EDITORIALS.

PALESTINE FOR JEWISH REFUGEES.

THE Russian Jews who were assisted to escape from the bondage and persecution which they suffered in the dominions of the Czar, and who emigrated to America, where they expected to jump into luxury as well as freedom, have in a large majority of instances been bitterly disappointed. The country and its ways and manner of business is not suited to them, and as they cannot "hold their own" in competition with the trained and skilled labor of the United States, they have found themselves decidedly "in the wrong pew."

The benevolent people of Europe who desire to help the Russian Israelites have come to the conclusion that Palestine is a much better place to ship them to than America. The cost is less; the emigrants can group in communities as in the lands which they leave; their traditions and customs are oriental; the spirit brooding over Judaism in Europe has a tendency in the direction of the Holy Land; and the prejudices which are still exhibited towards the Jewish race even in liberal and free America, will not be met in the land of their forefathers.

The advantages of Palestine as a place of colonization for these afflicted people are recognized by many philanthropists, and the press of the two continents begin to perceive and urge them. The following, clipped from an exchange, briefly expresses the opinion entertained by a great many influential papers on this question:

Most of Palestine, which was once a garden, is now a treeless waste, but capable of reclamation and the restoration of its ancient fertility. Population is everywhere increasing, available areas are being rapidly occupied, and all the world's waste places will soon be needed. The Jews can confer a great benefit on humanity by restoring Palestine to its primitive loveliness, and in so far ameliorating the hard rule of the Turk."

In addition to these considerations the voice of ancient prophecy proclaims this restoration, and the finger of destiny points to Palestine as the gathering place of the sons of Judah and of the latter-day glory of that branch of the house of Israel.

NEW ZEALAND MISSIONARIES.

THE Dunedin (New Zealand) *Herald* of August 7th has the following paragraph concerning missionaries to that land. The Elders in Australasia are very persevering in their labors and are deserving of the success which attends them:

"At the Rattray Street Hall yesterday three Mormon Elders, named Bromley, Morris and Burnett, delivered addresses on the Gospel as believed in by the Latter-day Saints. The service in the afternoon was well attended. In the evening there was a large gathering. Elder Burnett, speaking in the evening, stated that previous to his becoming a Mormon he was a resident of Canterbury, New Zealand. He then drew a glowing picture of the condition of the Mormons in Utah. Referring to the idea that prevailed regarding Mormons being unable to leave Utah, he stated that they were as free to move about as the people of New Zealand. During the course of his address he mentioned that he had been chosen by the President of the Mormons to preach the Gospel in this colony, and remarked that he had been travelling without purse or scrip, but yet had always found food and clothing."

A TIMELY SUGGESTION.

IT is suggested that to avoid crowding and confusion at the registration in this city, arrangements be made so that the eligible citizens of one ward or district attend the precinct registration office on Monday, of another on Tuesday, and so on till all have had an opportunity to take the oath. Unless some system is maintained many persons will waste a great deal of time in vain endeavors to register, going day after day to be crowded out. This arrangement, however, must not be too rigidly adhered to, lest some individuals who can only attend on a given day be prevented from registering. It is only offered for general application, circumstances and exceptional cases being duly considered. Order and rotation will facilitate the business. Let the wise men of the People's Party look to this and do their best to help in making the registration thorough.

NATURALIZATION IN THIS CITY.

THE proclamation of Governor Murray naming Monday, September 11th instead of September 23th as the day for opening the September term of the Third District Court, is now published and will be found in our columns. The doubt felt by some persons on this matter is now dispelled. It arose in consequence of the non-publication of the proclamation although the word had gone out that the Court was to be opened on the day mentioned. Aliens in this neighborhood desiring to be naturalized need not now go to Ogden to obtain their papers, but can obtain them by complying with the laws affecting their condition, any day of the week, commencing on Monday, September 11th. We hope all who are eligible will take advantage of the present favorable opportunity.

CITIZENS' RIGHTS AND PROBATE COURT PAPERS.

WE publish to-day a letter from Mr. Waddell, who is well known to the public as a citizen and an intelligent well-informed gentleen, his position in the Recorder's office of this county making him familiar to all our business men and a large number of people of all classes. The demand for his naturalization papers we consider entirely unnecessary, in view of the fact that many persons claiming to be naturalized citizens were not asked to produce their papers. If the County Registrar has given the instructions named in Mr. Waddell's letter, they have not been carried out, for some naturalized citizens have been permitted to register without any demand for these papers, while others, like Mr. Waddell, have been required to produce them as a prerequisite to registration. This is a discrimination which cannot be defended by reason or by law.

In answer to our correspondent's first question we answer there is no law, neither is their any rule or "right" by which he or any other citizen can be required to produce a naturalization certificate before being allowed to register. The demand is not authorized by the Commissioners and the taking and subscribing to the oath is all that is legally necessary. Whatever arguments may be made in favor of the demand by the Registrar, they only amount to *arguments*, they are not based upon any law or valid regulation.

In answer to the second question, the law contemplates the oath of a naturalized citizen as of equal value with that of a native-born citizen, and anything which places either of them on a higher or lower plane than the other, is entirely unsupported by law or reason.

To the third question we reply it is just as necessary to demand the proof in one case as in the other. The oath of the applicant for registration that he has been naturalized, is of equal force as evidence with the oath of another that he is native-born, and the registrar has just as much right to make the native-born applicant to produce documentary evidence of his birth in the United States, as to require the naturalized applicant to produce documentary evidence of his admission to citizenship.

Concerning Probate Court papers there is quite a difference of opinion. It used to be argued that the naturalization papers issued by the Probate Courts were invalid, on the ground that an order of Court of that kind was not a judgment or decree, the Poland law having validated all *judgments* and *decrees* of the Probate Courts up to the date of its passage. But there have been numerous judicial decisions declaring that the act of a Court in admitting an alien to citizenship is in the nature of both a judgment and a decree. That objection failing, it is claimed that the Probate Courts possessed no common law jurisdiction, and therefore could not issue naturalization certificates under the naturalization laws of the United States. Let us examine this position.

The United States statute, in order to define what courts can be considered as having authority to naturalize, provides:

"Be it further enacted that every court of record in any individual state having common law jurisdiction and a seal and clerk or prothonotary shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court shall enjoy, from and after the passage of this act, the same rights and privileges as if he had been naturalized in a district or circuit court of the United States."

The question to be decided is, did the Probate Courts previous to the passage of the Poland law which deprived them of civil and criminal jurisdiction, but validated and confirmed their previous judgments and decrees, possess common law jurisdiction and have each a seal and clerk, and were they courts of record? The answer is: The Organic Act provides:

"That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts and in Justices of the Peace." * * "The jurisdiction of the several courts herein provided for, both appelate and original, and that of the Probate Courts and of Justices of the Peace shall be as limited by law."

The Legislative Assembly was endowed by the same Act with power extending to "all rightful subjects of legislation." In the exercise of that power the Legislature conferred upon the Probate Courts, in an Act approved January 16, 1855, jurisdiction as follows:

"The several Probate Courts in their respective counties have power to exercise original jurisdiction, both civil and criminal, and as well at chancery as at common law, when not prohibited by legislative enactment; and they shall be governed in all respects by the same general rules and regulations as regards practice as the District Courts."

Appeals were allowed from all decrees or decisions of the Probate Courts to the District Courts, and these powers were exercised by the Probate Courts and appeals taken and recognized by the higher courts until the passage of the Poland bill, which confirmes the jurisdiction of the Probate Courts up to that time, and also the appeals to the higher courts. The same law from which we have quoted, which conferred common law jurisdiction upon the Probate Courts, also required them each to appoint a Clerk and to keep records and a seal. Thus these courts were endowed with all the qualifications required by the United States statute to constitute a court having authority to issue certificates of naturalization and all their judgments and decrees have been validated and confirmed, even if there had been anything in the proceedings which might be objected to as irregular.

Since the passage of the Poland law the Probate Courts have not attempted to naturalize aliens. If they had done so we might admit at once that the certificates would be void. If any naturalization certificate purporting to be from a Probate Court of this Territory is dated since June 23, 1874, it is presumedly invalid. But those dated previous to that time ought of right to be recognized as good, unless there is something, in individual cases, over and above the technical objections which we have noticed.

However, if there is any doubt in the minds of our friends who hold Probate Court papers, concerning their status as citizens and voters, they can "do it all over again" in the District Courts, and thus put an end to the quibble in their cases. The cost is not much; the courts are now open and it is desirable that the People's Party put forth its strength. All kinds of improper objections are being interposed. People are being rejected by the registrars who are clearly entitled to register under the law and the rules. Men and women who entered into plural marriage before the passage of the Act of 1862 and came out of it again before that time, and who have not broken any law in relation to bigamy or polygamy, nor lived in anything but monogamous relations since the time mentioned, have been refused the right to register. These cases may be reviewed and the action of the registrars rectified. But whether this is done or not, every citizen against whom no objection can be raised on any pretence should be in a position to count his strength on the side of the right and against fraud, conspiracy, oppression and political chicanery. Therefore let all who have not obtained undoubted certificates of naturalization and are eligible, place themselves on an impregnable foundation and make a stand with their friends for right, truth and freedom from the control of scheming and grasping adventurers.

THE HOLD-OVER QUESTION.

WE are in receipt of a communication from an esteemed correspondent in the southern part of this Territory, referring to section 1867 of the Compiled Laws of Utah, and asking for information concerning its application to the present incumbents in office and the possible appointment of successors by the Governor. The section reads in this way:

"Every person who wilfully and knowingly intrudes himself into any public office to which he has not been elected or appointed, and every person who, having been an executive officer, wilfully exercises any of the functions of his office after his term has expired and a successor has been elected or appointed and has qualified, is guilty of a misdemeanor."

The question is asked in consideration of this, "how can our officers hold over?" There is nothing in this section that has any bearing on the subject which has caused so much discussion since the passage of the Hoar amendment. Successors can only be appointed for such offices as were made vacant by the failure of the August election. No valid *appointment can be* made for any place that is not vacant. Therefore no penalty can be inflicted upon officers who hold over according to law under our statutes. The term of office does not end with the two years or four years for which the officer was elected, but continues until his successor is *elected and qualified*.. The time which runs on after the election until the day when the successor is qualified, is part of the term. This has been decided judicially many times. Here is a case we have just clipped from *Bradstreets* that in another way illustrates the point:

An officer who is appointed and is to continue in office until his successor qualifies, according to law, will hold after the expiration of his term, and until the appointment and qualification of his successor, with as full a title to the office as he had during his term, in the opinion of the Maryland court of appeals, in Smoot vs. Somerville, decided in June.

Present incumbents need not be in any way scared as to the results, and should not be "bluffed" by threats or the shaking over them of a law which does not reach their case. If there is an office the term of which expired at the August election—there being no hold over provision in relation to it, of course the now incumbent would not resist a properly elected or appointed successor. But the section quoted has no application whatever to officers who hold over and are rightfully in possession of their positions. And the former part of the section is pointed enough in regard to persons who wilfully intrude into an office to which they have not been lawfully elected or appointed. It is a two-edged sword, but it will not cut in the direction of "hold-over" incumbents.

LET IN THE LIGHT.

THE little game at Ogden, in which certain officials of this Territory are engaged, has not succeeded yet, but has been partially blocked. The question involved is one of paramount importance, and must not be decided on any onesided hearing or sham suit. Let it be fully investigated and decided on its merits. No pretended mandamus, no cause in which all the parties are really for the defence. Open and above-board judicial investigation is imperatively demanded. The indications are that it will be obtained.

"LIBERAL" SCHEME AGAINST WOMAN SUFFRAGE.

IT was, we believe, in 1867 that the expedient of woman suffrage was attempted by members of Congress who wished to figure as solvers of "the Mormon problem." A bill was prepared and presented in the house for this purpose, it was supposed that the women of Utah were in such bondage that the right to vote would be a great boon to them and would help them "throw off the Mormon yoke." The plan obtained great favor with many anti-"Mormons." In 1870 the Legislative Assembly of Utah adopted the measure, and placed the women of Utah on the same plane as the men, so far as suffrage was concerned. And it should be understood that the female members of the "Mormon" Church had always enjoyed equal voting rights with the male members in ecclesiastical meetings.

For twelve years or more the women of Utah have exercised the elective franchise, and the anti-"Mormon" fanatics are now just as much opposed to this liberty as some of their number were formerly in its favor. It has not brought about the object they had in view. The "Mormon" women do not go over to the other side worth a cent. The claim that they vote as they are "ordered" is perfect nonsense, and is only used for outside effect. The ballot is secret, there is no way to find out how people vote, and there is no means of compelling anybody in Utah to vote in any particular direction.

The ladies have used their voting power quietly and consistently. Representative women of the People's Party have met with representative men in caucuses and conventions and have taken part in our political affairs, and they occupy positions in the county and territorial central committees. But they do not exercise the franchise in a way to suit the so-called "Liberals," and therefore various attempts have been made to deprive them of their political freedom. If they had only voted on the side of these very "liberal" fellows, woman suffrage would have been a splended thing and the law conferring it one of the most beneficial, statesmanlike and sound enactments ever passed by a Legislature or signed by an Executive.

And now another effort is put forth to annul the woman vote in this Territory. The manner in which it was commenced does not reflect any credit on the parties in the little arrangement. It was to be brought about by what might be termed a sham suit in each of the judicial districts. The Ogden case illustrates the intent. A non-"Mormon" lady voter was refused registration on the ground that she was a woman and not entitled to register. No other lady who applied for registration was rejected. A mandamus was applied for in the District Court and feebly argued on the side of the application, but vigorously on the side of the defense. The Court was expected to decide according to the presentation of the case, and the mandamus being refused because no valid reasons were presented for its issuance, the case would not be appealed and grounds for the rejection of all women as voters would thus be established. A case of this kind in each of the three judicial districts would be urged as a strong justification for the erasure of all women's names from the registry lists.

The scheme has been thought so effectual that bets have been freely offered by "Liberals" with leaky lips, in the assurance that it would succeed. Names have been mentioned in connection with the plot that make one blush for shame to think that officials who ought to stand up for justice and equal rights should lend themselves to such infamies. The whole nefarious conspiracy is understood, and measures will be taken to defeat it and secure a full and fair investigation of the subject in dispute.

The question to be decided is the validity of the Act of the Utah Legislature conferring on women the elective franchise. It was argued on