

struction and not of administration. By it a fund devoted to a particular charity is applied to a cognate purpose, and if the purpose for which this property was accumulated was such as has been depicted, it cannot be brought within the rule of application to a purpose as nearly as possible resembling that denounced. Nor is there here any counterpart in Congressional power to the exercise of the royal prerogative in the disposition of a charity. If this property was accumulated for purposes declared illegal, that does not justify its arbitrary disposition by judicial legislation. In my judgment its diversion under this act of Congress is in contravention of specific limitations in the Constitution; unauthorized, expressly or by implication, by any of its provisions; and in disregard of the fundamental principle that the legislative power of the United States as exercised by the agents of the people of this Republic is delegated and not inherent.

There can be no doubt whatever that the Chief Justice expressed the truth in this matter according to American principles. It therefore as certainly follows that the decision of the Supreme Court of the United States in this case, is not true American law; that it enunciates principles which, if they become established, do actually create a revolution backwards; and that such a thing has, in fact, been done so far as it is possible for the Supreme Court to go in the matter.

A. T. J.

TO VOTERS OF SALT LAKE CITY!

The Board of Education ask you to authorize it to sell bonds to the amount of six hundred thousand dollars to enable it to buy land, build school houses, etc.; but before you do so, would it not be well to consider all the facts, and understand the result of your action?

The City Council called on the city attorney for his opinion as to the legality of the bonds intended to be issued if the vote shall prove favorable.

Why did that august body ask the advice of their attorney if, as he says, "school bonds do not and cannot constitute any part of the indebtedness of Salt Lake City, as a municipal corporation?" and if, as he further says, "each school district in cities of the first class is a municipality distinct and separate from the city in which it is situated?"

City Attorney Hall may be, and no doubt is, a well equipped lawyer, and yet may be mistaken, as all men are liable to be. If the school district in the city is a distinct and separate municipality, why did the Salt Lake City municipality call on its attorney for an opinion regarding a question in which it, as a distinct and separate corporation, could have no interest? Let us examine briefly the law under which the present Board of Education holds its tenure of office, and possibly it may appear that Judge Hall is somewhat in error.

Article XV, page 128, Laws of Utah, 1890, section 100, provides that "each city subject to the provisions of this article," etc., "shall constitute one school district." Section 101: "The Board of Education in each city of the first class shall consist of the Mayor and two trustees to be elected by and from each municipal ward."

The question arises here, if the municipalities are separate and distinct, why is the Mayor made a member of a board to which office he has not been elected? Why does the law provide (Sec. 102): "Fifteen days before any election for school trustees for levying taxes for voting on the issuance of bonds or for any other purpose named in this article, the city councils of the several cities shall appoint from each municipal ward three judges of such election?" Why shall such elections be held "in the several municipal wards?" and last, what circumstance made it possible under the law for the Board of Education to exist, unless it be simply because they reside in the city of Salt Lake, a city of the first class.

Bear in your mind, voters of Salt Lake City, when you vote on the bond question, now or at any time, that the law (Sec. 96, page 127) provides as follows: "Bonds issued under the provisions of this act shall be a lien upon the taxable property in the school district issuing them," and if such lien exists upon your property can it be said that the property is free of incumbrance? You have a home for yourself and your family. Do you feel comfortable under the reflection that, if you vote for these bonds and they are issued, you may die before they are paid, leaving those who adhere to you at the mercy of merciless money sharks?

It cannot be truthfully said that because I am opposed to the issuance of the bonds in question, I am opposed to education or free schools. On the contrary, I am in favor of both.

If such bonds are issued, I believe under the circumstances it would be difficult, if not impossible, to float them, and besides, I do not believe it good policy to borrow money now, when the rates of interest are high, with which to purchase property at high prices, when the necessity for such purpose is not pressing. If we have not school houses enough, houses can be rented for temporary purposes. Let us not go into debt to build costly edifices when the children can be taught as well in cheaper buildings. Keep out of debt is a good maxim for municipalities as well as individuals.

There is an injustice in the law which of itself would deter me from voting for these bonds under the present law, which is clearly unjust, believing as I do that "taxation without representation is tyranny." Sec. 37, page 117, laws of 1890, provided thus, "Every male person of the age of twenty-one years or over, or who has been a resident of the territory for six months and of the school district for thirty days," etc., "and who has paid a Territorial or county school tax, etc., shall be entitled to vote at any such meeting" (as is contemplated). When I reflect upon the fact that a large amount of taxable property in this city is owned by female citizens of the United States as well as residents of Salt Lake city, who have been assessed and have paid school taxes, and who, by the act of the Legislature are excluded from voting, while male residents, who may not be citizens of the United States, are at liberty to saddle a tax upon those who are prohibited

from voting, I am led to remark that the law is unjust and ought to be changed as soon as possible.

Respectfully,

H. D. JOHNSON.

MEMORIAL DAY.

As early as 9 o'clock on Saturday, May 30th, hundreds of persons were seen wending their way into the city cemetery, carrying baskets of flowers and floral tributes of various designs with which to decorate the graves of the dead; and by 10 o'clock, at which hour Held's band came upon the scene, fully 3000 persons were present.

Punctually at 11 o'clock the public services began in a large wooden structure erected for the occasion, the cost of this having been defrayed by private subscriptions. The interior was suitably decorated with bunting, flags, fine palms and flowers. The mottoes included "The Nation's Heroes—May they Rest in Peace;" "All Honor to the Pioneers of Utah. May their Sleep be Peaceful;" and "We Mourn the Honored Dead." Above all floated the Stars and Stripes at half-mast. President George Q. Cannon was among the company occupying reserved seats on the platform.

The band having played, "Nearer my God to Thee," Mayor Scott called the assembly to order and gave a short address bearing on the history of the day and its general observance throughout the country.

The Harmony Glee club, assisted by members of the Tabernacle choir, then rendered the song, "A Tear for the Comrades that are Gone," in excellent style.

Bishop Leonard of the Episcopal church offered the opening prayer.

"Not Dead, but Sleepeth" was then sung by the Harmony Glee club.

BISHOP WHITNEY'S ADDRESS.

I am glad to meet and greet so many of you who have assembled here to do honor to this day and occasion; a day which has been placed among the high tides of the calendar, and set apart, throughout this broad land, for the observance of a custom at once beautiful and appropriate. This custom originated, I believe, with the decoration of the graves of Union soldiers, who lost their lives in defense of their country, spilling their blood upon the battlefield to preserve intact the great and glorious nation of which we form a part. It was fitting to so honor such heroes. But subsequently the custom was widened and extended to include in its observance the decoration of the tombs of Confederate soldiers, those who wore the grey instead of the blue, and fought with equal bravery and equal sincerity for their "lost cause." But it did not stop there; it grew and expanded still, until it became a general observance, the custom, as it is today, to remember everywhere the honored dead, civilians as well as soldiers, and strew their graves with flowers. It does not fall to the lot of all men to wield the sword, shoulder the musket and shed their blood upon the battlefield. Yet there are heroes and heroines equally worthy of honor, who have worn out their lives contending for the right, using pen and tongue, or whatever faculties they possessed, in defense of truth and righteousness—principles esteemed by them divine. Many of them lie here around us. We come together this day to honor them and cover their tombs with garlands.

It was fitting, indeed, that so beautiful a custom should not have confined itself