

work does not shine on the surface in an oratorical presentment of the cases, it has been the moving force beneath which has inspired the close arguments and pertinent reasonings of the speaking counsel for the appellants.

On Thursday Mr. MacVeagh resumed his argument. He commenced by showing further that each case before the Court was similar, in respect to having his or her name stricken from the registration list, each having applied for registration and been denied. In Mrs. Clawson's case a wife was denied a political right because an election officer decided that her husband was a polygamist! This was a peculiar case. The gentleman then addressed himself to the proposition that no person could be deprived of the suffrage without due process of law. He showed conclusively that when once enjoyed, the elective franchise was property, and that too of inestimable value. He cited the Court's own language in *Minor vs. Happersett* (21 Wall, 176) that "The right of suffrage when granted will be protected. He who has it can only be deprived of it by due process of law." In answer to questions from Judges Matthews and Harlan, he admitted that Legislatures might change as well as prescribe the qualifications of voters, but not take away the right to vote when it was once conferred, for it then becomes property.

Justice Matthews here interposed the objection that it does not appear from the complaints that either of the parties was a legal voter; it does not affirm "I am not a bigamist or polygamist." Mr. MacVeagh replied to the effect that the complaints covered every point required to show that the parties were not debarred by the law from voting. It was not affirmed "I am neither a bigamist nor polygamist," because the definition of those terms was open to dispute. The Commissioners took the ground that a person who at any time was a polygamist remained so for all time, even though he became a widower. The gentleman declared that he could not draft a complaint that covered the ground more completely than these complaints that had come from Utah.

Coming back to his main argument, he showed that "due process of law" means adjudication by a judicial tribunal authorized to determine the question. No election officer could sit in judgment upon any one's right to vote. This attempt against the liberties of citizens would not stop here. If this Court sanctioned it, the consequences would be widespread. Suppose in Maine, where liquor-selling was interdicted by law, it should be enacted that no one who violated that law should vote, and election officers decided that a man was a liquor-seller and so disfranchised him, would the Court sustain such proceedings? Yet the principle was the same as that applied now in Utah. He asked what was the value of real property compared to that of property in the elective franchise? He claimed that the Edmunds law does not prescribe a qualification for voters, but is designed to punish offences and the deprivation of their voting power was part of the punishment but was inflicted without due process of law.

He made an affecting appeal in behalf of Mrs. Clawson, the lawful wife of a reputed polygamist, who was punished for the alleged act of her husband to whom she clung as a matter of choice and right, and asked what the Court would think of a man's being deprived by a mere election officer of the franchise for some wrong done by his wife. He concluded with a powerful appeal to the court to sustain the sacred principles of human liberty, and guard the rights of American citizens of every class and degree.

Mr. MacVeagh was highly complimented for his eloquent and logical plea. The Solicitor General gazed up to the ceiling as though wrapped in reflection over the strong points presented. The Court took the matter under advisement, and for the present the excitement ended. If a decision is not rendered in favor of the appellants, it will be either because the Court cannot discern the merits of as clear a case as was ever presented, or because anti-"Mormon" prejudice and bias have reached even the court of last resort, and the people of Utah need expect no justice in "the land of the free and the home of the brave." EXILE.

#### THE STERN LOGIC OF FACTS.

On Monday this journal contained an article under the caption—"Is it such material that Utah girls want for husbands?" This title was a quotation from the body of an article that appeared in the Salt Lake Tribune, in which that unscrupulous sheet attempted to throw vile and untruthful aspersions upon "Mormon" men generally. Our article took up the other side, and the consequence was a decided flutter where the truth struck home.

The Tribune of yesterday morning came back at us and presented a feeble attempt at a reply. Our readers can judge for themselves whether it exhibits logic, facts and vigor, or whether it resembles a sound between a yelp and a whine from a whipped something sneaking off with ears on a horizontal line and caudal appendage depressed:

"The News pictures the vilest sort of a person, and ask the young women of Utah if they want to marry a man of that stripe. This may be entertaining

to the News, but hardly to its readers, and especially not to parents who have daughters. But evidently the News, in its groping way, means to convey the idea that its description fits certain Gentiles, and that the moral character of Gentiles will not average well with that of Mormons. If a man drinks a quart of whisky a day, he is called a drunkard. If a man is steeped with animalism from his cradle up, taught that only through taxing his baser desires to the utmost can he obtain exaltation in heaven, what will naturally be the ruling impulses of such a man when he reaches maturity? The News should not pursue that business very much, for the facts are against it. When the meanest Gentile instructs his wife to go into court and testify falsely, and, if necessary, to go to the penitentiary to shield him, then the News may begin to make comparisons. At present it should sing very low."

The fact of the "entertaining" quality of the article to the News "readers" was shown by the demand for Monday's issue on account of it, every one of the extra copies having been disposed of on that evening, the mailing clerk being left minus enough to make up the usual register. The appreciation felt by parents has been exhibited by approving expressions from a number of them, and while the article may have cut some to the quick because of the sad lessons they have learned by bitter experience from not sooner comprehending the facts so clearly set forth, they even more than any others know, to their sorrow, the correctness of the position we assumed on a question of such vital importance to Latter-day Saints, many of them having become the victims of oily-tongued villains, with whom family alliances have been formed. The position has the strongest of all backing in the stern logic of facts. We did not expect our strictures to tickle the palates of the Tribune men and its kind. We were not writing for their pleasure, but to warn the unwary against being drawn into the meshes of debasement or despair.

It is not difficult to tell what will be the "ruling impulses" of a man who has reached "maturity," and been "steeped with animalism from his cradle." The "ruling impulses" which govern men are very apt to show whether or not they have been steeped in "animalism from the cradle." The latter cause is rather likely to lead to such an unwholesome and deplorable result. It is now in order to quote from an editorial in the Tribune of March 6th, 1881, under the head of "What Utan Wants." It incorporated what purported to be some remarks made by an acquaintance of the Tribune editor, one of his own kind—made to him personally:

"At all events I rejoice to see the young Mormon hoodlums playing billiards, getting drunk, running with bad women, anything to break the shackles they were born in, and that every so-called virtuous or religious influence only makes the stronger."

In the same article was given the editor's own endorsement of these elevated means of drawing young "Mormons" away from the morally restraining influence of their religion—the method by which they were to be freed. We quote:

"Freedom is the first requisite of manhood, and if it can be won without excesses, so much the better. If it can't never mind the excesses, win the freedom."

Is not the logic of the advocate of the drinking saloon, the gambling den and the house of prostitution as fitting agencies with which to draw young "Mormons" away from healthful restraints irresistible? He intimates that "animalism" of the grossest and most debasing description would be a proper means of winning over to the vortex of iniquity those who have been "steeped in animalism from the cradle." No evidence could be given that could possibly be stronger of the existence of "animalism" than the advocacy of such damnable doctrine as this. In one of its issues in the early part of November the paper of which we are now speaking classed these infernal agencies under the head of "innocent amusements."

The intimation that any "Mormons" have instructed their wives to go into Court and testify falsely, and to even go to the penitentiary for them, is on a piece with the thousands of unreported statements made by that unscrupulous sheet. And any "Mormon" who would gloat and jubilate over the fact of tender women and innocent children being badgered, insulted, and their feelings outraged, and some of them, including an infant with its mother cast into prison when not even an accusation of any offence had been planted against them, they would not be deemed fit for fellowship with the Saints. They would then be ready to clasp hands and link arms with the advocates of and the devotees who worship at the shrine of "animalism."

So far as the covert threat incorporated in the voluntary advice to the News to "sing low" is concerned, we treat it with the contempt it deserves. It is the resort of the coward. We understand well enough the ill-disguised exultation at the supposed and ardently hoped for opportunity of spiking our journalistic guns by other means than that known among men of honor, who have a cause to defend or a conscientiously considered iniquity to attack. This groveling disposition is exhibited in almost daily gloatings over

matters which no man with a spirit superior in nobility to that of a cat would descend to. But those who think we propose to shrink from duty on account of either open or covert intimidation "have reckoned without their host." And don't you fail to remember it.

#### A GROWING MISTRUST.

If the sneak espionage to which the Latter-day Saints in this region have been subjected of late continues much longer, there is danger of their losing the reputation they have enjoyed in the past for open hospitality. Already, it is said the tramps who have been in the habit of faring so sumptuously in their peregrinations through the Territory are disposed to complain of being mistaken for deputy marshals or spotters, and having their means of livelihood cut off by barred doors and closed blinds. Reddiers, too, are in danger of bankruptcy from a similar cause, the mistrust of the people preventing them from patronizing such itinerants, or even allowing them to enter their houses. Even the enterprising reporter, when he hears of an interesting item and starts out in quest of the particulars, finds himself viewed with suspicion, and has difficulty in gaining admission to houses or drawing those by whom he is not known out in conversation.

Is it any wonder that such a feeling of mistrust should prevail in the community? Is it any wonder that this sentiment should not be confined to those who consider themselves liable to prosecution even under the most strained construction of the law.

The case of Jessie Grant, the young lady who, a few days since, was fined \$25 by Commissioner McKay, is sufficient of itself to arouse this feeling. Her contempt consisted of a failure to obey the unauthorized command of a deputy marshal for her to appear a court as a witness. No subpoena was read or shown to her; in fact, none had been issued.

While people are thus liable to be dragged before an inquisitorial court and there required to testify against their friends, who in their estimation are guilty of no crime, and are in danger of being thus fined for contempt if they fail to obey when an officious understrapper, without due process of law, orders their attendance at court, no wonder they are mistrustful.

Now that the "spotting" business has reached such a pitch that respectable people, who in years past have felt perfectly safe to sleep all summer long with doors wide open, are liable to catch some sneak of an eavesdropper hiding about their premises at any hour of the night, they may well be excused for becoming suspicious.

The Latter-day Saints have been altogether too confident in the past. They have been too ready to admit strangers to their homes and confidence. They have patronized, fostered and sustained, in many instances, men who possessed a similar disposition to the viper which stung to death the man who had compassionately warmed and resuscitated it, when frozen, in his bosom. They have fraternized with people who have been ready, Judas-like, to betray them at every favorable opportunity.

If the present experience through which the Saints are passing will teach them to be more discriminating as to their associates and confidants, and the necessity of maintaining those who have proved themselves to be true friends, instead of every adventurer that comes along; and finally, that those who are not for us are against us, it will be a profitable lesson.

#### WHAT THE LAWS WERE NOT AIMED AT.

A recent issue of the Idaho Democrat a "Gentile" paper published at Boise, contains the following under the caption of "An Actual Occurrence," which tends to show the real "inwardness" of the bills passed by the burlesque troupe which has been performing of late in the capital of our sister Territory with the dignified title of Territorial Legislature:

One day recently at the adjournment of the assembly, two men left the lobby and approached Speaker Fouch, one of whom addressed him with:

"Mr. Fouch, has a bill passed to prohibit men visiting houses of prostitution?" [using the more common term.] "No, my friend," replied Mr. Fouch, "No such bill has ever been introduced."

"We heard that you fellows had made a law fining and imprisoning gentlemen who visited those places, and we came to see about it."

"But it is not so."

"Honest?"

"Honest."

"Bully! It's all right," speaking to his partner, "Let's go."

And the two men withdrew in high glee at the assurance of Speaker Fouch that the cherished constitutional Gentile privilege had not been tampered with.

Right here it might be said that in all the bills drawn or passed this session wherein such words as "bigamy," "polygamy," "unlawful cohabitation," etc., were plentifully scattered about, not one term such as "illicit commerce," "unlawful intercourse," etc., is to be found. Why? Because the twin relic howlers would not begin to countenance any measure that interfered with one of their chief vile practices.

#### NOT WANTED.

Hon. James E. Hart, of Bear Lake, introduced the following into the Idaho Legislature, as a satirical offset to the ultra anti-"Mormon" measures enacted by that body. Being aimed at anti-"Mormon" institutions it has doubtless been treated to the frigid shoulder.

#### AN ACT

TO PROVIDE FOR THE PUNISHMENT OF POLYGAMY, ADULTERY, FORNICATION AND LASCIVIOUS COHABITATION.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Section 1. Any person who shall cohabit with a married woman, other than his wife, shall be subject to the summary vengeance of her husband, and, in default of which, he shall be deemed guilty of adultery, and on conviction thereof, shall be fined in any sum not less than five thousand dollars, and not more than fifty thousand dollars, and shall be imprisoned in the Territorial Prison for a term not less than ten years and not more than twenty-five years.

Sec. 2. Any married man who shall cohabit with any other woman than his lawful wife, whether public or private prostitute or any other unmarried woman, shall be deemed guilty of polygamy, and, upon conviction thereof, shall be fined in any sum not less than five hundred dollars and not more than one thousand dollars, and shall be imprisoned in the territorial prison for any term not less than two years and not more than ten years.

Sec. 3. Any single man who shall seduce or otherwise have sexual intercourse with any unmarried woman, shall be deemed guilty of fornication, and, on conviction thereof, shall be required to marry and support said woman, in default of which he shall be imprisoned in the territorial prison for any term not less than ten years and not more than twenty-five years, and shall be fined in any sum not less than five thousand dollars and not more than twenty-five thousand dollars.

Sec. 4. Any married or single man who shall enter any brothel with lascivious intent, or shall be found in any house of prostitution, shall be deemed guilty of whoredom, and on conviction thereof shall be fined in any sum not less than fifty dollars and not more than one hundred dollars, and shall be imprisoned in the county jail for any term not exceeding six months.

Sec. 5. Any person who has been guilty of any of the offenses named in this act shall be thereby disqualified to sit upon any grand or trial jury in which any person shall be on trial for any of the offenses named herein.

Sec. 6. It shall not be deemed necessary on the trial of any person arraigned under the provisions of this act, to observe any special rules of evidence; but general rumor, common reputation and circumstantial evidence shall be considered sufficient to secure conviction for any of the offenses named in this act.

Sec. 7. All acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

#### ABOUT O'DONOVAN ROSSA.

THE claim of O'Donovan Rossa that the recent attempt on his life was made at the instigation of the British government is supremely ridiculous. If such an assertion gains credence at all, it will be only among the lowest and most ignorant of the Irish people. It is not supposable that the blatant instigator of the wholesale slaughter of innocent persons believes it himself. The only incentive apparent that could lead the fellow to make such an inconsistent charge is the hope of his posing as a great patriot among a class which has largely supplied him with funds.

Early in 1878 Rossa barely escaped being murdered by a mob in Canada, and on that occasion received serious injury, from which he completely recovered, notwithstanding that grave doubts were entertained at the time that he would ever be himself again. So great was the shock to his system, that his wife expressed but little hope of his ever fully regaining the use of his lower limbs.

As he has been thrust into even stronger prominence of late than usual, it may be well to state that, through Mrs. Rossa, he once made application to the British government to have its decree of banishment against him revoked. We were a fellow passenger with Mrs. Rossa on the S. S. Wyoming which left New York, August 27th, 1878, that being the chief object of the lady in making the trip. The subject was alluded to in a correspondence from England which appeared in the News of Oct. 12th, 1878, from which we make the following extract:

"Everybody has heard of O'Donovan Rossa, the redoubtable Fenian leader. His wife, three children and sister-in-law were among the passengers on the Wyoming. Mrs. Rossa and her sister are both ladies of a moderate degree of culture and exhibit a fair degree of practical common sense, especially the lady last mentioned. Both have a strong Hibernian brogue, but are fluent and easy in conversation, using appropriate and expressive language."

Mrs. Rossa, who has some ability as a writer in prose and poetry, described

to your correspondent, the main incidents relative to the recent visit of her husband to Toronto, when he was pursued by an infuriated mob of Orangemen, from whom he escaped first by jumping from a railroad car in motion, and subsequently from the window of a carriage while the horses were at full speed. From the effects of the latter feat he is now suffering, being crippled by paralysis of the lower limbs. In speaking of his amiability the lady said: "Bless your soul, sir, he is as gentle as a lamb. He wouldn't harm a fly. I have often been indignant with him for not showing some resentment when he has been personally injured. Of course, however, he advocates the use of dynamite and other extreme measures to free Ireland from the oppressive power of England."

"Mrs. Rossa and family were on the way to the paternal home in Ireland, and as her husband is broken down and disabled, and has probably had enough of Fenianism, she purposes interceding with the British Government to have the decree of banishment from the United Kingdom now standing against him revoked. Providing the revocation is not obtained, the Fenian chief intends making a lecturing tour, as soon as he is physically able, through the Western States."

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