoted, it imposed this duty upon the Legis-lature by providing that these "costs" enjoyed themselves in the dance, which was enlivened by a solo on and expenses" should be paid out of the violin by Prof. W. E. Weihe, which was executed in a highly These officers were created by the artistic manner, and drew forth a act of Congress, with a territorial jurisdiction co-extensive with the hearty encore to which he responded limits of the Territory, and as to the by a rendition of the old "Swance subject matter of that jurisdiction, River," which also received they have the same authority as immense applause. Dancing was examining and committing magisthen resumed, and continued trates as justices of the peace throughout this territorial jurisdicuntil shortly before the Southern train arrived. The Tabernacle Choir jurisdiction, it was wise and proper were escorted to the depot by Bishop that the expenses attendant thereon should be paid out of the territorial Harrington and a large number of Harrington and a large number of the citizens of American Fork, and as the visitors took the train for home and rolled out of the station, The language of the act of Conhome and rolled out of the station, expenses does not require any con-

struction; it is plain and unequivo- they were greeted with prolonged cheers and cries of "Come again" by the warm-hearted inhabitants of the place.

DIED.

In the 16th Ward, Salt Lake City, Sept. 27, 1880, of diphtheria, HARRIET OTTILLIA, daughter of Henry and Louisa Parry Emery, aged 4 years, 1 month and 16 days.

At Chester, Sanpete County, September 25, 1880, FAITH WRIGHT CANDLAND, after a few hours almost nainless sickness, aged 7 months and 7 days.

This morning at 7.45 a.m., in the 17th Ward, with invited guests occupying of old age, MORRIS WHITE, aged 85 years, the Ward Meeting House at 3'p. m. to-morrow. Friends are invited.



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APPLES.

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West side.

rnacle choir, numbering about 150 the regular Utah Southern train

the nature of original jurisdiction, tory." and is so declared and defined in Bouvier. (See Law Dictionary, p qualifications for women voters: 100.)

question of the application of a writ must have resided in the Territory of mandamus to the case at, issue. I six months next preceding the elec-But will merely say that it would be tion; third, they must be either na-Assessor has neglected to perform the United States. But, following any "act which the law specially en- the precedent set by Congress, if the joins as a duty" upon him, or has woman is the wife, widow or daughprevented "the admission of a party | ter of a citizen, by this Act she is ento the use and enjoyment of a right titled to the same privileges as if she to office;" and these are the only in- were herself native born or naturalstances in which a mandamus is ized. That is all. She cannot vote inade the means of remedy by the if she is not twenty-one years of age, local statute. The law certainly nor if she has not resided in the does not require him to erase Territory six months. And by the names from the Registry List at Registration Act she is required to the ipse dixit of an irresponsible per- swear that she possesses these qualison, neither does the presence of the fications, and in addition that she names of women voters thereon has resided in the precinct one affect in any way the admission of month preceding the date of registhe individual making the affidavit tration. to the enjoyment of any right or There are other points in the ar-

office. AN 24 13 VUCTT MAT Leaving other points in this case to refer, but these are the aside, we think it can be made clear must important. And whether that the Supreme Court of the Ter- they are the Herald's own views, or ritory has no authority to issue a merely the views of those very mandamus to an officer, and if we "Diberal" persons who so desire to are not mistaken that Court has so elevate the women of Utah that decided in another case. The man-they are trying to wrest from them damus being void, if it be so declar- the power of the ballot, those points ed this evening, the merits of the case will not be investigated at the the public, that none may be present juncture.



An article in the Herald of this morning on the subject of the woman suffrage act has caused consid- in the case of Wilkins vs. Iron Coun- which was well received. Prof. erable commont, and we have been W, appealed by the latter from the Joseph J. Daynes executed repeatedly asked if we did not intend Second District, is one of consider. polka on the organ, with imitato present the subject in its true able importance to the Territory. It tion of various musical inlight, as grave errors are set forth in needs but little comment. The case struments. It was rendered in a the Herald's explanation of the case is so plain that it is difficult to beto come before the Supreme Court Heve that even Justice Boreman this evening. It should be observed, could err therein. That the Counties offered to-night in favor of the erasure created by the Poland Bill, is evident of the names of women voters from the Registry List, not as arguments in support of those alleged reasons nor anything against them. We refer to the subject not with the desire to enter into controversy with but to answer a very general desire that the points referred to may be properly explained. cision says, is plain and unequive cal, it is certainly hard to discover. As to the anticipations of Congress with. Said this was the first visit the

The Herald quotes from the Orfirst election in this Territory, every free, white male inhabitant above the age of twenty-one years shall be probable that as in the past or in the probable that past or in the probable that past or in the probable that past or in the past or in the probable that past or in the past or in the past or in the probable that past or in the pa

mottoes. Over the speakers' stand was painted in large letters the motto "We Welcome You." The assembly being called to order by Bishop Harrington, the exercises of the day commenced with an overture by the Tabernacle orchestral band, under the leadership of Prof. Beezley. Prayer was then offered by Elder Joseph E. Taylor. The

American Fork choir, under the leadership of Elder Warren Smith, and accompanied on the organ by

ticle to which we have not space Bro. David Grant then sang the glee, "Hail this Happy Day,' which reflected great credit on singers, organist and leader. The popular song "Ellen Bayne" was then sung by Bros. Wm. Foster, H. G. Whitney, Prof. Beezley and W. D. Owen, who sustained the different parts admirably. The Tabernacle band played the waltz "Happy should be correctly understood by Hearts," which was received with rapturous applause. Brother John under the impression that the Le-Peters of American Fork, sang in a gislature has been passing laws in

the Air," with accompaniment on the organ by Bro. David Grant; then CONMISSIONERS' COSTS.

followed the song "All Among the THE decision of the Supreme Court Barley" by the Tabernacle choir,

masterly manner and received a hearty encore, to which he responded. Bishop Harrington made a few however, that the Herald gives the are not liable to pay the costs of Com- remarks of welcome in his usual objectionable points as reasons to be missioners' courts, petty tribunals happy style, expressed his gratification at the "honor" conferred by a to any one having any knowledge visit of the Salt Lake Tabernacle whatever of the laws of Congress re. Choir, and referred to the Prophet

of its own. It does not say anything lating to this Territory. And what Joseph Smith as the organizer of the object Judge Boreman could have, first choir in the Church of Jesus except to annoy the county authori- Christ in this dispensation. Elder tles, in ruling so diametrically in op- C. R. Savage being called on, resposition to those laws, the language ponded in his usual jocular manner; our esteemed morning contemporary of which, as the Supreme Court de thanked them in behalf of the Tab-

ess than five. that the Territory would pro- Salt Lake choir had ever made to anganic Act the provision that at the vide for the expenses of courts other; referred to the efficient labors Those desiring to join the Class should send in their names and orders for books, as they require to be sent for East. d & s to 6-10-0

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