

lution of the great problem that has been forced upon them, the sympathy and counsel of the North. The other articles are "The Free School System," by John D. Philbrick, being a reply to the recent strictures of Mr. Richard Grant White on the public schools; "Theological Charlatanism," by Mr. John Fiske, whose typical theological charlatan is Mr. Joseph Cook; and, finally, a review of some recent publications in Physics, by Prof. A. W. Wright."

This shows that but little value is attached to the bogus "Judge's collection of untruths, and splenetic assault on the memory of the dead. His attempt at "Mormon" history is quite consistent with his effort at expounding "Mormon" doctrine and politics, and displays at once consummate ignorance and rash assumption. It is evident to every one acquainted with the subject that it is one to which the writer has never given careful study, his article in the *Review* being as incorrect and stupid in its attempts at history and deductions from events that never occurred, as it is vicious and intemperate in its attacks on the "Mormons" for ideas that they never entertained. And on reading the brutal and uncalled for paragraphs of abuse of the late President Young, the query at once arises in the rational mind, What has a cowardly defamation of the personal character of the deceased "Mormon" President to do with the subject of the article which is headed, "The Political Attitude of the Mormons."

The publishers of the *Review* have shown their good sense as well as appreciation of the character of the article by omitting to mention it at all in their own notices of the contents of their magazine prepared and printed for the convenience of the press.

THE MANDAMUS CASE.

We give in full the opinion of Judge S. P. Twiss in the mandamus case. He sustains the first, third and fourth points in the demurrer and overrules the second and fifth. That is in effect, that sufficient facts were not set forth to entitle the plaintiff to a peremptory writ; that the writ was imperfect because it did not fully set forth that the Governor was absent from the Territory; and that the Court has no jurisdiction over the Executive. The latter only is important; the other two rulings are in our view childish, and the objectionable points such as could be amended. The doctrine comprehended in the sustaining of the fourth point of the demurrer is that the Governor is above the law so far as compelling him to perform the duties of his office are concerned. We do not believe such doctrine will be sustained by a higher court. We hope the case will be appealed. It is of great importance, reaching far beyond the present case, and ought to be decided by the highest judicial tribunal. We have not space to-day to discuss the subject fully. Judge Twiss has not attempted to pass opinion upon the action of the Governor in the certificate case, but gives his ruling on general principles. The certificate affair stands as before the proceedings, no better and no worse.

THE SOPHISTRY CAN NOT SUCCEED.

THERE are a few papers, none of them, however, in the leading ranks of journalism except the *Courier-Journal*, which take sides with Governor Murray in what they call his treatment of the "Mormon" question. The paper alluded to, in "A Non-Mormon's Defence," says that this certificate affair is not a question of politics, not a question of civil liberty, but a question of public morality and of civilization. The *Denver Tribune* thinks that Murray has taken "a square hold of the Mormon question."

Now the truth is, that what is popularly known as the "Mormon question" does not enter into this election or certificate dispute at all. It is true that in one sense it is not a question of politics. It does not involve any struggle of parties. But neither is it a question of morality, of "Mormonism," of Methodism, of Catholicism, or any other creed or custom, or of social ethics. It is simply this: Shall a Governor of a Territory, an appointee of the

Government, be permitted to annul the votes of nearly all the citizens of the Territory to which he is sent as its executive? Has he the right to sit in judgment on a question of citizenship? Shall he be sustained in an act which is clearly usurpation, and to justify which there is not a line of law or shadow of precedent?

Even Murray himself has not pretended to say that the "Mormon question" is connected with the dispute. He has assumed to decide judicially that Mr. Cannon is not a citizen. Supposing that what he says is true—which it certainly is not, as has been proved and will be again, beyond the shadow of a doubt—where can he find the authority in law making him the judge of that question? And going still further, supposing that Mr. Cannon is an alien and that the Governor has the right to decide that point, where is the law or precedent which authorizes him to give a certificate of election to a person who has not been elected?

To use the language of learned counsel in a contest case before the House Committee on elections, "The doctrine has never been adopted in this country, that because the majority candidate is ineligible, the minority candidate is thereby elected." An "It is a fundamental principle in our system of government that the majority shall govern, and so wide a departure as under any circumstances to hold the minority candidate elected, would be subversive of the system itself." Therefore to reject the candidate who by the Governor's own statement received 18,568 votes, and give the certificate of election to one having, as he admits, but 1,357 votes, is, in the words of the same authority, "a sublime illustration of popular representation. As an American precedent it would stand solitary and alone in its sublimity" of impudence and stupidity combined.

It is only by invoking popular prejudice on a matter with which this subject has no connection and mixing the two together in a confused mass, that either Murray or his friends can hope to hide his folly and infamy from public scrutiny and public condemnation. But in his own published decision on this point he has conceded everything but the question of citizenship. Polygamy, "Mormon" doctrine or practice, woman suffrage, the question of valid or invalid votes, and all other questions are admitted to be extraneous. The Governor has not laid hold upon them in any way. He has taken neither a "square hold," nor a round hold, nor any kind of a hold on the "Mormon question." He has simply shown his own presumption, ignorance and anti-republicanism. Neither has he afforded Congress any particular opportunity for taking extreme measures in relation to the "Mormons," for the satisfaction of a few fanatics who want the government to regulate the morals of other people.

The whole question turns upon a fundamental principle of our political system. In this respect it is purely a political question. If one Governor may arbitrarily set aside the votes of the people, another may do the same. If such an act can be performed in one part of the country, it may be done in another. If it can be successfully committed against "Mormons," it can be made equally supreme against non-"Mormons." And thus the whole system of popular government may be entirely subverted, and States and Territories be placed under the sovereign control of their respective Governors. The chief officials will then no longer be the servants but the rulers and masters of the people, and the principles for which the fathers of our country fought and bled will be swallowed up in re-established monarchism. It is of no use to try to avoid this; all the sophistry in the world will not make this certificate iniquity anything but an object for governmental judgment and universal condemnation.

A NON-"MORMON'S" DEFENCE.

THE Hudson County (N. Y.) *Democrat*, having published some very foolish and bitter remarks concerning Utah, in which this Territory was referred to as "Our National House of Prostitution," a New York physician, well acquainted with the social condition of that great and corrupt centre of "Christian" civil-

ization, wrote a reply to the structures of the *Democrat*, and sent it to that paper for publication. The letter was not inserted, and has therefore been forwarded to us. The writer is not a "Mormon," but takes a just view of the situation, and we here append his letter, verbatim:

"To the Editor of the Hudson County Democrat:

Sir—In your impression, dated January 29th, 1881, I notice an article entitled, "Our National Disgrace," in which you designate the Territory of Utah as "Our National House of Prostitution." Now, sir, do you not think this is going a little too far? Are you not using the liberty of the Press to stigmatize a thrifty, industrious, persevering people, of whose manners, customs and religion you are evidently totally ignorant?

Methodists you need not have gone to Utah to find a "national house of prostitution" when you are morally certain that it is here in your immediate vicinity, on a most gigantic scale, and coupled with it the terrible crimes of abortion and infanticide, to which the dark hallways and ash-barrels daily bear the revolting testimony. Even the dark and deep flowing rivers, ever and anon cast forth from their bosoms many a ghastly witness. Then why single out Utah when you have it stalking broadcast around you, flaunting in the gilded palaces and reveling in the filthy hovels, aye, even at the very "horns of the altar," raising its head with unblushing effrontery, defying alike religion and morality? Can you find anything like this in Utah?

When you speak of Utah as a "national house of prostitution" of course you refer to the principle of polygamy. Now, sir, I would like to ask did you ever read and study your Bible? If so, can you show me one passage, or even word, that forbids polygamy? You cannot! On the contrary, it inculcates it and teaches it in a most marked way, for the most favored of God's servants were the children of polygamous wives. Take for instance the history of Joseph, Samuel, Solomon and a host of others.

Now if the Bible is the inspired word of God, and an ensample of life to all generations that are to come, in all justice and fairness can you conscientiously brand with such an opprobrious stigma, a people who have the courage to follow its sacred teachings and examples, literally and truly? A people who do not twist and turn the Scriptures to suit each and any particular denominational fancy, but accept in faith, and trust it, as the whole and undefiled Word of the everlasting God from which not "one jot or tittle shall pass away till all be fulfilled." O. S. O.

FISH CULTURE.

No. IV.—CARP.

As many inquiries are being made at this time about carp, it will be interesting to notice some remarks made by the Fish Commission of Texas, 1880: "Last December, Prof. Baird sent me 150 carp, which I distributed to our citizens in lots of ten each. Those fish have done well in our waters and grow rapidly. When they were received, they were only three or four inches long, and now they are by actual measurement twenty inches long, and it is thought they have already spawned, as the ponds and pools where they were placed are now full of young fry, unknown before the young carp were placed in them." Many other encouraging remarks are made by this gentleman in relation to the profitability of carp culture.

Professor Baird says: "The ponds in which carp are placed should have a muddy bottom, and be well provided with aquatic plants, especially such as produce seeds that drop into the water when ripe. The fish spawn in spring and summer, and attach their eggs to leaves and stems of living plants in the water. They are naturally vegetable feeders, but will not disdain worms, larvae and other animal substances. Where there is not an ample provision of vegetable food, the fish may be supplied with crumbs of bread, leaves of cabbage, lettuce, etc., or with corn, rice and other cereals, either entire or ground, and which should be boiled in water before administering. No more food should be given than the fish can conveniently consume without leaving a large residuum. Carp will bury themselves in the mud whenever the tempera-

ture of the water renders it necessary. In this condition they should not be disturbed."

It is the intention to introduce carp into our waters, and up to the end of this month the applications sent to the local fish commissioner will be attended to, as before stated.

The following description of Rush Lake, by Mr. E. L. Stookey, one of our University students, is worthy of extended notice:

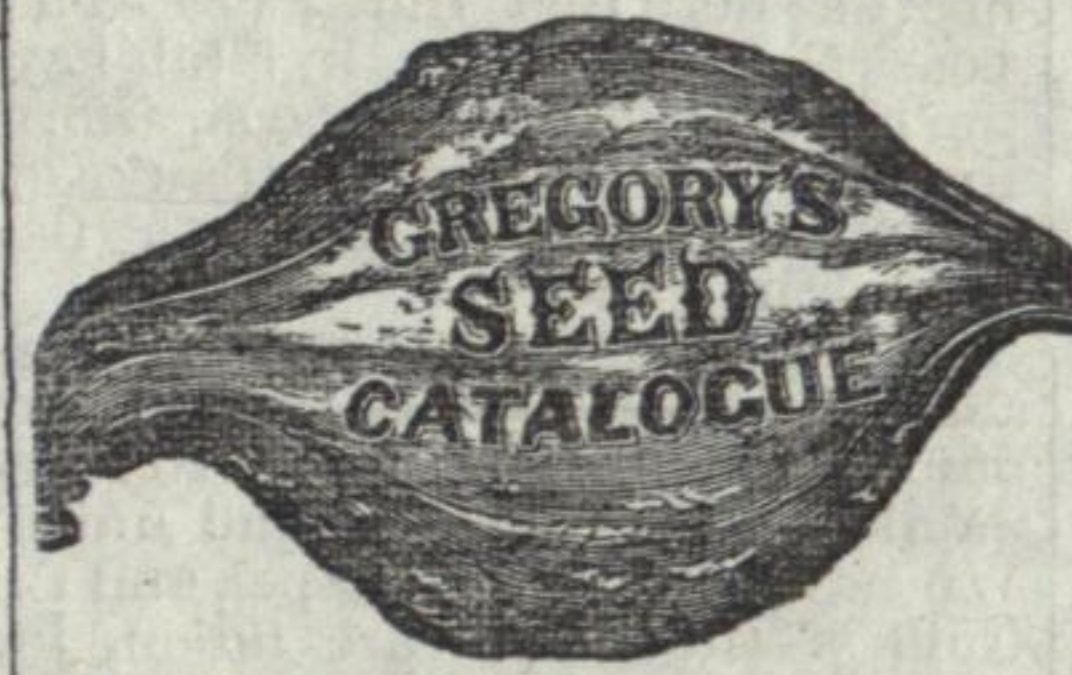
"Rush Lake is situated in the northeast corner of Rush Valley, and is about three and one-half miles long by one mile wide in the widest place. It was, however, much larger a few years ago. It has fallen about eight feet from former high-water mark. While it was at its highest it was about five miles long by one and a half miles wide, and covered about three square miles. At the time of the early settling of Rush Valley there was no lake, merely a low, swampy tract of land covered with a dense growth of bulrushes, from which the lake and valley take their names. There were also several treacherous spring holes. I do not know exactly the depth of the water at this time, but should judge it to be about 30 feet in the deepest place. When a boy, I drove a team with a load of timber across where now the water is 15 feet deep, and at that time it was dry ground. The lake was formerly fed by three canon streams, namely, Clover Creek, Hickman Creek and a stream from Soldier Canyon. These streams being used for irrigating and mining purposes, seldom reach the lake now, except in the spring, while the snow is melting. The main supply of water now comes from the warm springs in the vicinity of the lake.

"At some seasons of the year the lake is a great place of resort for wild ducks and geese, sometimes in the past many acres were literally covered with them. The fish in the lake are chubs and minnows, which are very abundant and many are caught with hook and line. * * * There is plenty of fish feed in the lake. * * * The waters of the Warm Springs which flow directly into it abound in fish food, as well as the lake itself." Mr. Stookey does not think there will be any danger of the lake suffering from dry seasons to any serious extent, and he appears to be very desirous of getting a good supply of "Lake Trout" to replace the chubs and minnows, in which laudable ambition he hopes he will be assisted by the good people of Rush Valley.

It is respectfully intimated to those who have already ordered supplies of carp that as soon as they arrive the fish will be deposited in such places as will be convenient for parties applying for them, who will be notified of their arrival. They will be brought here in cans constructed for the purpose, holding from 20 to 80 gallons of water. The expense of conveying fish here will have to be paid *pro rata* by all purchasers at the time of receiving their proportion of young fish, as there are no funds supplied the local commissioner for that purpose by the legislature.

In answer to inquiries respecting the duties of selectmen in the various counties to see that proper dams with fishways are provided in the streams of this Territory, attention will be paid to any suggestions submitted by citizens.

JOSEPH L. BAROOT,
Fish Commissioner,
Utah Territory.



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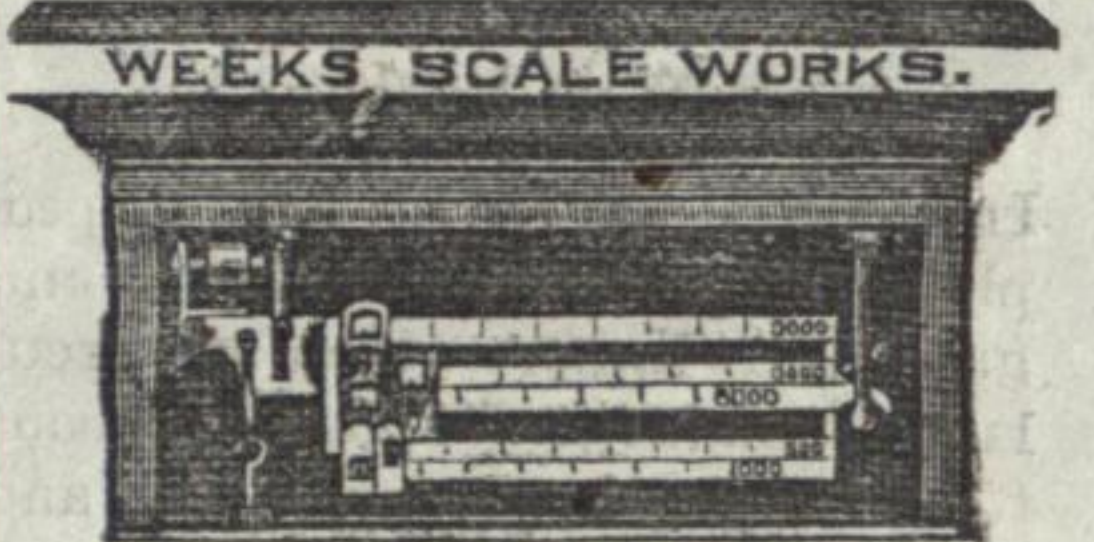
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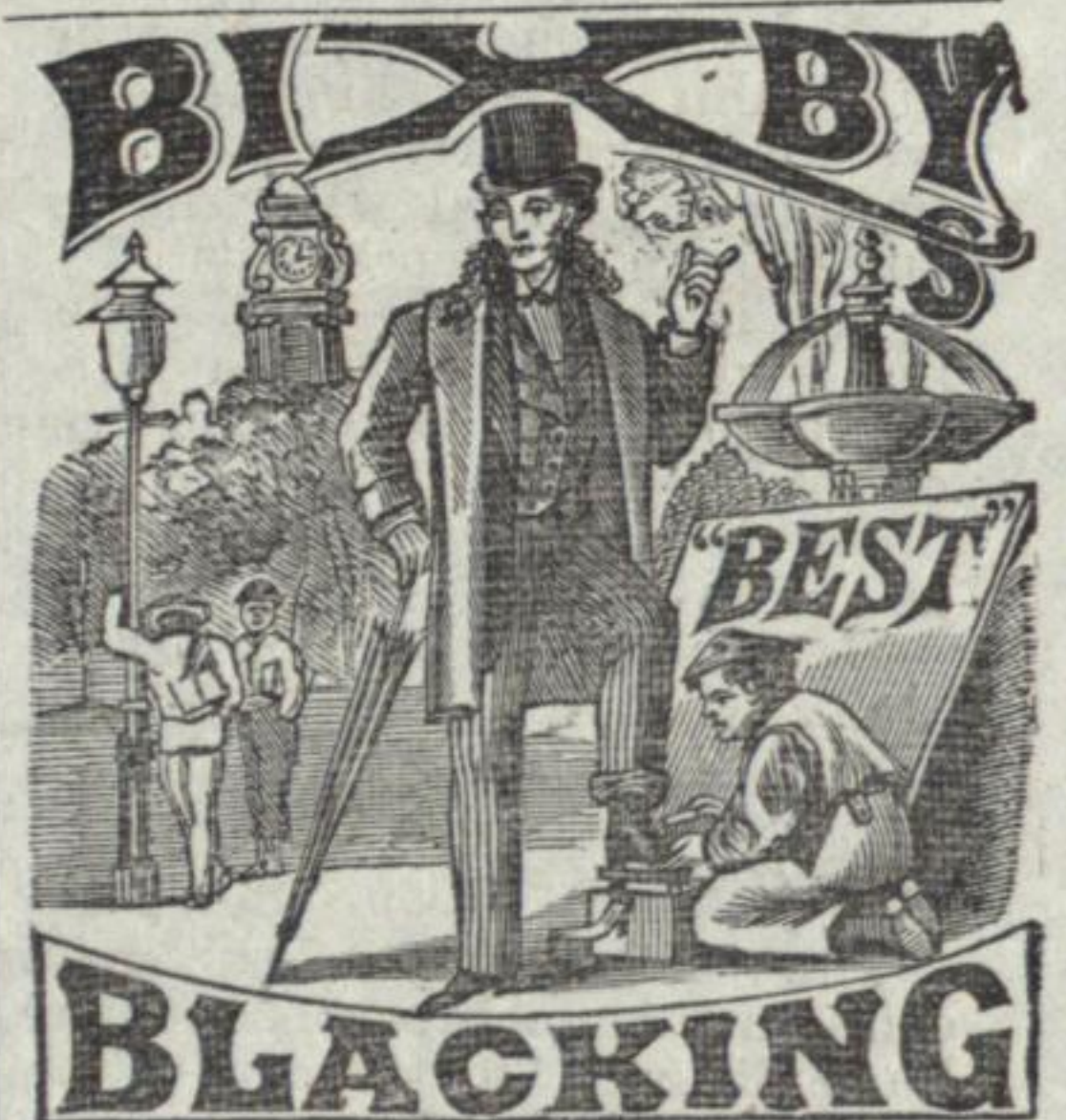
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NOTICE TO CREDITORS. In the Probate Court of the County of Weber, Territory of Utah. In the Matter of the Estate of W. Kuss, deceased.

NOTICE IS HEREBY GIVEN BY the undersigned Administrator of the Estate of W. Kuss, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers within ten months after the first publication of this notice, to the said administrator at his residence in Ogden City, Weber County, Utah Territory. Dated at Ogden City, February 18, 1881.

WILLIAM BROWN, Administrator of the Estate of W. Kuss, deceased. w5 4t



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