

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - JAN. 24, 1877.

UTAH AS A STATE.

The Omaha Herald has the following under the above caption—

"The House Territorial Committee has under consideration a bill providing for the admission of Utah as a State. Mr. Cannon, the delegate from that Territory, asserts that there is a larger population there than was in Colorado when it was admitted. The trouble about Utah's admission is the Mormon question, or rather, the question of polygamy. Utah's admission as a State will, we apprehend, be long deferred, on account of an obnoxious institution which we long since urged that people to put in absolute abeyance.

"We still insist that George Q. Cannon and the strong man whom he so distinctly represents, the head of the Mormon Church, ought to act upon a fact which so certainly involves the peace, prosperity and happiness of the people of Utah. Statehood is what these people need, and they would gain much by getting it. But resistance to the admission of the State will go on, on account of the institution which causes the opposition to it, and we fear it will defeat Utah as a State for several years to come, at least."

This is the old story. Utah cannot be admitted because of the peculiar religion of many of its inhabitants. Why this objection should be urged, why it should be made an objection, is not clear, when we recollect that Congress has no right to interfere with the religion of any of the citizens in the republic, or of any people out of the republic. Congress cannot make a constitutional law prescribing the religion of any of the people, nor can it constitutionally make religion any bar to the conference of any civil right or privilege.

Counting Colorado, thirty-eight States have been admitted into the Union without any such thing as a religious test being applied to any of them, as indeed it could not be constitutionally. Now that Utah applies to be the thirty-ninth State a religious test is proposed, submission to which is talked of as a condition precedent, and not only so talked of, but threats are frequently held out that no admission will be allowed except on submitting to that religious test. How is this? Where is the constitutional authority for such a test? Where is there an accepted precedent for any such course of procedure? We can find none. There is none. Why then should such an unconstitutional, such an unprecedented, test be put to Utah and insisted on before she can be admitted to take her place among the sisterhood of States? Wherein is the logic, wherein the consistency, wherein the sense of adopting such a policy near the flag end of the admission of States? Why this ungenerous, unjust, unmanly, mean jealousy by States in the Union of a commonwealth out of the Union, but desiring to enter on the same footing as the original and as all the States?

In this case the proposition talked of includes the abandonment of religion, wives and children. Can it be a matter of doubt, when the mere fact of statehood is put in the scale against these precious things, which way any people of spirit would decide? Moreover, what worth would a people be in the Union who were so degraded and had so small a modicum of manhood in them, as to accept the privileges of a State organization upon such ignoble terms? These are questions which the proposers of the religious test should seriously ask themselves, and they should also ask what the people of the world at large would think of a nation that made such abnegation of manhood an essential prior condition to the endowment of full national rights and privileges, and consequently to an acknowledgment of full political equality with the people at large of the nation? This is a serious matter, and one that does not affect Utah alone.

LAND BUSINESS IN CONGRESS.

The following extracts are from the report of the proceedings of the House of Representatives, Jan. 6, as published in the Congressional Record—

"SALE OF DESERT LANDS.

"Mr. LANE, from the Committee on Public Lands, reported back the bill (H. R. No. 4261) to provide for the sale of desert lands in certain States and Territories, with the recommendation that it do pass.

"The bill, which was read, in the first section provides that it shall be lawful for any citizen of the United States, or any person of requisite age, 'who may be entitled to become a citizen, and who has filed his declaration to become such,' to file a declaration with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter. Said declaration shall describe particularly said section of land if surveyed, and if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the sum of \$1.25 per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

"The bill in the second section provides that all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of the act.

"The bill in the third section provides that the act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota.

"Mr. LANE. I demand the previous question.

"The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

"Mr. LANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

"DEFECTIVE ENTRIES OF LAND.

"Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 3134) for the relief of the holders of defective entries of land; which was read a first and second time, ordered to be printed, referred to the Committee on the Judiciary, and also ordered to be published in the Record, as follows:

"A bill for the relief of the holders of defective entries of land.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where an entry has been, or may be, made by any person, other than corporations, in good faith, at the proper local land office, of any tract of land lawfully subject to entry, which may be informal, irregular, defective, or void, and whenever such entry shall be canceled, the person or persons having made such entry, their heirs, devisees, or assigns, shall have the first and preferable right to make a lawful entry of, and procure a patent for, such lands within one year after notice of such cancellation as herein required; but nothing herein shall divest any right heretofore acquired.

"Whenever any entry or patent shall be canceled, the Commissioner of the General Land Office shall give notice thereof by mail, if practicable, to the person claiming the land under such entry, or if it be impracticable to ascertain the name and post-office address of such person, then notice shall be given by publication in such manner as said commissioner may deem proper.

"The Commissioner of the General Land Office shall have power to prescribe all proper rules and regulations to carry this act into effect."

"Mr. LAWRENCE. This is a measure of very great importance and should receive prompt action."

Local and Other Matters

FROM FRIDAY'S DAILY, JAN. 19.

More.—Snowing on and off most of to-day, also thawing.

Removal.—Messrs. John Daynes & Son have removed to the new store of Mayor Little, immediately east of the Deseret National Bank, First South Street.

Returned.—Mr. John T. Caine, jr., having had to relinquish his educational studies in the east, on account of ill health, returned home last evening.

Firemen.—We learn that the audience at the Fireman's Mutual Improvement Association, last evening, were very much pleased with the remarks made by Brother George Teasdale, which were very interesting and instructive.

Hand Cut Off.—The following comes per Deseret Telegraph, and is dated Mount Pleasant, Jan. 19—

"A sad accident occurred here on the 17th. Wm. Rowe got his right hand cut off between the thumb and wrist, through being pulled into a planing machine. Dr. Allred dressed the hand. Rowe is now doing as well as can be expected."

Discharged.—Sheriff Theodore McKean and his deputies, recently arrested on a charge of exceeding their duties, in carrying out the requirements of a writ of attachment, at the Flagstaff Mine, had an examination yesterday, before Judge Shaeffer, and were discharged.

While these officers were under arrest the disputed ore previously held by them, by virtue of the aforesaid writ, was shipped away from the mine.

Crushed to Death.—A horrible accident occurred at the railroad depot shortly before one o'clock to-day, a man named Samuel Holmes being crushed to death under a freight train. About the time mentioned he was entering the depot block, to cut across it from the south-east corner, to his home in the 19th Ward, when the whistle of the engine of the train that runs up to the Temple Block sounded, and a couple of boys on a waiting street car said to Holmes, "Look out for the train," or something to that effect. He passed through the gateway, and the rear end of the train, which was being backed up the line, was several yards from him, but he must have been paralyzed with fear, as he did not move, and it was too late for the engineer to stop, although the unfortunate man was then seen by him. He was struck by the car, fell across one of the rails, and was dragged a short distance. His head was frightfully crushed, so that the brains oozed out, besides being injured about the body, and, of course, was instantly killed.

The remains were at once conveyed to the residence of the deceased, in the 19th Ward, and word sent to Coroner Taylor to proceed there and hold an inquest.

Since the foregoing was written we learn that James Hunter was sitting on the end of the car that struck Holmes and shouted to him, and also signalled the engineer to stop, but the attention of Holmes appeared directed to the other gate, as if he expected the train from that direction.

So far as we have been able to learn, the accident was not the result of any neglect of duty on the part of anybody, and therefore no person is blameable as being the cause of the disaster.

Brother Holmes was a respectable inoffensive man, about forty-five years of age, and leaves a wife and six children. He was late from London, England, and arrived from there, in this City, last February. He was lately engaged in exhibiting dissolving views in the several Wards.

FROM SATURDAY'S DAILY, JAN. 20.

In Pennsylvania.—The Lancaster (Pa.) *Intelligencer* of Jan. 9th states that Elder A. M. Musser, of Salt Lake City, would give an address on "Mermonism" in the new public hall at Quarryville, his native place, on the evening of the 10th, and, as Elder Musser was a man of more than ordinary ability,

and the subject a new one, a large audience might be expected.

Suicide at Provo.—The following comes per Deseret Telegraph, dated Provo, Jan. 20—

"Louis Soldany suicided here yesterday. From a pass on his person he is supposed to be Sergeant Major Sturtz, of the Fourteenth Infantry. The authorities of Camp Douglas have been notified that his body lies here awaiting instructions and identification. An inquest was held and a verdict was rendered of death from a pistol shot, fired by his own hand. He was shot through the heart."

Curiosities of the Law Reporters. By Franklin Fiske Heard. This is a work of 212 pages, well printed on good paper. It contains four or five hundred short pieces, being anecdotes and brief statements concerning curious points of law by acknowledged legal luminaries and others, and of a nature to furnish both instruction and amusement, especially to the legal fraternity, and consequently is well worthy of their perusal. A. L. Bancroft & Co., San Francisco.

A Pleasant Incident.—Last evening there was an agreeable entertainment at the schoolhouse of the 5th and 6th Wards, and, during the course of the proceedings, a testimonial of respect, appropriately worded, enclosed in a handsome frame, was presented, by the members of his Bishopric, to Bishop William Hickenlooper, as a mark of appreciation of his official services. It was an agreeable surprise to the Bishop, as he was not aware of the intention to make the presentation.

The Fatal Accident.—An old friend and acquaintance of the deceased Brother Holmes hands us the following—

"Brother Samuel Holmes, who was accidentally killed yesterday, was very zealous in laboring in the cause of truth in the Enfield and Edmonton Districts of the London Conference, and assisted in organizing a branch of the Church of Jesus Christ of Latter-day Saints, in 1864-5, at Waltham Abbey. He was courteous to the Elders and fatherly to the Saints."

The funeral of the deceased took place at two o'clock this afternoon at the Nineteenth Ward Meeting-house.

A Midnight Prowler.—The other night a man called at the house of Mr. Harvey, in the 17th Ward, knocked at the door, and when asked who was there did not answer. Mr. Harvey was absent. Last night Mr. Harvey was again from home and had not been gone five minutes when some one knocked at the door. Mrs. H. blew out the light and plainly saw a tall man prowling around the house, stooping under the windows and peeping in. Mr. Harvey happening to return at the time, and discovered the scoundrel, who ran through the lot and escaped. Just before this a peculiar whistle was sounded on the opposite side of the street, as if calling some one, but before it was answered the man was seen at Mr. Harvey's and probably had no time to answer.

The house of our informant is only a couple of rods distant from that of Mr. Harvey, and he aided the latter in following the tracks of the prowler from under the window across the lot, but they did not succeed in finding him. In the pursuit Mr. Harvey's pistol, which was in his pocket, was accidentally discharged, making a hole in his coat. Should the unwelcome intruder make another visit he will be likely to meet with a reception in accordance with his deserts.

The Law of Private Corporations; being the law of private corporations under the civil code of California, with the recent amendments and statutes, and annotations in reference to the decisions of the Supreme Court of California and of other states on analogous provisions; also an introductory chapter on the history of private corporations and an appendix, with forms. By John Proffatt, LL.B.

This work contains 240 pages in good clear type, and is filled with important legal information pertaining to corporations, under the following titles—Introductory, General Provisions, Insurance, Railroad, Street Railroad, Wagon Road, Bridge, Ferry, Wharf, Chute, and Pier, Telegraph, Water and Canal, Homestead, Savings and Loan, Mining, Religious, social,

and Benevolent, Cemetery, Agricultural Fair, Gas, and Land and Building corporations. In the Appendix are acts relating to banks, insurance and railroads, and relevant penal code provisions, with various legal forms.

The above will give a good idea of the contents of the work. A. L. Bancroft & Co., San Francisco.

Not for Sale.—The amount of gratuitous advice tendered the people of Utah, by individuals claiming to be their friends, is something stupendous. The complacency and coolness with which some of those counselors speak about the advisability of the Latter-day Saints bartering away certain portions of their religious faith and practice is quite refreshing. It seems to have become almost a national idea that anything is susceptible of being sold or traded away for a consideration, not only in matters of politics, but also in affairs of religion. This tendency has even been shown in the endeavors to settle the present presidential muddle, quite a few being in favor of a compromise between the two great parties, making the matter of the chief magistracy and vice presidency a matter of "dicker."

The piece of advice tendered by the Omaha Herald, that the people of Utah give up the religious institution of celestial marriage in order to advance their prospects of obtaining the privileges of statehood are simply absurd, and, but for the kindly spirit in which the advice is given, might be considered very much other than complimentary to the Latter-day Saints. We assure that paper named and all people who may entertain similar views to those expressed in it on this point that the people of Utah are far above the estimate they have put upon them, for they are most emphatically "not for sale." They have no fractional or other part of their religious faith or practice that they are willing to barter away for any consideration whatever. Their colors are "nailed to the mast," and, knowing their rights under the Constitution of the country, their impregnable attitude on all such questions as these is "no surrender."

The fact of the matter is that their religion, being of divine origin, cannot be abolished by them; persons may apostatize from its principles, but that is merely an individual matter with those who take such a course. The gospel cannot be added to nor diminished by human power, being eternal in its character and divine in its origin.

It is very true that some people say that some parts of the "Mormon" religion are not religion, and that its adherents have no right to practise those so-called "obnoxious" portions, the constitutional provision relating to the free exercise of religion not being applicable to what is not religion. Well, this is a cool kind of construction to put on the religious liberty clause, being to the effect that you can have perfect freedom of religious faith and practice, but it must be left with us to say what is religious faith and practice and what is not, and if you don't walk to our chalk line, we will punish you and deny you the privileges that would otherwise be yours." Very nice religious liberty, this. It is of that kind that one can get under the most despotic government on the globe. What nonsense to tell people they can have perfect freedom in walking in harmony with the religious ideas and conceptions of somebody else instead of their own. It is the essence of distilled absurdity.

The "Mormons" do not presume to say what shall or shall not be the religious faith and practice of other people, because that is none of their business, and they also think they are perfectly capable of judging for themselves and making their own choice of religious belief and practice. Like all other people who have a religion, they consider their's the best, that being their reason for adherence thereto, and as nothing has yet been presented to them that is in their opinion of a superior character, but far to the contrary, they are not prepared to trade off their religion and their manhood, which are as dear to every true Latter-day Saint as to any others on the face of the globe.

FROM MONDAY'S DAILY, JAN. 22.

Cold.—Last night was one of the coldest of the season. It has also been very sharp, though clear, to-day.