from *monogamous* women voters the elective franchise in a pretended crusade against *polygamy!*

If there is a more terrible place than any other in the hell reserved for the whited sepulchres of every age who were denounced by the Great Master, surely the snuffling, canting Pharisees and pretended "Mormon" regenerators and woman sympathizers of the latter days, will find it as their level! In court and pulpit, at the writing desk or the political rostrum, in caucus or in Congress, there are no blacker hypocrites and no deeper dissimulators than the creatures who assail and harass the "Mormons" under the shallow pretence of sympathy and aid for the alleged "down trodden women of Utah."

WORDS OF WISDOM FROM BEECHER.

The great preacher, lecturer and writer whose decease was announced in our columns on Tuesday, commenced, several weeks ago, to write a series of letters on living topics which were published in the *Christian Union*, New York *World* and other papers that held the right to produce them. The last that he was permitted to write was dated Feb. 23rd, and we copy the principal portions of it from the *Christian Union* of March 3rd, as it contains food for thought suitable to parents in Utah as well as in other portions of the civilized world. Henry Ward Beecher had the faculty of expressing great thoughts in the most simple language, and hence his power over the illiterate as well as the most cultivated minds. As the last utterances through the press of one of the most celebrated men of the century, we commend the following to parents and guardians everywhere:

"The practice of allowing children to go out at night to find their own companions and their own places of amusement may leave one in twenty unscathed and without danger; but I think that nineteen out of twenty fall down wounded or destroyed. And if there is one thing that should be more imperative than another, it is that your children shall be at home at night; or that, if they are abroad, you shall be abroad with them. There may be things that it is best that you should do for your children, though you would not do them for yourselves; but they ought not to go anywhere at night, to see sights, or to take pleasure, unless you can go with them, until they are grown to man's estate and their habits are formed. And nothing is more certain than that to grant the child liberty to go outside of the parental roof and its restraints in the darkness of night is bad, and only bad, and that continually.

Do not suppose that a child is hurt only when he is broken down. I have a taste in china cups and such things. I like a beautiful cup, and I have noticed that when the handle gets knocked off from a cup of mine that cup is spoiled for me. When I look at it afterwards I never see the beauty, but always see the broken handle. If I have a beautiful mirror and it is cracked, it may still answer all the purposes that I want a mirror for, it reveal my beauty, but nevertheless it is spoiled for my eye. There is the crack, and when I look into the glass never see myself half so much as I see the crack. Its perfection is gone. So the matter of beauty, a speck or a blemish is more than all besides, and takes away the pleasure of all besides. And it does not require that a child should be broken down to be made useless by his exposures to temptation. Never that there are many things which no man can learn without being damaged by them all his life long. There are many thoughts which ought never to find a passage through a man's brain. As an eel, if he were to wiggle across your carpet, would leave a slime which no brush could take off, so there are many things which no person can know and ever recover from the knowledge of. * * * I rebuke the thing who would turn monks. I do not believe in solitude. I do not believe in melancholy. I believe in gayety and joyousness. And I believe that the closer a man keeps to the laws of nature the happier he will be, and ought to be. Therefore, being on the side of liberty, though not on the side of license—being on the side of wholesome manly pleasures, and freedom in the indulgence of them—I have authority to say, When you pervert nature, this way it is utterly wicked and utterly abominable.

There is another application which, although partial, is of great range and of supreme importance, addressing itself to doctors, to guardians, and to parents, chiefly. I refer to the practice of allowing children to go out at night into the streets, in cities; or, if in the country, allowing children to find their companions at night, away from parental inspection. If I wanted to make the destruction of a child sure I would give him unwatched liberty after dark. You cannot do a thing that will be so nearly a guarantee of a child's damnation as to give him the liberty of the streets at night.

I do not believe in bringing up the young to know life as it is said. I should just as soon think of bringing up a child by cutting some of the cords of its body and lacerating the nerves and scarring and tattooing him and making an Indian of him outright as an element of beauty, as I should think of developing his manhood by bringing him up to see life—to see its abominable lusts, to see its hideous incarnations of wit, to see its infernal wickedness, to see its extravagant and degrading scenes, to see its miserable carnalities, to see its imaginations set on fire of hell, to see all those temptations and delusions which lead to perdition. Nobody gets over the sight of these things. They who see them always carry scars. They are burned. And though they live, they live as men that have been burned. The scar remains. And to let the young go out where the brazen courtesan appears, to let them go where the lustful frequenter of dens of iniquity can come within their reach, to let them go where the young gather together to cheer with bad wit, to let them go where they will be exposed to such temptations—why, a parent is insane that will do it. To say "A child must be hardened, he has got to get tough somehow, and you may as well put him in the vat and let him tan"—is that family education? Is that Christian nurture? Is that bringing up a child in the nurture and admonition of the Lord?

* * *

To all husbands and wives whom these written words may reach, I say, if you have children, bring them up purely. Bring them up with sensitive delicacy. Bring them up so that they shall not know the wickedness that is known, unfortunately, by the greater number of men.

And if there are children that are sometimes impatient of parental restraint, let me say to them, you do not know what temptation you are under, and if held back by your mother, if held back by your father, you shall escape the knowledge of the wickedness that is in the world, you will have occasion, by and by, to thank God for that, more than for silver or for gold or for houses or for lands.

Keep your children at home at nights. There is many a sod that lies over the child whose downfall began by vagrancy at night, and there is many a child whose heartbreaking parents would give the world if the sod did lie over them. What a state that is for children to come to, in which the father and mother dread their life unspeakably more than their death! What a horrible state of things that is, where parents feel a sense of relief in the dying of their children! Then, I say, take care of your children at night."

A NOTABLE FACT.

Mr. Edward W. Tullidge has directed our attention to a matter of some interest. It is that the late Rev. Henry Ward Beecher was third cousin to the Prophet Joseph Smith, George A. Smith and Amasa M. Lyman. The proof of the fact is given in the book of the Lymans, published some years ago, in which the genealogy of that family line is given.

Those who were familiar with the mental peculiarities of the late President George A. Smith and the former Apostle A. M. Lyman, will observe that they appeared to be combined in the lately deceased great preacher. The first named was noted, for perspicuity and clearness, and for being intensely practical. On the other hand, in his palmy days, Amasa M. Lyman was possessed of great fertility of imagination and fluency of speech, while he was also capable of the most intense and impassioned utterance. He became, in the very widest sense, a universalist, overleaping at last the utmost bounds of Christianity, with special reference to the atonement. He had the same mental repugnance toward the recognition of any boundaries prescribed by creed manifested by Mr. Beecher.

These peculiarities are not cited for the purpose of showing that hereditary proclivities had anything to do with the similarities, but simply because they existed, and on that account appear to be of some present interest. In connection with the fact of the relationship to Joseph Smith, it may not be overlooked that, in some of his grander flights, Mr. Beecher gave evidence of inspiration, but the marvelous organizing power, given to the Prophet directly from God, had no existence in him.

DEATH OF CAPTAIN EADS.

The telegrams inform us of the death of Capt. James B. Eads at Nassau yesterday. It is probable that his ship canal scheme across the Isthmus of Panama with go with him, as it is certain that no one is likely to take the the same degree of interest in the project, even if the ability to do so were possessed, that he did, and it is one requiring personal and untiring ingenuity and energy to pull through. Eads was one of the greatest civil engineers of the day; he was fully as successful as and more original than Count de Lesseps; but his plans were so largely contained, from first to last, within his own head, that he left nothing for his successors to proceed upon; this is equivalent to a man with a concealed fortune dying without declaring the secret of his hidden treasure—it is there, but it remains there and does no one any good. Perhaps it was because supporters now declare that in its present shape it is "not worth a hill of beans," and that portion of them who hide their deep chagrin under a ghastly grin of assumed hopefulness that some good may yet come out of it, acknowledge that the "backbone" was taken out of it in committee.

Yet President Cleveland has been roundly abused by the inconsistent gang for not signing it, while others blame him for not vetoing the thing. But nobody seems to arraign the President for similar treatment of the Trade-Dollar bill. Kind of curious, isn't it?

VOTERS' RIGHTS MUST BE MAINTAINED.

In taking the test oath which is made a condition to voting or office-holding in this Territory, a citizen announces that he will obey the laws of the United States and not advise or aid others to break those laws. He is not required to renounce any religion, to change his faith in any particular, or to cease from defending or advocating anything he holds to be right. The oath relates to overt acts, not to mere opinion or to membership in a Church. This seems to be understood by many of our people, and we presume that in good time it will be properly comprehended by all. But it does not suit the clique of conspirators who desire to rule the Territory.

The taking of the oath by a number of "Mormon" jurors was a surprise to the plotters. And they were still more surprised when some of the same jurors who had taken the oath, when afterwards challenged in a cohabitation case on their belief in the rightfulness of plural marriage, declared that they believed it was right under some circumstances for a man to have more than one living wife and to live with them. But we suppose that by this time their wonder has subsided and settled into deep disappointment, as the consistency of the jurors' position, on a close examination of the oath, forces itself into their inner consciousness. They must see that a man may agree to obey a law even when he considers it both unjust and inexpedient.

We hear that there is a determination to add to the law if possible, by requiring voters to subscribe to more than the law provides, and by causing them to answer questions under oath on matters extraneous to the subjects mentioned in the law, after the fashion adopted at Brigham City. The first part of the programme is expected to be performed by aid of the Utah Commissioners; the rest by Leaguers who are to act as obstructionists at the polls with the help of the judges of election. We think the plot will prove a failure, and that those who actively engage in it will burn their fingers and sorrowfully wish they hadn't played cat for the League monkey.

Sticklers for the law, ought to keep to the law. And if they transcend its bounds it must be applied to them with a will. It will not do for the people of this Territory to be always imposed upon in quiet resignation. When necessity arises something more than endurance and defence is demanded. The war will have to be "carried into Africa." When patience ceases to be a virtue, the voices of justice and of self-preservation cry, "Strike back, and strike hard." This is a struggle for the right and for political existence, and when such weapons are used as are being prepared, the conflict must be no child's play.

The Utah Commission, as we have previously explained, have no right to formulate any oath in any shape or form for voters or others to subscribe to. Neither have they any right to issue rules and regulations for the conduct of elections. All such acts on the part of the Commissioners are absolutely void, and are in the nature of impudent assumption. This was made plain and conclusive in the decision of the Supreme Court of the United States in the cases against the Commissioners delivered March 23rd, 1885. Mr. Justice Matthews, in delivering the decision, said:

"But an examination of the ninth section of the act of March 22, 1882, providing for the appointment and prescribing the duties and powers of that board, shows that *they have no functions whatever in respect to the registration of voters*, except the appointment of officers, in place of those previously authorized whose offices are by that section of the law declared to be vacant; and the persons appointed to succeed them are *not subject to the direction and control of the board*, but are required, until other provision be made by the legislative assembly of the Territory, to perform all the duties relating to the registration of voters, 'under the existing laws of the United States and of said Territory.' *The board are not authorized to prescribe rules for governing them in the performance of these duties, much less to prescribe any qualification for voters as a condition of registration.*"

Mark the words we have placed in italics. The Court further said:

"It follows that the rules promulgated by the board, prescribing the *form of oath* to be exacted of persons offering to register as voters, and which constitute the directions under which it is alleged the registration officers acted, were *without force*, and no effect can be given to them. It cannot be alleged that they had the effect in law of preventing the registration of the plaintiffs, for the registration officers were *not bound to obey them*; and if they did so, they did it *in their own wrong*."

This ought to have been sufficient to deter the Commissioners from exceeding their duties. But they have gone on issuing regulations and instructions and have recently formulated an oath, all under cover of advice or answers to questions, but still in their capacity as Commissioners, which is misleading and assumptive. Any man has the right to give advice when called on, but if he assumes to do it in an official capacity, when his office confers no such authority and his functions have been declared by the highest judicial authority to be limited to those named in the statute creating his office, he should be checked in his excess of duty by the power which appointed him or in some other legal manner.

Registration and election officers appointed by the Utah Commission should learn the fact that after they are appointed, that body has no power to provide any rules or regulations or furnish any oath to them for themselves or for voters to take, and that if they adopt any such illegal rules or oaths they do so at their own peril, and, as the Supreme Court says, "in their own wrong." They are liable in an action for damages.

In the cases of Mary Ann M. Pratt and Mildred E. and Alfred Randall, the court decided against the registration officers, who exceeded their duty in refusing to register those persons, acting under illegal rules and an unlawful oath formulated by the Utah Commissioners. The Court said:

"If they were merely ministerial officers, and if they have deprived the respective plaintiffs of their right to be registered as voters, in violation of law, they may be responsible in an action for damages."

The Edmunds Act requires the registration and election officers to perform their duties "under the existing laws of the United States and of said Territory." The Court said:

"As we have pointed out, they were bound by virtue of their appointment under the 9th section of the act of March 22, 1882, to perform their duties under the existing laws of the United States and of the Territory."

The laws of the Territory provided an oath for voters. But the act of Congress named above required a new qualification not specified in the oath. The voter must not be a bigamist, polygamist or person who cohabited with more than one woman, and therefore the Court ruled as follows:

"The existing laws of the United States and of the Territory, under which the election officers are bound to perform their duties, must include the act itself, which provides for their appointment and defines their duties, and if they have not the right to exact an oath different from that the form of which is given in the territorial act, they must otherwise satisfy themselves that persons offering to register are free from the disqualifications defined in the act of Congress. In doing so, they are of course required to exercise diligence and good faith in their inquiries, and are responsible in damages for rejections made without reasonable cause, or maliciously."

In the cases named, the registration officers went outside of the requirements both of the territorial law and the Act of Congress, and therefore the case went against them and they were rendered "responsible in an action for damages," being simply "ministerial officers." But since that time Congress has definitely declared what shall be the nature and particulars of the oath to be required of voters. The necessity, if any existed, to add to the territorial oath no longer remains. No one has authority to put anything into the oath as a condition precedent to the right to vote of any person, other than what is named in Section Twenty-four of the new Act of Congress.

It requires him to swear or affirm that he is over twenty-one years of age, that he has resided in the Territory six months and in the precinct one month immediately preceding the date of the oath or affirmation, and that he is a citizen of the United States. And he must further state his full name, his age, place of business, and whether married or single, and if married the name of his lawful wife, and that he will support the Constitution and laws of the United States, and will faithfully obey the laws thereof, and particularly the Edmunds Act and the new law, in respect of the crimes defined and forbidden therein, and that he will not aid or abet, counsel or advise any other person to commit any of said crimes. "Said crimes" are polygamy, unlawful cohabitation, adultery, fornication and incest.

Any oath presented to voters containing further requirements than those is unlawful. It is in excess of the law in such case made and provided. It is not required of a citizen who has taken the oath to the above effect, to swear, as a condition to registration, that he is not a bigamist or polygamist, or that he does not cohabit with more than one woman. If there is any such requirement in the law, anywhere, let it be pointed out. When you put your finger on it you will find that like the Irishman's flea, *it isn't there.*

The law further provides that:

"No person who shall have been convicted of any crime under this Act or under the Act of Congress aforesaid, approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote at any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory."

But this, let it be distinctly understood, is not included in the oath, neither is a voter required by law to make oath as to these disqualifications. If it can be made to appear that he is disqualified by either of the causes mentioned, his vote may be rejected and he may be prevented from holding office. But there is no law of the United States or of the Territory which requires him to make oath about it, as a condition precedent to voting or office-holding. And the registration and election officers, as ruled by the Supreme Court of the United States, must perform their duties under the existing laws. They can neither add nor diminish. Previous to the next revision of the registration lists the presiding judge of election may administer the oath; after that he may not.

Challenges at the polls are not to be *made* by the election judges. They are to *decide* them. They have no authority of law to examine any one under oath, or to exact any oath on a challenge except in relation to alleged bribery. Neither has any one a right to challenge a voter unless it be for statutory cause. As the court ruled, there are no disqualifications but those "*defined by act of Congress.*" If a voter is excluded at the poll on a challenge as to a a disqualification not provided by law, he has his remedy in a suit for damages against the election officers. And if he is excluded from registration for refusing to take an oath not provided for by law, he has a similar remedy against the registration officer. In addition to this, each of those officers may be prosecuted at criminal law for felony.

No citizen who has taken or is willing to subscribe to the oath or affirmation required in Section Twenty-four of the new law, can be required to answer any question as to his belief or opinion or expression thereof, or as to his membership in any religious or other organization or in relation to anything not specified in the law as a disqualification to voting. He might be challenged as a polygamist, or as cohabiting polygamously with persons of the other sex, or as having been convicted of either of the crimes prohibited in the new law, but nothing further is lawful. If such unlawful challenging is indulged in for the purpose of obstructing the election and hindering the free exercise of the franchise, the person so obstructing can be prosecuted for misdemeanor and the judges of election, for not preventing that abuse, can be prosecuted for felony. The court ruled on the question of belief that

"The words 'bigamist' and 'polygamist' evidently are not used in this statute in the sense of describing those who entertain the opinion that bigamy and polygamy ought to be tolerated as a practice, not inconsistent with the good order of society, the welfare of the race, and a true code of morality, if such there be; because, in the proviso in the ninth section of the Act, it is expressly declared that no person shall be excluded from the polls, or be denied his vote, on account of any opinion on the subject."

The attempt to fasten upon this Territory by act of Congress the unconstitutional and shameful provisions of the Idaho test oath signally failed. Congress would have none of it. And now the disappointed conspirators are trying to foist it upon the people of Utah by unlawful and criminal proceedings at the polls. Let these vile schemes be exposed, and let those who attempt to carry them out be prosecuted and sued for damages as the law provides. Let the machinery of the law be set in motion against every excess of official duty and every invasion of right.

We have turned "the other cheek" often enough. The brazen and conscienceless assailants of the peaceable people of this Territory have come to think that we will bear anything and everything like lambs. There has been enough of this. We must refuse to be imposed upon in lawless ways, and strike for our rights as well as protest against wrong. No matter who it is that exceeds the law for the purpose of trampling upon our lawful liberties, let him be followed up with legal weapons till he ceases his iniquity or reaps the reward of his guilt. Let it go forth as a fixed and settled purpose, that the rights of voters must and shall be maintained!

THE LIMITATION LAW.

A correspondent asks us to state the character of the limitation law in criminal cases arising under the laws of the United States. The statute on that subject places the limit at three years. Unless an indictment be found within that period after the commission of the offense involved, prosecution is barred. The Edmunds-Tucker bill as it came from the Judiciary Committee and first passed the house, extended the limit to five years in cases of polygamy. That special clause was, however, eliminated from the measure, which passed both branches of Congress thus amended; consequently the same statute that applies to all other offenses also applies in that class of cases.