

"MORMONS" DISFRANCHISED.

The Court Says no "Mormon" Can Register in Idaho.

FREE EXERCISE OF RELIGION A MYTH.

Membership in the Church Made a Ground for Disqualifying Voters.

The following telegram was received in this city last evening:

BLACKFOOT, Idaho, Oct 16 [Special to the DESERET NEWS]—The decision in the Woolley mandamus case was rendered this afternoon at three o'clock. The judge reviewed the whole case at great length, and said, in substance, that the statute in question is constitutional; that the Church of Jesus Christ of Latter-day Saints is an organization whose doctrines and teachings are within the inhibition of this law; that these doctrines and teachings have not been repealed or changed in this Territory so as in any way to affect such organization here or elsewhere, and that membership in such Church organization is inconsistent with the right of such member to vote under this law. The application for order of mandamus was therefore denied.

The opinion of Judge Berry is a very elaborate affair, covering over thirty pages of type-written copy. The testimony was reviewed at great length, especially that given by Messrs. Budge, Wiley, Parkinson and Thomas. The substance of the decision is, in brief:

1.—That the law containing the test oath had already been declared constitutional by the Supreme Court of Idaho, and Judge Berry was bound to respect that decision.

2.—That although the evidence went to indicate that the practice of polygamy or bigamy had neither been advised, counseled nor encouraged within the past two years, yet it was nowhere shown that a like modification had been made in the teachings and doctrines of the general Church in such a way as to reach the whole body of members in that Church, and of which Mr. Woolley was one. To change a doctrine of this or any other organization, a movement to that end must be general in its character; it must be real, not temporary. The members of the Church are governed by the action of the general organization, and not by local divisions. No such movement has been made by the Church as a body. Such a course might have been expected at the last General Conference, but as no movement of the kind had taken place, it was safe and proper to conclude that nothing of the kind might be anticipated in the near future.

3.—That outside of the fact that Wm. Budge, president of the stake in which the applicant lived, had received and given orders that the members of the Church belonging to his stake should cease preaching polygamy or plural marriage, and the presidents of other stakes in Idaho had been given similar orders, the fact remained that the doctrines of the Church remained unchanged, and those who had been given the instructions still believed in the doctrine. It did not appear that the practice of polygamy was abandoned by the Church or plural marriage eliminated from among its doctrines, but it did appear that polygamists were retained in full fellowship, with all the rights, powers and privileges of those who were not polygamists. The court therefore could see no reformation in the matter in a way that was desirable, and therefore could not grant the request of the petitioner.

CITY COUNCIL.

The Sewerage Question as it Now Presents Itself.

The City Council met in regular session Tuesday evening, Mayor Armstrong presiding. There were quite a number of citizens in attendance.

THE SEWERAGE

Proposition was the first taken up, and the following was read:

To the Honorable Mayor and Members of the City Council of Salt Lake City:

Gentlemen:—The undersigned protests against the proposed system of sewerage for the following reasons:

First—Sewer District No. 1 is altogether too large.

Second—The proposition is entirely unjust, as it compels the great bulk of citizens who will never derive any benefit from the sewerage to pay for putting in the mains and for the maintenance of this system; also for the water for flushing.

Third—If sewerage is actually necessary, the residents of the three central streets should establish it at their own cost, and not have those who do not need it, and can never be benefited by it, defray the expense of it.

Fourth—I hold that the permission of the citizens as a body, to whom the water belongs, is necessary before it can be used for sewerage for a small portion of the city.

Fifth—I also protest against the present proposition, because I am willing as a property holder on East Temple Street, to join in a movement to establish sewerage to be paid for by the property holders who are benefited by it, providing the City Council will guarantee that the estimate they have made is correct, and that the system will properly work. If this guarantee made, it will be comparatively easy

for the citizens interested to defray the expense of taking care of their own filth.

ELIAS MORRIS.

Alderman Ritter undertook to reply to this protest. He said that this protest, in some of its features, gave expression to the views of a large number of persons, as was indicated by the statements made in the public prints. He knew that these feelings were honestly indulged in by Mr. Morris and others, but he was certain that such views arose from a misapprehension of the facts; and while he found no fault with Mr. Morris and others in thus expressing their objections to the proposed sewer plans, it was due to the members of the City Council that no wrong impressions should obtain among their constituents. He knew that an impression did obtain among many that this Council proposed to perpetrate a wrong on a large portion of the community, in that they propose to tax them for improvement in which they think they have no interest, and from which they will derive no benefit, but he said that no improvement could be made that all did not obtain some benefit from, either near or remote.

It was impossible to adjust benefits to the people in the proportion as they contribute to the public revenue. The fallacy of the issue that the sewer main should not be constructed at public expense, on account of the irregularity of benefit, may be illustrated by reference to a few facts in the past history of this city. The Jordan Canal cost \$250,000; the portion of the city directly benefited paid for its construction and maintenance a sum much less than their proportion, when benefits are considered, and that portion of the city least benefited paid much more than their proportion. For instance, Sewer District No. 1 pays, in direct taxation and licenses, roughly speaking, about 65 per cent of the entire revenue of the city. So, on this basis it paid about 65 per cent of the cost and maintenance of the canal, while at the same time it is receiving little or no direct benefit from its construction, because at least 75 per cent of the area of the district has abandoned the use of water for irrigation. What would be thought if this district should protest against being taxed to pay for and maintain that canal? The same may be said of the waterworks recently constructed at a cost of over \$80,000 for the dry bench. The people in that locality probably did not pay 10 per cent of this amount. Sewer District No. 1, paying 65 per cent of it, and other portions of the city the remaining 35 per cent. The same may be said in regard to other public necessities; so, that if such argument were valid, complications that we could not grapple with would result. It is also claimed that injustice would be done in using water for flushing the sewers.

It is evident from the expression made that an idea exists that a large amount of water will be used for this purpose. Such is not the case. The proposed flush tanks will each discharge some 500 or 600 gallons every twelve hours, or 8,000 to 10,000 daily. If it required more than this, other sections are not unreasonably injured by it, for the fact must be borne in mind that Sewer District No. 1, by reason of the abandonment of the use of water for irrigation, is using much less water than they are legally entitled to. The improvement of streets is still another illustration. There are portions of the city where the cost of improving the streets is in excess of all the taxes paid by the inhabitants, so that other districts must bear the extra burden. There is one ward in this city where, in during the last five years, more than the entire revenue derived from it in ten years has been expended on the streets, and yet he held that no injustice had been done by this seeming disproportionate expenditure. He held that the construction of the Jordan & Salt Lake Canal, the Dry Bench waterworks, the improvement of streets, etc., though largely local in their benefits, were a just and proper expenditure of the public funds, and that if the construction of sewer mains is an unjust expenditure, to those districts not directly benefited, then has Sewer District No. 1 been most grossly wronged, in that it has borne a very large share of all our public improvements and greatly out of proportion to the direct benefit to it. The district now sought to be benefited never had its just dues in the past. He, therefore, moved that the protest of Mr. Morris, with all others of a similar nature, be referred to the committee on finance, they to make a report covering the points involved.

Mr. Clark—Why not refer it to the committee on sewerage?

Mr. Ritter—I think it properly belongs to the finance committee. Besides, the sewerage committee is not in good order just now.

Mr. Clark did not see the necessity for any reference. Reporters were present and had doubtless got the speech in good shape. The public would be just as well satisfied with the statement made by Mr. Ritter, as they would be by the finance committee's or any other committee's report.

Mr. McCormick and Mr. Dooley were of the same opinion.

Mr. Webber also objected to it going to the finance committee. In going over the ground again they could but reiterate what had already been said.

Mr. Ritter withdrew the motion.

On motion of Mr. Dooley, who understood that among the protests were some from people who had owned property at the time the assessment

roll was made out, but who, had since disposed of it, the recorder was instructed to carefully sift the protests referred to him. Mr. Dooley was delegated to assist him.

The protests were then read, a few of them being given:

John S. Barnes expressed himself as follows: "I protest against the present plan of sewerage for the following reasons, to wit: First—Because I think the district is too large to be a unit; it includes property that will not need sewerage for a long time to come, and will entail hardship on many people who are not able to meet the tax. It is only the centre of the proposed district that really needs sewerage, and the owners of property in that part of the district are not only able but should be perfectly willing to pay for what they so much need; and, again, I think it would be better to cut the district down at least one-half, until it is a sure thing how it is going to work, and then enlarge the district as necessity requires it. These are a few of my reasons for protesting against the present plan of sewerage."

S. and G. Stringfellow say: "We think the entire city should be supplied with pure water for domestic use first."

Claudius V. Spencer puts it in this way: "I enter my protest against sewerage not as a beneficent, but against sewerage as contemplated in extent and mode of operation in what is termed District No. 1."

B. H. Schettler hits the nail on the head after this fashion: "There are three or four probably, or half a dozen places along East Temple Street, where sewerage would be a great convenience, but should the owners of these places demand sewerage at the expense of hundreds of citizens, who have positively no use for sewerage? Certainly not. Every person who has lived here any length of time knows that sewerage would neither improve the health nor the finances of the city, but work great hardships to many who have no use whatever for sewerage. Many more reasons might be assigned why sewerage would be more of an injury than a benefit to our citizens, but the above are sufficient. Trusting we shall hear no more of sewerage for the next ten years, etc."

Mrs. Elizabeth Hopwood's reason was that the expense would not be equaled by the practical benefits.

Mrs. Sarah E. Smith objects "because it will increase my taxes, which are already high, and impose upon me costs and expenses which will be oppressive, without adequate corresponding benefits as far as I can see. I think the enterprise, if otherwise feasible, is premature for the wealth and population of the city, and is in the interests of the few who are rich, at the expense of the many who are poor."

The remaining protests were based on reasons substantially the same as the foregoing, and the following is a list of those who are opposed, within the district, to the project:

O. H. Crow, Sarah E. Smith, Richard Brothers, John M. Young, Nancy L. Richards, Lydia Merrill, Woolley, Young and E. O. Whitmore, Hardy Company, John H. Bailey, Harriet B. Young, John Needham, L. W. Richards, D. Stuart, H. B. Clawson, J. B. Barnes, John C. Cutler, M. W. Taylor, Ann L. Whitney, Christine Rockwell, Alice Watt, M. A. Mornin Cannon, Young Brothers, George M. Cannon, Watson Brothers, Zera Snow, et al., J. H. Parry & Co., Estate Z. Snow, Joseph W. Taylor, T. C. Armstrong (Trustee), G. R. Jones, Jens Olsen, N. A. Empey, Thos. E. Taylor, Mary Gunderson, Mary M. Gray, Geo. G. Bywater, C. I. Kirby, Mrs. Annie Williams, Camilla C. Cobb, Sarah A. J. Cannon, T. O. Patten, J. M. Watson, Edward Scrase, J. M. Barratt, A. B. Dunford, W. M. Cannon, R. R. Grant, Phoebe G. Boattie, Burton, Gardner Co., John Taylor estate, A. Franzee, Geo. J. Taylor, Elias A. Smith, Martha Hughes Cannon, M. D., Silver Bros., John Ehngren, A. H. Cannon, Elizabeth Boyes, Susan E. Smith, A. T. Schwartz, E. W. Davis, W. O. Morris, John S. Barua, M. C. Phelps, W. N. Williams, Wilford Woodruff, A. W. Davis, J. Taylor & E. Boyes, Sarah Dunford, Helen M. Morgna, A. H. Cannon, John D. Wright, John C. Gray, Wilford Woodruff, Jr., Wm. Foster, T. Armstrong, O. A. Woolley, Angus M. Cannon, W. H. Foster, Emily Clawson, Manly Burrows, Lucy D. Young, John Bailey (estate), Mrs. M. Bruce, C. V. Spencer, Lydia A. Thatcher, H. Hyde (estate), Maggie M. Kimball, Elizabeth Hopwood, Mary M. Kimball, H. B. Young, Helen M. Whitney, Jas. W. Fardley, Maria Y. Dougall, Mary M. Woolley (estate), Levi W. Richards, H. G. Park, Deseret News, S. E. Newton, M. D., P. W. Madden, Jane Romney, James P. Freese, Elias Morris, David James, Maria Park, James Chesney, Oscar B. Young, Zion's Savings Bank, N. Nelson, A. Schwartz, John Johnson, T. E. Taylor, Evelyn Wyman, S. I. Clawson, John Taylor, Betsey Stromberg, S. & G. Stringfellow, Jacob Alt, Alice Needham estate, Mrs. John Bergou, Alfred Best, Joseph Busby, W. A. Needham, James W. Richards, Amanda J. C. Best, John L. Blythe, M. E. Van Schoonhoven, B. H. Schettler, Emma N. Davis, M. Atwood, F. O. Andrew estate, William Naylor, Sarah Ann Duff, George Naylor, O. B. Taylor, Hulda J. Naylor, Robert Paxon, M. D. J. Jonasson, John Needham, James W. Stephens, S. W. Alley, John Johnson, John Connolly, Mary Ann Hanks, Morris Bros., S. F. Atwood, Emma E. Snell, James M. Wardrobe, Thomas Golightly, John Wardrobe, Jr., Elizabeth P. Davis, John Wardrobe, Sr., John Blomquist, C. M. Donelson, Isaac Brockbank, Agt.

A. Best, M. J. Blazzard, Mary H. Munkler, Sarah A. Duff, G. O. Amussen, E. Martin estate, J. P. Mortenson, Ann T. Boer, S. B. Rose.

FURTHER BUSINESS.

John Carruthers and others, residents of the North Bench, asked that the canal to convey the water from Barley's Canon be continued along Eleventh Street, as was originally surveyed, instead of along Ninth Street, as now proposed.

Mr. Webber understood that some people had protested against the canal passing through their grounds. He understood now that they had all signed the petition and were willing that it should pass that way. He therefore moved the petition be granted.

The Mayor thought that Ninth Street was as high as it was wisdom to go. People whom the city was endeavoring to benefit wanted the city to pay for the right of way. Considerable work had already been done on Ninth Street, and he was in favor of carrying it along that street.

Mr. Sharp was in favor of keeping the canal on the original line, if the owners of the property to be benefited were willing to give the city the right of way, unless the work on Ninth Street had continued entirely too far, and it was too expensive to have it overcome.

Mr. Dooley supported the motion. He had inspected the work being done, and was very much pleased with it. He strongly favored the original plan.

The question was finally referred to the committee on canal.

W. B. Richards represented that owing to negligence of city officials, his crops in Sugar House precinct had been damaged to the extent of \$500. Rather than have any trouble over the matter, however, he would compromise for \$200. Referred to the committee on claims.

William H. Perkes, who lives at 154 Centre Street, asked a rebate on the amount taxed against him for extension of water mains on that street, because considerable of the land taxed was above the city water line. Referred to the committee on waterworks.

Louis Tagli, of Sugar House Ward, asked the privilege to convey a stream of water, known as Hobson's Ditch, through the Jordan & Salt Lake City Canal by means of a pipe. Referred to the watermaster.

Mrs. William Jennings and a number of other property owners on South Temple Street, asked that a cement sidewalk, eight feet wide, be laid on South Temple from First East to J Street. Referred to committee on improvements.

E. H. Anderson's request for a rebate on water tax was ordered to be adjusted.

John Carruthers urged upon the Council the necessity for granting the petition in reference to Parley's Canon Canal.

Samuel Williams and others asked for an extension of water mains. Referred to the committee on waterworks.

The petition of Edmund Wilkes, asking that, on the completion of the first section of the proposed electric railway, he be granted a franchise on West Temple Street from Fourth South to the city boundaries, also from West Temple to First East Street, was laid on the table.

The petition of David Hilton and others, asking an extension of water mains, was referred to the committee on waterworks.

John Alford represented that he was greatly overcharged in the assessment of his property on Centre Street in reference to laying water mains. Referred to the committee on waterworks.

Lynch & Glassmann presented for the acceptance of the Council the plat of five acres of ground recently laid off. Referred to the committee on streets.

A number of liquor licenses were granted.

F. W. Jennings asked for a right of way for a switch from the Utah Central railway to a point along Fifth North Street. Referred to the committee on streets.

The superintendent of waterworks reported favorably on a number of extensions asked for, and they were ordered granted.

The committee on waterworks, to whom was referred the petition of Jacob Moritz and others, asking an extension of water mains, recommended that the extensions asked for be made. They also made a similar report in the case of Lee C. Sneider and others, and opposed the application of Geo. W. Groo.

The following bills were allowed:

Salt Lake City Gas company for three months	\$2,606 95
Mrs. M. A. Burt, boarding prison	202 50
A. J. Burt, boarding city prison in county jail	204 30

The assessments recently made for extending water mains along Centre and other streets in that vicinity were confirmed and the Council adjourned for one week.

DOCTORS' BILLS.

Nearly all diseases originate from infection of the liver, and this is especially the case with chills and fever, intermittent fevers and malarial diseases. To save doctors' bills and ward off disease take Simmons' Liver Regulator, a medicine that increases in popularity every year, and has become the most popular and best endorsed medicine in the market for the cure of liver or bowel diseases.—Telegraph, Dubuque, Iowa.

PERSONAL.

Mr. N. H. Frohlichstein, of Mobile, Ala., writes: I take great pleasure in recommending Dr. King's New Discovery for Consumption, having used it for a severe attack of Bronchitis and Catarrh. It gave me instant relief and entirely cured me and I have not been afflicted since. I also beg to state that I had tried other remedies with no good result. Have also used Electric Bitters and Dr. King's New Life Pills, both of which I can recommend.

Dr. King's New Discovery for Consumption, Coughs and Colds, is sold on a positive guarantee.

Trial bottles free at A. C. Smith & Co's Drug Store.

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WONDERFUL CURE.

W. D. Hoyt & Co., Wholesale and Retail Druggists of Rome, Ga., say: We have been selling Dr. King's New Discovery, Electric Bitters and Bucklen's Arnica Salve for four years. Have never handled remedies that sell as well, or give such universal satisfaction. There have been some wonderful cures effected by these medicines in this city. Several cases of pronounced Consumption have been entirely cured by use of a few bottles of Dr. King's New Discovery, taken in connection with Electric Bitters. We guarantee them always.

Sold by A. C. Smith & Co.

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In 1850 "Bryon's Bronchial Troches" were introduced, and their success as a cure for Colds, Coughs, Asthma and Bronchitis has been unparalleled.

The Exposition Universelle de 1889 at Oulmare awarded the highest honors to Augustus Bitters as the most efficacious stimulant to excite the appetite and to keep the digestive organs in good order. Ask for the genuine article, manufactured by Dr. J. G. B. Siebert & Sons, and beware of imitations.

STRAYED OR STOLEN.

FROM THE SPRINGS NINE MILES north-west of Lehi, last spring, a chestnut sorrel MARE, with bluish face and one of her hind legs stiff. Said Mare is 16 years old and has no brands visible. Information that will lead to recovery of same, given to Angus M. Cannon, Lehi, Utah, will be rewarded.

ds & wt

SEA WONDERS. Thousands of dollars have been made by the sale of this work. Those who are in need of profitable work that can be done while living at home should at once send their address to H. L. & Co., Portland, Maine, and receive free, full information how either sex, of all ages, can earn from \$10 to \$25 per day and upwards where they live. You are started free. Capital not required. Give name and address in a single day at this work. Ad. wanted.

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The BUYER'S GUIDE is issued March and Sept., each year. It is an encyclopedia of useful information for all who purchase the luxuries or the necessities of life. We can clothe you and furnish you with all the necessary and unnecessary appliances to ride, walk, dance, sleep, eat, fish, hunt, work, go to church, or stay at home, and in various sizes, styles and quantities. Just figure out what is required to do all these things COMFORTABLY, and you can make a fair estimate of the value of the BUYER'S GUIDE, which will be sent upon receipt of 10 cents to pay postage.

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ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One light brown HORSE, branded B on

right shoulder and D on left thigh, inclined to be away backed and has short tail. Which, if not claimed and damages paid before Thursday, November 1st, at 10 o'clock a.m., will be sold to the highest responsible bidder.

J. M. FISHER, Jr.,

Poundkeeper.

East Mill Creek, Salt Lake County, October 17, 1898.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One sorrel MARE, 5 or 6 years old, branded R on left thigh.

Two sorrel yearling MARE Colts, both have white faces, both branded S on the left thigh.

If damage and costs on said animals be not paid within fifteen days from date of this notice, they will be sold to the highest cash bidder, at Herriman, at 10 o'clock a.m., on the 31st day of October, 1898.

Dated at Herriman Precinct, Salt Lake Co., Utah, this 16th day of October, 1898.

J. J. FREEMAN,

Poundkeeper of said Precinct.