

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

WEDNESDAY - APRIL 1, 1885.

ANNUAL CONFERENCE.

To the Presidents, Councils and Saints
in the various Stakes of Zion:It is thought advisable to hold our
next Annual Conference in the city of
Logan, Cache County.Meetings will commence on Saturday
April 4th, 1885, at 10 o'clock a. m.

Very respectfully,

Your Brethren,

JOHN TAYLOR,

GEORGE Q. CANNON,

Of the First Presidency of the Church
of Jesus Christ of Latter-day Saints.

NOT ALL DISADVANTAGEOUS.

THE anti-"Mormon" press, in league with the crusaders, is constantly setting up new and ridiculous theories regarding the present status and final outcome of the local situation. One after another of these flimsy fabrics crumbles to chaos owing to the want of ingenuity in their construction and because of inconsistency being stamped upon every timber used in their formation. Thus has the prospective revelation, abrogating polygamy, subterfuge been demolished. And the absurdity of business men calling a General Conference of the Church to be held in this city, that their pockets may be made the hoppers into which the money of our country friends shall liberally pour, has been extinguished by the weight of its own incongruity.

Still the anti-"Mormon" mill continues to grind out its fine spun theories in regard to the attitude of the Saints. It is a species of manufacture in which those who are engaged in it are far from being adepts. The alleged schemes are invariably prefaced with "It is said," or, "It has been stated," or perhaps, "We have it on good authority." The organ of abuse and advocate of cruelty had another clumsy apology for a "Mormon" line of action yesterday morning. We extract:

"The scheme is stated to be thus: Trusted home missionaries are to be sent out with instructions to every polygamist, directing him to put beyond the reach of the officers all available evidence which might be used in prosecutions for polygamy or unlawful cohabitation, and to keep the same out of reach until each particular offense is barred by the statute of limitation, thence to continue in obedience to the law, 'until the Lord opens up our way before us, so that we can live up to our privileges and the full requirements of the Gospel.' This looks very much like a backing down."

The ignorant fellow who made up that transparent stuff, did not seem to be aware of the well known fact that cases of alleged unlawful cohabitation are not barred by the statute of limitation, unless there be a permanent "putting away" of plural wives by their husbands. The head of the author of that paragraph will cease to ache when that occurs. There may be a few cowardly poltroons who will try to save themselves by casting adrift those who are helplessly dependent upon them, but they will be few and far between. Doubtless it would gratify the heartless villains who are hand and glove with the cruel crusade now being conducted in the community, to be able to state in point of fact that, under pressure the Latter-day Saints had renounced their religion or "backed down" from its principles. But in order to be able to say so they have to erect suppositional premises that have no existence in reality. No good Latter-day Saint will ever "go back" on his family. No one but a cowardly poltroon would do it, and that class of persons is scarcer in this community than any other on earth, considering the inducements held out to lead them to a course of recreancy.

Looking at the situation naturally it seems like a somewhat cloudy day for the Saints. But the faithful who have the witness of the Spirit are not a particle discouraged, feeling certain that on the other side of the present, and probably to some extent prospective gloom there is a beaming outcome.

The persecutions by which the breaking up of the Church is sought are not without their uses. They constitute a purifying process. The coward, the sneak, the hypocrite, the corrupt, the traitor are being gradually brought to the surface. They are being shown up in their true colors. There is a sifting in progress. It may have to continue for a while longer, for the Lord will

purify His Church in His own way. The dross must be carried off that nothing but the pure, unalloyed gold may remain.

Suppose this goes on until the culminating point arrives. Suppose it should ultimately appear as if all the advantages, in the eyes of the natural man, were on the other side, and that the Church looked as if it would be overcome and swallowed up by the powers of earth and hell arrayed against it? What would be the effect? The unworthy would step over to the side that seemed the stronger, but which is in reality the weaker, and by that climax the Church will be purer, brighter and better, and the Lord would make bare his arm in behalf of His people remaining steadfast.

The spectacle that is presented by this people to-day, and will continue to present a broader and deeper extent in the future, is phenomenal, and is one of the grandest on record. Take the overwhelming bulk of the Saints, and what is their sentiment in relation to the finality of the present attack upon their liberties? Their faith in the ultimate intervention of God in their behalf is as firm as the everlasting hills; their trust is not shaken but strengthened. The existing condition of affairs is but a verification of the predictions of their leaders regarding coming events, made in times past under the spirit of inspiration. Not only have these trials been predicted, but the final victory of the righteous has in the same way been pointed out.

The people who are oppressed look at the present crusade apart from the inconveniences that accrue to them. They see its uses. They also have a trust in God such as can find but few parallels, and to which He is bound by covenant to consider in His own time. The scoffer may treat this faith as fanaticism; let them so consider it. It matters not. It is the bridge that has carried the Saints over all the deep rivers of trouble they have had to cross thus far in their history. Death to them is preferable to its relinquishment. "Mormonism" itself is the grandest, greatest and noblest religious faith in existence, and its honest adherents will stand by it unflinchingly.

THAT SUPREME COURT DECISION.

THE decision of the Supreme Court of the United States in the election suits planted against the Utah Commission and carried up on appeal, creates an unusual local interest. A synopsis will be found among the dispatches which reached here last night. While in the main it is decidedly unfavorable, in some special features it is otherwise. It effectually obliterates the registration oath, formulated by the Commission. That body, as we have always held, had no authority to prescribe it, so the infamous test with its anti-"marriage relation" loophole for corruptionists, has had an extinguisher placed upon it. It is declared to be without force or effect, although one of our morning cotemporaries, probably in the hurry of current work, comprehended the decision differently on that point, and so stated.

The decision establishes the rule that the registration officers and not the Commissioners are liable for damages accruing from the wrongful deprivation of electors of their rights to vote. The ground assumed on this point is, that although the Commission made the illegal rules and regulations under which the wronged persons were deprived of their rights, the registration officers were not bound to apply them, and did so at their own risk. According to this he officers who deprived Mary Ann Pratt and Mildred E. Randall of their right to vote are liable to suits for damages.

The Court appeared to go out of its way in order to declare the Edmunds Act valid. This action will obviate the necessity of carrying up any future case that may arise under it on appeal, on the ground of its validity. The main issue necessarily depended upon by the appellant in the Rudger Clawson case is as to the right of the lower court to go outside of the Poland law and issue an open venire in order to secure a traverse jury to try the suit.

The doctrine of the sovereign power of Congress over the Territories and their inhabitants is one of the most extreme and extraordinary ever promulgated by an august body of any character in the country, to say nothing of the Court of Last Resort, and naturally leads the genuine lover of freedom to exclaim—"Whither is the nation drifting!" The idea that any portion of the people of this Republic can, at the option, whim or conceit, of any power outside of themselves be awarded a privilege of self-government, or have it swept away as with the breath of a simoon is monstrously foreign to the genius of American liberty.

THAT EXTRAORDINARY DECISION.

THE decision of the Supreme Court of the United States on the Utah election cases, arising under the operation of the Edmunds law, continues to be the chief topic of conversation. Its effect, so far as elective franchise qualifications are concerned, is to deprive all persons from voting who are living in

the plural marriage relation, no matter when it was entered upon. And, so far as can be gleaned from the synopsis, people who cease from living in that relation, whether by the death of or divorce from those with whom they are matrimonially connected in the plural wife system, are rendered eligible to exercise the franchise if otherwise qualified.

It may be somewhat premature to closely criticize the decision in detail in the absence of its full text, condensed statements of important documents being liable to embody errors. Still the report that has come to hand appears to be substantially if not entirely correct.

The Commission are placed exactly where we have frequently put them—in the sphere of merely ministerial and not in any sense judicial officers. Registration officers are relegated to the same category. Here appears to be the language of the court upon that point:

"As regards the power and responsibility of registration officers, the court holds they were merely ministerial officers, and if they deprived complainants of their right to be registered as voters in violation of law they are responsible in all action for damages."

But this theory regarding the nature of the registrar's office appears to be flatly contradicted in another part of the ruling, as will be seen by this extract:

"The court holds, it is made the duty of registration officers to see that persons offering to register are free from the disqualifications defined therein. In so doing they are required to exercise diligence and good faith in their inquiries, and are responsible in damages for rejections made without reasonable cause, or maliciously."

Thus is placed upon the shoulders of the registration officers the duty of determining by the "exercise of diligence, and good faith," who are disqualified and who are not. But how, in this connection "diligence and good faith" can be separated from judgment, is something rather difficult to find out. And if judgment must be introduced in discriminating (we fail to see how it can be otherwise) then officers whose duties are defined as purely ministerial in one portion of this learned decision are credited with power to bring the judicial function to bear in another.

We have always held the Edmunds Act to be unconstitutional, in that it is a bill of attainder and *ex post facto* in its effects. The summary withdrawal of the elective franchise, for which it provides, is punishment, and that is inflicted without due process of law, Congress cannot hold the Territories as provinces and disregard the fundamental principles of our institutions *local self-government*; and the ninth section of the Edmunds Act substitutes the will of five Commissioners for the will of the people.

The decision is directly opposed to that theory and not only renders the Act valid, but, for some reason—regarding the nature of which each individual is left to form his own opinion—it stretches far beyond it and swoops down upon the Territories with a hat of overwhelming scope. The effect of this part of the document is that Congress can pass any law it pleases in relation to what are sometimes termed the "creatures" and at others the "wards" of the Government. The Congress of the United States has, according to this extraordinary ruling, "sovereign dominion" over the Territories and their inhabitants. To state that such a position is in opposition to the fundamental principles of free government is putting it with the mildness of the gentlest zephyr compared with the hurricane that would arise were it not understood that the ruling is merely a blow at an unpopular religion and people, and not supposed to affect any other community. It looks like an invitation to pass legislation still more stringent, or at least opens a wide gap for its passage.

We should not imagine that it would require a very broad comprehension of the fundamental principles of Democracy to see that the position assumed is radically opposed to them, and places the Territories in the position of provinces, giving to Congress an absolute grip on them far more potent than that held by the British government upon the dependencies of that Empire. Is it possible that such a situation can arise within the scope of the "freest government under the sun?" What a remarkable doctrine to promulgate under a liberal Republic? There are approaching a million people in the Territories, and the new and astounding doctrine is substantially that they are under the unqualified control of the representatives of the other fifty-four millions.

However much the ruling may be endorsed in sentiment by Democrats, they must go outside of Democratic principles to sustain it by advocacy. With them it is in decided conflict. And it manifests the lamentable fact that one branch of the government, and that probably the most important within the body-politic, can take a position at variance with the fundamental principles of government, and no other department of the fabric can prevent so undesirable a situation if it were willing. The ruling holds that:

"The personal and civil rights of inhabitants of Territories are secured to them, as to all other citizens, by the principles of constitutional liberty, which retains all agencies of Government, State and national."

Yet the principles of constitutional liberty demand that a republican form of government be guaranteed to the people, in accordance with the grand doctrine of popular sovereignty. Nowhere is there any warrant for the existence of any power to deprive, at will, any portion of the people, of participation in their own government, whether they dwell in a Territory or otherwise. The people are or should be sovereign in the sections in which they exist, no matter as to locality.

We trust we will not be considered treasonable or rebellious because we differ from this decision of the Supreme Court. If we should be thus viewed as a consequence it would not change the situation—the difference would still exist. We do not understand that the Court of Last Resort lays claim to infallibility. That it is liable to err has been shown by reviews and reversals of its own decisions, as in the case of the legal tender act, in which the decree was twice changed. We are also in the same category as Justice Field. Our peculiar contemporary the *Tribune* is also in the same position, taking, however the standpoint which is the antipodes to ours. It assumes that the ruling should have been sufficiently broad to enable the registrars to exclude from the polls all "Mormons" who believe in the rightfulness of plural marriage, and thus disfranchise every member of the Church, and institute political ostracism on the ground of religious conviction independent of any overt act.

CONFERENCE AND THE RAILROADS.

AS ANNOUNCED last evening, the railroad companies who are in the pool lately negotiated, have decided to give reduced rates to two places during the ensuing Conference. The objective points to which the cheap fares are to be given from various parts, are Salt Lake City and Logan. The temporary reduction of passenger rates to this city has been determined in the interest of business men who are peculiarly disappointed because of the decision of the Church Authorities to hold the General Conference at Logan in place of here. Therefore the movement is simply a cheap excursion to draw people from the country to the capital to spend their substance in the stores.

The infamous, scandalous and lying Salt Lake *Tribune* speaks on the subject after this characteristic fashion:

"The Priesthood and those who have any special work to do in the Temple will, of course, go to Logan, but the boys and girls who want to come to the races will stop off at Salt Lake. The cattle convention, the shows, the ribbons, feathers and hats are to be found in this Stake of Zion, and these are the substantial things for which the country people come to Conference. There may be, possibly will be, a supra-annunciation of the holy spirit on draught in Logan after the 3d of April, but that kind of spirit—the ardent—which every true Latter-day Saint is known to adore, will be found here. It is not to be had in the shadow of the Logan Temple."

Comment on that slanderous, and sacrilegious paragraph is unnecessary. The Latter-day Saints understand that the General Conference is to be held at Logan, and while the cheap fares to Salt Lake City may be termed as they are, Conference rates, they are not rates to enable the people to attend Conference, but to come to town to spend their money.

A REAL LIFE ROMANCE.

THE discovery of H. A. M. Butler Johnstone in the capacity of a tramp in Turkey is a somewhat romantic incident. It is another evidence of the peculiar freaks of fortune in this vale of tears and trouble. We met the unfortunate gentleman several times in this city while he was manager of the Mammoth property. One misfortune after another has plunged him from an elevated standing in fashionable society to a position in the lowest stratum of life. We are disinclined to the belief that he has reached his present low level by dishonesty, feeling that he was simply crushed under a weight of untoward circumstances. He is a polished and cultivated gentleman, his educational attainments being of the most liberal character, and we hope that his fortunes will soon change. He has struck the bed rock of human affairs, so that when the wheel does move he is bound to rise. May the revolution begin early.

DEATH OF ELI B. KELSEY.

NEWS reached us this afternoon that Mr. Eli B. Kelsey died suddenly today at about half-past 2 o'clock.

A few days since, the clique who are running the anti-"Mormon" crusade, commenced proceedings against the poor old gentleman for unlawful cohabitation. He renounced "Mormonism" a good many years ago, although formerly one of its most zealous expounders, but he had enough honor remaining to prevent him from discarding his wives. This apparently afforded a sickly opportunity for Messrs. Dickson and Co., to show their impartiality by pursuing

a man for unlawful cohabitation who was not a "Mormon." The victim had reached an advanced age, and while it would be stating too much to say that the prosecution was the direct cause of his death, it may be safely and strongly inferred that the shock and annoyance which it caused him in all likelihood hastened it. He has gone beyond the reach of partial, unjust and inhuman prosecutions. It can probably be consistently said in his case, with some degree of justice, to those who are running the extra-legal crusade—"Behold your work!"

LOCAL NEWS.

FROM FRIDAY'S DAILY, MAR. 27

District Court Proceedings.—The complaint by the intervenor, Jackson, in the case of the D. & R. G. W. railway company vs. the D. & R. G. railway company was filed by order of the court.

In the case of T. S. Griffiths vs. E. A. Ireland, a motion to amend the complaint and substitute instead of the sum of eight or nine thousand dollars one half of that amount was granted and an exception was taken. A motion that the court order the execution of a new bond in replevin was denied. Mr. Rawlins moved for judgment upon the pleadings. The matter was argued, submitted and overruled, and an exception taken. The case of Worthy Nash vs. A. Mosher, was dismissed.

A Good Example.—Provo seems to be in earnest in dealing with the caterpillar. At a mass meets held in that city last Friday to discuss the matter, the following resolutions were unanimously adopted:

Resolved, That a united effort be made by the citizens of Provo City to destroy the eggs of the Tent caterpillar now on our orchard and shade trees; and to more effectually carry this resolution into effect.

Resolved, That the City Council be requested to appoint one or more competent persons in each ward, whose duty it shall be to induce every owner of trees to thoroughly trim the same, and destroy the bands of eggs on the twigs.

The City Council in response to the resolutions appointed a committee of five persons to canvass the town and use their best endeavors to have all of the eggs destroyed before they hatch.

Releases and Appointments.—The *Millennial Star* of March 9th announces that Presidents Louis P. Lund, of the London Conference, and Richard H. Baty, of the Newcastle Conference; also Elders Robert Braby and Charles Denny, of the London Conference, Edward A. Steed of the Liverpool Conference, Robert Johnson of the Manchester Conference, Reuben Carter and John Rowley of the Birmingham Conference, Joseph Spendlove of the Nottingham Conference, and Robert Maw of the Newcastle Conference, are released to return to their homes with the company that sails from Liverpool, April 11, 1885.

Elder Thomas F. H. Morton, of the Newcastle Conference, is appointed to preside over that Conference.

Elder Lawrence H. Young is released from laboring in the Nottingham Conference, and appointed to labor in the London Conference.

Stabbed in the Throat.—Yesterday afternoon, at about half past four, Officer Wm. Calder, on duty at the D. & R. G. W. depot, happened to be called into Buhning's saloon, opposite, and just after his entrance Oliver Bess rushed in and said to the officer, "Arrest that man; he has stabbed a man up the road," at the same time pointing to John Riley, a section boss on the D. & R. G. W., who was sitting in the saloon, apparently drunk. The officer directed Bess to go to the back of the room, and Riley, seeing this, made for the front door, where he was seized by Officer Calder, and handcuffed. At this time, Ed. Wilson, the man who had been stabbed, entered the saloon, his hands and face covered with blood, which was streaming from a gash in his neck. He asked the prisoner what had made him stab him, but received no answer, and Officer Calder, upon making the same inquiry, was answered, "Nothing." Riley was lodged in jail last night, and arraigned before Justice Speirs at 2 o'clock this afternoon.

Wilson was immediately brought to Godbe, Pitts & Co.'s drug store, where he was attended to by Dr. R. B. Pratt, who sewed up the wound, which was about an inch and a half long. He said that he was employed as a section hand on the railroad; that he did not know what he was stabbed for, as he and Riley were good friends; and when informed that the latter was arrested, said he wanted him to be liberated. He was pretty well under the influence of liquor, and sometime afterward was taken to his home by some friends.

Shortly before the affray took place the two men, who had been drinking together a great part of the day, left the saloon in company, apparently being on the most friendly terms. Riley had in his hand a large jack-knife, with a heavy blade. As they were talking Wilson made some jesting remark about taking the knife away, and soon Riley struck him in the neck, the knife just glancing off the "Adam's apple." The wound is not a dangerous one, though had the weapon penetrated a quarter of an inch farther, the man would have bled to death.

Bound for the San Juan.—Bishop F. A. Hammond, of Huntsville, ar-