

ANOTHER OPPRESSIVE AND PROSCRIPTIVE MEASURE.

A SHORT time ago we noted the fact that the Idaho Legislature had repealed the election law of that Territory. The reason for this action was that the law was fair, impartial and protected the purity of elections.

In place of that measure the Judiciary Committee of the Council of that body have prepared and presented an election law to take its place. We are unable to present its full text to-day, but give below some of its more obnoxious sections. They are sufficient to show its abominable, tyrannical and iniquitous character. Should the bill pass the Legislature in its present shape, it will be a plain evidence that those who vote for it would properly be, under the initiatory provision of Section 2, politically disqualified. No words can express the abhorrence in the minds of the doings of the Idaho anti-"Mormon" law-makers should be held by all intelligent, decent and fair-minded people. Herewith we give a few detached sections:

SEC. 1. All male inhabitants over the age of 21 years, who are citizens of the United States, and have resided in the Territory four months and in the county where they offer to vote thirty days, next preceding the day of election, shall be entitled to vote at any election and for territorial, county and precinct officers. All persons having qualifications of an elector shall be eligible to any office within this Territory except otherwise provided by law.

SEC. 2. No person under guardianship, *non compos mentis*, or insane, nor any person convicted of treason, felony or bribery in this Territory, or in any other State or Territory in the Union, unless restored to civil rights. Nor any person who is a bigamist or polygamist, or who teaches, advises, counsels, or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization or association which teaches, advises, counsels or encourages its members or devotees or any other persons to commit the crime of bigamy or polygamy or any other crime defined by law either as a rite or ceremony of such order, organization or association, or otherwise, shall be permitted to vote at any election, or to hold any position or office of honor, trust or profit within this Territory.

SEC. 16. If any person offering to vote shall be challenged by any judge or clerk of the election or any other person entitled to vote at the same poll and either judge shall challenge any person offering to vote whom he shall know or suspect not to be qualified, when any person who offers his vote shall be challenged, one of the judges shall declare to the person so challenged the qualifications of an elector, if such persons shall declare himself duly qualified and the challenge be not withdrawn one of the judges shall tender him the following oath:

"You do solemnly swear (or affirm) that you are a male citizen of the United States over the age of twenty-one years. That you have actually resided in this Territory for four months last past, and in this county thirty days. That you are not a bigamist or polygamist. That you are not a member of any order, organization or association which teaches, advises, counsels or encourages its members, devotees or any other persons to commit the crime of bigamy or polygamy or any other crime defined by law as a duty arising or resulting from membership in such order, organization or association, or which practices bigamy or polygamy, or plural or celestial marriage, as a doctrinal rite of such organization. That you do not either publicly or privately or in any manner whatever teach, advise, counsel or encourage any person to commit the crime of bigamy or polygamy or any other crime defined by law either as a religious duty or otherwise. That you regard the Constitution of the United States and the laws thereof and of this Territory as interpreted by the courts as the supreme law of the land.

The teachers of any order, organization or association to the contrary notwithstanding, and that you have not previously voted at this election. So help you God."

SEC. 44. If any person offering to vote at any election in this Territory shall willfully, corruptly, and falsely swear, or affirm, touching his qualifications as a voter, he shall be deemed guilty of a felony, and, upon conviction thereof, be punished by imprisonment in the Territorial Prison for a term not less than three nor more than ten years.

SEC. 45. If any person, not a legal voter, and possessing all the qualifications prescribed for voters in this Act, or who is laboring under any of the disabilities mentioned in Section 2 of this Act, shall vote at any election in this Territory, or shall hold or exercise any office, or position of public trust, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the County Jail not less than thirty days nor more than one year, or both so fined and imprisoned, in the discretion of the Court.

THE ATTORNEY GENERAL'S OPINION.

IN RELATION TO A FEATURE OF THE SCHOOL TAX QUESTION.

DEPARTMENT OF JUSTICE,
WASHINGTON, D. C.,
January 5th, 1885.

Hon. H. L. Teller, Secretary of the Interior:

Sir.—In compliance with a request made the 20th ult. by the Hon. M. L. Joslyn, then Acting Secretary of the Interior, I have considered the following questions proposed by the Hon. Alex. Ramsey, chairman of the Utah Commission appointed under the act of March 22, 1882, chap. 47, in a communication addressed to you, dated the 18th ult., namely:

1. Have we (i. e. said Commission) any jurisdiction in regard to the school meetings of Utah?

2. If yes, by what *modus operandi* are we to proceed?

3. Can polygamists vote at the school meetings of taxpayers?

The powers of the Commission or Board, established by said act are defined in the ninth section thereof. That section, after declaring vacant "all the registration and election offices of every description in the Territory of Utah," provides that all duties "relating to the registration of voters, the conduct of elections, the receiving or rejection of votes and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory; shall, until other provision be made, etc., be performed under the existing laws of the United States and of said Territory by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons," etc. By this provision the Board or Commission is invested with power to appoint persons to execute such offices and perform such duties as are above described, and no other.

On examining the school laws of Utah Territory, to which attention is called in the communication referred to, (viz: chapter 19 of the laws of 1880, chapter 47 of the laws of 1882, and chapter 30 of the laws of 1884), I find no registration or election offices created thereby, nor do I discover any duties there prescribed relating to the conduct of elections, etc., as above. Those laws provide for the establishment of school districts, and for the holding of school meetings annually in each district, at which school trustees are to be chosen by the registered voters of the district by ballot. Yet the organization of the meetings, and the conduct of elections thereat, are not made the subject of statutory regulations, but are left to be effectuated by such methods as the persons assembled on the spot may adopt. And in the absence of any statutory provision requiring the performance of specified duties at the school meetings relative to the conduct of elections, etc., or creating election offices therefor, it seems to me that, as regards such meetings, there is no room for the exercise of the aforesaid power conferred upon the board of commission by the act of March 22, 1882. That power, I think can only be exerted where officers or duties of the character mentioned exist, and are to be executed or performed under the statutes in force within the Territory.

I am accordingly of the opinion that the first question should be answered in the negative, and so answer it. This disposes of the second question also.

The remaining question is whether polygamists can vote at school meetings called for the purpose of fixing the rate of taxation for school purposes. At these meetings under the laws of the Territory, the property taxpayers residing in the district, and they alone are entitled to vote. By the 8th section of the act of March 22, 1882, polygamists are disqualified from voting at any "election" held in the Territory. But to vote at the meetings of taxpayers, called as above, on propositions to fix the rate of a school tax, is not voting at an election within the meaning of that act; the term "election," as there used, manifestly signifying only a proceeding to fill a public office or employment. Though not qualified to vote at any proceeding of this kind, or, in the language of the statute, "at any election" in the Territory, a polygamist may, nevertheless, in my opinion, vote at such meeting of taxpayers on propositions of the character above described, provided he is a property taxpayer and resident of the school district in which the meeting is held. I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney General.

EFFECTS OF THE NEW LAND LAW.

IMPORTANT TO LAND CLAIMANTS.

Editor Deseret News:

The telegraph brings the intelligence that the Senate has passed an Act repealing the pre-emption, timber culture and desert land laws. The dispatch does not state whether this is the same bill which passed the House last session, but it is to be presumed that it is, and the officials here believe that to be the case. If so, then it will be but a short time, unless the President's veto should intervene, before those who have deferred availing themselves of these useful laws, will be debarred the privilege of an entry under their provisions.

How will this affect the residents, farmers and others of this Territory?

Under the new law, not only are the above named acts abolished, but the only existing law (the homestead act,) is changed so as to require a continuous residence on the claim, of SEVEN years instead of five, as now, and instead of a settler being permitted, as at present, to pay the government price for the land after a six months residence, and then leave it if he so desires, he will be required to live there at least EIGHTEEN MONTHS, and give SIX MONTHS notice of his intention to so pay up and obtain title by commutation.

The person who desires a tract of public land for a farm, must settle on the same himself, build a house, move his family into it, and live there, making that residence his exclusive home for the full seven years, or take the other alternative of the eighteen months' residence and full payment of \$1.25 or \$2.50 per acre, as the case may be, in regard to the land being outside or inside the railroad limits. Fancy a store clerk, a professional man, a school teacher, a musician or any of the trades people having to do this in order to get a piece of the public domain. It may be said the farmer can do it. Yes, but the farmer is perhaps the only person who has already obtained a tract, and most of the farmers have exhausted their homestead rights in securing the lands they now occupy. Hence a great hardship will be worked upon those classes whose occupation and circumstances will not admit of their leaving the cities and towns where they reside, and making new homes on the public prairies, distant from the settlements where they earn their living.

How will the new law affect the settlement and building up of the country?

In the Western Territories, we have thousands of acres of wild prairie land which cannot be cultivated except by means of irrigation. This, in many instances, requires the expenditure of large sums of money, to construct canals, ditches, flumes, culverts, dams and sluices, to bring water from the rivers and larger streams; in some cases huge ravines have to be filled up, hills cut down or tunneled, and various other improvements made over large tracts of country to get the necessary water for irrigation. It would not pay a man to do this, even if he were able to invest the money, for the sake of acquiring a small tract of 160 acres or less. And in most cases where a man would wish to locate seven years on a piece of land, belonging as a general thing to the laboring class, he would be too poor to undertake such vast improvements and outlay. Consequently the abolition of the Desert Act which permits an entry of 640 acres of land without residence, was and is admirably adapted for reclaiming such parts of the country as those here referred to. Men owning thousands of dollars, can invest money in such efforts at reclamation, and even if they fail to obtain the best results, they are not injured so materially, as as would be the poor man who invested his last dollar in a partially futile effort to reclaim a tract he might desire to occupy. If some rich men have become possessed of a section of such land for their outlay and enterprise, what of it? Does it not improve and build up the country? And in most cases where such land is suitable for farming after a permanent supply of water is obtained, it can be sold in small and suitable lots to those who have not the means to invest in wholesale reclamation, and who when moving on to or otherwise taking possession of their purchase, have the satisfaction of knowing that they can continue to improve the land at a paying ratio upon their investment. We have more to say, but we will not give our views on the pre-emption and timber culture laws in this article, as time and space forbid. We will close with the recommendation that all parties who can, should seize the few golden moments pending the perfection of the new law, to enter under the Desert Act, Timber Act and Pre-emption law, and thus save what the Government is evidently determined to deprive them of, as soon as it can be done. These rights are valued at \$200 each, and are certainly worth saving.

Respectfully,
STAYNER & SIMMONS,
Attorneys in Land and Mining Cases.
Salt Lake City, Jan. 15, 1885.

ITS "TRUE INWARDNESS."

No sane person who has perused and weighed the anti-"Mormon" measures lately introduced into the Idaho Legislature can help being struck by their unmitigated ferocity. They constitute the acme of legislative villainy. They have not, so far as latest accounts inform us, been passed upon, but the probabilities are in favor of their going through, although that may appear to be a hard thing to expect of anybody of men other than scoundrels and tyrants.

The proposed measures have perhaps no parallel in the history of civilized peoples, and have but to be examined to be detested by the fair-minded everywhere.

Denuded of their clumsy verbiage, the concentrated essence of their venom may be presented in simplicity.

They provide for peremptory confiscation of the property of "Mormon" citizens by the courts, and its arbitrary apportionment among classes of persons specified in the proposed laws.

They provide for compulsory abandonment of wives and children, no matter though the marriage contracts involved may have been entered into in violation of no statute, failure to comply with this monstrous provision incurring a liability to a fine of \$500 and imprisonment for six months.

A person who may be entirely innocent of any illegal or overt act is deemed guilty of polygamy if he speaks in favor of its rightfulness, and is liable on conviction of having expressed himself on that subject to a fine of \$500 and imprisonment for five years. Thus is a man not only prevented from acting out his religious convictions, but the right of free speech is sought to be crushed out of the people.

A premium is placed on perfidy and heartless villainy by offering amnesty to polygamists who will throw their manhood to the dogs and enter the ranks of the debased by discarding their helpless and dependent wives and children, an alternative that death itself would not induce a true Latter-day Saint to accept.

Members of the Church of Jesus Christ of Latter-day Saints are to be denied every civil privilege, including not only the right to hold any office whatever, but to vote, solely and simply because of such membership and for no other cause. Thus would the right of opinion be denied. It is also provided, as a consequence, that no "Mormon" accused of any crime shall be tried by a jury of his peers, but by a panel composed of his avowed and bitter enemies.

The constitution is further overthrown by the introduction of a religious test oath, framed to prevent its being subscribed to, at elections, by any member of the Church of Jesus Christ of Latter-day Saints, and thus religious opinion would be run through the rollers of the same crushing mill provided for free speech.

There appears but one more step to complete the infamy of the conspiracy against the peace, good order and prosperity of the Idaho commonwealth. For aught we know it might as well be added, by attaching the death penalty to the fearful crime of being a Latter-day Saint. Indeed, were it within the power of the fanatical anti-"Mormons" to carry out their demoniacal desires in that Territory, life would not be worth possessing. There are some considerations that are of at least equal value to the privilege of mere existence. Among these are mental and physical freedom, without which life is an unbearable burden.

Under such a legislative regime as is incorporated in the proposed measures whose substance we have given, life in Idaho would be rendered intolerable to Latter-day Saints, because they would be liable to be preyed upon, robbed, plundered, abused and imprisoned by a class of the worst and most heartless men that ever disgraced the earth.

It may appear needless to speculate upon the result of the inauguration of such a state of affairs as that contemplated by the enemies of liberty in Idaho. Better perhaps to await the development of events. There is a point that can be reached, however, that goes beyond the endurance of intelligent and liberty-loving humanity, no matter how great may be the desire of the oppressed to avoid a rupture. The proposed liberty-suppressing enactments are revolutionary, and evidently backed by an intention to despoil, and cause the disintegration of the colonies of the Latter-day Saints in the north. They mean banishment with the alternative of being robbed or imprisoned. The people have made comfortable homes, and caused the desert places to smile, and we rather think that they will not tamely submit to the depredations of legal plunderers.

Now let those who have a word to say about "Mormon" exclusiveness and oppression look upon the picture that is presented in our sister Territory where non-"Mormons" hold the balance of political power. Behold the parody on justice and equal rights that is being enacted there; then turn the scrutinizing eye toward Utah, where thus far the local power is held by the "Mormon" people, because they happen to be in the overwhelming majority. The rights of all are respected. No local class legislation is even attempted, not to say in existence. Gaze upon the two pictures and then imagine what the transition would be were the political reins turned over here to the same class that holds them in Idaho. Who then are so inconsistent as to blame the "Mormons" for being careful in the preservation of their rights? To be otherwise would be to be guilty of suicide.

BISMARCK'S MOTIVE.

It appears that Bismarck's African colonization scheme is likely to work well. Present indications at least point that way. It is stated that the German consul at Cameroons is fairly besieged with letters of inquiry from young men anxious to emigrate to that part of the world. Should the project succeed and a full tide of German emigration set out in that direction, it will doubtless have the effect of diminishing the broad stream of humanity that for years has been constantly flowing from Fatherland to this country. The scheme may safely be put down as one of Bismarck's masterstrokes, as his outgoing countrymen who settle in the African German dependency will remain citizens of the Empire, whose influence and dominion

will be increased instead of depleted by the exodus of many of its most industrious and enterprising people.

DEMORALIZING INFLUENCES.

WE have taken a strong position against people allowing their children to frequent skating rinks. We held that associations formed at such places are frequently fraught with danger to good morals. We have maintained that stand from the first establishment of such places in this city, and subsequent events proved its correctness to all who wished to be convinced.

We are by no means alone in that view. So keenly are the people of Vermont alive to the dangers to the youth in such resorts, that the sentiment of apprehension has been legally expressed through the State Legislature, in "an act to prevent the demoralization of schools." It authorizes school committees to notify managers of skating rinks, not to permit the attendance of pupils of schools, academies and normal schools, under a penalty of a fine of \$10.

Masquerades and dancing parties generally where the companies are the reverse of select, are largely open to the same objection—a tendency to demoralization—as skating rinks. We advise our young people to seek amusement in a safer and consequently more respectable form. There will be no future regret for taking counsel of this kind.

UNBELIEF IN MIRACULOUS HEALING.

THE *Evening Express*, published at Los Angeles, Cal., devotes a column in one of its recent issues to ridiculing the idea of cures being effected through the medium of faith and prayer. The writer alludes to the Prayer Cure Asylum, established at Denver, having recently come to grief, and then goes on to say that "Superstitions die hard, and no form of superstition has shown such tenacity of life as the belief in miraculous healing."

The writer makes no allusion to Bible examples of miraculous healing, possibly because he like many other scoffers at sacred ordinances, professes a belief in that book. Perhaps he is willing to acknowledge that such miraculous cases of healing as are related in the Bible actually occurred, but, like thousands of other professing Christians, is unwilling to admit that the power to effect such cures or the necessity for them any longer exists, or ever will.

He reviews what he is pleased to call the superstition in regard to faith and prayer cures from the Middle Ages down to our own time, referring to the service for the sick which was formerly incorporated in the Church of England Prayer Book, and the claims to the healing power professed by Charles II. of England and many others, and declares that such superstitious fancies "have passed away out of the popular belief, for the reason that we have passed into a new climate of thought where they do not flourish."

We can quite agree with this writer as to the gradual decadence of faith or belief in the healing ordinance formerly practiced, but do not attribute it as he does, to "the progress of physical science." With all the progress which physical science has made, there is still plenty of room for the exercise of supernatural healing power; for it is a well known fact that with all the wisdom of the scientists there are diseases and complications of diseases being developed every day with which they are entirely unable to cope, and a few of the most learned and skillful of the physicians of the day have been frank and honest enough to acknowledge that their practice consists of experiments. "The science of physics," as it is called, still lacks a great deal of being a science, as definite and invariable rules cannot be laid down to govern it. Who can look upon the pitiable victims of disease that abound in the world without being impressed with the fact that there is as much need today of the power being exercised by which the sick were healed, the deaf made to hear, the blind to see and the lame to walk in the days of the Savior as there ever was?

We prefer to attribute the decadence of faith or belief in such a power, which, as the *Express* writer says, has gradually been taking place for ages past, to another, but very different cause than that which he assigns. In the first place, most of those who, since the days of the early Apostles have pretended to possess the power to effect miraculous cures have been frauds and humbugs, possessing no authority from the Almighty to so act, and entirely devoid of the power which accompanied the ministrations of the Savior and His apostles. As this latter fact became apparent to the public the spark of faith in a supernatural healing power which people possessed naturally, inherited as a tradition from their ancestors or imbibed from the scriptures gradually became extinguished. Seeing no such power manifested as the Savior and His Apostles exhibited, even in the so-called Christian church or churches, people ceased to look for it, and, for want of a better excuse, consoled themselves with the thought