

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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## ANSWERS TO QUESTIONS FROM GRANTSVILLE.

THE following communication has been received;

GRANTSVILLE, Tooele Co., Utah.  
February 3, 1884.

Editor Deseret News:

There are divers opinions relative to certain sections in the charter of Grantsville City. As for instance, it says in the 17th section: "The council shall have power to control all water-courses leading to said city," etc. We would like to know what power the Council have to assess or collect taxes on these water-courses outside of the limits of the city.

Furthermore, in the 11th section of said charter it says that the council shall be required to give bonds, as shall be required by the city ordinance. Are their proceedings valid unless they do give bonds, as required by this section?

Also, do the revised water laws of 1878, chapter 22, page 49, relative to irrigation, include the waters within the limits of incorporated cities and waters leading thereto?

These questions are asked for information. Will you please answer, and oblige.

Yours respectfully,  
A CITIZEN.

By examining the Grantsville City Charter we find that the City Council have power to collect and expend annually the necessary tax "for furnishing the city with water for irrigating and other purposes, and regulate and control the same, and furthermore, so far as may be necessary, to control the water-courses leading thereto." Their control of the water-courses outside the limits of the city only extends "so far as it may be necessary." For what? Why, to furnish the city with water for irrigating and other purposes. Therefore, unless the City has obtained some special rights over certain water courses with which we are not acquainted, it has not the power to assess and collect taxes on them outside of the corporate limits.

The requirement in the Grantsville City Charter that "every person elected or appointed to any office under this act shall \* \* \* be required to give bonds" is in excess of provisions made in regard to some other City Councils. There appears to be no more reason why the Councilors should be required to give bonds than for members of the Legislature to do so. Aldermen are invested with greater powers and more responsibility, and bonds in their case seem to be quite proper. However, the Charter requires it in the case of Grantsville and in some other instances, and the law should be complied with until the Charters are amended. Men who make laws or ordinances should be careful to observe the law.

But the question as to the validity of the proceedings of the City Council when this provision of the Charter has not been complied with, would have to be decided by a competent court, and this could only be done in some case of dispute as to that validity. It is quite probable that a decision would be rendered in favor of the proceedings of the Council, particularly if the majority of its members were under bonds. In any case, no one is injured by the failure of the Councilors to give bonds—in itself an unnecessary requirement—and if they have taken the oath prescribed by the City Charter, the regulation about the bonds is left to such ordinance as the City may pass. We have not a copy of the Grantsville ordinance in relation to this subject, and therefore cannot pronounce any judgment upon it. But we think that citizens should not be too captious, and that if there is no other cause of complaint against the Council than their failure to give bonds, a dispute as to the validity of their acts, on that account alone, would not have much solid ground to stand upon.

The Act on water rights passed in 1878 was merely to amend the Act on irrigation companies, to be found in the Compiled Laws of 1876, and neither of them refers to corporate cities, which have chartered rights in regard to the water courses, that cannot be interfered with by companies organizing and conducting business under the laws passed for their own benefit. Corporate cities and irrigation companies organized under the laws have each their separate and distinct rights and powers, and neither has the power or the necessity to interfere with or encroach upon the other.

We hope that these replies will be deemed sufficient to cover all the ground of the questions propounded by "a citizen."

## FOR THE ATTENTION OF THE LEGISLATURE.

ONE of the needs of Utah is an officer or board of officers, authorized and empowered to collect statistics of the status, growth and progress of the several interests of the Territory. Reliable information on agriculture, horticulture, irrigation, stock-raising, sheep-culture, sericulture, wool-growing, mineral products, manufactures, imports, exports, immigration, population and other interesting data is very difficult to obtain. It ought to be easily reached for the benefit of our own people and the enlightenment of inquiring people abroad.

The proper body to provide this for the Territory is the Legislature. Attempts have been made at previous sessions to meet this want, but they have not been successful. At the session of 1880 a bill was passed creating the office of Territorial Statistician. But as it did not pander to the vanity of the Governor and give him the power to select and nominate the person who should fill the office, he rejected the bill, acknowledging, however, that it was a necessary and useful measure. It is not improbable that the Governor would take the same course with a similar bill if passed at the present session, as he does not appear to have yet recovered from his craze over Section Seven of the Organic Act.

But we direct the attention of our lawmakers to the Act of Feb. 20, 1874, establishing a bureau of statistics under the direction of the Deseret Agricultural and Manufacturing Society. By that law the thing that is wanted was established. But funds were only appropriated for its use for the years 1874-5. Efficient work was done during those years in this direction, but since then nothing of the kind has been accomplished except by private research.

Cannot the same board be now recognized and funds be appropriated for the coming two years, so that reliable statistics may be collected and prepared which will help the Territory in this direction temporarily, or until a more liberal minded policy may be inaugurated? An appropriation for a bureau of statistics already created may meet with greater favor than the creation of an office, the filling of which the Executive and the Assembly could not harmonize upon.

We hope something will be done in this direction before the Legislature adjourns, and that it will be of such a character as the Governor will approve and as will meet a want that has long been felt in this Territory.

## THE NEW ANTI-"MORMON" SENATE BILL.

THE Brooklyn Eagle makes the following comments on the bill presented by Mr. Hoar in the Senate:

"Some of its provisions are of very questionable constitutionality, and the whole theory of the measure is opposed to the genius of our political system. There are two ways of treating the Mormon problem. One is to leave the community to the influence of a civilization that is crowding it upon all sides, and will in time subvert its peculiar institutions, and the other is to deal with it by force. From the latter alternative the American people would shrink, and the fate of the Edmunds law shows that Congressional expedients are inadequate to meet the case. Senator Hoar's nostrum will not cure the evil."

The New York Evening Post reviews the whole bill, and after describing the provisions of the leading sections, thus discusses the nonsense to which we have twice drawn attention:

"The Mormons have a corporation called the Perpetual Emigrating Fund Company, which is, we believe, devoted to the work of making converts in Europe and bringing them over to this country. There is nothing in the missionary work of the Mormon Church to which the United States government can take exception on the error or absurdity of the doctrines taught, any more than in the missionary work of Catholics, or Spiritualists, or Shakers, unless it can be shown that the converts are to be engaged on their arrival here in the violation of United States laws. But can this be shown, has it ever been shown? It is not a violation of United States laws to believe polygamy to be of divine institution, any more than to believe with the Shakers all marriage is sinful. The violation of the law consists not in thinking that a man may have two wives, but in having them. The present bill expressly provides that no one shall be disfranchised in the Territory on account of his opinions about polygamy. The objection, then, to the emigration company is that it brings people to Utah who may possibly, after they get there, commit adultery under the influence of a religious delusion. But is this sufficient ground for the dissolution of a religious corporation by act of Congress? Can Congress do anything of the kind, considering that "the Constitution of the United States, and all laws of the United States, not locally inapplicable," were, in 1860, solemnly declared to be in full force and effect in Utah, as in all other Territories. More remarkable still is the 12th sec-

tion, which provides not that the Mormon Church corporation shall be abolished, but that the management of it shall be taken out of the hands of the members of it, and committed to 14 trustees to be appointed by the President, with the consent of the Senate, who shall hold office for two years, and report annually to the Secretary of the Interior, as "to the property, business affairs, and operations of the said corporation." Now, we know that corporations which violate their charter or abuse their franchise may be wound up on the proper presentation of the facts to a court of justice by a legal officer of the Government, and their property be distributed in such manner as the law or common justice may require. We are, too, familiar with the legislation intended, on grounds of public policy, to restrict the accumulation of property by ecclesiastical corporations in general. But we cannot recall any case before this in which it was gravely proposed to punish a corporation for any offense by putting its property into the exclusive control of government trustees, with directions to continue the business; or to punish a particular ecclesiastical corporation for being too powerful or teaching erroneous doctrines, by committing its affairs to the hands of government officers who derided or loathed the beliefs of its members. Moreover, we do not believe, and shall not believe until the Supreme Court has said it, that any such expedient can be resorted to for any purpose whatever by the Legislature of the United States. It would be a monstrous and dangerous precedent.

Of the practical objections to giving such a huge financial plum as the management of the Mormon Church funds to 14 trustees appointed by the President and Senate, we need hardly speak. Every one knows the kind of politicians who would seek and get these trusteeships. We see them now starting for Washington with their gripsacks, after the failure of some speculation, or after losing their seats in Congress—their natural desire to "handle" other people's funds intensified by their horror of polygamy in all its forms, and their passionate love of domestic purity. The pecuniary scandals of politics during the past twenty years have been great and dreadful, but they would probably all put together be a mere trifle compared to a five years' administration of Mormon church property by the kind of men to whom we give Territorial appointments."

## THE MUNICIPAL TICKET.

THE ticket nominated last night by the Municipal Convention of the People's Party appears at the head of our columns. We believe, that as a whole, it will be acceptable to the people. Nearly all of the candidates are well known. They are also respected in the community and have given evidence of abilities that lead to the expectation that they will do good service for the corporation. But few members of the outgoing Council remain. Those who will continue to be associated with the municipal government have shown considerable aptitude in the transaction of the important business with which they have been entrusted.

The retiring Mayor, Council and officers generally are entitled to the thanks of the community. They have made comparatively few mistakes, while their aim has been to administer the city government fairly and intelligently, in which they have been eminently successful.

The ticket is one that can be consistently and heartily sustained, and the duty of every member of the People's Party is plain—to turn out next Monday and vote for the candidates chosen by the convention.

## SUCCESS OF EL MAHDI.

EGYPTIAN soldiers may possibly have a forte, but it is not fighting. Judging from the reports of Baker Pasha's defeat they are the most miserable cowards in existence. It is probable that their terror of El Mahdi's men may be intensified by a certain religious awe. Anyway if the Soudan is to be wrested from El Mahdi, it is evident that it will not be done by Egyptian troops, even when officered by valiant Englishmen. The way in which the Arabs seized the prostrate Egyptian soldiers by the backs of their necks and thrust spears into their bodies exhibits a novel phase of modern warfare. The man known as the "False Prophet" is having a considerable boom, and will yet cause a good deal of trouble in the East.

## CHURCH INCORPORATION.

A SUIT is in progress at Lincoln, Nebraska, which bears on a question that has been very foolishly raised concerning ecclesiastical rights in Utah. It is a test case to determine the title to alternate blocks in the city of Lincoln, claimed by the Methodist Church. We learn from a dispatch to the Omaha Herald that the land in question is north and west from O and Fourteenth streets, taking in the postoffice build-

ing, Commercial Hotel and much other valuable property. Elder Young decided this property in alternate blocks to the Methodist Seminary, to be established, and to the State of Nebraska. McKesson and Langdon, president and secretary of the church board, decided it to the State. The Methodist Protestant church incorporated itself last December, and now claims the property on the ground that it was held in trust by McKesson and Langdon and they could not convey it to the State. Sweet, of Nebraska City, examined the title before the State accepted the deed, and many lawyers have since examined it, so it is believed the State has no cause.

We are not interested particularly in the issue of the suit, but we refer to it because it reflects on the absurd argument used by the Governor of Utah, in his report to the Secretary of the Interior and also in his message to the Legislature, that the Act incorporating the Church of Jesus Christ of Latter-day Saints is "a law respecting an establishment of religion." It appears that the Methodist Protestant Church in Nebraska is incorporated under the laws of that State, and that it has been doing some extensive real estate business, which it has an undoubted right to perform for the benefit of its own organization.

All this is perfectly proper in the Methodist Church. And if so, why should it be all wrong in the "Mormon" Church? If the incorporation of the Church of Jesus Christ of Latter-day Saints, by Act of the Utah Legislature, is an infringement of the prohibition against laws respecting an establishment of religion, is not the incorporation of the Methodist Church equally so? And if the incorporation of a church is "a rightful subject of legislation" in Nebraska, is it not just as much so in Utah? If the Methodist Church may lawfully receive property and hold it, or dispose of it, or do such business in connection with it as may be profitable to the organization, why may not the "Mormon" Church do the same?

There is no rational answer to this question, and the argument of the Governor was only made to create a false impression and foster the prejudice that exists against the Church which he assails. And while touching on this question it is pertinent to remark, that the Judiciary Committee of the United States Senate recognize the existence and validity of the Utah act of incorporation, while the Governor asserts that it was disapproved by the Act of Congress of July 1st, 1862. Not only does the bill introduced by that committee acknowledge the existence of the corporation, but it attempts to provide for its perpetuation in the appointment of government trustees to manage its business in lieu of the trustees of its own election. There is no need to discuss here the folly of the proposition, we cite it to prove that the Judiciary Committee recognize the existence of the law, and its validity, so far as it does not conflict with the anti-bigamy act of 1862.

The Governor's tirade against it as well as being untrue is self-contradictory. He virtually declares the Act void in itself, and yet asks for an act of the Legislature to render it void. He asserts that Congress has disapproved it, and yet asks the Assembly to annul it. If it is as he declares, "a law respecting an establishment of religion" within the meaning of the Constitution, it is invalid from the beginning. If Congress has annulled it, as he asserts, it has no legal existence. Why then attack it and ask the Legislature to make void that which never really lived and which has been formally killed by the highest legislative power in the land?

The whole paragraph on Church Incorporation in the Governor's message is an absurdity and a falsehood, and it is such attempts as that to prejudice the country by untruth and malicious implication, coupled with acts like the certificate fraud, that tend to make people give credence to the charges of financial impropriety official excess now pending against the Governor of Utah.

## BAL MASQUE.

WE observe this morning in the columns of our esteemed contemporary the Herald, a somewhat glowing account of a masked ball, which was conducted last night in the school house, erected by the late President Brigham Young. A mistake is made in connection with the relation, to the effect that the structure had been "the scene of many a similar festivity." We understand that no similar festivity was ever witnessed within that building, that of last night being the first. If the venerated original owner of the structure were now living, we very much doubt if a festival of that nature would have occurred in it at all, there being good reasons for knowing that such entertainments among the Latter-day Saints, were not in unison with his views of what would be beneficial to them.

Our views and those entertained by him are strictly in unison. They are also shared by the existing leaders of the Church, who, more than all others, have the welfare of the community at heart. The great bulk of the Latter-day Saints look at the subject in precisely the same light. While it may be claimed that people have a right to do as they please in such matters, and though the position be correct, yet

it may be well to consider whether a widely diffused sentiment of the community and the general weal should not have some influential weight.

The ladies and gentlemen who engaged in the festivity in question are of the most unquestionable respectability, and the precedent set by them and made so conspicuously public is none the less damaging on that account, as their example is, for that reason, all the more liable to have an extended following. We have no idea but that the affair was conducted according to the principles of the strictest decorum. The motives and sentiments of the participants were doubtless of the purest kind. Intrinsically there was nothing wrong in the festival, but consequently this may not be the case. Other circles may formulate, by force of the example set them, similar entertainments that may not be of so innocent a character.

We would look upon the prevalence of masked balls in the community as a favorite, popular and common amusement as little less than a calamity, for while they may be intrinsically pure when participated in by people of uprightness and morality, they are susceptible, perhaps more than any other class of amusements, of being made the vehicles of the grossest licentiousness and corruption. Unscrupulous men can, under cover of the mask make secret advances to ladies with a view to ascertaining whether they would be encouraged, that they would not dare to offer with uncovered faces. They have been made the vehicle of ascriptions and abominations that have crept into society at large. So much has this been the case in this country, without taking into account the corruptions of the effete nations of Europe, that a number of the States of the Union forbid masked balls by law. In such cases those who would make no evil use of such entertainments are legally prohibited from engaging in them in order to suppress those who would make them the vehicles of evil. Thus the public weal is subserved, the upright and pure foregoing an amusement for the general good. When people refrain without the existence of legal prohibition, it is greatly to their credit.

So notorious is the susceptibility of these entertainments for being turned to wrong purposes that they are, on that account introduced into licentious works of fiction, and made the scenes of the most fearful plots against virtue.

We are emphatically of the opinion that masked balls should be discouraged in the community, as being dangerous to good morals. There is no good reason why, in our amusements, we should cover the human face divine. The most attractive part of all social intercourse is the opportunity afforded people of looking upon each others' countenances, and mingling together in friendly, whole-souled communion.

## A WORD TO THE WISE.

As evidence that the example of persons in this city who have given to masquerade balls and such amusements as have been discontinued by our leaders the influence of their example and support, is not without its effect upon others, we have before us an invitation to a masquerade in the County Court House, Coalville, just printed in this city. We hear of others nearer home.

The affair at Coalville is to be "considerably mixed." It is to be participated in by people of various kinds and characters. We take occasion to say, once more, that such entertainments among our people are to be deprecated. We do not wish to interfere in matters that do not concern us. Let those who are not of our faith take their own course; we have nothing to do with their amusements. But we speak to those who are called Latter-day Saints, and say most emphatically that it is unwise and impolitic to introduce these agencies for evil among our youth and, to give them the sanction of the presence or permission of influential men and women or of parents and guardians.

The unsophisticated do not understand the evil tendencies of such traps for the unwary. But the wise and the local leaders of the people are derelict in their duty, if they neglect to use their influence, in all kindness and persuasion and reason and explanation, to dissuade the Saints and their children from participating therein. Outside pressure, inimical legislation, the attacks of our enemies, persecution in all its forms, are nothing against us in comparison to these insidious internal attempts to lead away the young and entice them into by and forbidden paths.

Every one who favors Zion and desires to see our youth grow up to be an honor to their parents, an ornament to society and a strength to the kingdom of our God will set his face like a flint against this mingling of discordant elements, and those recreations which are calculated to do irreparable injury.

The sinking mountain of Naiba, in Algiers, is one of the most extraordinary of the many disturbances of the earth's crust. During the last couple of years the mountain has been gradually sinking into the earth, a deep subsidence marking the place after settlement. This sinking is not attended by earthquakes, nor is it the result of volcanic action.