

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - FEB. 13, 1878.

THE AMENDED DIVORCE LAW.

In another column will be found the text of an Act passed by the Legislative Assembly, and signed by the Governor, amending the law on divorce. This abolishes the objectionable features of the old statute and puts an effectual quietus upon the nefarious proceedings of those who, taking advantage of the letter of the law without regard to its spirit, have aided the unscrupulous wife and treacherous husband to seek in our Territorial courts a separation in secret.

Under the amended statute, no persons except those who have been *bona fide* residents of the country in which the application is made for one year can obtain a legal divorce in our courts. This is as it should be, and the amendment, we think, will be endorsed by the whole community without regard to party or creed, except a few lawyers who have profited by the phraseology of the old statute, and will be deprived by the new provisions of any opportunity in Utah of collusion with disreputable divorce agents in other cities.

There is one point, however, in Section 1151 as amended which, when taken in connection with Section 1152 as it remains, seems a little inconsistent. One of the causes for which a divorce may be granted under the new section 1151 is, "Wilful neglect of defendant to provide for his wife the common necessities of life." The old section 1152, which is continued in force, says, "The husband may in all cases obtain a divorce from his wife for the like causes and in the same manner as the wife obtains a divorce from her husband."

Now, if the bill signed by the Governor is the same as that which we publish, and we are assured that it is, it appears that the law as it now stands will enable a husband to obtain a divorce from his wife for wilful neglect to provide him with the common necessities of life.

This might do very well for such unmanly idlers as desire to live by the labor of their wives, but we do not think our law-makers intend to assist them in any way. We have heard it stated that some men marry more wives than one in order to obtain increased opportunities of support from feminine earnings, but we have never known any instance of this kind. The responsibility, care and expense, so far as our observation extends, increases upon the husband as the number of his family increases, and cases of the wife's support of a lazy husband are confined to the worst portion of that class which is opposed to plural marriage.

While the divorce law is being amended in accordance with the views of the people of this Territory, it is advisable that amendments or additions to the statute should be made to fully harmonize with its unaltered sections.

NOT CONSERVATIVE.

We notice that a new ticket for the municipal election has been adopted by a small circle of citizens who met last evening for the purpose of making this arrangement. In reflecting upon the matter we are reminded of the Apostle Paul's saying "All things are lawful but all things are not expedient." No one questions the legal right of any citizen or any number of citizens to propose or vote for men to hold public office whom he or they may choose to support. At the same time the expedience or propriety of steps in this direction are open to criticism. But stay, we are going a little too far in making this assertion. There are persons who do question the right of others to make nominations of this kind if the latter happen to hold ecclesiastical office. And this appears to us highly inconsistent. If a dozen men, not churchmen, may

legally assemble to agree upon the names of gentlemen whom they think well qualified to hold secular office, why may not twelve who are churchmen do the same? Have members of any particular church no political rights and privileges? And if the members of any church uphold certain of their number in important ecclesiastical positions, does that debar or unfit those gentlemen from judging as to the qualifications of men for offices in the State? While claiming certain inalienable rights for ourselves, we should be very careful that we do not deny them to others.

Now as to the expediency of the movement for the nomination of a new ticket. We do not wish to say anything against those who originated it, nor those whom they have nominated; but we ask, *cui bono*? What good will result from any such a course? One of the nominees has already withdrawn his name; others may do likewise. But supposing they all stand, it is not at all probable that they can be elected. The fitness of the candidates on the People's Ticket was fairly discussed at the People's Convention, and the great body of the people will undoubtedly cast their votes for that ticket. What other result can follow the organization of an opposition like the one under consideration, but a fruitless division of the People's party? To divide the "Mormons" is the great scheme of those whose aims, objects and spirit are entirely antagonistic to the true interests of the Territory, who wish to deprive every "Mormon" of the right to hold office, to sit on a jury or even to vote at any election. Those who take a course to split up the Latter-day Saints into factions, whether they intend it or not, join hands with the enemy, and help to weaken that which every man and woman who lays any claim to be a "Mormon" ought to strive to strengthen. Opposition just for the sake of opposing has nothing in it that is mainly or worthy of praise. To stand up for a true principle is admirable, but to make an issue for strife or stir up contention for amusement is despicable and unworthy of any person who desires the public good.

The true policy of the people who made this Territory what it is today, and who hold the balance of local power, is union of faith and action. Divide on municipal matters, and soon would come division on Territorial affairs, then weakness and prostration, and finally the triumph of those who seek for the control of all our affairs for private ends and individual greed; the cities, the counties, our Territory would be burdened with debt, speculation and wholesale swindling would become the rule, as in other places, ruin would stare the community in the face, and the grand object of our settlement in these regions, and of our sufferings, labors and sacrifices would be lost in the general destruction.

Take the People's Ticket, nominated by their regularly chosen delegates, as a whole, it is a strong array, and embodies a set of civic officers whom the great bulk of the people can vote for freely and conscientiously, and who will serve the public with fidelity and ability. To attempt to divide the people on such a ticket we deem exceedingly unwise, and can see no possible good result to arise from such a course. We therefore advise all who have, perhaps without due consideration, countenanced an effort leading to disunion and strife, to weigh well the matter before decisive action, and not blindly join hands with the people's enemies, to their own loss of good feeling and faith without any compensation for their conspicuous opposition.

The movement is not "conservative" in any sense of the word. The People's is the only true conservative ticket, representing conservative principles and a conservative policy.

A gentleman spending Christmas at a country town, being troubled with one of Job's comforters, called at the village "store" and asked if they had any remedy they could recommend for boils. The country merchant studied his case of patent medicine with a puzzled air for a few moments, and responded in the negative, but as the stranger stepped rather painfully from the door, a gleam of intelligence lighted up his countenance, and he exclaimed: "Blamed if I don't think the darned fool has got a bile."

REPORT ON EDUCATION.

YESTERDAY, in the Legislative Assembly, Hon. John Taylor presented his report as Territorial Superintendent of District Schools for the years 1876-7. It was received and 2,000 copies ordered to be printed, together with the school law as it may be amended by the present Legislature.

The report is a comprehensive document, and the information it contains is of great value, showing the present status of public school education in this Territory. It commences with a full recognition of the value and importance of scholastic learning, its influence upon society and the necessity of its improvement to meet the advanced requirements of a progressive age. Endorsing many of the suggestions on this subject contained in the Governor's Message, it meets the statement contained therein, that every religious denomination in the Territory deems it necessary to furnish schools for its own children in consequence of the character of our school laws, by submitting that there is no class distinction in our District Schools, which are open alike to all denominations; that there is no State or Territory in the Union which is without such denominational schools; that legislation to regulate such matters has signally failed; and that the Assembly has no power to enforce the application of the \$30,000 expended for private tuition, a portion of which is gathered abroad for mission schools.

The Superintendent considers that for present requirements the school law makes sufficient provision for the raising of money by taxation. The assessment of a tax of one-fourth of one per cent. on all the property in the Territory which is required by law, is equal to the entire Territorial revenue. But the law further provides that the rate of taxation for any school purposes, may be raised by local vote of the tax payers to the sum of three per cent. per annum. In addition to all this the sum of \$26,750 is annually appropriated for school purposes out of the small income of the Territory. He therefore considers that no further burden of taxation is necessary, but suggests the propriety of incorporating the school tax in the revenue bill instead of in the school law. However, if further public expenditure for schools is thought desirable, he considers that mining property, in all equity should be taxed for this purpose, and thus be made to contribute, with other property, to the cause of education.

He congratulates the Territory on the number of young men and women of intelligence and ability within its limits, and its favorable educational position when contrasted with other parts of the Union. According to the last official census the percentage of illiteracy in the population of the United States was 55.2. But the percentage in Utah was only 29.5 or a little more than one-half of the general percentage of the country. Since the census was taken, by reason of our educational improvements the standard of learning has been considerably raised and consequently the percentage of illiteracy is lower than formerly.

The total number of school children between the ages of 6 and 16 in the Territory is reported as 30,792, but two counties—Tooele and Piute, have failed to report. Had they done so it is presumable that the total between the above ages would have reached to about 32,500. The per centage of school population actually attending District Schools is stated to be 43.5 throughout the whole Territory during 1877. But the per centage varies greatly in different counties. Iron County stands at the head, with a per centage of actual attendance of 70 to every 100 of the whole school population; Kane County stands next, with a percentage of 68, then Morgan County, with 66. Salt Lake County stands at the foot of the list with a percentage of only 29, next above it is Weber County with 38. The low percentage in these two counties is undoubtedly attributable to so many children being sent by their parents to mission and select schools. Salt Lake County has the largest number of school districts within its borders, namely 51, and

Rich and Juab Counties the fewest, that is 4 each. There are 247 school districts in the 18 counties reported. The average daily attendance, when Tooele and Piute are included, is about 15,000. The number of teachers reported is 232 male and 283 female. Beaver, Millard and Washington Counties report more girls than boys, the balance of the counties report more boys than girls.

The amount expended annually for school purposes is put down at \$210,063.68, including the sum of \$50,000 paid out for private and mission schools, leaving a balance for District schools of \$160,063.68. The value of school property is estimated at \$398,202.89, including \$75,000 for private schools, leaving a balance of \$323,202.89 for District schools. But this estimate has been made up from the reports of the county superintendents, some of whom have excluded buildings which, while they are used for school purposes during the week, are occupied for religious meetings on the Sunday. If these had been included, as they should properly have been, for in all newly settled regions the school house is frequently used for public and religious gatherings, the school property of the Territory would reach the sum of \$600,000.

The superintendent gives some valuable hints to trustees in the erection of school houses, recommending improvements in the location, style of architecture, fittings, furniture, maps, charts, blackboards, &c., and advising the use of home-made seats and desks which are now made in the Territory of equal, if not superior quality and adaptation to the purpose designed, to those imported from the east.

He next touches on the subject of teachers, who, he maintains, should be persons of good character, intelligence, tact, patience, and such as have passed a strict examination as prescribed by law. He commends the University of Deseret and as coming more strictly within his official province the Normal Department which has sent out a number of proficient teachers, who are in great demand. The course of study in that department has embraced the following: Theory and Practice of Teaching; Reading and Elocution; English Grammar; modern geography; arithmetic; penmanship; orthography and punctuation; book-keeping; composition and rhetoric; United States history; political economy; civil government; zoology; physiology; and mental philosophy. The number of normal studies for 1877 was not so large as in 1876, being only 23, the law providing for 40. But this is explained by the opportunities afforded for advanced education by the high schools in other places, abolishing, for many, the necessity of leaving home to come to this city.

The Brigham Young Academy of Provo, founded upon a grant made by the late President Brigham Young, placed in the hands of trustees and under the direction of an efficient executive committee he commends as an institution commanding the confidence and admiration of the entire Territory. He also refers to the endowment of a college at Logan, Cache Valley, by the same gentleman with a gift of nearly 10,000 acres of valuable land under the care of a board of trustees. Also the donation of a valuable piece of ground in the 18th Ward of this city for school purposes by the same generous friend of education.

Reference is next made to the school lands located by the Commissioners chosen at our general elections, showing that although they are located according to law yet this Territory has not yet received the benefit of a single acre of them nor a dollar in money from the Government for the purpose of education in this Territory, pointing out the powers of the Legislature and the Secretary of the Interior in the premises, and suggesting a memorial to Congress asking for an enabling act, if such is considered necessary, authorizing the allotment and distribution of those lands according to the intent of the law.

Full statistics then follow, detailed and tabulated, giving a large amount of valuable information concerning the various schools throughout the Territory.

This carefully prepared report closes with an endorsement of the recommendation of the Governor for the distribution of such public documents as this for the general

information and to reciprocate favors received from neighboring States and Territories.

We hope that this report will be extensively circulated. Figures often carry conviction where arguments fail. And no sane person can study this document without coming to the conclusion that the people of Utah have been grossly misrepresented by their enemies in regard to their estimate of the benefits of education and their efforts to establish and maintain schools that all their children may receive the benefits of such tuition as will fit them for an intelligent assumption of all the duties of civilized life. Considering their limited opportunities they have done wonders in this direction. And the general desire for improvement in our educational affairs, promises well for the future and points to a time when every child in this Territory can obtain the benefits of common learning, and when the colleges, universities and academies of Zion will prepare our sons and daughters to cope with the most cultured intellects of the age, in every department of knowledge attainable by mortals.

PIO NONO.

POPE PIUS the Ninth breathed his last a few minutes before 5 o'clock yesterday afternoon. He had been a sufferer for a long time, and repeated reports of his death have come across the wires only to be contradicted. But as the aged prelate exclaimed just previous to his decease, "Death wins this time."

The Pope's real name was Giovanni Maria Mastai Ferretti. He was born May 13, 1792, at Sinigaglia, a seaport town of Central Italy. He commenced his collegiate career at the early age of 11 years, and when 16 years old went to Rome to study for the ministry, receiving "holy orders" ten years later. He afterwards visited South America staying two years in Chili. After his return to Rome he was made archbishop of Spoleto and in Dec. 1839, was created cardinal. On the death of Pope Gregory XVI, he was chosen Pope and assumed the title of Pius IX, June 16, 1846.

He was a man of great ability and firmness of character, yet with a mild and pleasant manner that endeared him to his people. During his rule, the dogma of the "immaculate conception" was formulated, and the Catholic church lost its temporal power in Italy with the exception of Rome and the provinces bordering on the Mediterranean.

Pius the Ninth inaugurated many reforms and made many concessions to the popular sentiment. However, he was devoted to the church of which he was supreme head, and his last words were "Guard the church I loved so well and so sacredly." His successor will be chosen from the college of cardinals, which cannot be convened in full for several days. The effects of his death upon European affairs will be insignificant, in consequence of the liberation of Catholic governments from the temporal sway of the head of the church.

THE MUNICIPAL ELECTION.

THE municipal election will take place on Monday next, and legal voters should make calculations to exercise on that occasion the right of franchise. We regard voting at elections in the light of a duty as well as a privilege. Every citizen should have at heart the welfare of the State, of which he forms an integral part. The power entrusted to him as a voter ought to be used; it is not conferred as an honorary dignity or a political ornament. It should be exercised freely and intelligently. All who hold the elective franchise should make themselves acquainted with the issues involved in the elections in which they take part, and act conscientiously having in view the public welfare; and they should do so in perfect liberty.

In this city and Territory there is no need for any person to vote for any officer or measure under fear or restraint. It is asserted frequently that men and women in Utah deposit their ballots by Church dictation and under terror