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LIBERTY AND LICENSE.

AT a crowded meeting in Boston, recently, held in that historic building, Faneuil Hall, the following was enunciated as a principle and accepted with loud applause:

"That the right to think and to publicly express, by tongue or pen, the results of thinking, is the dearest right which American citizens possess; and to deny its exercise is subversive of natural justice, contrary to constitutional provision, dangerous to public welfare and corrupting to public morals."

A little reflection will show that the idea implied in this statement is entitled to all the denunciations of the latter part of the sentence. That is, that people may say and publish whatever they think, without being called to account for their utterances. In other words, that there should be no law of libel. That public speakers and writers for the press should fulminate and print anything they please, no matter how much it may tend to injure others, without being legally liable for the slander. If this is not implied, what is the "principle" presented to and applauded by the Boston audience. There is no law against thinking, and if there was it would be a dead letter, for thought is beyond the control of priest, legislator, judge or executioner. And the freedom of speech and of the press is guaranteed in this great republic by its general constitution and protected by the laws of the various States and Territories. But liberty and license are widely different, and therefore while the former is upheld the latter is kept in check by the law, for license is not only opposed to true liberty, but is actually destructive thereof.

Every person has a right to think, and the right to speak or print his thoughts, untrammeled. But if in the publication thereof he utters untruths, calculated to injure another, whether a private individual or a public functionary, he is liable to punishment, on conviction of the offence, which is a crime against society and an infraction of statutory law.

But the Boston declaimers evidently desire the abolition of all laws against libel. And they are not alone in their unreasonable opinions and dangerous demands. Many demogogical public speakers and not a few disreputable press writers appear to be of the same mind. The most outrageous accusations against men in official position are indulged in, often without any foundation in fact or any excuse for their vindictive vulgarity. The ground taken by the slanderers seems to be that all public officers are put in a pillory as soon as elected, and that every citizen has the right to pelt them with garbage without stint or hindrance.

There are papers which make a specialty of scandal and abuse, and when the objects of their calumny do not choose to reply to the charges hurled at their character that silence is construed into tacit admission of guilt. And such a course, when commenced, does not usually end with the misrepresentation and defamation of public men. But soon private character is attacked, and even the weaker sex is assailed, and the professional slanderer, who should be esteemed viler than the mangiest dog, darts his venom into the family circle, and drags before the public eye distorted, defiled and falsely-colored pictures of things that belong only to private life.

Is it a mark of the progress of a country or a community that such slander is allowed to go unpunished and unrebuked? And would it be for the benefit of the people of the United States if the license which the Boston demagogues and their supporters call liberty of speech were to become lawful and unindictable? We think not. But perhaps some good might eventually result, although the immediate effects would be harmful, if the libel laws were entirely abolished. Men would resent attacks upon their public and private character by physical force, but the stamping out of a number of press scavengers and foul-mouthed orators would be of great benefit to society at large. As it is now, libel laws are almost in disuse. The difficulties in the way of those that are wronged are enough to dissuade most persons from grappling with them. And the reparation possible is generally inadequate altogether to the injury received. If criminal prosecution is attempted, judges and juries are so impressed with the cry of "freedom of the press," that the voice of justice is hushed, and the slander-monger is encouraged to continue his diabolism with renewed bitterness and strengthened gall.

The public are to blame for this condition of things. Public speakers who indulge in groundless vituperation, and papers which deal in scandal should be treated with the contempt they deserve. If the public appetite demands such vile diet, and cannot be appeased without what are called "spicy items," the "spice" will certainly be forthcoming. But the scandal-monger should be despised and excluded from respectable society and be refused recognition by every respectable person of both sexes. And the fact that statements reflecting on the personal character of any individual are found in papers of the "spicy" order, should be enouch to stamp them as untrue, and unworthy of mention in any decent society. While the appearance in a house of such sheets as make scandal a specialty, should be a sufficient indication of the prurient tastes of the inmates, and a plain sign that it is not a fit place for pure-minded persons to visit.

Instead of more license of speech and of the press, the reins of control need to be tightened, and public sentiment and local law should be arrayed against the present laxity. We would deprecate as much as any one the slightest tampering with that liberty which is designed by the Constitution. But we would hail with pleasure the enforcement of wholesome laws, civil and criminal, which would aid in the correction of the mischievous and despicable practice of unstinted abuse of public officials, and the inexcusable slander of private individuals, which disgrace both the rostrum and the press, and are growing into a nuisance to society and a positive disgrace to the country.

A BLOW FOR FREEDOM.

IT has been said that "Mormons" make poor politicians. Considering the moral status of the average politician, we regard this saying as a compliment. It is true that the "Mormon people are too unsophisticated for a contest in which the "ways that are dark and tricks that are vain" are essential to success. This has been demonstrated in the elections of '74 and '76 at Tooele, and in the same years at Oneida County, Idaho.

At the former their opponents, though vastly in the minority, succeeded in capturing the county. The investigation in the Legislative Assembly over the rival claims of Atkins and Foote to a seat in the House, proved beyond dispute that hundreds of fraudulent votes were polled by the opposition, and therefore the People's candidate was awarded the seat. But the county officers claiming election under the same votes were allowed to take possession of the coveted posts, and have since held on to them with a death-like grip, which even now they are very reluctant to relax, although palpably beaten at the polls by a large majority.

In Oneida County, most of the "Mormons" voted the Democratic ticket, which carried the name of S. S. Fenn, for Delegate to Congress. The tactics of modern political jugglery were brought to bear, and the majority swelled by the "Mormon" vote was Jeremy-Diddled into an apparent minority. But Mr. Fenn fought for his rights, proved the swindle sought to be perpetrated, and gained his seat in spite of the influence and prestige of his adversary, Governor Bennett. Now, the same evidence that unseated Benuett was proof that the county incumbents had no right to the offices which they claimed. But they were allowed to remain therein and form a combination to run the affairs of the county in their own interest, and override the wishes and votes of the great majority of the citizens.

Another election is approaching in Idaho. A convention is called of Democratic delegates, from Oneida County, to meet next Saturday, at Oxford, when nominations will be made preparatory to the Territorial Democratic Convention at Boise, in September. Our friends in Oneida County, we understand, intend to support this convention and the Democratic ticket. But their opponents are already engaged in their usual trickery. Placards are posted, pretending to be signed by "Many Democrats," with the object of inducing some of that party to make a split, so that the real concocters of the scurrilous harangue may walk through the gap to another victory.

But the Democrats of Oneida County should be wise in their generation, and thoroughly united in their plans and actions. The "Mormon" vote of Oneida County, not counting other supporters of the Democratic party of Idaho, as compared with that of their opponents, is in the ratio of 250 to 100. A solid ballot for their own nominees will elect them without doubt. But the past doings of the ring that runs elections should be a warning to them at the present. Plans should be formed at once for the purpose of ensuring a fair and free election. Every polling place should be watched by vigilant and faithful men. Every officer of the election should be notified of any infraction of the election law when it is attempted. Notes should be taken of the votes as the election progresses, and evidences of fraud, if it appears, made perfect and unimpeachable.

If the wishes and votes of the majority are again trampled in the mire by the corrupt clique who have heretofore manipulated the returns, the election should be legally contested to the last extreme, and a determined, united and undaunted effort be made to free the county from the grasp of the cormorants who have been preying upon it for several years in succession.

These are our views concerning this important matter, and we hope the people of Oneida County, who once formed a part of this Territory, will not go to sleep and again allow their alert enemies to rob them of their rights and rule over them by fraud and unchecked corruption, but that they will arise in their united strength and work with a will for the liberties to which they are lawfully and undoubtedly entitled.

A PRIVILEGED CLASS OF VOTERS.

THE contest over the Tooele election has brought up several questions for consideration, the settlement of which will be of benefit to the community. We purpose to touch on only one of them at present. It was claimed by counsel for the defence that the election law is void because it makes a privileged class of voters, by permitting women citizens who are not taxpayers to vote, while male citizens are required to be taxpayers in order to be qualified to vote.

This is an argument intended for a blow against woman suffrage in Utah. But a little investigation will show that it has no legal or rational force. The right of suffrage and of holding office in the Territories is placed by the laws of Congress absolutely in the hands of the Territorial Legislatures, subject only to certain specified conditions, to wit: Those rights can only be conferred upon citizens of the United States above the age of twenty-one years, or those above that age who have legally and properly declared their intention to become such. No citizen can be deprived of those rights on account of race, color or previous condition of servitude. No person belonging to the Army or Navy of the United States can be elected to any civil office in any of the Territories, nor be allowed to vote by reason of being on service in such Territory, unless it had been his permanent domicile for six months previous.

Utah forms no exception to this general rule for the Territories. The Organic Act specified the qualifications of voters at the first election, and provided that "the qualifications of voters and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly," the only limitation being that those rights shall be "exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded Feb. 2, 1848."

Acting on this general as well as specific authority, the Legislative Assembly of Utah Territory passed an act conferring the elective franchise upon every woman in the Territory of the age of twenty-one and upwards, born in the United States, or who is the wife, widow, or daughter of a citizen. Such persons are thus entitled to vote at any election, providing they have resided in the Territory six months, and in the precinct one month previous to registration. By the laws of Congress, "all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. Women born in this country are therefore citizens just as much as men. The same laws also provide that any woman who is married to a citizen, and who might herself be lawfully naturalized, shall be deemed a citizen." Children of naturalized citizens born outside of the United States who were under twenty-one years of age at the time of the parents' naturalization, if dwelling in the United States are, under the law, considered citizens thereof, irrespective of sex. It will thus be perceived that in granting women the elective franchise the Legislature was acting within its powers and in accord with the United States statutes.

But it is claimed that an invidious distinction is made in relation to women voters, because they are not required to be taxpayers. We answer, the wives of citizens pay taxes through their husbands. There would be no sense in half of an estate being assessed to the husband, and the other half to the wife. If a woman holds property in her own right, which she can do in this Territory, she pays taxes thereon personally. But, we would ask, should women be required to pay poll tax and go out on the roads and work? Are women required to bear arms, or to sit on juries, or to serve in a *posse comitatus*?

The United States Statutes might be challenged with equal propriety on the same ground. A male alien in order to become a citizen, is required to take out his papers in court, swearing allegiance to this Government, and forswearing allegiance to the Government of his native country, but a female alien can become a citizen simply by marriage to a citizen. Is this creating a privileged class of citizens? In all States and Territories there are certain persons who are excused from serving on Juries, and from militia duty. Do these provisions create a privileged class of citizens? There are different grades of citizens and the law should be uniform as it relates to each. The rule must apply equally to all persons in that grade without invidious personal distinctions. The law in relation to women voters applies to all of the female sex of a certain designated status. So with male citizens. It might be argued with equal reason that the law which allows a male citizen twenty-one years old to vote, but denies this privilege to a male citizen twenty years old, creates a privileged class of citizens. And might it not be argued with much more reason and propriety, that a privileged class of citizens is created by conferring upon one sex alone the elective franchise, and shutting out from any vote or voice in national or State affairs at least one-half of the citizens of the country, no matter how much they may or may not contribute to the national or State revenues? The sexes being in some respects essentially different, though equally citizens, should have regulations suited to those differences without depriving either of just rights and privileges as citizens.

The point raised against the election law, it is easy to see, was brought forward in desperation over a feeble case. The Legislature is clearly endowed with all the powers it has exercised in the passage of the election laws, and it is equally plain that in conferring upon women the rights embodied therein no constitutional provision or statutory prohibition has been violated, but that in legislating for both sexes consistency has been maintained as a balance to equality. We have no idea that any court of competent jurisdiction will view the issue raised on this question in any other light than as a vexatious quibble interposed to delay an expected unfavorable decree.

NATURALIZATION OF PLURAL WIVES.

A CIRCUMSTANCE occurred this morning in the Third District Court to which we desire to direct attention. A resident of this city who has two wives, went to the Court room accompanied by both ladies, for the purpose of assisting his second wife in procuring naturalization papers. The lady came to this country when a minor, and has resided here a much longer time than is specified by law as a requisite to naturalization. After the usual preliminaries, the Assistant District Attorney asked the lady, who gave her maiden name, whether she was married, to which she replied in the affirmative. The name of her husband was demanded and given, and she also answered "yes" to the question "are you living in polygamy? "Thereupon the attorney objected to her being received as a citizen, on the ground that she was not of good moral character, and the Judge, after some remarks reflecting upon polygamy, sustain the objection.

We have in these columns advised ladies of foreign birth, unless the first wives of citizens, to obtain their naturalization papers in the manner prescribed by law. The present Chief Justice of this Territory has ruled that a man cannot legally have more than one wife at a time. This is the law as he lays it down. And here is the position taken by the "Mormon" people: Plural wives, are wives in every sense of the word so far as the Church of which they are members makes them such. And this power is vested in the Church by revelation and commandment and authority from the Most High God. In the sight of heaven, and of the Church, and of the contracting parties, plural marriage is sacred, divine, and far more binding than any law of man can make it. But the law of the land does not recognize it as such. On the contrary, it declares it null and void. Plural wives, therefore, in any matter in which the law of the land is concerned, have the right to call themselves by their maiden names, and, in any court, to take the position of a *femme sole*.

And we dispute the right of any attorney or any judge to ask an applicant for citizenship whether he or she is married or single. Marriage is not one of the qualifications specified by the naturalization laws. A man may be admitted to citizenship, whether married or single, if he takes the necessary oath, has resided in the country five years, and evidence is given that he is of good moral character, attached to the principles of the Constitution of the United States, and well disposed towards the good order and happiness of the same. The same rule applies to a woman.

What the court or its attorney may not lawfully ask, an applicant is not legally or morally bound to answer. And, according to the Judge's own ruling, a plural wife if she chooses to reply at all, can legally answer a question concerning her marriage in the negative. And in reference to the "moral" part of the court catechism, who ever heard of an attorney asking a male applicant if he keeps one or more mistresses? or if he ever stole anything? or if he is in the habit of getting intoxicated? or of committing any other act of real immorality? Or who ever heard an attorney, in any court, question a female applicant as to her private life, the paternity of her children, if she has any, or whether she lives as the mistress of any individual? If evidence is given by witnesses that the applicant is of "good moral character," in the absence of proof to the contrary, the Court cannot properly refuse the application, whether to male or female.