

interested and respectable witnesses intelligence and discretion, only a Justice or Judge of the Supreme or Probate court, a Mayor or Alderman of an incorporated city, a Justice of the Peace duly commissioned and acting as such, or by an ordained and acting minister of the Gospel of some accredited and generally acknowledged religious denomination other than the establishment or society of the Mormons. As marriage in law is a civil contract, no particular ceremony is required when the same shall be solemnized by a Justice or Judge of the Supreme or Probate court, or by Justice of the Peace, Mayor or Alderman, except requiring the parties to declare in the presence of the officer officiating that they, and each to the other, solemnly agree to enter into the covenant of matrimony and have each other for husband and wife so long as they both shall live. When solemnized by a minister of the Gospel, the ceremony of marriage shall be according to the forms and customs of the society to which he belongs. A husband's absence for five years will be sufficient cause for divorce, and for the only, except in instances where the decree is made by the court. In order that there may be no failure of justice in consequence of legislative gerrymandering it shall be the duty of the Governor, to dissolve and dissolve the body and order new election.

In addition to the foregoing it is proposed to change the name of Utah "Altamont," meaning "the high mountain." What effect this is to have on the question of polygamy, which seems to agitate the soul of the ambitious Lapham, does not appear in the bill, but Lapham seems to think that the poet's query "What's in a name," has little significance, and that a great deal depends on what you call a thing or a territory.

As far as the "Mormons" are concerned we see nothing to protest against in the Altamont arrangement except its extreme folly and superfluity. The change of name would have no effect whatever except to disturb our records, maps, and local public affairs in a manner to cause inconvenience and needless labor. The disfranchisement of polygamists is provided for in a much more sweeping manner in the Edmunds law. If Mr. Lapham can point out anything in the laws of the Territory which authorize or sanction plural or polygamous marriages, we will venture the prediction that they can be abolished without any further action of Congress. Also that if there are any "homeless and destitute victims of polygamy" in Utah they will be provided for without any law of Congress or of our Assembly.

It is clear to everybody in Utah who learns of his nonsense, that Senator Lapham is grossly ignorant of the subject on which he attempts to legislate, but perhaps not more so than is the average Congressman. We have no laws in the Territory that either sanction or provide for plural marriages or polygamy; we have no poor, homeless, destitute women and children, victims of the lust and cruelty of flinty-hearted scoundrels, as may be found in all the great cities of Christendom; and the whole of his measure, including the portion relating to the solemnization of marriages, is unnecessary and wide of the mark, and would have no more practical bearing upon the institutions of "Mormonism" than upon the real, crying, awful and heaven-defying evils that actually exist in the places represented by Senator Lapham.

If public men are anxious to shine as reformers and statesmen, in the name of common sense let them inquire into the thing which they wish to reform, and the subject on which they attempt to legislate, that they may not expose themselves to the derision of all sensible people and the deserved contempt of those who can discern their motives as plainly as they can see their consummate foolishness.

THE ROCK RAILROAD.

The application of an incorporated company for the right of way through certain populated streets of this city, for the building and operation of a railroad from the Utah Central depot to Red Butte and Emigration canyons, has made quite a stir among the people who reside on those streets, and particularly a number of the residents of the

Eighteenth, Twentieth and Twenty-first Wards. In all probability a protest against the granting of this right of way will be entered by the citizens who would chiefly be injured by the construction of the proposed railroad.

The City Council will be called upon to exercise in this matter the best judgment at its command, and should obtain competent legal advice before committing itself to any action conferring powers in reference to the public highways, upon a corporation organized mainly if not entirely for the benefit of its projectors and stockholders. And the interests and vested rights of the citizens likely to be unfavorably affected by such a grant as is applied for, should also be taken into careful consideration.

The construction of a railroad along and above the aqueduct in North Temple Street, it is considered will greatly reduce the value of the property on either side of that street, making residences thereon much less desirable than at present. But the chief complaints against the scheme come from the people farther east, particularly the inhabitants of Fourth Street and those in the neighborhood. They depend for water for drinking and culinary purposes, upon the big ditch running through that street. Fourth Street is only four rods wide, the space occupied by the ditch included. If the right of way is granted, the company can take up the whole of the street for its private use, under the provision of section nineteen of the railroad act of 1869, which gives to railroad companies and their agents power to take up "not exceeding nine rods wide" and construct thereon either a single or double track. Also to "construct their road along, across or upon any stream of water, water course, street, avenue, highway, ditch, flume, etc.," with the proviso, however, that it shall be done in such a manner as to "afford security to life and property," and that said company shall "restore to its former state, or so as not to impair its usefulness, such stream, street, highway, ditch," etc.

But this, it appears, would be impossible. Only enough space is left between the big ditch and the north side of Fourth Street for the use of the railroad, leaving little or none for the use of the citizens. Moreover, the people above the ditch would have to cross the railroad to obtain all the water they need for domestic use. In the absence of the male members of the households thus situated, women and children have to carry water from the ditch at all hours of the day, and apart from the inconvenience and extra labor thus occasioned, their lives would be endangered by the locomotives and trains passing to and fro. Of course the company would be responsible for damages, but no amount of pecuniary recompense could supply the place of a precious life, nor be adequate to the irreparable loss.

This contemplated railroad appears to most people in the light of a private speculation, and not an enterprise for the public benefit. If it was calculated to benefit to an appreciable extent the great majority of the citizens, the convenience of a few might perhaps be considered of less importance. But the object of the "Rock Railroad" Company, as it is popularly termed, is to convey from the canyons mentioned, stone from the quarries which have been taken up and secured for the private profit of persons who are members of the railroad company. We are finding no fault with them for looking after their personal pecuniary interests. But the question is, shall the railroad they have projected be looked upon as a private or a public good? And do not the facts bear out the conclusion that its object is simply to enhance the value of property secured by its promoters? The public will be no better off for the road except in the disbursement of so much money as it will cost to construct. Rock can be hauled by teams, making two trips a day, finding employment for many hands that would be made idle by the railroad, and the rock, when teams were driven from the work, would in all probability be freighted at only a trifling less expense, just enough to freeze out the team-haulers.

Now, taking this view of the question, where is the authority for taking public property for private uses? We do not think the law contemplates any such thing, and common justice cries out against it. The citizens naturally look to the City Council to protect them

against encroachments upon their rights and franchises. The question is asked what can the city do? Why, if it has any power at all it can refuse to grant the right of way in or along any public street, the proper use of which would be destroyed or infringed upon. The Council can do this even in the case of a railroad designed for a public benefit. The charter gives it power.

"To direct and control the location of railroad tracks and depot grounds within the city and regulate or prohibit the use of locomotive engines thereon, and may require the cars to be used within the inhabited portions thereof to be drawn or propelled by other power than that of steam." Act of Jan. 17, 1865, sec. 5.

And is this all? No. The Act of the Legislature on Highways, in section 9 says:

"Every gas, water, telegraph, or railroad corporation has the right of way through the public ways and squares in any city, village or town, with the consent of the authorities thereof, and under such reasonable regulations as said authorities and the law prescribe."—Laws of Utah, p. 51.

What is the reasonable inference from this? That if the authorities do not consent, the company will not have the right of way. This enactment is later by eleven years than the railroad law from which railroad corporations derive such extensive powers. And it should be borne in mind that those powers—extending to the right to the use of private property, when condemned by commissioners, for building tracks and for depot grounds and other purposes, is predicated upon the possession of the right of way. The "special proceedings" provided for in the railroad law would be of no avail in this instance if the right of way through the public streets was not first obtained.

The City Council clearly has power to refuse the right of way for good and proper reasons. The application of the company would be local. The right of way is asked because it is necessary to obtain the City's sanction. The Council can prescribe the location of this proposed road and cause it to be either north or south of the present survey, or prohibit it from occupying the narrow streets in that neighborhood altogether. The rights and conveniences of the citizens have to be taken into consideration as much as the rights of corporations, and it is the duty of the guardians of the public welfare to watch over and protect the people from whom they derive their authority. It is therefore asked that this matter be fully considered, and that no rights be given to a private corporation that are likely to be detrimental to the public weal, for it is easier to thus prevent an injustice, than to repair a wrong after a grave mistake has been committed.

"MORMON" MISSIONARIES.

The London Daily News of a recent date has a very lengthy article from a correspondent who has visited this city, and obtained most of his views of the people here from persons opposed to their faith and interests. The gentleman, however, attended the Conference in the Tabernacle and was greatly impressed with the missionary system of the Church, being present at the calling of a number of Elders to go into the travelling ministry. He says:

"This part of the proceedings was summed up in the Gentile local paper the following day, by the statement that '81 Mormon tramps are to be let loose next week on the United States and Europe.' But a great fact is not to be ignored by a flippant adversary, and it struck me that this brief announcement formed the most striking part of the proceedings. The men who were thus nominated to go forth to the ends of the earth and labor among hostile populations were of various ages and occupying diverse positions. There were old and young, married and single, but all sharing in common the necessity of earning their living. If the command laid upon them had also involved the appropriation of a more or less snug salary, with expenses paid, it might in some cases have

assumed a different aspect. But when men in the Mormon camp are suddenly called upon to leave father and mother, wife and children, business and home, they not only go forth without any provision in the way of monthly or yearly pay, but they pay their own passage money to the scene of their labors, and there live as they can. Of course, they may decline to go, and there are no means of active compulsion.

The most common response to the command is an assurance that the newly-nominated missionary will be ready to start within a week, or sooner if desired. Most churches have missionaries, but I do not know any church that exclusively has missionaries, on these terms; and one that can command a constant supply will always be a power in the world."

It seems to us that the willingness exhibited by our brethren to labor in this way to promulgate an unpopular creed, and their faith and zeal in the cause would lead thinking people generally to investigate with some degree of fairness the principles of a system which creates such devotion and such fidelity to its interests. There is nothing to compare with it in the creeds that are alleged to be so vastly superior to "Mormonism," and reason would show that there must be a power behind it that is worthy the attention of the wise.

THE EGYPTIAN AFFAIR.

ARABI Pasha, now in exile, has declared his belief that El Mahdi will advance on Cairo. He thinks foreigners fail to appreciate the great power of the religious element in the Egyptian uprising. He attributes his own influence as chiefly owing to the expectation by the Mohammedans of Africa of a deliverer.

Now that El Mahdi, who claims to be the personage looked forward for with eager expectation, has appeared upon the scene and Egyptian and even Turkish troops will not fight his forces with that vigor likely to insure success. Arabi Bey thinks they could only attack El Mahdi's armies faint-heartedly as they would superstitiously feel as if they might be opposing an institution of their own religion.

The Sudan is about half as large as the United States, and it is doubtful if enough British troops could be conveniently introduced to quell the rebellion. It is likely that Indian soldiers will be used in the campaign which now appears inevitable.

DEATH OF CONGRESSMAN HASKELL.

The circumstances connected with the death of Congressman Dudley C. Haskell, of Kansas, which occurred at Washington on Saturday, are somewhat singular. At the close of last Congress the gentleman returned to his home in good health, but was subsequently seized with illness that puzzled the physicians who waited upon him. They apparently widely differed in opinion in regard to the character of the malady. In consequence of this uncertainty the patient was treated for a variety of diseases, and thus made the victim of pharmaceutical experiment.

During the last Congress Mr. Haskell was one of the most bitter, uncompromising and unrelenting opponents of the people of Utah, even exhibiting the heat of his passion by the application of the most uncalculated and opprobrious epithets. In the excitement of the debate on the Edmunds bill he acted like a man who had lost his senses, being excessively violent and denunciatory.

We regret that he should have gone beyond the probationary estate without, so far as we know, exhibiting any symptoms of penitence for his unjust course towards a people who, the popular belief to the contrary notwithstanding, are seeking, as a whole, to promote truth, justice and virtue in the earth.

THE OBJECT IN VIEW.

The opinion of the DESERET NEWS that the utterances of President Arthur, and the special legislation

advocated by other prominent Republicans were intended to be used as political capital in the presidential election, is shared by several well-informed journals. That idea was scouted by some of the anti-"Mormon" scribes, but that it was correct becomes more and more apparent. The intention is to go to such extremes in handling the "Mormon" question, as to start up Democratic Congressmen against them because they are so utterly opposed to principles that are dear to the heart of every true disciple of unadulterated democracy; then to raise the cry that if the Republicans are permitted to remain in power "Mormonism" will be obliterated, while if the Democrats are raised to national control it will be maintained. We do not expect that the ruse will work, but this is the plain design, and is likely to affect the action of members of Congress of both parties. An exchange puts it this way. Speaking of the rabid anti-"Mormon" legislation now attempted, it says: "It will receive the warm support of the Pacific Coast delegation, nearly all of whom are Democrats, and this boom in a Democratic House, desirous of showing a good record to the country in a Presidential year, with a senate already favorable to such a measure, will, it is thought, materially aid its progress." That is the idea exactly. The plea of morality is all fudge. The cry of necessity is all nonsense. The movement is a political dodge and is meant to play an important part in a scramble for office and its spoils.

The Holt County (Oregon) Press gets off this appropriate piece of social philosophy: Cleveland, Ohio, is organizing a raid against polygamy. Those who know Cleveland society will be surprised to learn that the raid is to be against polygamy in Utah instead of polygamy in Cleveland! It is remarkable how people with dirty door yards will exclaim against a little filth in a neighbor's yard. But such is human nature. Few places on earth as rotten with the social evil.

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CHAPTER I.

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Dublin, June 6, '81. R. FITZPATRICK.
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