

EDITORIALS.

THE FIRST UTAH ELECTION LAW.

We are in receipt of the annexed communication:

SALT LAKE CITY, Sept. 29, 1882.

Editor Deseret News:

In your issue of Sept. 23 you successfully settled the claim of the "Liberals" that no law was passed by the Utah Legislature in reference to the qualifications of voters at elections till Jan. 21, 1859, and also refuted their absurd argument that there were no legal voters to elect the Legislature of 1859. But you made one statement that I should like a little more light upon namely that the Act of Jan. 3d, 1853 prescribed the qualifications of voters. It is now asserted that the Act you refer to said nothing about such qualifications and in proof of this the compilation of 1866 is cited which contains the Act of 1853 on elections and it has no reference to the qualifications of voters. Were you mistaken?

No, we were not mistaken, unless it was that we mentioned the Act of 1853 in such a manner as might leave the inference that it was the first law of Utah on the subject of elections. The Act of Jan. 3d, 1853, as it passed the Legislative Assembly, contained sixteen sections. It appears, as enacted, in the compilation of 1866, which is now before us, and Section 16 presents the qualifications of voters. But an Act was approved January 21, 1859, which provided for the qualifications for voting as well as holding office in this Territory, and thus rendering unnecessary section 16 of the Act of 1853, that section was omitted in the compilation of 1866. Hence the apparent error which, as will be seen on examination of the Act of 1853 as it passed the Assembly, was no error at all. Our correspondent may refer his "smart" and carping "Liberal" objectors to the original statute, and their nonsense about no "qualified voters in Utah," will not have a leg to stand upon.

But we will explain further concerning the first election law enacted after the organization of the Legislature. The first session of the Legislative Assembly was convened in pursuance to the proclamation of the Governor, on the 22nd day of September, 1851, and continued by adjournments to the 18th of February, 1852. A special session was called by the Governor, which convened on the following day and continued till March 6th, 1852. At this session "An Act Regulating Elections" was passed containing twenty-three sections, making all necessary provisions for the conducting of general elections in this Territory. The following prescribes the qualifications of voters:

SEC. 21. All free, white, male citizens of the Territory of Utah, of the age of twenty-one years shall be considered legal voters: *Provided*, That nothing in this act shall be so construed as to admit of any military officers or soldiers in the United States service, stationed within the limits of this Territory, to vote for territorial, county or precinct officers.

This law was passed so as to be operative for the first election under the Territorial Statutes, the previous election having been called by the Governor under authority conferred by the Organic Act, which prescribed the qualifications of voters for that election, and empowered the Legislative Assembly to prescribe the qualifications of voters at all subsequent elections. The act of 1852 was superseded by that of 1853, almost if not entirely repealed by subsequent statutes. Thus there has never been a time since the passage of the Organic Act when Utah has been without qualified voters, except the short time intervening between the first election under an act and the passage of the law referred to, which provided the qualifications of voters at the ensuing election. And thus all the "Liberal" stuff predicated on the hypothesis that there were no qualified voters after 1851, falls into the mud and passes out of sight. Is our correspondent satisfied now?

THE FRUIT INTEREST.

Just how much fruit, green, canned and dried in Utah is exported to the surrounding States and Territories cannot at present be definitely as-

certain; but we are able to state after careful inquiry that over 3,000 pounds daily has been shipped north from Ogden on the Utah & Northern for a month past, and as much, if not more, on the Union Pacific, and this by express. As to the amount sent by freight we are unprepared to state.

Utah peaches are held in high esteem in Montana, and are preferred to the California varieties, as being of better flavor. Other stone fruits are also shipped in large quantities. We are safe in saying that the demand for our fruits will increase every year, and the more we can produce of fine quality, the greater will be the demand.

Montana is now producing large quantities of flour, potatoes and small grains, and strange to say, Montana flour commands a better price than the product of our mills, but the altitude of Colorado, Wyoming, Idaho and Montana will prevent these parts of the common domain ever successfully competing with Utah in raising fruits. The News has frequently urged upon its readers the necessity of planting the most desirable fruits that resist the encroachments of the codling moth. Foremost among them stands the peach, whose fruit reaches nearly a perfect state in our lower valleys—a tree that thrives well in a loose gravelly soil—that could be utilized to great advantage where other crops would be a failure. We now renew the suggestion to our farmers and gardeners to look well after this matter so that we may be able to supply all that may be demanded for exportation, and have plenty for canning, which always pays better than drying.

Ogden is now shipping immense quantities of vegetables to all parts; in this respect she is more favorably situated than Salt Lake City, as the extra charges from here to Ogden add to the cost, but the advent of the Rio Grande narrow gauge will put us in direct communication with Colorado and the east, and will enable us to ship as cheaply to those points.

The potato crop in Colorado this year is almost a failure; the same may be said of Wyoming. This fact to the close observer will indicate the necessity of taking care of our tubers.

We ought to command as good a figure in the market for flour as any other Territory, and to keep up our pre-eminence in fruit we must continue to plant the best kinds of trees and then take good care of them.

CONSTITUTIONAL RIGHTS IN VADED.

GRADUALLY but continually encroachments are being made upon the rights supposed to be guaranteed to citizens by the Congress of the United States. That civil and religious liberty which the government of this country was established to protect is being undermined, and the time is not far distant when those who have assisted in the work, or who have encouraged or consented to it because it was done, for the purpose of assailing an unpopular religious body, will find it turned in other directions in which they are personally interested and it will be too late to arrest its progress. The wrong done towards one part of the body politic, however small it may be or weak it may seem to be, is sure to affect other parts and ultimately the whole structure.

The special legislation against the "Mormons" in 1862, followed by a wider step in the same direction in 1882 was aimed at "an establishment of religion" and designed to "prevent the free exercise thereof." This, we need not add, is expressly forbidden in the First Amendment to the Constitution. That marriage is and always has been, among a very large number of people, "an establishment of religion" cannot be reasonably disputed. That it is so with the Church of Jesus Christ of Latter-day Saints, commonly called the "Mormons," is positively certain. It is also irrefutable that in the theory and practice of marriage as held by that Church, there is no unconstitutional infringement upon the natural and civil rights of citizens. It follows then that legislation against that "establishment of religion" is as unnecessary as it is unconstitutional, because governments are instituted and their proper powers are exercised for the protection and preservation of such rights.

There are other constitutional restrictions which have been set at naught in the assaults that have been made upon "Mormon" religious liberty. We refer to the provisions that "no bill of attainder, or *ex post facto* law shall be passed," and that "no religious test shall ever be required as a qualification to any office or public trust under the United States." The Edmunds Act violates both these restrictions in that it seeks to punish people for acts performed before the passage of the law making them criminal, and in prescribing a religious test as a qualification for jurors in certain trials under the laws of the United States. The belief of a citizen concerning an establishment of the "Mormon" religion is made a test as to his fitness for the office of juror.

These departures are but the beginning of encroachments upon the bulwarks of popular liberty and popular rights, and if permitted to prevail will form precedents that will be used in other directions and with more sweeping effect.

But not only has the legislative department, swayed by priestly and sectarian influence, broken over the bounds of the supreme law of the land, the judiciary has followed in the same direction. Passing by the decision of the Supreme Court of the United States to bolster up a law framed specially against an establishment of religion, with its absurd argument that because thuggism and widow-burning which destroy life under guise of religion may be legislated against, therefore plural marriage, which develops and supports life may be suppressed by law, we come down to our local courts. By these, jurors were rejected on account of their religious belief, before even there was a law passed by Congress authorizing such rejection. It was done in the Miles case long before the enactment of the Edmunds law.

And now a still further departure from constitutional and lawful regulations is attempted. Grand Jurors are challenged as to their belief in a revelation contained in the Doctrine and Covenants of the Church to which they belong, and the challenge is sustained by the Court. This is a further infringement upon the liberties guaranteed by the Constitution, a further imposition of a religious test.

It may be supposed by some that this procedure in the Third District Court, the particulars of which will be found elsewhere in this paper, is authorized by the Edmunds Act. But this is not so. That singular piece of undebated and ill-considered legislation, does not go to any such lengths. It provides that "in any prosecution for bigamy, polygamy, or unlawful cohabitation under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juror in a trial or as a witness in a case, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman;" and this question shall be tried by the court.

This is quite different from the exclusion of grand jurors from the exclusion of divine authenticity of a revelation contained in a book of religious doctrine and discipline. The course pursued in this regard is not authorized by any law. In the Edmunds Act it is a juror drawn to sit upon a case of prosecution for polygamy, etc., who is to be challenged for his belief as to its rightfulness, and the question as to his eligibility is to be tried by the Court. But in the proceedings criticized, a grand jury is being empaneled, not a trial jury. It is not organized for the special purpose of investigating charges of polygamy, nor of framing indictments for offenses named in the Edmunds law. Its powers are general, including inquiry into all kinds of offenses against the local laws. It is not empaneled especially in relation to the prosecutions under the statutes of the United States referred to in the Edmunds law, but is under different conditions altogether. The test imposed, then, is not only an infringement upon the Constitution, but is entirely unauthorized by any law or pretended law.

The Executive has proceeded in the same direction as the legislative and judicial departments. There was never a more flagrant outrage perpetrated against the people, or a greater violation of the basic principles of our form of government, than that of the Governor of this Territory in giving a certificate of election to a person having but 1,800 votes and

refusing it to the lawfully elected candidate having 18,000 votes, thus depriving the Territory of even such meagre representation in Congress as the anomalous and unrepresentative territorial system allows. The infamy of this act was acknowledged by both parties and all classes of citizens, yet the deed was only condemned in word while the perpetrator went unpunished and the people were left to suffer the consequences of the fraud.

We touch on these points to show the trend of affairs in this great country. If "straws" show which way the wind blows, they also indicate the drift of the current. It is out from the harbor of constitutional safety into the ocean of danger and wild fury. If these things can be done to the "Mormons" they can be done against some other religious body. They are but the beginnings of disregard for obligations that should be sacred, which will, if continued, result in utter contempt for the restraints imposed by that instrument inspired by the Almighty, framed by the founders of our political system, and displayed to all the world as the palladium of human rights.

A CINCINNATI SIGN DISCOVERER.

THE Cincinnati *Gazette* informs the public that, "A gentleman who has made recent observations in Utah claims to have discovered signs of internal dissensions in the Mormon Church which may work its ruin." Some people have great faculties for "discovering signs" through the exercise of a lively but not healthy imagination. Signs of the "ruin" and "dissolution" of the "Mormon" Church have been discovered repeatedly during the last fifty years, if we may credit the statements of people exceedingly anxious for such a catastrophe.

Those who are on the inside of the Church are not able to discern anything of the kind perceived by the Cincinnati observer. Perhaps he can see more by standing on the outside than they can who know what is going on within. But we do not think he will get many people to take much stock in his pretended signs, particularly as he does not inform the public of the nature thereof. And it is well known that outside pressure is likely to promote internal union; that cohesion is more probable than dissolution when a body is subjected to a tight squeeze.

The course now taken with the "Mormon" Church is the very best means that could be employed to prevent "internal dissension." It is calculated in its nature to make men and women with a common faith cleave more closely to each other, and to take measures for self-defense which will promote brotherhood and sisterhood, and strengthen determination to resist the enemy and sustain the common cause. It drives away apathy and compels active interest. It knits and unites the most indifferent together with the energetic and zealous, and makes all alive and wide-awake.

If those who are desirous of witnessing the ruin of the "Mormon" Church expect to see it accomplished by outside assaults, such as those which the Church has continually to meet, they will find themselves very much mistaken. This perpetual necessity for being on the watch and of uniting to ward off intended evils, is one of the most providential agencies for the consolidation and perpetuation of the system which gives the bigots and fanatics in sectarian and political circles so much needless trouble and apprehension. No one need look for "internal dissension" in the "Mormon" Church, while there is so much outside violent antagonism.

GENEALOGICAL RESEARCHES.

GENEALOGICAL works have a peculiar interest to the Latter-day Saints, as many of them have been very useful in furnishing the names, with other particulars of ancestors of men and women who take pleasure in attending to those ordinances in behalf of the dead which has been made known by divine revelation. Minds given to antiquarian pursuits have been greatly wrought upon of late years to collect and collate information respecting the progenitors of American families, particularly the colonizers of New England, and our

people have gleaned therefrom much valuable information.

We notice that an effort is being made to obtain for the Astor Library, New York, a collection of great worth made by Colonel Chester, a gentleman well versed in genealogical lore. He has compiled the results of his researches among the parish registers in England, lists of fines and recoveries in the Court of Common Pleas, the Chancery and Exchequer requisitions, etc., and old wills in different parts of Great Britain. He has eighty-seven quarto volumes of genealogical particulars concerning the ancestors of the early settlers of this country.

We draw the attention of those who are interested in these subjects to this valuable collection, and hope it will be deposited in some public institution where it can be made public benefit, and be open to the inspection of living persons who desire to learn something authentic concerning the dead.

A "WANDERING HEATHEN" ON "MORMONISM."

A WRITER for the *Brightonian* weekly review published at Brighton, Sussex, England, contributes articles called "Pulpit Sketches," which are bright, critical and amusing. He signs himself, "The Wandering Heathen." In the number for September 5th he gives an entertaining sketch of "A Mormon Meeting House," in which he humorously describes the small place of worship and the congregation of Latter-day Saints in that town, and gives a rather satirical account of the Sunday services therein. When the discourse was delivered he says, "somehow surprised to find the preacher laying so much stress on the scriptures," and that the "Mormons regarded the Bible as a 'heaven-inspired work,' the Book of Mormon being 'corroborative documentary evidence of the truth of the Bible.'" He was also surprised that the preacher did not touch on the subject of polygamy, and therefore introduced it himself in a subsequent conversation with the Elder, when he asked for "some authority for the practice." The answer with a further colloquy we will clip from the *Brightonian*:

"Is it not constantly referred to in the Bible, and never condemned?" asked he triumphantly. I felt I had got the worst of it, for I could recall any divine injunction against polygamy; on the contrary, I find David and Solomon, two of the most notorious offenders in this particular, cited as exemplary subjects of Divine commendation and regard. So I turned the subject, and asked something about the Book of Mormon, which Joseph Smith discovered in tablet form concealed in America, and which the Mormon tell us is better authenticated than the Bible itself. This drew us into a discussion on the origin and authenticity of the scriptures, and before it was over I was ardently an atheizing the orthodox church and its priests for neglecting to supply its adherents with better reasons for the faith that is in them than the ordinary proofs of Divine authorship, which I unhesitatingly aver are as straws opposed to the onslaught of a grizzly bear when a Mormon has on his war paint. To be honest, I got considerably mauled in the theological contest. I found that the very arguments employed to demonstrate the truth of Divine Revelation may be used with double effect to prove the divine mission of Joe Smith and Brigham Young. In brief, the Mormon position is strongly entrenched behind the Bible, and the next time I attempt to grapple it, I shall take a regiment of clergymen with me.

The "Wandering Heathen" merely obtained the same kind of experience which is usually gained when people who think they know all about "Mormonism," attempt a scriptural argument with a "Mormon" missionary. "A regiment of clergymen" would only make the discomfiture more complete, for the average clergyman is just the kind of polemical foe that the "Mormon" Elder loves to meet in a fair field, and the more of the kind the greater the victory. But it is seldom that the vanquished have as much honesty as the "Wandering Heathen," and therefore do not often confess defeat so frankly.

It is the strong support which the Scriptures give to all "Mormon" doctrines that enables our missionaries to succeed so well among peo-