EDITORIALS.

STILL PULLING ON A FALSE STRING.

"The objection of Mr. Hoar to the seventh section of Edmunds' Utah bill, is not well taken. It does disfranchise the women of Utah, it is true. But their enfranchisement by the Territorial law is but a sham. Their votes are absolutely pulseless. They go to the polls, but their ballots are numbered, the poll-list is correspondingly numbered, and the ticket is practically an open ticket. It will be seen, therefore, that they are not free-will agents in the matter at all, and that enfranchising them was but a villainous method of riveting tighter the chains of slavery in which they are held. To abolish such an inquisition is really to free the women of Utah, add to loose them, in one sense, from the domination of a tyrannous system."

The foregoing is from the Sacramento *Record-Union*. It is the argument of Senator Edmunds and his supporters of that section of the new bill. It is founded on falsehood, and is therefore fallacious. The *Record-Union* has told this untruth before, and we have pointed out its error, quoting the Utah election law to show that the story repeated in the paragraph above is without foundation, and that the ballot in Utah is strictly secret. We know of no system that ensures the absolute secrecy of the ballot as well as that adopted in this Territory. No one can tell how a man or a woman votes unless the voter chooses to reveal it.

Under these circumstances, will the *Record-Union* tell us wherein Senator Hoar's objection to the section was "not well taken?" And we ask that paper, for the second time within a week, to correct its misrepresentation of Utah election affairs. Are we to ask in vain?

When a legislator with the experience of Senator Edmunds makes assertions concerning the existence of certain statutes and frames a bill repealing them, and his fellow Senators join with him almost unanimously in passing the measure, of course it is taken for granted by people who do not know better that those statesmen (?) must be right. But the fact is, as we have proven in previous articles; that a number of sections in the bill which the Senate has gone crazy over, are to abolish Utah laws that have no existence and among them is the provision about marked ballots.

If Senator Edmunds had only consulted the Utah statutes instead of submitting to be stuffed about Utah affairs by some sectarian bigots, who want to put down "Mormonism" and know no more about it than the Senator does himself—and that is the very bottom depth of ignorance—he would not have made such an exhibition of himself before the country. We trust that when the bill comes up in the House, those bombshells at nothing which form large features of his bill will be shown up in all their stupidity.

The Sacramento *Record-Union* can verify what we have said if it desires to be correct. We direct its attention to our remarks on this subject on January 6th. But if it wishes to wallow in the same pool of falsehood as some of its contemporaries, for instance the *Chronicle* of San Francisco and the *Tribune* of this city, of course we need not look for a correction of its error nor any reparation for its injustice to the people of Utah.

HONOR TO WHOM, ETC.

The Philadelphia *News* says:

One of "the Twelve Apostles" who has been convicted of polygamy in Salt Lake City protests against the verdict, and thinks there were twelve Judases on the jury.

Quite a mistake. He thinks probably with the public that there was one "Jeffries" on the bench.

GOT THE SHAKES.

Deputy Marshal Oscar Vandercook was in town to-day, and the wicked trembled.—*Ogden News*.

What was Vandercook "trembling" about? Was Mrs. Fields in town? Or was he afraid his case was going to be advanced on the calendar? "Trembling" we are told is not unusual with lecherous debauchees and hell-hole resorters.

MUTILATION.

The local luminary of the *Democrat* accuses the Deseret News of "mutilating one of Henry Ward Beecher's addresses for its own particular use," and then proceeds to mutilate it a little more for *his* own particular use. We did not profess to give all that the eminent preacher said on the subject, neither does the *Democrat* luminary. We quoted the preacher just as he has been quoted in half a dozen eastern papers which gave a synopsis of his discourse. One "purpose" was to show that according to Mr. Beecher, if the Bible is true "Mormonism" is true, which is exactly what he said. The luminary's "purpose" is to show that Mr. Beecher meant polygamy not "Mormonism." Very well, have it that way and what has he gained by the quibble? Nothing at all except the filling up of some space he had to occupy, and a nice mess he has made of it. If the editor had mutilated his copy a little it would have been an improvement in proportion to the mutilation.

"CHURCH AND STATE AGAIN."

Some very laughable attempts to make it appear that there is a union of Church and State in Utah, are made by the two discordant local papers which support and urge on the crusade against the "Mormons." The larger, stronger and less scrupulous advocate of oppression, after groaning and sweating under the burden of its task, and calling foul names which is its stronghold in argument, charges that: "On the very organization of the two Houses of the Legislature, members take their places, not according to experience and fitness, but according to their rank in the Church."

All the evidence it can offer to support this palpable falsehood is the election "without a dissenting vote" four years ago, of Joseph F. Smith to the Presidency of the Council; and it adds: "It was for no possible earthly reason except that he was one of the First Presidency." It is not "possible" that there was any other reason, for the *Tribune* says so; That settles it, of course, in its own dogmatic mind. But it is barely possible that there might be some other "earthly reason."

Those who elected him would tell an objector that the gentleman was an experienced member of the Legislature and of other secular deliberative bodies, that he well understood the duties of the office, that he was a man of vigor and decision of character, and thoroughly posted in the requirements of the times. If the *Tribune* does not view the gentleman in that light, it is very sad, of course, but the members who elected him did see it that way and so did the community.

Perhaps the reason offered by the *Tribune* was why James Sharp, who held no official position in the Church, was made Speaker of the House two years ago, when there was an Apostle, several Presidents of Stakes and some Bishops serving as members. And why Elias A. Smith, who holds no Church position, is President of the Council, when there is an Apostle, some Presidents of Stakes and other Church officers in the same chamber. And why W. W. Riter, similarly situated to Mr. Smith, is made speaker of the House under similar circumstances.

The rule given by the *Tribune* is one of its own manufacture, and to use its own style of language it is "a flat lie," for the reverse can be shown in county courts, city councils and other bodies as well as the Legislature. If there was a union of Church and State in Utah, the leading officers of the Church would be the leading officers of the State by virtue of their ecclesiastical position, and would need no vote or election to place them there. But, as we have stated, the Church and the State are separate and distinct in Utah. The machinery of the two are as much apart, in nature and workings, as a weaving loom and a grist mill.

The trouble with the *Tribune* and other papers that talk the same kind of rubbish on Church and State, is this: They do not want a "Mormon" holding any Church position to occupy any political position. They want him to be simply a preacher, to tell people about another world, but have nothing to do with this. It's a pity they can't be accommodated, but it is impossible. For "Mormonism" is a practical religion that has to do with man as he is, and with people as folks of flesh and blood as well as mind and spirit. And their leaders are not simply professional preachers. They are farmers, mechanics, millers, merchants, stockraisers, &c., and they are also citizens of the United States and of Utah, and have a right to a voice in the affairs of that government which seeks to regulate them in the capacity of citizens.

They have just as much right to express their views and use their influence in political affairs as any editor, politician, office-seeker, office-holder or would-be dictator of the popular vote. Oppressive laws may take from some of them the right of franchise, but no enactment or misrepresentation can rob each of our influence they carry with their advice to those who confide in their wisdom and experience. The counsel of an Apostle or a President, or a Bishop to people who are willing to listen to him, is just as lawful, just as proper, just as legitimate in every way, as the promptings of a trusted leader in public affairs and, at any rate, of a professional political wire-worker.

The *Democrat* quotes the words of Governor Murray, when he stated to the Legislature that he had in his possession a circular from the Presidency of the Church, suggesting that certain funds be handed to the Territorial Central Committee of the People's Party, and exclaims, in triumph, "That single fact proves conclusively that there is a union of Church and State in Utah Territory, etc." What transparent nonsense! The funds were not for the State, they were not for any governmental purpose, they were not for the affairs of the Territory. They were free-will offerings for a definite object with which the State had nothing to do. The circular was to Church members not to any one else, and was strictly in the line of Church authority. If the Central Committee of the People's Party consented to receive those funds for the purpose designed, they had a perfect right to do so and the people had a perfect right to donate if they pleased. And it was nobody's business but theirs. It was just as legitimate a piece of business as to have designated some banking institution or well-known firm or corporation to receive the funds.

Governor Murray exposed the weakness of his cause and the smallness of his soul in parading that circular before the Assembly, who had no more to do with it than with a "Liberal" subscription to send some sorehead to Washington to drink whisky for the winter and log-roll against the "Mormons." And the *Democrat* exhibits its ignorance of the meaning of the phrase it has borrowed from the silly brawlers against the "Mormon" Church, and a sad want of argument to back up the hackneyed cry.

If editors in writing on this question mean the influence of Church leaders in politics, why don't they say so? Their pretended "union of Church and State in Utah" is a myth. It is an impossibility in the United States. The term applied here is a misnomer. They are hurling epithets at vacancy They say one thing and mean another. But the cry suits their purpose, because it is a catch-cry. It strikes well on the anti-"Mormon" ear. It helps to swell the sound of the yelpers who want to stir and increase the prejudices of a thoughtless multitude. It is a disreputable mode of warfare. But it is a fitting method for those whose creed is "everything is fair in politics." It is a patent, blatant and unmitigated humbug.

SENATOR VAN WYCK IS RIGHT.

Senator Van Wyck's assault upon the Utah Commission was right in itself. He told the exact truth about this costly and useless fungus upon the body politic of Utah. The refusal of the Senate to extirpate the cancerous tumor does not alter the fact from which a practical lesson can be drawn by the Mormon people that would prove to their advantage if they would only consent to apply it as follows:

No wise legislation will even be considered by either house of Congress that squints toward the possibility of change in the costly and malignant methods that are organized over and under the Edmunds law. It is with the Mormons as it was with the Southern people during the murderous days of reconstruction. No voice can be heard in Congress, to say nothing of its being heeded, that has the courage to tell the truth and propose effective agencies for the extinguishment of polygamy in Utah. It is upon this fact that the federal missionaries feed and fatten in the Territory, just as the carpetbaggers in the South were allowed to prey upon their victims until the civilized world rose up in stentorian protest against the murderous barbarians that rioted in that section's ruin.

The *Herald* and its editor have been vigorous in their warnings to the real people of Utah of the certain result of their refusal to obey the laws. Popular passion and feeling, taken advantage of by such men as Senator Edmunds, who is followed by all the rest because popularity would be gone if Utah should be dealt with by wise, firm and lawful measures, will rule Congress as with a rod of iron on everything that is proposed in regard to polygamy. If the cold-blooded man of Vermont should seriously propose and advocate placing Utah under military law, and the trial of "President" Taylor, George Q. Cannon, and others, by drumhead court-martial, for polygamous practices, to be shot on conviction, it would be approved by a Republican Senate, and scores of Democratic demagogues would dodge the issue in both houses of Congress. Do the people of Utah begin to realize the situation?—*Omaha Herald*

Yes, the Latter-day Saints fully realize that Senator Edmunds and the unscrupulous coterie who are associated with him are doing all they can to extinguish religious liberty in this nation, and would, if they had it in their power, impose upon the devotees of an unpopular faith a bondage a thousand times more galling than ever prevailed in the most despotic monarchy; but if no other people in this nation have the courage to protest against and peacefully oppose such an infamous policy, the Saints propose to do it. Their struggle is in the interest of principle, and every lover of religious liberty—every citizen of this Republic who has respect for the Constitution and desires to see its righteous provisions perpetuated in this land, ought to be interested in it equally with them. However, whether they receive encouragement or help from others or not, they intend to remain true to the fundamental principles of this nation, contend earnestly for the rights of themselves and all others and never barter away one iota of principle for the sake of gaining that illusory peace which is promised them at such a cost.

Shades of the patriot fathers, what a spectacle is this which is now presented before the gaze of this nation! The principle of all others for which you risked your life's blood ignored by the highest branch of the nation's lawmakers! The sacred palladium of human rights which you bequeathed to the nation with the fond hope that it would ever be respected as the gauge by which the nation should be governed, ruthlessly trampled upon by the very men who ought to be foremost in defending and supporting it, in the effort to crush out of existence an unpopular religious organization, while the little handful of proscribed religionists, the despised Latter-day Saints—the stone which the late builders of this nation have rejected—are, despite themselves, being thrust into prominence and made to occupy the most conspicuous position in the nation, with a certainty in the very nature of things of their yet becoming the chief corner of the national fabric.

THURMAN'S BILL.

Representative S. R. Thurman, of Utah County, introduced into the House of the Legislature yesterday the following bill to provide "for the selection and payment of jurors," which lack of space prevents us commenting upon to-day:

Section 1.—*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That in the month of January in each year, the Clerk of the District Court in each judicial district, and the Probate Judge of the county in which the District Court is next to be held, shall, in addition to the number of jurors already provided for by law, alternately select the name of a male citizen of the United States possessing the qualifications required by law, and as selected, the name and residence of each shall be entered upon the list until the same shall contain two hundred names, when the same shall be duly certified by such Clerk and Probate Judge. The said list shall be filed in the office of the Clerk of such district, and a duplicate copy shall be made and certified by such officers and filed in the office of said Probate Judge.

Sec. 2.—The Clerk of the District Court shall write the name of each person upon said list so returned and filed in his office upon a separate slip of paper as nearly as practicable of the same size and form, and all such slips shall, by the Clerk in open court, be placed in a covered box separate and distinct from the box containing the names already provided for by law; and shall be thoroughly mixed and mingled.

Sec. 3. — The box containing the names of jurors heretofore provided for by law shall be legibly marked in a distinguishing manner, and for all purposes shall be known and designated as the original box, and the box containing the names of the jurors provided for in this act shall be legibly marked in a distinguishing manner, and for all purposes shall be known and designated as the supplemental box.

Sec. 4.—Whenever in the proceedings of the District Court all the names of the jurors in the original box shall have been duly and regularly drawn and said box shall have become completely exhausted, if necessary for the purposes of any trial or term of court, the United States Marshal or his deputy shall proceed to fairly draw by lot from the supplemental box such number of names as may have been previously ordered by the judge, or as may be necessary for the trial pending. Provided that if at any time in the regular proceedings of the court the names of the jurors should all be drawn from the supplemental box, and said box become exhausted. It shall be the duty of the judge to direct the District Clerk and the Probate Judge to proceed at once and alternately select the name of a qualified male citizen as heretofore provided until the list shall contain the number ordered by the judge.

Sec. 5.—Jurors summoned to attend the District Courts of this Territory as provided in this act and in the act of Congress entitled "An Act in Relation to Courts and Judicial Officers in the Territory of Utah," approved June 22d, 1874, shall be paid the sum of two dollars per day for each day's actual attendance, and twelve cents per mile one way for the distance necessarily traveled from the place of summons to the place of holding court.

Sec. 6.—The District Clerk and the Probate Judge, for their services under this act shall receive such compensation as is already allowed for similar service under existing laws.

Sec. 7.—All acts or parts of acts, inconsistent with this act are hereby repealed.

RIGHTS THAT MUST BE MAINTAINED.

The course pursued by some of U. S. Marshal Ireland's deputies during the past few days requires something more than a passing notice and an indignant protest. It calls for action which will limit such officers in the discharge of their duties to the lines and provisions of the law. The people should learn what are their rights and privileges, and be firm in maintaining them without infringing upon those of the officers. We do not want to see any collision between citizens and officials, and the best way to avoid it will be to bring about a mutual understanding.

The information conveyed to us from reliable sources puts the conduct of some of the deputies in a very unfavorable light. It is not justified by law or expediency. It is simply ruffianism. If a deputy cannot be a gentleman he can at least be made to keep within the law in the exercise of his calling, and if he breaks its bounds he ought to be punished just as rigidly as the person whom he is required to arrest. If he violates law and acts like a brute, he may be met with violence and treated like a brute. There are deputies who act like gentlemen and there are others who act like cowardly bullies.

No officer has the right to force his way into a house without a proper warrant. If he attempts to do so he may be treated as a burglar or any other lawless person, and if he has a little sense knocked into him with a club, or what little he has blown out of him with a shotgun, the law will not protect him or punish the person defending his own domicile from violence. A brute who tells a woman that "all the authority he needs to burst into her home and search through her rooms is 'an axe,'" deserves to be met with an axe and to receive axe judgment. If an officer may go to any house he picks out, gain admission by force, bulge into women's bedchambers and ransack the place without producing a legal warrant for his intrusion, what is to prevent any stranger, housebreaker, thief or other vagabond from the same kind of intrusion?

The Constitution of the United States provides in article IV. of the Amendments that:

"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."

Any pretended law, ruling, or process of court which violates that provision is void. Any act of an officer, whether of the United States or of the Territory, in conflict with it is unlawful. Any unlawful force may be lawfully resisted. Every citizen in this respect has equal rights, and those rights ought to be vindicated or the Territory will be given up to ruffianism and robbery.

A peace officer may not make an arrest without a warrant, unless in case of a felony, for any public offense not committed in his presence. Unlawful cohabitation is not a felony, it is simply an indictable misdemeanor. When an officer is making an arrest under authority of a warrant, "*he must show the warrant if required.*" But he may break open the door or window of a building in which the person to be arrested is, or in which he has reasonable grounds for believing him to be "*after having demanded admittance* and explained the purpose for which admittance is desired." See laws of 1878, p. 76, 77; laws of 1884, p. 120.

A witness cannot be compelled to attend court without the service upon him of a subpœna. In a criminal case the service must be made by showing the original to the witness, personally, and informing him of its contents. In a civil case "by showing the original and delivering a copy or a ticket containing its substance to the witness personally, or by leaving a copy with some suitable person at his place of abode, giving or offering to him at the same time the fees for which he is entitled for travel to and from the place designated and one day's attendance there."

If a witness is concealed in any building, the officer may break into the building to serve the subpœna on the order of a court or judge based upon an affidavit made by the officer that the witness is a material one and is so concealed. (See laws of 1878, p. 153; laws of 1884, p. 369.)

A search warrant, about which we hear so much, is to seize property, not individuals and is "an order in writing in the name of the people signed by a magistrate, directed to a peace officer, commanding him to search for *personal property* and bring before the magistrate such property being stolen or held with intent to commit a public offense, The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein to execute the warrant, if after notice of his authority and purpose he is refused admittance."

A search warrant must describe the person or place to be searched, and the particular property to be searched for, and the warrant must be produced and shown when required. (See Compiled Laws p. 662, 663.)

Thus, it is clear the people have rights under the law which officers are bound to respect. It is well known, however, that the U. S. Marshal has deputies whom he pleases to employ who are not only unfit to be thrust into the society of decent men, not to mention pure women and innocent children, and as some of them seem to think that the title of deputy marshal is sufficient authority for any excess, we cite the following, which ought to be enforced in every case:

"Every public officer or person pretending to be a public officer, who under the pretense or color of any process or other legal authority, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossesses any one of any lands or tenements without a regular process or other lawful authority therefor, is guilty of a misdemeanor."

"Every public officer who, under color of authority, without lawful ne-