

telegraphs, of postoffices and intercommunication. There are courts and officers anxious to break up polygamy, and plenty of disinterested (?) gentlemen ready to aid women who wish to cast off their ties of attachment to "Mormon" households. Here are preachers and societies and papers and books, all hostile to "Mormon" marriage, and plenty of agencies to deliver any one who claims to be under coercion.

But the women and children of whom Campbell speaks despise him and those of his kind who seek to interfere with their family affairs, as their worst enemies and calumniators. If the women are in the condition of mind he portrays, and want him for their champion, why did they not vote for him? The ballot is secret. No one can tell how another votes. Why are not the women's ballots cast for their pretended deliverers? It is because they voted against him and his clan that he is so angry, defaming them in one breath and pretending to want aid for them in another.

There are other statements in the letter that it would take too long to notice in detail; for instance, his misrepresentations about our school system, tithing, Church revenue, etc., all of which are as false as those on which we have enlarged. The whole letter is fabricated to bolster up the infamy of an attempt to deprive the people of Utah of representation in Congress, and render null and void 18,568 votes which are officially admitted to be legal, and which no one can prove to be otherwise. But it cannot surround the subject with a web of falsehood and sophistry sufficiently thick to hide the conspiracy against the right of suffrage by which 1,357 is made to be more than 18,568; to obscure the principle that the ineligibility of the majority candidate does not elect the small minority candidate; nor to cover up the fact that if Utah, its people and their Delegate are as bad as pretended, that does not justify proceedings against them by fraud and violating the fundamental principles of popular sovereignty and republican government.

#### CANNON VS. CAMPBELL.

THE Louisville *Courier-Journal*, since becoming Moultonized, has made a specialty of Utah affairs, applying its well-known ingenuity and journalistic talent to repeated attacks on the "Mormons," and attempts to bolster up the flagrant wrong committed upon them in the matter of the Delegate's certificate. The logic of the *Courier-Journal* is this: The "Mormons," though immensely in the majority in Utah, are, by common repute, a bad people, therefore it is right to cheat them out of their votes. Mr. Cannon, their Delegate-elect, is charged with being an alien, therefore it was right to give the certificate of election to a person not elected. The force of this method of reasoning can be perceived by every argumentative mind, and the pure Democracy it breathes must be recognized by all who know anything of our national system of government.

That paper recently had a very lengthy article, ostensibly written as a fair discussion of the legal points in the case of Cannon vs. Campbell, but really composed for the purpose of covering up the essential points in the controversy, and justifying an act that was a palpable violation of intrinsic right as well as of congressional law. Perceiving the weakness of its ground above described, it takes another position, and with a plausible array of related facts and a sprinkling of legal propositions, all based, however, upon an unwarranted assumption, by leaving out an essential feature or two in the argument it arrives at the triumphant conclusion that the issuance of a certificate of election to the person having 1,357 votes and refusing it to the person having 18,568 votes, was not only legally justified but was absolutely right and requisite.

Here is an epitome of the *Courier-Journal's* argument: Congress has the exclusive government and control of the Territories; the Revised Statutes provide that each Territory may send a Delegate to Congress, who shall be elected by the voters of the Territory; that the person having the greatest number of votes shall be declared elected and a certificate shall be issued accordingly; another section of the law provides that the right of suffrage and of holding office shall be exercised only

by citizens of the United States above the age of twenty-one years; it was represented to the Governor that Mr. Cannon was an alien; Mr. Cannon replied that he was a citizen, stating the date of his naturalization; it was then represented to the Governor that there was no record of such naturalization on that date, but that the minutes of the court were silent on the matter, and that Mr. Cannon's certificate was issued by the clerk and not by the court; naturalization is a judgment, and must be declared by the court, the clerk of the court not having the right to pass on the subject; there is a law imposing a penalty for the use of a certificate of citizenship obtained from a clerk without appearance in court; Mr. Cannon not being a citizen the Governor had no option in the matter but to give the certificate to a person, being a citizen, who had the greatest number of votes, one part of the law or parts of different laws requiring to be construed together. That is the whole plea of the *Courier-Journal* summarized. We do not think its editor will claim that it is not correctly stated.

We will now examine it. In the first place let us look into those sections of the law which are cited as explanatory of each other and upon which one of the main points of the argument hinges. Section 1862, Revised Statutes, requires that the person having the greatest number of votes shall be declared elected, and that the certificate shall be given to him. Section 1860 says the right to hold office shall be exercised only by citizens of the United States above the age of twenty-one years. It is therefore argued that "person" means "citizen."

But reference to Section 1860 shows that it has no connection whatever with section 1862. The former is a restriction placed on the Legislative Assembly in regard to the election of territorial officers; the latter is a provision in regard to the election of an officer of the United States. In one case the Legislative Assembly has the right to prescribe and judge of the qualifications of territorial officers, subject only to these restrictions imposed by congressional law; in the other each House of Congress reserves the right to judge of the elections, returns and qualifications of its members, subject to conditions specified in the Constitution. The requirements are different for territorial officers and for representatives in Congress. The former must be citizens of the United States and twenty one years of age, the latter must be twenty-five years of age and have been citizens of the United States for seven years.

If it be argued that a Delegate is not a Representative, then there is no law of Congress requiring a Delegate to be a citizen or to be of any definite age. A Delegate is not a territorial officer. He is not elected at the same time as territorial officers, nor subject to the same qualifications. If there is any law governing this matter, it is the constitutional provision in relation to Representatives, and that can only affect a Delegate by implication.

"The word 'person' then cannot be construed to mean 'citizen,' for the simple reason that section 1860, in which 'citizen' occurs, has no relation or reference whatever to section 1862 in which 'person' occurs. There would be no need for an argument on this point, because it is plain to every one who reads the two sections, if it were not for the sophistry of the lawyer who has engineered Campbell's case from the beginning, and whose cunning but untenable special pleading has been closely followed by the *Courier-Journal*.

It may be asked do you wish to say that a Delegate to Congress may be a minor and an alien? We do not say anything of the kind. There are established principles, which, in our view, would settle that matter, but we do not wish to present them here. What we desire to have understood is, that the House of Representatives reserving the right given in the Constitution, to judge of the elections, returns and qualifications of its own members, in wording the law concerning the Delegates from the Territories, placed it outside of the power of any petty Governor or other ministerial or executive officer to pass upon the qualifications of Delegates. The simple duty is imposed upon the Governor, to declare the person having the greatest number of votes duly elected, nothing more. In failing to do that he violates the law and his official oath.

Even granting all the premises in

the *Courier-Journal's* argument, it does not follow that its conclusion is correct. Supposing the fact to be that Mr. Cannon is an alien, and that the law requires the Delegate to be a citizen, it does not follow that a mere territorial Governor shall sit as a court to decide a question of citizenship. And we challenge the *Courier-Journal* to quote any law or section of a law to show that a Governor is so empowered. The powers of the Governor of Utah are defined in the Organic Act, and those of all Governors of Territories in the Revised Statutes of the United States. They are very meagre. Except as a part of the Legislative power, occurring forty—now sixty—days once in two years, he is a mere executive officer—except in cases of pardon or remission of fines—with little to do but draw his salary. So giving the *Courier-Journal* all its premises, its conclusion is only jumped at, without any link to connect it with the argument or bridge over the chasm that lies between.

It was because a Governor has no right or authority to sit in judgment upon a question of citizenship, that Mr. Cannon did not make any fight on this question in the matter of the certificate. He merely answered the false statement of the person who wanted to go to Congress on the strength of 1,357 votes against 18,568 votes. The truth is that Mr. Cannon is and has been since December 7, 1854, a naturalized citizen of the United States, as appears of record. The pretence that it is not a matter of record is as flimsy as the *Courier-Journal's* logic. It may not be recorded in the minutes of the court, but there are a great many transactions of the Court which do not appear in that one record, and it by no means follows because Mr. Cannon's admission is not noted in that identical book, that it did not occur and is not recorded in another book. As a matter of fact, it is recorded in a valid and competent record, and all the lying and wresting and twisting of law or language will not obliterate that fact.

There are two points which we would like the *Courier-Journal*, or any other apologist for the shameful political crime committed against the people of Utah, to establish. They are the essential points of the whole dispute. Prove first, that a territorial Governor has the right to sit in judgment as to any one's citizenship and particularly on the qualifications of a member of Congress; and second, that if it could be shown that the person elected by an immense majority of votes is ineligible to the position, that the defeated candidate is thereby elected. Until that can be done, all the talk and apologies and attempts to hoodwink the American public will be in vain, because the root of the matter is not reached. According to President Garfield's reasoning in his inaugural, the act which was committed to defraud the people of Utah is a capital offence. He said in his message:

"To violate the freedom and sanctity of the suffrage is more than an evil, it is crime, which if persisted in, will destroy the government."

And as to the rank of that crime he adds:

"If in other lands it be high treason to compass the death of the King, it should be counted no less a crime to strangle our sovereign power and stifle its voice."

These are plain declarations, and stamp the offence perpetrated in the certificate matter as one of the highest in the catalogue. The unpopularity of the people of Utah, the slanders against Mr. Cannon, the question of polygamy, are all foreign to this subject, and whatever view may be taken of them by the country and the Administration, they cannot palliate the high crime of strangling the sovereign power and stifling the popular voice, nor clear from the charge of conspiracy any of the parties to the certificate infamy. The *Courier-Journal* may as well understand the matter at once, and be careful not to besmirch itself by association with one of the most high-handed and flagrant outrages ever perpetrated within the limits of the great American republic.

#### LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, APRIL 15.

Home Made.—Henry Parker is the manufacturer of an excellent

article of shoe blacking. It is home-made, and in every way answers its purpose. The maker should be patronized.

Woman's Exponent.—The Good Friday (April 15th) number of the *Exponent* is a pleasing collection of articles in verse and prose. Of the former there are two: "Lama Sabachthani" by Hannah T. King, and "Dedication of the Jubilee Box," by Augusta J. Crocheron. The prosal pieces are "Live for a Purpose," Aunt Em; "Life Incidents," H. M. Whitney; "Consecrated Looking Glasses," Ellen B. Ferguson; editorial, home affairs, correspondence and other articles. Get a number.

Place to Settle.—Marcellus Monroe, writing from Clifton, Idaho, says there is plenty of vacant land there that could be taken up and would make fine homes for good industrious people. It is in the northern part of Cache Valley, about 40 miles north of Logan. All the fruits that can be raised in Cache County can be produced at Clifton. There is a good range for stock. Men can now find employment there in getting out railroad ties. Prospects for crops are very good, also the health of the community.

Japan Seed.—A few melon seeds of Japanese plants, squashes, etc., etc., collected by Mr. Frink, the astronomical exhibitor known in our city, have been presented to the Deseret Museum. The curator intends to distribute them to a few careful cultivators, with a view to their introduction into this region. Among other things we were shown specimens of the leaves and flowers of the tea plant, and a vegetable fibre used by the Japanese for making paper, canvas, sponge and other utilities, manufactured by that ingenious people. The seeds of the "sacred" Lotus are among the collection, these have to be planted beneath the water, in sedimentary matter, where the roots expand laterally and form an edible substance, used as food.

The Reported Poisoning.—The verdict in the inquest over the body of Stephanus Moss, who, it was said, committed suicide by taking strychnine at Richfield, Sevier County, the other day, was in form and substance as follows:

Territory of Utah,  
County of Sevier,  
Richfield Precinct.

An inquisition holden at the residence of Stephen Moss, in Richfield, Sevier County, on the 12th day of April, A.D. 1881, before William Morrison, Coroner of said county, upon the body of Stephanus Moss, there lying dead, by the jurors whose names are here to subscribed. The said jurors, upon their oaths, do say, that the said Stephanus Moss, now lying dead, came to his death by means of excessive drinking of liquor, administered by his own hand when in a state of very weak health.

In testimony whereof said jurors have hereunto set their hands the day and year aforesaid.  
(Signed) S. D. MOORE, Foreman.  
J. C. OUTGEN.  
J. L. JONES.

Attest: WM. MORRISON,  
Coroner.

From this it would appear that liquor, and not strychnine, caused his death.

FROM SATURDAY'S DAILY, APRIL 18.

Fine Music.—Mr. David O. Calder, music dealer, is in receipt of two musical pamphlets entitled the "Unabridged Song Journal" and "Unabridged Social Readings." The first is a fine collection of vocal gems set to music of the piano or organ, and the other an equally attractive variety of instrumental pieces, compositions of the most popular authors. They will be welcome visitors to every household where the divine art is cultivated.

Departing Missionaries.—Elders A. N. McFarlane and Rodney Hillam, of this city, leave by the morning train for Europe, whither they go to fulfill missions to which they were appointed at the late General Conference. They will be joined in Ogden by Elder O. C. Ormsby, of Logan, and Elder Ben Rich, of Ogden, who depart thence on similar errands. The party will remain two days in Chicago, awaiting the arrival of the main body of missionaries who leave here on Tuesday morning.

Fire at Sugar House.—A fire broke out on Thursday night, about 9 o'clock, on the premises of a Mr. Eldredge of Sugar House Ward, and for a time threatened to destroy a good deal of property. The blaze started in some straw on the roof of a cow shed, adjacent to the stables, and it is supposed was either caused by carelessness or spontaneous combustion. A woman of the house on seeing the fire, rushed out to the shed and untied a cow standing there and then entered the barn and let loose 5 horses and did various acts of like nature with heroic presence of mind. In the meantime, the alarm had been taken by the neighborhood, and a number of young men at a party, a mile distant, ran to the scene of the fire and forming a bucket brigade squelched the flames before they had inflicted any considerable damage.

District Court.—Proceedings in the Third District Court on Saturday, April 16th, 1881. Chief Justice Hunter presiding:

People vs. Pointdexter Hunt, assault to commit murder; defendant pleads not guilty; bail fixed at \$1,000.

United States vs. Samuel Stone, bigamy; defendant pleads guilty; sentence fixed for May 4th.

People, etc., vs. Lawrina Walker, grand larceny; defendant pleads not guilty; bond fixed at \$500.

People vs. David Jenkins, murder in the first degree; defendant pleads not guilty and asks bonds. Request resisted by prosecution and bail denied.

United States vs. David E. Frazier, bigamy; defendant pleads not guilty; bail fixed at \$500.

People vs. H. W. Van Leggat; order made yesterday resubmitting charge to grand jury, vacated, and resubmission recalled.

The grand jurors return into open Court and through their foreman say that a witness before them refuses to take a certain part of the oath usually administered. Taken under advisement. Grand jury ordered to swear witness to tell truth, etc., without the secrecy clause.

Returned from the East.—Joseph Bull, Esq., traveling agent for the DESERET NEWS, arrived home last evening from a two months' absence in the Eastern States. During this time he visited Chicago, Ill.; South Bend, Ind.; Racine, Wis.; St. Louis, Mo.; Cincinnati, Massillon and Canton, Ohio; Pittsburg and Philadelphia, Penn.; New York and Boston, calling at many of the large manufacturing of those places. His trip was a financial success in every particular. He met with much kindness throughout his travels, and is specially indebted, for favors, to the officials of the Union Pacific, Chicago and North-Western, Rock Island, Pittsburg and Fort Wayne, and Pennsylvania Central Railroads. He encountered much of the severe weather experienced in various parts of the country through which he moved, but suffered no accident or any inconvenience except from delays. He arrived at Council Bluffs, homeward bound, a few hours after the great flood in the Missouri River which submerged the bottoms of Council Bluffs, where about 500 dwellings were surrounded by water. When he arrived there, skiffs, wagons and other conveyances were being utilized for the escape of the inhabitants, who were rendered homeless and destitute by the great inundation. On account of the flood, which submerged the railroad tracks, in some places, he was delayed on the other side of the Bluffs from Saturday morning until Monday night, when, through the courtesy of J. T. Clark, Esq., General Freight Agent of the Chicago and Northwestern Railroad, he was transferred to the depot, where he remained until noon of the next day, and then was enabled to take the train over the river to Omaha. From there his journey homeward was prosperous. He has enjoyed general good health. While in Chicago he purchased the entire printing outfit for the Ogden *Herald*, which has since arrived in good condition. Brother Bull is the oldest employee of this office, having been connected with the DESERET NEWS for nearly 30 years, and at intervals within the last 13 years, has traveled as our business agent through the Eastern States. He never had a more successful trip than the one from which he has just returned.

#### HAND CORN-PLANTER.

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