THE INFAMY IS REVIVED.

A recent editorial in this paper congratulated our friends in Idaho over the apparent awakening to justice which the powers that be in that state had undergone, and the seemingly imminent restoration to those disfranchised of all their rights as citizens. In doing so we anticipated as to the supreme court's action, and in that respect find ourselves disappointed, a dispatch from Boise dated yesterday, and which appears elsewhere in these columns, announcing that the supreme court has decided the test oath law to be constitutional. The opinion withholding the right to register and vote is the undivided action of the court.

The religious test, or whatever else it may be called by which the Idaho Mormons were disfranchised, was made a law by the legislature only last year. Its provisions are, in brief, that any man who, since the first of January, 1888, or since he was eighteen years old has been a member of or practiced the beliefs of the Mormon Church or any church or sect that teaches or has taught the doctrine of patriarchal or plural marriage or has taught, counseled or aided any person to enter into bigamy, polygamy or similar marital conditions, is denied the right of voting at any public election in the state. The case which the supreme court has just decided was brought a short time ago, by a man who went before the registrar of Bear Lake county and subscribed to the required oath. It was claimed that in doing this perjury was committed, he being a member of the Church aimed at; and he was subsequently arrested upon that charge. He thereupon applied to the supreme court for a remedial writ on the ground that the law was unconstitutional, not being in consonance with section 9, article I of the United States Constitution and against a provision in the state constitution, both of which points are overruled and the writ is denied.

The court holds substantially that ex post facto laws, or those retroactive in their nature, relate only to criminal procedure, and that the exercise of suffrage is not an inherent right but a privilege regulated by law; also that the law is not in the nature of a bill of attainder, for that the constitution has the right to determine what qualifications shall obtain in the case of any one exercising any privilege or holding any office under the state, and that if any person or class of persons comes within the disqualifying clause and is rejected, he is properly rejected and there is no attainder attaching to it so long as it operates on all alike.

Now, it seems to us that there is a lack of profoundness in the conclusion that the wise and beneficent provision against ex post facto legislation has no other meaning than the protection of a person charged with a crime. There is a special statute in every state and territory aimed at securing such rights to defendants and it is known as a statute of limitations; but even it cannot assist a person to the renewal of the right of suffrage when once that right has been forfeited through the suffering of punishment for certain crimes. It would appear that no matter what construction may be placed upon the office of retroactive legislation, one of the results of certain criminal acts is the loss of the franchise, which cannot thereafter in some cases be restored, and that this is part of the punishment inflicted. If, therefore, such deprivation of rights as the people in Idaho have undergone and are undergoing is a means of punishment, wherein does the honorable court make the conclusion that their disfranchisement is a civil and not a criminal matter harmonize with sound logic, to say nothing of common sense? Does not the case stand thus: The procedure is strictly civil when the Mormon could not be reached if it were criminal, and the effect of this (being punishment) is criminal; but the element of crime has no relation to the procedure (in the case of a Mormon), so that his punishment cannot be reviewed or considered in the light of ex post facto legislation! Is not that about the size of it?

Again: The laws provide and the courts have held that the franchise in this country is *property* and the best property a man can have. If that be the case, upon what ground does the Idaho court stand when it solemnly declares that voting is a mere privilege to be regulated by the state? What makes the state, and of what is it composed? Is it not those same men who claim and exercise the right to vote who are the creators and upholders of the public edifice, which, the court says, has in turn the right to disfranchise them with or without conviction of crime? And can the thing created become superior to the creator? Would it not sound better to say that the state has the right to *regulate* but not to deny? Yet there is a reason for the court thinking and acting otherwise in the fact that to *regulate* implies to be regular, that is, uniform, impartial, not burdening A with conditions to which B is not subjected, and so on. But how could a legislature pass a measure aimed solely at a *class* and not intended for the annoyance of all who entertain objectionable opinions, if that rule were followed? How could Mormons, who only *believe* certain things at variance with their Christian brethren, be assailed, and Catholics (for instance) who perhaps entertain certain views of government not strictly in harmony with republicanism, be let alone?

There is a good deal in the opinion that seems at this distance very evasive and uncertain as a legal instrument, and very fixed and definite as a reflex of the spirit of political fanaticism in which the law was born. Those who framed and favored the odious act were determined that those to whom they were opposed should not vote. In the accomplishment of such selfish and wholly unworthy purpose they invoked the aid of the law and have obtained what for the present answers their purpose—a decision affirming its constitutionality. But the end is not yet!

ANCIENT SCIENCE.

The most profitable as well as pleasurable labor of the archæologist ought to be the unearthing of traces of former but long extinct civilization. It is claimed that the high intellectual and scientific development to which the present age has attained is but a return of what existed in the long agone and had its rise, pinnacle and fall. Ours is at its height, or very nearly so, one would think; and if with the going out of the century or any other adjacent period our great skill and marked accomplishments shall begin to wane, it will be the best but not the only evidence that the idea is correct.

It is now related in current literary circles that Mr. Flinders Petrie, who has been studying for two years at Gizeh, is convinced that the Egyptian stone-workers of 4000 years ago had a surprising acquaintance with what had been considered modern tools. Among the many tools used by the pyramid builders were both solid and tubular drills and straight and circular saws. The drills, like those of today, were set with jewels (probably corundum, as the diamond was very scarce), and even lathe tools had such cutting edges. So remarkable was the quality of the tubular drills and the skill of the workmen that the cutting marks in hard granite give no indication of wear of the tool, while a cut of a tenth of an inch was made in the hardest rock at each revolution, and a hole through both the hardest and softest material was bored perfectly smooth and uniform throughout. Of the material and method of making the tools nothing is known.

It is claimed that the ancients had railroads, but this is more or less visionary, the evidence being very scant if existing at all. The fact that we know so little and links of information uniting us with the past are being discovered so numerously of late, is the means of making many people believe, and perhaps before the generation is gone all will believe and many will know.

AS TO STATEHOOD AGAIN.

The organ of the Liberal party attempts no concealment of the fact that the sole necessity for the continuance of that party is to oppose "imminent statehood," which it affects to think would be otherwise *very* "imminent within the next four months."

The organ of the Democratic party, probably in pursuance of its frankly expressed hope that the Liberal party in this county will not disband until after the next election, desires the statehood question kept prominent. It confesses its partisanship in the hope referred to; and yet it proceeds to read the DESERET NEWS, which is a non-partisan paper, and has no partisan hopes, a moral lecture on "insincere avowals made with a sinister purpose" and on a departure from "the policy of fair play which has been characteristic of that [this] paper."

We can hardly conceive the necessity of replying to such insinuations from such a source. Yet the invitation is one that may not well be resisted; especially when it is charged that in our "zeal to state the non-political attitude of the Mormon church officials" we have "gone too far," and that our position is not warranted by the sentiments of a vast majority of the people we "*claim* to represent."

Let us see.

If there is any one thing that the DESERET NEWS desires, or has desired,