A BURST OF INDIGNATION.

Editor Deseret News:

I do not know whether you or others feel as I do, in regard to the inquisitorial proceedings now being enacted in this city, but I am righteously mad, and probably if I were to express my indignation in adequate language you would not care to print it.

We are supposed to live in a Christian land, a land where a man's home is his castle, one into which no ruthless invader is presumed to enter! The relation of husband and wife, their associations with each other, the seclusion of their private apartments, are always held, even among the lowest, to be sacred to the occupants thereof. In all cultivated circles there is a jealous avoidance of publicity, and when discord arises and the courts are invoked to secure divorce for cause, the details, if at all public, are mainly found in the column's of papers which, though possessing large circulation, are considered unfit for the family circle.

In the interests of morality und public decency, such cases are settled with closed doors, and if the fact of adultery is to be proved, if an affiliation order is desired, in all courts of dignity the facts are more often inferred than plainly stated!

But here in Utah the courts assume a diffierent status. They are ostensibly for the suppression of crime, supposed to be in the interests of morality, boasting-ly—boastingly by seeking the vindication of the law, and prating all the time of desecrated homes, of violence done to domestic peace and the good order of society, and we are too often assured that moral regeneration is the missionaries objective point in this great legal (?) and national crusade. It must be evident to the most blind that these pretensions are but sheer hypocricy and damnable pretence, or all the proprieties of life would not be outraged; young wives and mothers would not be subjected to insult, nor made the victims of innuendo; and their answers to indecent queries would not be forced to re-act in double entendre, to secure conviction, and give triumph to the prosecution. What is or can be the feelings of wives or husbands thus goaded and threatened, to disclose the most intimate secrets of holy wedded life? What can be the public estimate of officials who thus screen themselves behind official privilege and assumed duty, in presenting such questions as if only barely suggested in private, would call down the furious chastisement of an aggrieved husband or wife?

Whether the nation or its courts approbate the marriages (single or plural) of the "Mormons," to them they are sacred, and it is a rare thing for one who ever assumed this double relationship to ask an enemy either to dissolve it, or help to sustain the responsibility.

The whole animus is irrespective of morality, and the suppression of criminal practice by presumably virtuous and honorable men, full of super-loyalty to law, and anxious for the public weal, is too transparent in falsehood, and too flimsy in texture even for their nearest friends.

No, the intention is to degrade the "Mormon" practice and view of marriage, to render it distasteful, and to make it so common and vulgar, so suggestive of passion, and so prolific of trouble and expense that men and women will be deterred from the practise thereof, and finally fall into the ways of civilization.

It is not realized that marriage is at the foundation of society. It is not seen that thus to vulgarize and make common and unclean the marriage of a "Mormon" makes full reaction as certain as the rising of the sun. The levity, indecency and exposure meant to crush the "Mormon" will be felt in every Gentile home. The details, with more than ordinary fulness, through a vicious and sensuous press will find its way into every Gentile household, and when judicial officiousness proclaims the privacies of a man's relation with his wife or wives and holds up for the consideration of a man's younger brothers, a girl's younger sisters, and the children, young and single, of a man or woman's household, there is nothing shown but what exists in all homes, polygamic or monogamic, as the case may be.

Surely some of these officials are members of local churches. Surely they are appreciated by their fellow religionists. Surely every minister and clergyman of this city senses the value of the labor which is being performed, and how admirably it is calculated to enhance the purity, virtue, innocence and privacy of the social circle; how much the family relation must be purified; how finely the youth of all these are being educated; how knowledge is being sown broadcast at the expense of our thoughtful government and our guardians (judicial and religious) who are even now counting their prospective harvest of desirable ducats!

I have been a "Mormon" for many years, was a polygamist for quite a length of time, but I swear before the heavens that all the combined tendencies for thirty years of myexperience have not been so subversive of morality, so suggestive of licentiousness, so well calculated to break down the barriers of virtue and honor, or to establish in youthful minds that feeling of curiosity which every good man, every thoughtful father, every virtuous mother, every true wife, would deprecate in the experience of their sons and daughters, as is the now established practice of our courts of law.

Oh, if all the so-called Latter-day Saints but could see the full drift of this movement, this grand simoon of hell now sweeping our pleasant va leys and our happy homes, what a day of humiliation would be felt in Israel! How all levity, all comment, all gossip would be extinguished in view of that calamity brought upon us by our enemies. That which ridicules the order of God, destroys the purity and confidence of the family, invades the home circle, makes every hearthstone the subject of undue criticism, and, falling hither and thither by illegal ruling, vindictive prosecution and general espionage, renders unsafe every family, even from itself!

Where is the man in Israel that does not feel insulted in the person of his brother? Where is the woman but what feels herself wronged and aggrieved in the experience of her sister? Where is the family that does not feel its liberties jeopardized and its head subject to arrest and unjustifiable expense, and much sacrifice of time and means as if each one were guilty of a capital offense?

It may be safely said that if a fair and equal jury couid be had; if a judge without prejudice occupied the chair; if a prosecuting attorney avoided ultra and extra official acts, presuming every man innocent until proved guilty; it would be altogether different. But none of these exist. Juries are packed to convict. Judges strain the intent of the law; prosecuting attorneys are unscrupulous in methods and practice, and not a tithe of the labor would be taken to convict a man guilty of murder that is now taken to convict him of polygamy. Personified morality weeps at the moving of earth and hell to indicate "opportunity," and secure the transgressor "in the marriage relation," while sexual crime is known to flourish in its palaces within a stone's throw of the temple of so-called American Justice! N. H. W

AN UNWISE POLICY.

That much good has resulted from co-operation in business in our Territory, no one acquainted with the facts can deny; but that all the beneficial results susceptible of being accomplished by it have not yet been attained must also be acknowledged. Nor have the hopes of the late President Brigham Young, the founder of the system in our community, yet been realized in connection with it. He never thought of limiting co-operation to the business of importing and selling merchandise. His idea was that the co-operative stores established should each serve as a nucleus around which various branches of manufacturing and other industries should be established; and that the mercantile business should tend to foster or support these other branches until they could gain a substantial footing.

In pursuance of this policy, Z. C. M. I., the parent store in this city, has established in connection with its mercantile business a tannery, and the manufacture of boots and shoes, clothing, etc.; and quite a number of other co-operative companies throughout the Territory have, in connection with their stores, developed other industries to a considerable extent. But in too many instances the desire for big dividends on the part of stockholders and the ambition to gratify this desire on the part of managers and directors have tended to stifle enterprise in the line of manufacturing or developing side industries in connection with the stores. In fact, this disposition on the part of such officers has, in some instances, if we are correctly informed, led them to declare fictitious dividends. In other words, while considerably in debt to the wholesale stores from which they make their purchases, they declare and pay out to their shareholders large dividends. No doubt, where this is done the assets of the business much more than counterbalance the liabilities considering all at par. But in these precarious times book accounts and bills receivable ought not to be rated at par. On the contrary, they should be very heavily discounted in computing the status of a business, and it is far more creditable to the manager of a store to pay no dividend at all until all liabilities are met than to deceive the shareholders and run the chance of bankruptcy by pursuing the other course.

In conversation recently with one of the shrewdest and most successful managers of a country co-operative store in our community, we learned from him that in taking stock preparatory to declaring the annual dividend on his business, he discounted all bills receivable 50 per cent.; reduced the estimated value of store, real estate, etc., very materially; marked the goods on hand a long way below the present cost price, and finally carried a part of what still appeared as net profit on the business to a reserve fund before declaring the dividend. He considered that an annual dividend of ten per cent. was quite as much as shareholders should expect, and we endorse the sentiment. The great profits expected from a mercantile business, and the high rate of interest which money in our country has commanded in the past, have tended perhaps more than anything else to deter people from insveting in home manufactures. If men in this country would be satisfied with as small profits on investments or as low a rate of interest on money loaned as people receive in other parts, and especially if they were content, as people are in older settled countries, when they establish a new business, to run it for some time without looking for any profits, there is no reason why home industries should not be started more extensively in our midst and be made to flourish.

Our advice, in brief, to co-operative companies in business as merchants is: Get out of debt, and, as nearly as possible keep out of debt; pay small dividends, and use any excess of profits you may have in establishing industries that will in time render the people self-sustaining.

POULTRY CULTURE.

In view of the high price and ready sale which poultry and eggs command in our market, we are led to wonder why more attention is not paid by our farmers to the raising of them, and why some enterprising persons do not make a specialty of the business. There is no question but such a business, if conducted systematically and intelligently, might be made exceedingly profitable. Eggs at 30cts. per dozen and chickens at 30cts. to 60ts. each—the present prevailing prices in our city—are about the best paying products which the farmers have to sell, and the profits which they realize under the system of raising poulrty at present in vogue are nothing compared with what they would be under the latest improved system, in which an artificial machine is made to take the place of the mother hen in the incubation business. Our Territory, however, is not the only place in the Union in which this branch of business is neglected. One of our California exchanges says on the subject:

"How on earth is it that we don't raise more poultry in California? There is no climate in the world better adapted to raising fowls than ours, and yet there is no part of the United States where fowls and eggs are as dear as here.

"Eggs are worth from 40 cents to 50 cents a dozen. In Chicago, St. Louis, Kansas City and Milwaukee fresh-laid eggs are quoted at 22 cents. Here you cannot buy a decent fowl fit for roasting for less than 90 cents or $1, and little broilers, such as Louis XVI. used to gobble as an appetizer before dinner, are worth $1.50 a pair. At this season, at Chicago and Milwaukee, the trains are arriving with boxes and barrels of fine fat fowls, all plucked and ready for the gridiron or roasting pan, which sell at 6 cents a pound. In New York and Philadelphia, a fine pair of fowls can be bought for $1, and a fat capon for the same money. Here a fine capon is worth nearly as much as a sheep. The only bird that is cheap here is the indigestible small wild duck, which is nearly unfit for human food."

We shall be pleased to hear of some of our friends engaging in this business, and if any of our readers have any suggestions to give the public upon this subject, we shall be pleased to publish them.

A POOR WIDOW DEFRAUDED BY A DEPUTY MARSHAL.

The following has been forwarded to us by a Payson correspondent:

"I have noticed of late that a person by the name of S. H. Gilson is figuring very prominently as complainant in polygamy cases. Now I want to give you a little information in regard to how he has treated a poor widow with two small children that lives in this place, as I think his conduct deserves exposure. About ten or eleven years ago, in 1873, he got into debt to her husband for store goods to the amount of $180. The husband died about five years ago, after having tried in vain to collect the amount from Gilson, and since then his widow has had men go and see him, to whom he would always make a great many promises that he would pay it. And you must understand that it was no small task to go and see him, as he lived a long way from Payson, and almost everywhere at the same time—notably in Nephi, Gunnison, on the Sevier and in the mountains where he has his ranch. However the men failed to get anything, and gave it up. The widow needing the means badly, concluded to go and see him herself, thinking he would surely have manhood enough about him to pay a poor widow after traveling so far. However, she was mistaken, for she got nothing but promises. This was a year ago last summer. I will say that this same widow is utterly unable to earn a dollar, as she is a very weakly woman, and is therefore to a great extent under the necessity of being taken care of by her relatives. Gilson acknowledges owing $140 of the amount, and says he paid her husband $40 that he did not give him credit for; he has acknowledged this to several persons, and there are several persons who know that he owes the debt; in fact the widow has plenty of proof of that fact.

THE CASES AGAINST THE COMMISSIONERS.

ARGUMENTS IN THE SUPREME COURT OF THE UNITED STATES.

The five cases against the Utah Commission appealed from the Supreme Court of the Territory, came up for argument before the Supreme Court of the United States on Wednesday, Jan. 28th. Eight judges were on the bench, who listened with close attention to the speakers and the brief that had been prepared and printed.

The cases are of Mary Ann M. Pratt, Ellen C. Clawson and husband, James M. Barlow, Mildred E. Randall and husband, and Jesse J. Murphy against Alexander Ramsey, A. S. Paddock, G. L. Godfrey, A. B. Carlton, J. R. Pettigrew, E. D. Hoge, and the several deputy registrars of the precincts where the appellants resided at the time of the election of 1882. Each case has its own peculiarities, but all charge that the appellees wilfully and maliciously struck and kept from the registration lists the names of the appellants, who were lawfully entitled to vote, neither of them having violated the Edmunds law, and the ladies not being either of them a bigamist or polygamist within the meaning of the statute. The complaint charges too that, the test oath prescribed by the Commissioners is unauthorized by law; that the Commissioners have usurped legislative powers in its prescription; that the oath gives an *ex post facto* interpretation to a penal act; that the Commissioners have no other duty to perform than simply to appoint the registration and election officers, and count the returns for members of the Legislature and issue certificates of their election.

Going back to the law itself it is claimed that the Edmunds Act is unconstitutional, in that it is a bill of attainder and *ex post facto* in its effects. The summary withdrawal of the elective franchise, for which it provides, is punishment, and that is inflicted without due process of law, Congress cannot hold the Territories as provinces and disregard the fundamental principle of our institutions, *local self-government*; and the ninth section of the Edmunds Act substitutes the will of five Commissioners for the will of the people. This in brief, is the marrow of the complaint.

Senator Vest of Missouri, opened the argument. He looks like a larger edition of H. B. Clawson and speaks with warmth and force. He presented the facts in the case of Mrs Pratt, showing that she had violated no law and that her husband, the late Professor Orson Pratt, died before the passage of the Edmunds law. She was denied the privilege of voting, the Commissioners sitting without authority of law as a judicial body to determine her case. He spoke of the Commission as a most extraordinary body, something without precedent in the country. But their assumption of judicial and legislative functions was without excuse or color of legality. He read the eighth section of the Edmunds Act, which alone creates and defines their powers, and in showing that they have no such authority as they have assumed he referred to the debate on the passage of the law, when, in answer to the opponents of the measure that they feared the exercise of just such powers, Senator Edmunds himself replied: "As to the qualifications of electors, this Board of five persons *are not by this bill vested with any powers at all*; they are left exactly where they are left by the other laws of the United States."

Mr, Vest showed that they were to act under the existing laws of Congress and of the Territory of Utah, but they had ignored the latter and made rules and added to the law to suit their own interpretation of their powers under the Edmunds Act. He cited the case of Mayor William Jennings and the application of W. C. A. Bryan of Nephi for the settlement of a question as to the qualification of voters, and showed how the Commissioners had sat as a Court, disfranchised Mr. Jennings unlawfully, and issued rules in answer to Mr. Bryan, thus exercising both judicial and legislative powers. He denounced their course in strong language and warmed up to his work in vigorous style.

Senator Vest, going to the law itself, argued as to its unconstitutionality; cited the Cummings case to show that no one can be deprived of the right to hold office by a legislative enactment, that punishment can only be legally inflicted by due process of law, which means a judicial trial. The whole Edmunds Act, he said, is a "crimes act." Section eight must be construed, in company with Sections One and Two; each of them is punitive, and Section Eight is a bill of pains and penalties and is *ex post facto*.

The Senator occupied an hour and a quarter, which was fifteen minutes more than his allotted time, and closed abruptly when he learned that fact. It was an able effort and gained the absorbing interest of the Court. Senator Edmunds was present during a portion of the speech and conferred with Justice Gray.

Solicitor General Phillips, a large and ponderous man, argued in behalf of the Commissioners. It was one of the lamest things imaginable, coming from such a source, and was marred by the indistinct manner of speech which marked the greater part of it. He took the position that in the Pratt and Barlow cases there was a ground of action, but in the other three, none; it was not shown that they had been injured. Also it had not been claimed that the parties or either of them, had been compelled to take the oath prescribed. He stated (incorrectly) that the Commissioners were placed by the law in the positions formerly occupied by the registration and election officers. Argued that the Assessor, acting as the registration officer, was required to administer an oath, the "substance" of which was prescribed by the Utah law of 1878, but if the Utah law had changed in 1882, he would have been required to change the oath to conform to the law. Congress had the right to pass laws as it pleased for the Territories, and had enacted the Edmunds law, which prescribed a new qualification for voters, and this was properly included in the new oath which the Commissioners, as the registration officer, required voters to take. He then actually admitted that the Commissioners had no right to enact a new oath, and yet argued that Congress had made it their duty to see that no bigamist, polygamist, etc., voted, and thus required of them to do what they had done.

He next argued that any person who at any time had been guilty of polygamy and did not by his oath show that this relation had been discontinued, was properly disfranched by the Edmunds Act. He maintained that bigamy or polygamy was a state or condition against which Congress sought to legislate, as well as against it as a personal offence. It has a political as well as a criminal aspect. He he warmed up into a reply to Senator Vest's argument that the Edmunds law is only a "crimes act," and showed that Congress not only legislated against polygamy by way of punishment, but as a condition which was against the order of the State and therefore part of the law was criminal and part political. He did not put it as clearly as this, but that was the tenor of his remarks and he proceeded to make the usual anti-"Mormon" general attack on the system of polygamy as it is supposed to affect the nation. He called it the moral dynamite that would disturb the country if let alone.

Touching on the powers of Congress over the Territories, he referred to the time when Missouri, before it was a State, was governed by certain officers of Indiana, appointed for the purpose. Congress could do for Utah anything that a State could do for its own citizens.

Coming back to the cases before the Court he urged that a woman must share the disadvantages as well as advantages of her husbands' status. An alien woman became a citizen by marriage to a citizen. So a woman whose husband entered polygamy became disfranchised by his disabilities. After a few general remarks in an instinct tone and hesitating manner, he berated Senator Vest for the style of his speech which he suggested had no influence "in this part of the Capitol," and then took his seat.

Ex-Attorney General MacVeagh then addressed the court. He is a small, nervy, intellectual looking man, with thin face, head partly bald, voice clear and piercing, tones distinct and ringing and enunciation syllabic and distinct. He was quite at home with the Court, yet very respectful, and talked in a convincing way. He demolished the Solicitor-General's attempt to show that three of the cases had no cause, and proved that if the other two, as admitted, were valid, all were for similar causes. He then took up the question of the powers of Congress and, though a Republican, advocated pretty thorough Democratic doctrine. He laid down the principle that whatever might be claimed for Congress under the clause in the Constitution about "needful rules and regulations respecting the Territory and other property of the United States," while the Legislature exists under the Organic Act, Congress had no co-ordinate power to prescribe the qualifications of voters.

Here an animated colloquy ensued, several members of the Court asking questions, to which Mr. Mac Veagh replied clearly and good humoredly, maintaining his position intact. Answering Mr. Phillips' argument about what Congress had done in certain early cases, he showed that it was done outside of the Constitution, as admitted by the promoters of the movements themselves. Now, Congress was bound by the Constitution. Local self-government was an essential principle of our institutions and the best form. It was wondrous strange that out of that one clause in the Constitution about "needful rules," Congress should have drawn that imperial power it had exercised. He maintained that whatever authority might thus have been claimed, Congress could not constitute election officers bodies to inquire into crime and prevent those from voting whom they consider guilty. If the law provided that one guilty of larceny should not vote, they could not determine his guilt or innocence. Before any man is adjudged guilty, he must be tried, and before he can be prevented from voting, he must first have been judicially put into the class which is by law debarred from voting. A test oath is not due process of law, but a bill of pains and penalties.

At 4 o'clock the Court adjourned till noon of the 29th, it being understood that Mr. MacVeagh was to have further time to continue his argument, although one hour each was the stipulation. Hon. F. S. Richards was present as one of the counsel for the appellants. This is most valuable to their cause. Although he is not to speak on this occasion, giving way to Mr. MacVeagh, he is alert to present points and suggestions and urge arguments affecting these important questions such as are essential for Utah's welfare. The comprehensiveness and compactness of the printed brief are largely due to his thorough knowledge of the situation and the laws and authorities bearing upon the matter. He has been indefatigable, and though hi