

And knowing that repeated outrages and excesses will have their effect and that human nature can only endure so much, we repeat our caution that official bullies had better keep within lawful bounds. Some time they may tackle a man or two who know their rights and dare defend them, instead of a weak woman upon whom they can impose their unlawful intrusions.

The doings of those deputies near Beaver, the American Fork and West Jordan, and the excess of authority on Saturday, with other similar abuses, will all be remembered, and each additional wrong will only tend to make the aggravation stronger. If the present style of things continues, no man's wife or daughter will be safe out of town or even on the streets of this city from interruption and capture, without lawful authority, from the Marshal's gang of reckless hirelings. This evil will have to be rectified. The sooner the safer, as sure as they live.

AN ATTEMPTED "LIBERAL" REVIVAL.

The corpse of the old and diminutive "Liberal" party, which was laid away to rest, has been galvanized into temporary vitality, to serve as a figure head and medium for the ring of conspirators who are plotting for political control in Utah. Decent people will have to hold their noses for a few days, while the unsavory thing is kept out of its grave and its sickening odors infect the air of this neighborhood.

Once more there seems to be an opportunity for the defunct officials, political dead ducks, dilapidated bummers, seedy "don't care if I do's" and hungry expectants; to join with the few vigorous but unscrupulous schemers, and such F. O. H.'s haunter after further power, to make a bold stroke for a big stake. A fat Territory seems to be almost ready for plucking, and greedy fingers are itching to do the work.

It is expected that all the carrion birds of a feather in this region, no matter of what name or pretensions, will flock together around the Liberal carcass, and will caw in chorus at the prospects for prey. Through the connivance of the Governor, affairs in Utah have become so unsettled that a plausible pretext will be offered to Congress for doing something radical and revolutionary, that will suit the purposes of the creatures who have been bailed so long and so frequently.

The public may expect a string of falsehoods worthy of Beezebub's choicest experts, about the people of Utah, their position and intentions. Congress is to be worked upon, the country is to be aroused, the priests whose craft is in danger, are to be brought into use, and all the popular bugaboos about "Mormonism" and the "Mormons" are to be revived and pushed to the front to aid in the "Liberal" revival, for the purpose of capturing a Territory, and the openings that will be made for pickings and plunder. The old stump-orators are waking up, the old "Mormon"-eating speeches are being revamped, and once more bogus patriotism, spread-eagle buncombe, starry flag platitudes and the "loyalty" that springs from strong potatoes, will be seen and heard through a halo of tobacco smoke and the sweet odors of stale whisky.

The polygamy cry will not now be the great slogan in the new spurt against the "Mormons." It will come in as an incidental. The putting down of the so-called "twin relic" will not be enough. The country is to be hoodwinked into countenancing a complete reversal of the practice that majority rule in a republic. A few schemers want to obtain power to govern and plunder the many. Excuses must be made to deprive the majority of power to protect themselves and defeat the rascals who are lustful for office and loot. So the Congress of the United States, pledged to sustain the Constitution, must be induced to perform any unconstitutional act, and violate the fundamental principles on which the Government rests. The great majority of the citizens of the Territory must be disfranchised in order that the small minority may rule and ruin, triumph and despoil.

All persons connected in any way with the practice of polygamy are disfranchised, but this does not help the cause of the plotters a particle. The only thing that will be of use to them is the disfranchisement of every "Mormon." How to effect this on the basis of belief, without shocking the nation too much, is the problem which the "Liberals" have to solve. The Woodburn bill, fixed over to suit their notions, is the favorite means of solution. It strikes at the root of the doctrine of religious liberty. It tramples on the plainest provisions of the supreme law. It tears to pieces the guarantees of freedom in thought, faith and speech. It is in direct conflict with decisions of the Supreme Court of the United States, to the effect that governments cannot legislate against beliefs, and that laws can only be passed against overt acts. And it bears on its face the imprints of chicanery, cunning, casuistry and corruption. But it is hoped that in the present condition of the public temper and in the apparent crisis brought about by the Governor's autocracy, Congress and the country will wink at these evils and will justify the wrong intended against Utah, under the impression that it will settle the "Mormon" question.

If the evil now working shall prevail, both the Government and people of the United States will find out, before very long, that they have been completely hoodwinked and deceived, by as conscienceless a set of political tricksters as ever worked for personal ends at the risk of the safety of the commonwealth in any age or country. And instead of breaking down an unpopular religious system, it will simply result in the plunder of the many for the benefit of a few, the annoyance and temporary subjugation of a community of honest and peaceable citizens, for the enrichment of a handful of rascals who had to take chances in the West because of their worthlessness in the East.

The Woodburn infamy, with its "Liberal" attachments, will do nothing whatever to put down "Mormonism." The schemers who favor it know that as well as anybody. They do not care a dime for "Mormonism" or polygamy. They count on it in their cups. They want the local offices and the local treasury. The rest may go to Halifax for what they care. If they should succeed, "Mormonism" will be strengthened rather than diminished. The wrong done to its followers will only cause its roots to strike down deeper into their souls, and the devotion they feel for its principles to become more fervent and intense. The country will be fooled, the nation will be guilty of a great wrong, and the only persons who will make anything by the evil permitted, will be a few plotting rogues who will fatten for a while on place and plunder.

But meanwhile due diligence should be observed by the people whose rights are being assailed. A representative of the schemers is to be fed to work at Washington in their behalf. Is nothing to be done by the people who are to be maligned and if possible despoiled? That remains to be seen. But if we could have things our way, we would take good care that the side of the people should be heard in Congress and throughout the land, and that the wrong intended against an unoffending people should not be perpetrated in that blindness as to the facts with which the country is afflicted, and on which the plotters predicate their probable success.

Let those whose liberties are about to be attacked reflect on this matter and act accordingly. The older citizens whose right of franchise has been flitted from them are just now in political jeopardy. It is the men and women who hold the few political rights, left to this afflicted Territory who should be deeply interested in the warfare that is at hand. And we suggest to our respectable "Gentile" neighbors that if they allow their names or influence, through fear of a shameless press and a few libelous adventurers, to aid in the infamy intended, they will find out when it is too late that they have sold themselves for a song and they will have to do the singing. Non-"Mormon" taxpayers will have to bear their share of the burden that will weigh down the Territory, and to suffer their part of the troubles that will follow the rule of the rascals who are reaching out their hands to grasp the reins and seize the whip of State in Utah.

TESTING A NEW STATUTE.

The U. S. Prosecuting Attorney has raised a point in connection with the recently enacted law, "To lessen the terms of sentence of convicts for good conduct." He claims that if it is construed to operate retro-actively it will render the act invalid. Under the more liberal construction Mr. Aurelius Miner would have been liberated from the penitentiary this morning, the law in question allowing him four more days on the term of six months than the old one. As a consequence the gentleman named was to be taken before Judge Zane this afternoon on a writ of habeas corpus, when the point at issue would be judicially tested.

There is no room for doubt that the bill was intended to apply, in the benefits it confers, to all terms pending at the date of its passage and approval. The following is the section in point:

SEC. 6.—This act shall take effect forthwith after its passage and approval, and all unexpired terms of sentence then pending shall be treated in accordance with the foregoing provisions.

The intent being clear, the question of constitutionality is the only one to be settled. The point is dealt with in specific directness in Chase's Blackstone (second edition) page 11. It is there plainly stated that a statute of that character—including its retroactive operation—is constitutional when it merely mitigates the punishment without changing its character. Such is the case with this law exactly. It does not change the nature of the punishment, but merely reduces its severity.

The new law is wise and humane, and strictly in keeping with the more modern methods of dealing with criminals, being essentially reformatory in holding out a hope of reward. It gives the convict an opportunity to show by his actions whether he purposes leading a better life, and if he demonstrates that he purposes refraining from criminality, there is no danger to society in his being set at liberty.

If this be true as relating to future

cases, it is much more so with regard to those now pending, for those now in prison who would benefit by a retroactive operation have conducted themselves with commendable circumspection even in the absence of a more liberal reward for taking that course. To deprive them of its beneficial operation would look very much like unjust discrimination.

Several have been already benefitted by its "back action," and, seeing that its constitutionality is so strongly sustained authoritatively, it is to be hoped that there will be no judicial straining to render it nugatory either in whole or in part.

Those who have perused the act attentively will have observed that its more liberal benefits are accorded to "long termers," those conferred upon persons sentenced for a short time being comparatively small. For instance, the difference made by it in excess of the shortening process of the old law in a term of six months, is a period of four days. It cannot, therefore, be held consistently that the bill was framed for the benefit of "Mormon" convicts, the judgment in "cohabitation" cases being limited in every instance to half a year.

Should the new law be rendered invalid by a strained construction it will appear as if every particle of human sympathy for the unfortunates had fled from some men's souls. It will also seem as if some persons took a special delight in sitting on the tail-end of progress and shouting "whoa." The new statute is a measure that confers benefits upon a large number of unfortunate people, and inflicts no wrong upon any other class.

THERE SHOULD BE AN INVESTIGATION.

The treatment of Mrs. Edna L. Smith by deputy marshals, as recorded elsewhere in this paper, and in the EVENING NEWS of Saturday, add a few drops more to the cup of "Mormon" indignation which is now nearly full. What right have persons clothed with the garments of a petty office to arrest ladies against whom no offence is charged, and for whom they have no official papers of any kind, and keep them in confinement for hours? Deputy Marshals have no legal authority to summon people by word of mouth or to manufacture subpoenas, just as they please, or to deprive an one of liberty without process of court. When they attempt to do so on the public highway they may be treated as highwaymen. We have advised quiet submission to the service of legal papers, but we do not ask any one to knuckle down to such an invasion of common rights as Mrs. Smith was subjected to on Saturday.

But if her treatment was infamous when brought into town under guard and deprived of her liberty without authority of law, the course pursued towards her when under guard by an insolent deputy and notorious debauchee with a gun, was still more abominable. Anything in the shape of a man who would act towards a lady as he is accused by Mrs. Smith of treating her, is unfit to be entrusted with any authority, is a disgrace to humanity and is unsuitable for any society but the lowest and vilest to be found on earth.

Marshal Ireland is responsible for the doings of his deputies. Any act of usurpation or insolence on their part is chargeable to him, unless he takes measures to correct the wrong. When ladies are imposed upon and insulted as Mrs. Smith was, as she relates, proceedings ought to be instituted against the responsible parties. Before any other steps are taken in cases of this kind, it should be discovered whether the courts will give citizens proper protection against lawless officials or not.

Patience is being imposed upon a little too much. The strain may become too great to bear. Then something will break and the consequences may be disastrous. Not every man will put up with insults and outrages to women such as have been imposed, and it will be both prudent and just if Marshal Ireland will investigate the doings of his deputies and tell them to act with common decency if they are incapable of behaving like gentlemen.

NO VICTIM FOR THE SACRIFICE.

The chief topic of conversation for several days has been the trial of President George Q. Cannon, on the charge of unlawful cohabitation, set for to-day in the Third District Court. Opinion has been divided as to the probability of his appearing, also as to the wisest course for him to pursue in view of all the circumstances. A very large number of people have expressed their conviction that if he was once in the hands of those who have manifested such an eager desire to single him out for the law's vengeance, he would be kept, on one pretext or another, until his life would be worn out; and they have openly said they hoped he would not be so foolish as to place himself in the power of his enemies. Others have

taken the view that he ought to run all the risks because he was under bonds, and that his non-appearance would be taken advantage of by the enemies of the people to still further inflame the public mind against the "Mormons." And it has been thought by others, that, in the bodily condition of the defendant, it would be imprudent for him to undertake to stand his trial for the present, and that on proper certificates from medical men he would obtain a continuance.

His non-appearance in Court this morning when his name was called, settled the dispute and indicated that the defendant intended to wait until he could have a fair trial. The haste to declare his bonds forfeit showed the animus of the Prosecuting Attorney and that he had anticipated the result, and his subsequent remarks as related elsewhere in this paper were tokens of the personal spleen which he indulged in against the defendant, and of the vindictive spirit in which the prosecution was instituted.

We have no knowledge of President Cannon's whereabouts, reasons or intentions. But we can form some idea of what may have influenced him, by reflecting upon the peculiar circumstances of his case. It is well known that every possible effort has been made to fasten upon him a number of charges, with a view to the destruction of his influence among the "Mormon" people. He has been looked upon as the most powerful of the "Mormon" leaders. Not understanding the organization of our Church or the real causes of the faith, unity and devotion of its members, the mistake has been made of taking him for its head and directing mind. And it has been openly declared that if he could be removed out of the way, the "Mormon" Church could be subdued with comparative facility.

A reward of Five Hundred Dollars was set upon his head, although he was only indicted for a simple misdemeanor, and that on such slender evidence that it would not hold for a moment against any one but a "Mormon." When he was arrested, while on his way to perform a mission to which he had been appointed by proper authority, extraordinary and unlawful measures were adopted to make his capture appear like a triumph over some formidable and dangerous malefactor. A body of troops was sent to escort him to this city, and he was placed under military surveillance as a prisoner of war, the United States Marshal surrendering him to the custody of soldiers, who surrounded him with loaded weapons and thrust his friends from his presence.

When brought into court, although maimed and wounded from his accident and sick with a prostrating bodily infirmity, an attempt was made by the Prosecuting Attorney to hurry on his trial in spite of his feeble condition; and when thirty days' time was demanded, the unheard of bail in the sum of \$25,000 was required for his appearance, and two other complaints on the same charge having been trumped up against him, he was compelled to give bonds of \$10,000 for each to appear before the U. S. Commissioner.

His alleged offense was unlawful cohabitation with his wives, the full penalty for which is a fine of \$300 and six months' imprisonment, and his bonds, to answer to this, amounted to the enormous sum of \$45,000. Nothing of the kind can be found in the annals of jurisprudence. The witnesses wanted in his case were placed under arrest on the Sabbath day, and bonds required of them in the sum of \$2,500 each, which in some instances were raised to \$5,000. Desperate attempts were made, by scouring the country for witnesses, to fix upon him a charge of polygamy. This failing in two different cases, another was fabricated, and the intention was clearly displayed to indict him, if possible, no matter how groundless was the allegation.

Boasts were made, freely stated as having come from the Prosecuting Attorney, that President Cannon would be held for the term of his natural life. Also that he would be sent to a distant prison and his condition be made perfectly unbearable. At the time when the extraordinary bonds were demanded for his appearance, the Prosecuting Attorney claimed that the defendant attempted to bribe a Nevada official to allow him to escape, something of which the Attorney had no personal knowledge and which was improper to allege at that time under any circumstances. And it became common talk that the intention of President Cannon's persecutors was, by segregating cohabitation cases, by charges of polygamy, and by getting up a case of attempted bribery in Nevada, to wear him out and ruin him in person, property and influence.

The power to condemn an innocent person to the penitentiary for a protracted term has been exemplified in more than one actual case. We need refer to no other than that of Apostle Lorenzo Snow. Although the evidence for the prosecution was clear and positive that the defendant had only lived with one woman as his wife since the passage of the Edmunds Act, he was convicted under that act in face of the evidence and sentenced to three penalties, aggregating nine hundred dollars' fine and eighteen months' imprisonment, and is now in the penitentiary.

When juries are selected for the purpose of convicting; when the law is rendered so as to catch every accused person, common rumor being received as proof; when the dictum of the Prosecuting Attorney is echoed by the Judge as a ruling; when the whole forces of the courts are directed to secure conviction; when the determina-

tion to make a special case against the defendant is known; when the statement, attributed to the Prosecuting officer, is heard, that indictments would be found enough to send the prisoner up for thirty years and he would be dead before the time was out; when indictment is known to be equivalent to conviction; is it any wonder that the object of these special proceedings should hesitate about placing himself in the hands of those who seek his destruction?

The sentiment expressed by many persons here has been shared by eminent and thoughtful men in the East, that if George Q. Cannon ever placed himself in the power of his persecutors, he would be very unwise, for they would never permit him to regain his liberty. And we are not deaf to the threat, made in this city, by individuals who have the will to do what they declared, that if either of the Presidency was secured he should not escape with his life.

The justification for President Cannon's course is in the special and peculiar circumstances of his case. Weighed against his life, or his prolonged incarceration with the design of wearing out his life, the money value of his bonds is not to be counted as a feather in the scales. Hundreds of poor people during the past few weeks have expressed their willingness to help raise the money to liquidate them. And let those who think that he ought to have come forward in accordance with those bonds, ask themselves, what benefit would have resulted from his surrender, either to him or to the people? Does any one imagine that he would have been fairly tried for the offense with which he was charged? Has there been any indication of fairness in his case from the beginning? Does not the whole course of the prosecution show a determination to run him down as the one special object of hatred and vengeance? Have we not had enough evidence of the "honor" of our enemies? Does not the blood of Joseph and Hyrum stain the soil of Illinois as proof of the trust to be placed in the pledged word of anti-"Mormon" officials? Are not the scars on the body of President Taylor indisputable tokens of the good faith of Government dignitaries? Who wants to see repeated the acts of Carthage jail?

Our experience should teach us an ever memorable lesson. The darts of our foes are always aimed towards the head. Justice, law, mercy and truth are cast to the winds when the emissaries of Satan, fired by bigotry, inspired by malice and bent on revenge, rush forward to destroy our leaders and trample upon our rights. They have marked George Q. Cannon for their prey. Let every good man and woman rejoice that at present they have not succeeded. All who are acquainted with the man know that he is no coward. He is both morally and physically courageous. He is as ready as any of his brethren to brave and endure all things when necessary. His friends will be sure that he is not acting without the best of advice. And they know that when he is satisfied he is right he will not fail to go ahead, no matter what may be the consequences. The rage of his adversaries that he is not in their grasp is evidence that he ought not to be in their clutches and many a heart will beat with gratitude to-night, when the news is received that President George Q. Cannon is not in the hands of his implacable and unprincipled foes.

A fair trial for a "Mormon" is not to be expected under present conditions. Until packed juries, prejudiced judges, spiteful attorneys, and special arrangements for the conviction of the innocent and the multiplication of penalties upon persons only technically guilty, are things of the past in Utah, our fervent prayer will be that President George Q. Cannon may be safe from contact with the minions of the law whose hearts are closed against the pleadings of justice.

NOTICE TO CREDITORS.

NOTICE IS HEREBY GIVEN THAT we, the undersigned, have been appointed Administrators and Administratrix of the Estate of James James, deceased. All persons having claims against said estate are required to present them at 136 south, 5th West street, Salt Lake City, Utah, duly verified according to law, within ten months of the first publication of this notice, or the same will be barred by law.

THOMAS JAMES,
MARY ARMSTRONG,
Administrators of the Estate of James James, deceased.
Salt Lake City, March 6, 1888.

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