AREA SUNDATS BACK FOUR O'CLOOK. PRINTED AND PUBLISHED, RT THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Thursday. · . March 2, 1882.

ENING NEWS.

MORE SOUND SENATORIAL ARGUMENT. (OXTINUED.) It has been a right of an Ameri-ran clitzen during all the colonia period, and if is a right in every-state allso, and so it is a right in every-state allso, and so it is a right in every-state all so, and so it is a right in every-state all so, and so it is a right in every-state all so, and so it is a right in every-state all so it is a right in every-state all is a right in every-state all so it is a right in the right of the right of the right of the right of the robult is a right in the right of the robult is a right in the right of the robult is a right in the right of the robult is a right in the right of the robult is a right in the right of the robult is a real apprecise of a counter. The oth sould the robult is a real apprecise a nearest of a counter, is there is that right is real apprecise a mean of the could have a set is real apprecise a mean of the could the robult and the robust is real apprecise a mean of the could and the robust is index there are all of the robust is a real apprecise a real apprecise a mean of the could and the robust is a real apprecise a mean of the could and the robust and real apprecise a mean of the robust and real apprecise a mean of the real apprecise a mean of the robust and real apprecise and real apprecise a mean of the robust a it, if that is affixed as a punishment under the same law which prescribes the gult, it is punishment for a crime. Then the very statute a crime entitles the man to a triat right to vote, or whether it is any according to the forms of law and before a judicial tribunal.

Whatever you may choose to dechare a crime in this country, I do right or privilege as a punishment chare a crime in this country, I do for crime, then you must bring in and had otherwise participated in and allow them to coudemn men the rebellion. The Supreme Court, without accusation and without moment that you declare it a crime by a statute of the United States, that moment the Constitution comes in and guarantees to that citizen that no puni-hment for that crime can be inflicted upon him of any character whatsoever unless it is done according to the due process of law and through the judichat tribuaw and through the judician tribuaw and through the judicial tribu-nuls of the country. That is my proposition. This bill pays no at-tention to this guarantee of the Constitution. These five commissioners have the tight, as I interpret the proposed statute, and as I have no doubt it was intended to be inter-preted. to assemble the tight is a state which one are often the source of the higher and the source of th the proposed statute, and as I have no doubt it was intended to be inter-preted, to assemble themselves to-gether as a board of review, as a re-turning board, a board of canvasees to examine the ballot boxes in the Territory of Utah; and when they find, in their private judgment and upon such evidence as they may think proper to receive, without the presence of and without being con-fronted with the accused, without indictment or information, that a

to that extent that he is not expect-d to feel miny responsibility in com-nection with his vote. So that the disconnection between the punish-ment inflicted and the causes of disqualification and the purposes and offices of the ballot were not they should be careful when the circumstances arouse them to anger, as in that time we are apt to do something that may sap the founda-tions of our liberties. This is not more obvious under the constitution of Missouri than they are in the case before the Senate to day. There can be fut one interpretation given to this statute as it stands reported if y the committee, and that is that to this statute as it stands reported if y the committee, and that is that

to this statute as it stands reported i y the committee, and that is that the deprivation of the right of suf-frage is intended only as a punish-ment. So I think the Supreme Court justly would be bound to hold that this law would not be valid. There can be no connection between the fact that Mr. Cummings entered the state of the states of the supreme court of the the

The rights and privileges of the cilizen. I care not what right or privilege of a citizen it may be that you de-prive him of, whether it is the right of holding cifice or whether it is the and, Flith, that he will support and defend the Constitution of the United States against all egemics, foreign and doméstic, and will bear true faith and allegiance to the same. other right that may be named, the

right of property or what not, if the purpose is to deprive him of any tried for the crime before the right in commenting on this statute, say: hearing witnesses. There is no man can be forfeited under the Constitution of the United States.

The statute is directed against parties who have offended in any of the particulars em-braced by these clauses. And its object is to braced by these clauses. And its object is to exclude them from the profession of the law, or at least from its practice in the courts of the United States. As the cath prescribed cannot be taken by these parties, the act, as against thom, operates as a legislative de-cree of perpetual exclusion. And exclusion from any of the professions or any of the or-dinary avocations of life or pass conduct can be regarded in no other light than as punish-ment for such conduct, the exaction of the cast is intended to operate, and instead of thesening increases its objectionable charac-ter. All enactments of this kind partake of the nature of bils of pains and penalites, and the nature of bils of pains and penalites, and The disabilities created by the constitution the nature of bils of pains and penalties, and are subject to the constitutional minitation against the passage of bils of atlainder, un-der which general designation they are in-chuded.

in the exclusion which the statute adjudges it impress a punishment for some of the nois specified which were not punishable at the time they were committed; and for ather of the acts it adds a new punishment to

think proper to receive, without the presence of and without being con-fronted with the accused, without indictment or information, that a man is guilty of bigamy or polyga-my, they will take his ballot from the box and destroy it, and thereby disfranchise him, depriving him of one of his rights of citizenship, and that too, not merely for the purpose of rejecting the vote of a man who. saking of the state of

LIST OF LETTERS

not called for within one month, will be sen to the Dead Letter Office.

Anderson L Irons l Alder Mrs

Bayliss S H Bayliss S H Barney S Baxter M Brown M Bishop M Brigge L L Bascom A Barton A Curtis M Chase L A Captert J

Brrington Carelson U Christensen Coulam A power finally to deprive a man of the privilege of voting at elections in this country, and to cast that parti-Erickson C Erickson C

Fordhum M crime. It would be the extremest Foster I cruelty to place in the hands of poli-Fuelitng E M Fairchild E tical partisans, a set of men that go Furr A into office for the mere purpose of The honorable senator was not in controlling elections, the power to Gibson A

a condition to take that oath, be-cause he had been a member of the community or on any individual, no Geary M Grettie M Senate of the Confederate States, matter how humble he might be, Hooper A Heath O Haddon E J Hall E Hodges E Howard H character under such a procedure; Hall Herdes M Hall M A

GENTLEMEN'S LIST.

Browster G

Bonton H

Bozeman FS Barry W C

Currie John Cantili S L

Oraight T

ourcen L L

Wolfe S

Day T W

Ewan T H

Ensign S

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The antidotal theory, now ada

to be the only treatment which will erad

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axton M

Stevens J Sanford J Stubberd Strahsu J

Strong J

Smith & Co

Scrogie A E Svelison E Schlfor H A

Hunter W Hawkins W

Anderson C tee. I know perfectly well that in an-tagonizing this bill of the committee on the judiciary I encounter great risk; and I looked this ground over very carefully before I ventured to take this line of action; but I have not been able to reconcile my con-tagonizing this bill of the committee Ayers G R Arold A Anold A Gillospie R T S Owen H Ashley J W Graham J F Gilson J Z Friste M Burrows W Graueycan MrPerkins C Barnorth C 2 Gons F Perkinsen I Burrows W Graueycan MrPerkins C Barnorth A Gray A S Poil J Ayers G R Arold A Gilson J Z Pristie M Burrows W Graueycan MrPerkins C Barnorth C 2 Gons F Derry H Burrows W Graueycan MrPerkins C Barnorth C 2 Gons J Perkinsen I Burrows W Graueycan MrPerkins C Barnorth C 2 Gons J Charner C Barnorth C 2 Gons J Perkinsen I Barnorth C 2 Gons J Burrows W Graueycan MrPerkins C Barnorth C 2 Gons J Pendieton I Burrows M Burro Ayers G R

not been able to reconcile my conarton C Bolce C M science to the support of these two sections in the form in which they Bes O Beatty J jr are presented by the bill. Burgees C Bowers G D

UNPALATABLE TRUTH.

The following letter appears in the Balton J NewYork Sun of Feb, 20. It contains Burns J Brown A indisputable facts and figures Brown Alex which, however, will prove any- Burton J thing but palatable to rabid anti- Blenner M Beatty J



Williams M S Whitney M Warr P Young A M Germaine T D O Glies T F Oliver A T Garbett R M Ugell C SALT LAKE THEATRE. Pierpont J Peterson K S Foliccit S J THE EVENT | S Nights and Pute H C Philips W A Peterson W V Paul Wm sen Parry T Pratt V Peterson A OF THE Saturday Matince. Thursday Friday and Saturday,



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GENERAL REDUCTION

WINTER GOODS

TO MAKE ROOM FOR

ejecting the vote of a man who, crime. ader the statute, might not have feeling in this country at the close ad the right to vote, but to punish of the late war, of the great exacerhim for the crime of bigamy by tak-ing from him the elective franchise. ple-some communities were en-That is a right which was guaranteed .t the time we enacted the law against others, some sections against organizing this Territory; for the others-the court proceeded to say: moment we put the citizens in Utab n possession of the rights of Ameran citizens within that Territory by the Act of 1850; we gave them then the guarantees of the Constiution of the United States, which d follow them in all cases and in all places, for the protection of their personal rights, secured to them under the how by the commu-nity at large, and to all men who are described in the fifth section of the act of 1850 as being citizens and settled in that Territory.

Two ceses have come up in the Supreme Court of the United States in close succe sion, which I think clearly establish the doctrine for which I am contending now as against this section of the till, and I will take the liberty of reading something from those decisions to show their applicability to the sec-tion upon which I have been remarking. The first was the case of Cummings vs. The State of Missouri. An attempt was made in the

constitution of that State to deprive a number of persons of certain

a number of persons of certain rights and privileges of a similar character because they refused to take what was called there the iron-clad oath, who refused to exculpate themselves for having participated in the then recent rebellion. It is not necessary to read all the state-ment of the case in order to get be-fore the Senate the part of it which I think is applicable to this participated selves. I think is applicable to this particu- s elves. lar matter. The court say:

Every person who is unable to take this cath is doclared incapable of holding. In the State, "any office of honor, trust or profit, under its authority, or of being an officer, councilinate, director, or trustee, or other manager of any corporation, public or pri-vate, new existing or hereafter established by its authority, or of acting as a professor or teacher in any educational institution, or in any common or other school, or of holding, any real estate or other property in trust for any real estate or other property in trust for the use of any church, religious society of

the use of any church, religious society or the congregation. And every person holding, at the time the second trutton takes effect, any of the offices, is constitution takes effect, any of the offices, is and if he fail to comply with this requirement, is and if he fail to comply with this requirement, is shall interface become vacant. No person, after the capitation of sixty draws is permitted, without taking the dath, it practices and attorney or counselor at its optimized become vacant. No person, after the capitation of sixty draws is permitted, without taking the dath, its practice as an attorney or counselor at its produce as an attorney or counselor at its provide as an attorney or demoniton, to competent, as a bishop, priest, descent, minimized as a provide the period can any person be stated or practice, or other clargyman of any religious person alon, set, or demoniton to totech or practice, evelocation matriages." Fina, and imprisonment are prescribed as a provide the produce of the presence of a state prescribed as a structure of the outb, and false swearing or affirmation in taking it is declared to be perjury punsible able by imprisonment in the pointentary.

After commenting further upon the nature of the oath that was re-quired under that constitution, the court proceeled to say:

We don't the propositions of the counsel of Missouri that the States which existed previ-ous to the adoption of the Federal Coustin-tion possessed originally all the attributes of solvereignty; that they still result these at-tributes, except as they have been surren-dered by the formation of the Constitution, and the amendments thereto, that the new States, upon their admission into the Uniton, became invested with sould rights, and were thereafter subject only to similar restric-tions, and that among the rights reserved to the States is the right of each State to deter-mine the qualifications for office and the con-ditions upon which its citizens may exercise their various callings and pursuits within its

e general propositions, and involvo of the highest moment. But it by follows that, under the form of mailfultion activities form of ing a qualif

his case. ple-some communities were enraged against others, some reople It was against the excited action of the

States, under such influences as these, that the framers of the Federal Constitution in-tended to guard. In Fletcher vs. Peck, Mr. Chief Justice Marshall, speaking of such ac-Chief Justice Marshall, speaking of such ac-tion, uses this language: "Whatever respect might have been felt for the state sovereigntles, it is not to be dis-guined that the framers of the Constitution viewed with some apprehension the violent acts which might grow out of the feelings of the moment, and that the people of the Unit-ed States in adopting that instrument have manifested a determination to ableid them-solves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the is-guingly prover of the States are obviously

gialative power of the States are obviously bunded in this sentiment, and the Constitu-tion of the United States contains what may be dremed a bill of rights for the people of each State."

WOL

desire to call the special attention of Judicial, and puts a man under con-No State shall pass any bill of attaind

er post facto law, or law impairing the obliga-

stitution.

A bill of attainder is a legislative act which fadicts punishment without a judicial triat

There is the brief definition of bill of attainder, a legialative act, which inflicts punishment without Judicial process. A more perfect or polygamy. definition could not be given. You can neither contract it, nor can you enlarge it, without depriving it of its proper force. But is this bill before us to-day a bill which by legislation inflicts punishment without judi-cial process? What is the object of disfunchising a man because he is a polygamist or bigamist? It is not question? Mr. Morgan. Certainly. polygamist or bigamist? It is not tion in any of the Territories of this eserve the purity of the ballot-but it is to inflict a punishment as the right of a citizen to exbox, but it is to inflict a punishment

figress feels may be at work destroying the foundations of society. por12

If the punishment be less than death, the act is termed a bill of pains and penalities, within the meaning of the Constitution, bills of attaining include bills of pains and penal-ties. In these cases the legislative body, in addition to its legitimate functions, excretes the powers and office of judge; it assumes in the language of the text books, judicial ma-gistrikoy; it pronounces upon the guilt of the party without any of the forms or safeguards of trial, it determines the sufficiency of the proof produced, whether conformable is the rules of evidence or otherwise; and it fines the degree of punishment in accordance with is over notions of the enormity of the of-sence.

Congress; and the argument presented in that case against certain clauses of the con-stitution of Missouri is equally applicable to the act of Congress under consideration in this sec. IGRMON VIRTUES-GENTILE VICES -FIGURES EXULTINGLY QUOT-

ED BY MORMON BELIEVERS. I have read that decision only to show that these prohibitions of the To the Editor of the Sun. Constitution of the United States SIR: In Salt Lake City the pro-

are just as obligatory upon Congress as they are upon the States, and the court so held and set aside the act under which the Senator from Arportion between Mormons and Gen-tiles is 75 to 25. In the city prison there were 29 convicts, all non-Mor-mons. In Salt Lake County the Contain H Hineismen C Collect J T Hunter D Corrise Container D Container kansas was excluded from practicing proportion is 80 to 20, and in the Currie J Cook J C law in the Supreme Court of the United States, or indeed in any court of the United States. victs, all non-mormons. For the Cartle L M Chark L M Cha Now we have the entire care under the Constitution. I submit to

the honorable committee and to the, cept three. In Utah Territory there are, accord-Senate that this bill is amenable to two constitutional objections in the ing to the United States census and particulars I have named. First, it church statistical reports, 83 Mor- Conrad W K is an ex post facto law, punishing men for crimes heretofore commitmons to 17 non-Mormons. In the

for crimes heretofore commit-and to which the punishment sought to be annexed was annexed at the time heir commission. The next is ham in their domestic practices. So ted, and to which the punishment not innexed at the time of their commission. The next is ham in their domestic practices. So Davis H B that the 17 per cent outsiders had 46 Dick J that it is a bill of atlainder, a bill convicts in the penitentiary while Davies J of pains and penalties, whereby the legislative department of the Gov- the 85 per cent Mormons had but Dewey J ernment usurps the functions of the five.

The total number of lock-ups indemnation without trial and without cluding the penitentiary, is 14. Day T W even the due observance of the These aggregate 125 inmates; of these Ewing T C forms of law. As the act stands on 125 not over 17 are Mormons, several its face, and as the purposes of it are of whom were incarcerated by entirely apparent from its whole tenor, I think there could not be a more flagrant violation of the Con-that if all the criminal class in the

17 per cent. Lon-Mormon population were imprisoned, more jails would If I am mistaken in the construc tion of this act, it is easy enough for be necessary. the committee to strike out so much

Of the 200 saloon, billiard, bowling Edgar F M alley, and pool table keepers in Utah, Edgar F M of it as enables five commissionars to adjudge a man guilty of bigamy or polygamy and punish him by de-priving him of the right to vote. It not over a dozen even profess to be Mormons. All the bagnies and Eacher A is also casy enough for them to say the Territory are run, fostered, and in the bill that this set shall not sustained by non-Mormons. Ninetyhave effect upon any person who eight per cent of the gamblers in Farrer T now holds an office, and who, before Utah are non-mormons. Ninety- Fowler J the passage of this act, might have been guilty of the crime of bigamy five per cent, of the Utah lawyers are Fanell & A

Gentiles, and 80 per cent. of all the Fowles J litigation is of outside growth and Fisher H C Mr. Jones, of Florida. Will the promotion. Senator permit me to ask him a

. Of the 250 cities, towns, villages, and wards in Utah, over 200 have no gaudy sepulchre of departed virtue

Forgusen B C Nast A K 2 Forgusen S B Nelson C J Folland K A Needham S A Graham W C Fott T 11 Mr. Jones, of Florida. Do I un-derstand the Senator to take the of any sort, for the very obvious reason that these two hundred and odd ground in his argument that the towns are almost exclusively occupiright of a person to vote at an eleced by Mormons.

Ninety-five per cent. of the Mor-mons live in their own houses, on their own land, which they have bought from the United States Government. Of the suicides in Utah, 90 odd per

Mr. Morgan. They are not the cent. are non-Mormons, and of the same right; they are very distinct Utah homicides rnd infanticides, over 80 per cent. are perpetrated by the 17 per cent. outsiders.

The number of Mormon men havit is a privilege of our republican system which is considered essential, a privilege that is essential to the existence of republican government whether in a State or in a Territory; heard of. The States east of the basis a privilege that is essential to the population, while for a Mormon to practice Beecherism is a sin rarely heard of. The States east of the Missouri River produce over twenty divorces to Utah's one, in proportion



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