MOBOCRATS ATTEMPT TO EXPEL ELDERS FROM LAWRENCE CO., TENNESSEE.

VENUS, Lawrence Co., Tenn.,
Monday, June 23d, 1884.

Editor Deseret News:

Previous to our Conference, held May 4th, we met with very little opposition, although a few threats were made againt us.

Immediately after Conference, while President J. J. Fuller and Elders J. A. Ross and T. H. Robbins were on their way to Lawrenceburg, where President B. H. Roberts expected to deliver a lecture, they were confronted by a man who had been very friendly to the Elders, and with whom we have frequently stopped and were most

SHAMEFULLY ABUSED.

He then threatened to kill them, and told them never to pass by his house again.

Since that time President J. J. Fuller has been notified twice by letter, to gather up his little flock and leave this county; but as we thought the greater part of it was wind, and only calculated to scare; we concluded to remain where we are, and continue to preach the Gospel to all that choose to hear.

Another little circumstance occurred yesterday which was, also, intended to scare us from the county.

We were holding meeting in the shade of some trees. (As most houses are closed against us.) Two men, well dressed,

ARMED WITH HICKORY CLUBS,

About 1½ inches in diameter, and about two feet long, (although in our eyes they were greatly magnified; probably owing to the fact that we knew they were cut for our heads,) came up and took seats. Presently three more of the same sort, armed in like manner, came from the opposite direction and sat down behind us.

We paid little attention to them but kept on speaking upon the first principles of the Gospel. As soon as meeting was dismissed the mob (for so they proved,) came forward and ordered the congregation to leave as they had something to say to those "Mormons."

One of them came forward and said. "These Mormons have been twice notified to leave this county and they have paid no attention to it. They are also preaching false doctrine; doctrines that were got up by Joe Smith, and doctrines that are contrary to the laws of the U. S." And now they calculated to preach to the "Mormons."

We told them if they had anything to say to us we would be pleased to hear it, and answer any objections they might make; also, that we held oursetves subject to the laws of the land.

Our chances for a whipping looked very favorable, and, only for the interference of our frienos (four men, their wives and two boys) we would, no doubt, have been badly beaten. But God, the maker and preserver of all, raised up unto us, in the hour of need, friends who

BOLDLY DEFENDED US

and the principles we teach, although they have not as yet embraced them. The ladies were loud in their protestations against the mob, some of them even threatening to scald them if they should come about their houses hunting for "Mormon" Elders.

The mob brought a great many railing and abusive acccusations against our people, none of which they could substantiate when we pinned them down and called for their proofs.

Our friends saw that we were in a critical position and they, though few, determined to defend us if it cost them their lives, and it was with much difficulty and persuasion that we prevented them from

DOING VIOLENCE TO THE MOB.

Never did we hear a man or a set of men get such a tongue lashing as that mob got from both men and women. The mob then held a consultation and returned a verdict that we must leave the county before 10 o'clock a.m. tomorrow (Monday) and if we failed to comply with this last request, they would hunt us up and we would get some rough handling.

We now are

ON BORROWED TIME,

Being still in the county, and have not yet made up our minds to leave.

We will conclude by adding that we are of the opinion that this will result in much good. It will excite the sympathy of a great many people, who have not as yet become interested in our behalf, and it will be the means of raising up many good friends to the Elders in this part of the country.

A. J. McCUISTION,
J. A. ROSS.

SAN JUAN STAKE CONFERENCE.

The San Juan Stake Conference was held at Bluff City, June 21st and 22d, 1884, beginning at 10 o'clock a.m. on the first day. Present on the stand President P. D. Lyman, Bishop J. Nielson and Counselors, Elders McKonke and A. Farnsworth, from Burnham ward. There was a good attendance considering the circumstances of the people, and a good spirit prevailed. Many subjects were treated upon which were very interesting and instructive, tending to strengthen the faith of the Saints in the principles of the Gospel. We had a general good time considering our unfavorable circumstances and prospects financially.

C. E. WALTON,
Stake Clerk.

THE UTAH BILL IN THE SENATE.

SPEECH OF SENATOR MORGAN.

Mr. Morgan. Mr. President, in thinking over the history of the recent past in a country where the people claim that they have been very greatly persecuted nothing has attracted my attention so forcibly to a new departure in the laws of Great Britain as the arrests of suspects, persons against whom no accusation of crime has actually been brought, no affidavit has been made alleging any delinquency, but some person will appear and perhaps without affidavit or without any formal statement of an offense at all claim the arrest of a person as a suspected person, a suspect. I have thought that British liberty was more nearly strangled by that feature of recent practice in that country than by any other that I remember which had the form of law and the apparent sanction of judicial authority.

I think I see this provision of the bill for the issue of an attachment contains precisely that doctrine, and to that extent it is violation of the personal rignts and the liberty of the people upon whom this measure may operate. An attachment is a technical phrase. An attachment against property means the seizure of property for purposes of condemnation or to answer some judgement of a court. An attachment of the person is the arrest of the person, placing the body of a man in the custody of the law and depriving him of his right and privilege of breaking that custody except at his own peril.

If the law we are about to enact is a constitutional law, any marshal or deputy marshal, sheriff, or whatever officer may be charged with its execution, can take into custody the party whom it is desired to have appear before a commissioner, or before the court, or before the grand jury, and hold that person in his custody until he is discharged by due course of law. It makes no difference whether the person who is thus taken into custody may know anything about the transaction or not, whether he may be a competent witness or not, whether he may have any ground of liability at all, upon a suspicion that he would violate the law or violate the mandate of his subpoena he is still held in custody, and if he breaks it he breaks it at his peril, and the officer who has charge of him has a right to kill him if he undertakes to break away from that custody

I claim that under the Constitution of the United States as amended there is no power in this Government which can place an American citizen in that attitude except in the cases provided in the Constitution where an allegation of crime is made against him, and that allegation is supported by probable cause, upon oath or affidavit, and the custody follows the regular procedure of the law. This biil, however, using the word "attachment," which, when used in respect of a person and not of property, means the seizure of the body of that person, authorizes a man to be taken into the custody of the law, his body to be seized, his liberty to be taken away from him, put entirely subject to the command of the officer in whose charge he may be placed, and kept there until discharged by order of the court before whom he is to be brought, upon the ground, not that he has commited any offense, not that he has threatened to commit any offense, not that he has said or done anything to influence any person to believe that he would commit an offense, for no fact previously ascertained is necessary as a predicate of this procedure, but solely upon the ground that he has reasonable ground to believe that such witness will unlawfully disobey the subpœna.

If we have the right to say that a man's person shall be attached because a judge may be of opinion that there is reasonable cause to believe that he will disobey the order of the court under a subpœna, then what is to restrain this honorable Senate from saying that a man shall be arrested and put in jail and held on a criminal accusation upon the ground that the judge has reasonable cause to believe that he will commit an offense—not that any offense has been committed, not that the *corpus delicti* be proven, not that there is any actual legal existence of an offence at all, but judging of this man by his character and by the opinion that the judge may have of him, the judge assumes that there is reasonable cause to believe that he will commit an offense and issues his warrant and has him incarcerated in prison.

There is the "suspect" law of England re-enacted in this bill. Senators can put it on the statute-book if they choose to do so in order to verify their pledges at the Chicago convention, but they are admonished now, and the people of the United States are admonished, that there never was a more flagrant violation of constitutional rights and of liberty than this. Democrats may follow them in their desire for radical legislation to suppress crime, and may suppose they can justify themselves before Democratic communities and constituencies for conduct like this; but, sir, when they come to the justification they will reach a country at last that has got an honest respect for human liberty as preserved in the Constitution and the amendments thereto. I will read two sections of these amendments:

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

I have read all of the fourth and fifth articles of amendment to the Constitution, not for the purpose of informing the Senate, but for the purpose of informing the people, who perhaps are not attending to the preservation of their individual liberties and expect their Senators on this floor do it, that there is here a warrant to be issued for the seizure of their persons when no offense has been committed and none charged, without affidavit and without process of law or without consideration by the court. An attachment for the seizure of the body of A B to appear in court as a witness is a warrant for the arrest of his person, and it is as much a warrant as if he had been charged with murder and as if a warrant had been sued out after affidavit made and by affidavit probable cause shown.

When lawyers use words like these in statutes they must understand that the judges construe these words according to their ordinary and usual significance. There is not a law-book in the world that contains an allusion to an attachment against the person or an individual which does not associate with the definition of that word in that connection the idea of a crime of some shade or other. A contempt of court is a crime. When the Government of the United States or when a private individual who is the plaintiff in an action has summoned a witness upon subpœna to attend a court, and he is recalcitrant and does not attend, is neglectful or disobedient of the command of the subpœna, and thereupon the party injured rises in court and makes a motion that an attachment issue against the person, what is the proceeding?

The court examines carefully into the subpœna, its form, its substance, the time and place of its execution. It carefully examines into it. Why does the court give this careful examination? The witness is not there. He has had notice. Why is he not hauled up without this careful examination? It is because upon the motion for an attachment against that party the whole attitude of the case changes and the United States Government in a case in a United States court becomes plaintiff in the action and the action instantly becomes criminal. Then the attachment is issued, not for the purpose of punishing him, but that he may have an opportunity, a day in court, to show cause why he should nor be punished.

The attachment is a warrant upon probable cause ascertained by law for the arrest of the man, and it is not the plaintiff in the action where the suit is civil that is the promoter of the action at all, but the whole nature and character of the action changes from a civil action between parties to a criminal proceeding at the instance of the United States. So it is in every case where an attachment is sued out by a court for the purpose of compelling the attendance of a witness to testify; it is a criminal proceeding and none other,

But recently a man who once held the honorable position that I now enjoy in the Senate of the United States as a representative from Alabama was summoned here by the United States Government to testifyin the celebrated star-route cases. The subpœna was issued in ordinary due form and was executed, if I remember the facts aright in the State of New York. After the subpœna had been returned cause was shown against him and an attachment issued for his person. He was seized in some of the Territories of the United States and brought here and carried before the court, and there upon answering to a criminal accusation, for it was a criminal accusation, he demurred against the validity of the orignal process of subpœna. Perhaps he made a point also upon the form of the writ of attachment. The judge presiding in the criminal court here in the District of Columbia, a United States court, took time to consider and heard argument, and he found an imperfection in that paper and he decided that that ex-Senator was entitled to his liberty and that the whole proceeding against him was a trespass.

How did that judge come to such a conclusion as that upon the innocent process of an attachment? He found that it was necessary to have all of the strictness of procedure that attends every crimnal cause in that proceeding. He found it was necessary to survey the ground with care around him in order that the rights of this American citizen might not be abused, although it was admitted and the man himself said he knew he had been supœnaed and was needed here, and had promised to come also, and still did not attend.

There was a case of moral contempt, of intentional avoidance of the demand of the court that he should be here to testify in some of the most important transactions that the Government of the United States has been concerned in for a great number of years, but because that process had not issued as a proceeding according to law, because that man did not have the protection that was guaranteed to him in the Constitution, because he had been deprived of his liberty without due process of law, the court discharged him and held that those who had him in custody, although they were offiecrs of the United States Government, were technically trespassers.

Now, you say that we shall issue an attachment against a man before we serve a supœna upon him; that we shall issue a writ which in its nature is criminal, which is intended to carry out the criminal power and criminal judgment of the court, not a civil power; that we shall issue a writ for the purpose of holding a man's body in custody as a suspect, and we undertake before the American people to justify our conduct in a case of that kind upon the Constitution of the country. No, sir: it is a flagrant and a bold and a defiant violation of it. There is no power on the part of the nicest and best organized mind in the world to discriminate between a warrant for the arrest of the body of a man and an attachment issued by a court or a commissioner which has the same effect.

Mr. MAXEY. I should like to call the attention of the Senator from Massachusetts to what I regard as a very material difference between the statute referred to, section 881 of the Revised Statutes, and the bill under consideration. Section 881 contains a provision that where the district attorney mades a formal application to the court for the issuance of a writ of attachment, the court as a court hears that upon proof, and then upon proof if the court be satisfied that the writ ought to issue, the writ is issued and the party is brought up and may give bond, &c.; but it is a form of proceeding baced upon proof. In the section under consideration, section 2, there is no provision that this is to be done by a formal application of the district attorney, nor is there any provision whatever for proof, nor is there anything to show that the court itself as a court upon proof shall do it, but the court may do it *ex mero motu*.

Mr. MORGAN. That is very true. In our efforts to administer justice in this country and after due consideration and after great experience on the part of the bar and the courts these statutes have been formulated and enacted, and all this strictness of procedure that the Senator from Texas refers to has been provided in order that we might secure to the person attached the benefit of all the guarntees of the Constitution of the United States for the security of personal liberty.

Mr. MAXEY. If the Senator will pardon me, I submit that, it being a question for decision by a court upon proof, the part or his friends may put in their appearance to show that there is no sufficient reason for the issuance of the writ of attachment. But here there is no proof whatever. It is equal to a *lettre de cachet* of France, or to the placing of a denunciation in the mouth of the lion at Venice.

MR, MORGAN. This proposed statue undertakes to cover the requirement that there shall be probable cause for the arrest by saying that the court has reasonable ground to believe that such witness will unlawfully disobey a subpœna. There is no provision made for proof of probable cause; in fact, no probable cause exist, because there is no fact in existence, none known, none required by law to be proved, as an antecedent fact or a predicate for the issue of the warrant. It is a mere surmise or suspicion in the mind of the judge or of the commissioner that the party will not obey the subpœna, founded upon the character of the party, upon his relations to the case, some ground of mere, bare, pure suspicion, and nothing else. Under such circumstances it seems to me that it is beyond denial that a criminal proceeding can not issue nor a proceeding which, whether you call it civil, criminalor whether you call it civil, attaches the body of the party and puts him in custody.

The Senator from Missouri has argued the question as to what is to become of the witness after he is brought in by attachment. It is very true that it is to be only inferentially gathered from this section that he is to be brought in term time at all. The words are "compelling the immediate attendance of such witness." The "immediate attendance" may be before a court in term time, before a judge in vacation, before a commissioner, or before a grand jury.

But, sir, the argument in this case that is fatal to this section of the bill rests upon the want of constitutional power on the part of and judge in this country to issue an order for the attachment of the body a man, except according to due process of law and upon reasonable and probable cause proven, not that he will commit an offense, but that he has committed an offense. I know of but one exception in the law where the anticipatory powers of justice may be used against a person, and that is where a person will come before a magistrate and make an affidavit that he has good cause to believe that his life or his bodily safety is endangered by this individual. Even then nothing can be done except to bring that man immediately before the court for investigation. The magistrate examines into the case, has the right to satisfy himself by inquiry, not merely of the informant but of other persons. He can ascertain probable cause without first notifying the defendant perhaps of his duty of attendance. That comes nearer being a case where the preliminary fact of the commission of an offense may be dispensed with and the connection of the defendant proceeded against therewith demonstrated than any other I can think of.

But, sir, is it a crime that a man shall not fully obey a subpœna? Is it a crime that a man may be suspected of a disposition not to obey a subpœna? Can there be ground for the attachment of his person because he is suspected of a disposition not to obey a subpœna? Is that sufficient to put him in the custody of the law and to hold him there until he is discharged?

The criticism of the Senator from Missouri upon this bill is a very just one in regard to the manner of proceeding. Every Senator must agree that this is a very extraordinary power, and that when we come to execute it we ought to have extraordinary guards in this measure itself to preserve the liberties and rights of the citizen. Here are none. When he comes he is left to intendment: he is left to some practice code; he is left to a rule of court; his liberty is committed into the hands of the judge who has issued the warrant against him without probable cause, and who will hold him according to the will and pleasure of the judge, and we give the man no protection at all in the bill.

Mr. President, the extirpation of polygamy will be a good thing if we succeed in accomplishing it by the measure, but there has been an uprooting of the Constitution of the United States to do it. There is no necessity for this stringent and radical legislation. Here are two sections of the bill in which we find it, and my belief is and I think I may in lulge it as a prophecy predicated upon the failure heretofore to extirpate Mormonism in Utah, that these men will raise up partisans for themselves throughout the people of the United States, who despise and contemn their practices becausa they will believe that the Congress of the United States is violating the Constitution of the country in order to get a chance to punish them. I hope that will not be done.

SPEECH OF SENATOR VEST ON WOMAN SUFFRAGE.

Mr. Vest. Mr. President, it has been my understanding that the basis, or at any rate one of the great questions upon which the republican party planted itself was the inviolability of suffrage, "a free ballot and an honest count," and that this "free *ballot and* honest count" was coequal with *human rights*, and that *the object and mission of that party would* be accomplished when the free ballot with the honest count was extended to *all* the States and Territories of the entire Union.

Woman suffrage was adopted fourteen years ago according to law in the Territory of Utah. The history of its adoption is a very peculiar one read in the light of recent and present events. It was mooted in Congress that suffrage should be given to the women of Utah in order to rescue them from the hierarchy which exercised ecclesiastical tyranny over them, and in order to put in their hands, as some years ago it was claimed in regard to the negroes, the instrumentality of the ballot for their own protection. Eloquent speeches were made from the pulpit and the hustings describing the poor emaciated, and suffering women of Utah, driven like slaves by the priests of this false religion and made to minister to the lust and pander to the appetites of their masters and tyrants. And it was said in the Hall of Congress, conspicuously by Mr. Pomeroy, of Kansas, in the Senate and Mr. JuHian, of Indiana, in the House, that if this great instrumentality of the ballot was once placed in the hands of the women of Utah and the Stars and Stripes should be erected above that Territory to protect the free use of the ballot, Mormonism would receive a death blow and immediately cease to exist.

Pending this discussion and in view of these eloquent harangues in press and in pulpit and on the hustings, the Legislature of Utah passed an act giving the right of suffrage at every election to the women of that Territory. Fourteen years have elapsed, and the same gentlemen who then desired the ballot to be given as an instrument of protection now want to take it away because the women vote early and vote often for polygamy to the largest extent. All testimony goes to the effect that the women who vote are unanimously in favor of it. So to-day we have the extraordinary spectacle of the party of progress, of universal suffrage, of unqualified and unlimited human rights, desiring now to invade the sacred palladium of the ballot-box and tear the ballot away from these women who are unwilling to give it up.

Why, Mr. President, if the ballot is sacred in one place, by all the rules of logic it ought to be sacred everywhere. Once given, it ought never to be taken away. If you break it down in one place—and I warn my republican brethren now of the danger that awaits the the Republic—if you break it down in one place, like the crevasse in the levee you but open the way to a flood of waters that will sweep away the last vestige of a free ballot upon this continent. If you destroy it, if you touch this sacred crystalization of the will of the people, in one single township or Territory in this broad Union, you strike a mortal and deadly blow at free suffrage everywhere.