

nullified, after admission as a State, by the failure of the Mormon Legislatures to enact the statutes necessary to give it effect. But the proposed Constitution itself makes the plural marriage a misdemeanor, and provides the penalty. The section becomes operative, as law, without any further legislation.

Another objection has been that after securing admission to the Union by the pretence of submission, the Mormon Legislatures and people, if so disposed, could immediately repeal the anti-polygamy pledge, or alter it to suit their wishes; and that it would then be beyond the power of the Federal government to interfere. But the proposed Constitution renounces the power of repeal or amendment, as far as polygamy is concerned, until the assent of the Federal Congress shall be obtained.

A third objection has been that, even if the forms of prosecution and conviction were observed, it would be within the power of a Mormon Governor to pardon the convicted polygamist outright. The proposed Constitution practically delegates the power of pardon for such offenses to the President of the United States.

It is true that there are other loopholes for the evasion of the law not provided against in the form of Constitution which the Utah Convention has adopted. But this is because it would be impossible to provide against them. The execution of any law must depend in the long run upon the consent of the governed, and to a certain extent the good faith of the Mormons must be assumed, if their offer is accepted. It is true, also, that grave questions of Constitutional power are involved in the extraordinary provisions which practically make Congress and the Federal Executive trustees for the enforcement of the laws against polygamy. It may be Constitutional for a State to delegate such powers; would it be Constitutional for Congress and the President to attempt to exercise them?

Nevertheless, so far as the attitude of the Mormons is concerned, we find no reason for questioning its sincerity, or for refusing to consider the proposition as one that is made in entire good faith.

The *Sun* throws light on the whole question at issue before the country. The sections of the Constitution under consideration were framed with special intent and desire to meet the objections named by the *Sun*, and which were generally interposed by the press when the subject of Utah's Statehood stirred up general attention. The only points open to dispute are the intentions of the "Mormons" as to carrying out the penalties against polygamy, and the constitutional powers involved in the provisions concerning pardons and amendments.

The intentions of any body of citizens in passing measures harmonious with the laws and institutions of the country must be presumed to be bona fide. Only overt acts by the same people, at variance with those measures can set aside that presumption. Time is necessary to see whether such acts are committed. What any community will do when clothed with the prerogatives of self-government is something that would require the prophetic gift to determine. It is beyond the ken and out of the province of the national government. Speculations and opinions on this point might be indulged in with reference to any and every applicant for admission into the Union as a State, but they should not be permitted to interpose between any people and those liberties that are essential to republican government. The establishment and perpetuation of that form of government in the prospective State is what chiefly concerns Congress, and if that appears to be safely guaranteed by the charter presented for approval, mere opinions as to sincerity or some shadowy future possibility are sadly out of place.

Objecting commentators on the constitutionality of the provisions restricting the amending and pardoning powers of the proposed State, have not appeared to look upon the matter in all its bearings. They have said a great deal about the lack of constitutional authority in Congress and the President to interfere in affairs that properly belong to the individual States—which is all very good and quite creditable to some journals which are apt to advocate too much national power to suit strong believers in States' rights—but they have failed to recognize the full powers of the State to regulate the matters under discussion. Has not a State the right to provide in its own Constitution its own method of amending that Constitution? The same question applies to the pardoning power. If it pleases to restrict itself may it not do so by common consent, particularly when that restriction is to secure harmony with the rest of the nation on questions that have agitated the country?

The manner of making amendments to State Constitutions is not uniform, neither is the manner of regulating the pardoning power. And if there is fear of Utah's changing the provisions in reference to a practice which has made more noise in this virtuous country than almost any evil that really threatens the life of the nation, what is there in the national Constitution which forbids the special regulation respecting such amendment, when that regulation is of the State's own making? Congress may not impose it, but THE PEOPLE have the right to

originate it and bind themselves by it if they will. And if there is danger that when convictions are had under the penal part of the State Constitution the Governor will pardon the offender, what is there in the Federal Constitution that forbids a State to make a special provision restricting the Governor's power of pardon in that particular? Neither Congress nor the President has the power to interfere, but THE PEOPLE have the right to establish the peculiar regulation for their own government.

But it will be asked, as suggested by the *Sun*, will it be constitutional for Congress or the President to exercise the powers delegated by a State? Observe, if you please, kind friends, that the proposed State of Utah imposes no powers on the Congress or the President. It does not presume to say they or either of them shall in such and such cases "exercise" certain powers. It does not pretend to thrust any duty upon them. It contemplates no such absurdity. Arguments on these points might have been spared. The Utah constitution provides simply in relation to any proposed amendment as to the punishment of polygamy, that though passed in the usual form it shall not take effect unless approved by Congress and proclaimed by the President. Suppose they will not "exercise" this approval, what then? Why, the amendment will not be valid, that's all. It will be a non-constitutional amendment made so by the people it affects. They cannot complain and the country, surely, will not.

If the governor pardons a man convicted of polygamy and the pardon is sent up to the President of the United States and he will not "exercise" his approval, the man will not be pardoned, that is all. And will not that also suit the country? Can any better or more rigid restrictions, in order to meet the objections of the country, be framed than those adopted by the Utah Convention? If so, why do not some of the learned and "constitutional" carpers mention them? The methods proposed are unusual, perhaps, but it cannot be shown that they are impracticable for the ends designed, nor that they violate any provision of the Constitution of the United States.

The *Sun* has very fairly put these matters before the public, manifesting a disposition to deal justly and consistently with a people and a question which have been greatly misrepresented. We commend the comments of the *Sun* on the peculiar portions of the Utah Constitution to the attention of the press in all parts of the country.

#### THE DOCTORS' CONGRESS.

THE Medical Congress now in session at Washington is a pretty good-sized aggregation of humanity, some five thousand delegates, besides those who accompany them and numerous spectators being present. This is the ninth annual meeting, the last one having been held at Copenhagen, Denmark. It is undoubtedly the most cosmopolitan and polyglot gathering since the time of Babel, nearly all the nations where civilization has any kind of footing being represented. The delegates are spoken of as being in the "front rank of their calling, quite intellectual and bent upon the furtherance of the cause which brings them together."

The science of medicine and surgery is now so much further advanced than at any other time of which history makes mention that such gatherings as that at Washington become something of a necessity; each is in possession of some new point, or wants information concerning a discovery, and as a consultation is always resorted to where doubt or difficulty appears, such can thus appeal to the greatest consultative body ever organized. The proceedings so far are harmonious and dignified.

#### SABBATH SCHOOL SESSIONS.

At the last meeting of the Sunday School Union one of the speakers deprecated the fact that some of the Sabbath Schools closed their sessions at half past eleven o'clock, thus keeping them in session an hour and a half. He appeared to be impressed with the idea that two hours would be a more appropriate time to keep the children together.

We are not prepared to state definitely and unqualifiedly that the shorter session would be the more beneficial, but we believe that close observation has demonstrated that it is no easy undertaking to engage the attention of a large body of children from five or six years of age and upward even for an hour and a half. After they become restless and tired all attempts to instruct their minds are almost worse than useless. When that point is reached the shutters, so to speak, are placed over the mental windows and the light fails to penetrate to the interior.

The comparison drawn between the process of sustaining the mind and that by which the physical vitality is maintained is by no means new, but is very appropriate. To crowd food upon the digestive apparatus after it has received enough to satisfy the demands of nature retards assimilation and enfeebles the body. So with matters

pertaining to the mind. A few clear cut truths impressed upon and appropriated by the mind gives mental strength and increases the power to appropriate additional wholesome instruction. A larger quantity leads to mental confusion and indistinctness. When children—especially the young ones—are held under physical and mental constraint too long at a time the effect is almost sure to be detrimental in a general sense, causing a degree of nervous irritation.

If the attention of children can be held without straining for two hours, probably that length of time would be the more appropriate. If not, an hour and a half would be better, as a number of superintendents have, doubtless, found it to be by experience, and therefore usually dismiss at half past eleven. The subject is one that will bear thinking about before the adoption of any definite rule.

The remarks of the same speaker who brought up this point, at the Union meeting, upon the necessity of the teachers being competent and prepared to engage the attention of the children were sound and timely. The ideas they embodied in that regard cannot be too closely adopted by those actively engaged in Sunday School work. A brief synopsis of them will be found in the minutes.

#### A GOOD INTERVIEW.

WE copy in other columns the report of an interview with Hon. C. C. Bean, ex-Delegate to Congress from Arizona, which appeared in the *New York Herald* of August 31st. The courage exhibited by Mr. Bean in speaking so firmly and openly in defense of the "Mormons" is something rare in this age of policy and disposition to float with the popular tide. It is only equalled by his disinterestedness and fairness in saying good things of a people with whom he differs in religion and politics, and who supported his opponent at the polls at the last election for Delegate. Mr. Bean has been familiar with the "Mormons" in Arizona and has a pretty good understanding of the "Mormon" question. He knows that the stuff which is put in the papers about "Mormons" "inciting" or "aiding" or "encouraging" the Indians to warfare against the whites is abominably false as well as supremely ridiculous, and that it arises from the gross ignorance which envelops the average editorial mind upon the entire subject of "Mormonism." He is well known in political circles east as well as in his own Territory, and his word counts for a fact among his friends. He is largely interested in mineral and stock-raising enterprises in Arizona, and he has made and spent much money in developing the natural resources of our southern neighbor. Mr. Bean's outspoken and spontaneous defense of our people and their movement to secure political liberty should not be forgotten by his neighbors, who ought to appreciate their friends considering they have so many foes. The interview will be found quite spicy and is well worth reading by everybody.

#### THE LATEST HORROR.

THE destruction of the Theatre Royal, Exeter, by fire last night is another of those appalling calamities which have become so frequent of late years that the horror which they produce seems to be somewhat blunted by reason of familiarity. It is terrible to read of at as great a distance as this, and what must it have been to those who were present while the hungry flames were devouring the building, and heard the agonizing shrieks and screams for help from men, women and children? And what an awful spectacle was that which followed, when the firebrand had relaxed its destructive grasp and the work of taking out bodies all charred and unrecognizable began!

At latest advices the remains of a hundred and thirty victims had been found and extricated from the wholesale funeral pyre to which without warning or preparation they had been sent; this suggests the horrid conclusion that many more are to be found, since the work of recovery so soon after the catastrophe, when all is a mass of cinders and embers, must necessarily be slow and tedious. Some, perhaps, have been completely incinerated or the remains so scattered and blended with the debris that they never will be found, and thus only an approximation of the total mortality will be all that is ever compiled. It would be different if the rescued bodies could be identified, but as it is, those who have friends missing will conclude that the lost ones are among those whose identity cannot be determined, and let it rest at that.

It is not a little singular that in this day of advanced scientific development and mechanical and chemical inventions, fire proof buildings as imposing in proportions and as elegant in architecture as those which are not, cannot or are not constructed, and the fact that none of them are sufficiently provided with means for ready and

rapid egress is also much behind the advancement of the age. In this latter respect there is less excuse than in the former, because less ingenuity is required and the additional expense would be little if anything more than if the stereotyped designs of construction were followed. Until the stern hand of the law takes hold of the subject and compels those who erect places of amusement to provide every possible safeguard and protection, it is probable that we shall continue to have the almost periodical holocaust with the regular verdict of "nobody to blame."

#### THE "PRESS" AND THE "PROBLEM."

THE Philadelphia Press of August 31st has an editorial on "The Mormon Offer," in which the gist of the article that appeared the day before in the *New York Sun* is given, followed by some comments designed to do away with the favorable impression likely to be made by the *Sun*'s remarks. The Press freely admits that the "Mormons" have made out "a good case for admission," and that the Constitution is "all that any one can ask for in the way of inhibition of polygamy." But it springs the same query that has been going the rounds of the press until it has become so stale that the name of "chestnut" would not describe its dry and mouldy antiquity. That is, it inquires whether the provisions against polygamy will be enforced by "Mormon" officials under "Mormon" influence. The answer is and must be in reference to all such questions: "Time will show."

Every community proposing to come into the Union as a State must have an opportunity to prove whether or not they will carry out the provisions of their charter. And we would remind the Press that whatever may have been said against the "Mormons" on the score of disobeying the laws, they have not been accused of insincerity by any one who knows what they have endured rather than make promises they did not intend to keep. The intimation that they do not mean what is provided in their Constitution, suggests the idea that those who spring the suspicion are themselves not overburdened with sincerity. The Press makes the following suggestions:

"If the Mormons of Utah have become convinced that statehood is of more value to them than plural wives, let them abandon their polygamist practices and not simply offer to. Let them call in their missionaries, who are even now seeking converts among the poor whites of the south and the ignorant peasants in the north of Europe to swell the number of the polygamist host on the shores of Great Salt Lake."

In the name of all that is reasonable what has the missionary work of the "Mormons" to do with the question of statehood? Why do papers that falsely accuse the "Mormons" of ousting Church and State persist in mingling together matters that are purely religious with those that are distinctly political? The Utah Constitution does not propose to interfere with the promulgation of "Mormonism" or any other tenet. The State of Utah would have no power over the creed of the "Mormon" Church or its dissemination abroad. The missionaries among the "poor" and the rich "whites" of the South, or among the "ignorant" and the learned of the Old World, are not to be affected, as preachers of the Gospel, by any provisions in the proposed Constitution of Utah. They have and will continue to have as much right to proselyte as any other missionaries, and may not be restrained by any constitutional or other legal provision.

"Mormon" missionaries preach the doctrines of the Church to which they belong, the same as other missionaries. The Press probably thinks their special office is to promulgate polygamy. Of course it is very much mistaken, and like other papers in this enlightened country it would be very much puzzled to answer the query: "What is the doctrine of the 'Mormon' Church apart from the marriage question?" But however that may be, the civil power, whether national or local, cannot be invoked to check the preaching of religion; that is outside the domain of the State. Congress cannot interpose, as a condition to Utah's Statehood, that any Church within the border of the proposed State shall cease preaching its doctrines or endeavoring to make proselytes.

The Press makes several flippant remarks about putting away polygamy, as though it was a similar process to throwing off a coat not suitable to the season. It does not stop to think what is comprehended in the summary process which it recommends as a *sine qua non* to Utah's Statehood. The family relations that have been formed, the conditions that exist, the social fabric that would have to be rent to pieces, the consequences that would ensue from what is demanded, if it were possible of immediate accomplishment, seem not to present themselves to the attention of those who arrogantly exclaim, "On let the Mormons put an end to polygamy at once and then they can come without objection into the Union." Even an anti-"Mormon" editor ought

to sense in some degree the gravity of this question.

The only thing the national authorities can do in the premises consistently, is to satisfy themselves that Utah has a Constitution in consonance with the principles and institutions of this republic, and is numerically and in other usual respects competent to assume the responsibilities of local self-government. All else is outside of the requirements of the national Constitution and the usages of the nation, and the doubts, quibbles, queries and speculations of newspapers and quidnuncs as to the future are irrelevant and unworthy of serious consideration by the powers that be.

#### THE PRESIDENT IS INTERVIEWED.

A REPRESENTATIVE of the *New York World*, according to our dispatches, has succeeded in cornering President Cleveland and by the force of that peculiar quality possessed only by the professional interviewer, extracting enough matter to fill six columns of that paper. If this is all true—and it comes straight enough—the National Executive is not the taciturn individual he has been represented by a great deal; on the contrary, he is as communicative and pains-taking in colloquy as an paper. In the interview he touched upon all the prominent subjects before the public in connection with himself, that of a renomination being the one in which most interest is taken. He is reported as saying in substance that he would neither seek nor refuse the position, the plain inference being that he prefers being nominated as the unforced choice of the convention, not through any manipulation or log rolling on the part of his friends, nor through the exercise of the influence held by the appointing power. This is the more provable from the fact that it is in exact accord with his past career; he was never known to seek an office, offices having abundantly and persistently sought him all along. He doubtless realizes that if his administration has been satisfactory he will be again placed in the field *volens, volens*, and if it has not he does not want to run.

On other subjects—the Wheeling folly, the civil service, etc.—he is equally explicit and prolix. Having done what he considers his duty in all cases, he leaves his endorsement to the public without solicitation or apprehension.

#### FISH AND WATER RIGHTS.

ELSEWHERE in this issue appears a communication from W. V. Black relative to the destruction of fish in the Sevier River, written in reply to a letter upon the same subject which appeared in the News a short time ago. Without inquiring as to what quantity or kind of fish has been destroyed in that stream by failing to place fishways over the dams in it as required by law, it is apparent that such failure is a violation of a statute. Had the fishways been provided, the fish might have ascended the stream above the dams which divert its waters for irrigating purposes, and thus have found an abundance of their native element. Whether they would have done this or not, is a question for naturalists to determine, but it is held that where it is possible for fish to pass from a small and shallow stream or body of water, into a large and deep one, instinct will lead them to do it. Some kinds of fish, however, seek small streams or shallow places at spawning time, for obvious reasons.

If, in order to irrigate crops, it is necessary to divert the whole of a stream containing fish, leaving its natural channel dry, the persons who have acquired ownership of the water by the act of prior appropriation for irrigation purposes, would be justified in so doing, and could not be held morally or legally responsible for the destruction of the fishy tribe, provided they placed fishways over dams as required by law. From an economic point of view it is, of course, better to use the water of a stream to raise crops with, than to raise fish.

#### Discontinuing Postoffices.

The Postoffice Department at Washington has discontinued quite a number of postoffices in Utah during the past few months. The following are the latest included in the list of by-gones:

Adamsville, Beaver County; mail to Greenville.  
Gunlock, Washington County; mail to Santa Clara.  
Homansville, Utah County; mail to Enreka.  
Inverary, Sevier County; mail to Richfield.  
Ingersoll, Millard County; mail to Deseret.  
Jackson, Washington County; mail to Santa Clara.  
Park Valley, Box Elder County; mail to Rosette.  
Salina, Sevier County; mail to Anrona.  
Slaterville, Weber County; mail to Harlsville.  
Wilson, Weber County; mail to Ogden.  
Chester, Sanpete County; mail to Spring City.