

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - SEPT. 13, 1882.

PEOPLE'S TERRITORIAL CONVENTION.

HEADQUARTERS People's Territorial Central Committee, Salt Lake City, Sept. 5, 1882.

A Territorial Convention of the People's party is hereby called to convene at the City Hall, Salt Lake City, on Monday, the 9th day of October, 1882, at 12 m., for the purpose of nominating a candidate for Delegate to the Forty-eighth Congress.

The number of delegates to compose the Convention has been apportioned to the several counties as follows, to wit:

County.	No.	County.	No.
Beaver,	2	Rich,	2
Box Elder,	3	Salt Lake,	16
Cache,	3	San Juan,	1
Davis,	6	Sanpete,	6
Emery,	1	Sevier,	2
Garnfield,	1	Summit,	2
Iron,	2	Tooele,	2
Juab,	2	Uintah,	1
Kane,	2	Utah,	9
Millard,	2	Wasatch,	1
Morgan,	1	Washington,	2
Plute,	1	Weber,	6
		Total,	75

The County Central Committees are requested to take immediate steps in their respective Counties, for the election of delegates to the Territorial Convention.

By order of the People's Territorial Central Committee.

JOHN SHARP, Chairman.
THEO. MCKEAN, Sec'y.

THE NEW REGISTRATION.

NOTWITHSTANDING the discussion of the Commissioners' rules and the comments thereon which have appeared in the local papers, there are many intelligent people who do not seem to understand the necessity of what they call "registering over again." There is some excuse for this, because the law does not provide for re-registration, nor for erasing names from the registry list except for good and sufficient cause. They do not see how such things, which are contrary to law, can be done in the name of the law. They understand that the law provides for a revision of the registry lists, but does not require a new registration. They will have to learn that we are living in peculiar times, and that a great many things may be done with the "Mormons" which would not be attempted with other people. Also that those who call the "Mormons" law-breakers will violate law with impunity when working in anti-"Mormon" interests.

We again repeat that all persons whose names are now on the registry lists who do not appear at the office of the registrar of their precinct and take the oath prescribed by the commissioners, will have their names stricken from the lists and will not be permitted to vote at the November election. The wrong of this we do not dispute. We merely state the fact. That this may be everywhere understood, our readers should repeat it to their neighbors and acquaintances, and impress upon all with whom they converse the necessity of complying with the rule, if able to do so, that they may not be deprived of the right to vote which they have heretofore enjoyed.

The workings of this rule are so arbitrary and manifestly unreasonable and unjust, that it is no marvel our friends should discredit its application. The object of the law on which the rule is predicated, is to prevent bigamists and polygamists and their wives from voting and holding office. It was not intended to disqualify monogamists, male or female, "Mormon" or "Gentile." But this rule requires the names of monogamists to be erased from the registry lists who do not appear before the registrar of the precinct during the second week in September

and take a certain oath not provided for by law. A man or woman who has broken no law, if absent from home during that week, or if unacquainted with the provisions of the rule, will be disfranchised for election purposes this year, and cannot be restored to the rights thus unrighteously wrested from them unless they can register anew next year. This is manifestly unlawful and decidedly absurd. Its illegality ought to be demonstrated in the courts as soon as possible.

But whether the rule is right or wrong, reasonable or ridiculous, valid or invalid, every man and woman of the people's party who can conscientiously take the oath prescribed should do so as early next week as possible. They will have to go to the office of the precinct registrar. We shall endeavor to publish the places where the registrars will have their offices, before the time for registration. People who have been registered before must now stand on the same ground as those who have never been registered. All must take the oath or be debarred from voting. Don't forget this, and do not fail to impress it upon the minds of others.

NOTHING BUT ECHOES.

A WRITER for the press, who recently spent the astonishing period of thirty-six hours in Salt Lake City, and who thus became qualified to enlighten the whole world on the subject of "Mormonism," thus speaks of the people of this Territory:

"The pitiful ignorance of a vast population, (except the designing leaders) their superstitious awe and respect for a peculiar religious belief, aided by a tithing system that pours a vast corruption fund of a million of dollars annually into its treasury is the secret of its power."

Now by what means did he gain this remarkable intelligence? Certainly not by personal conversation with the people, who are scattered over a large extent of country. He merely echoes the sounds he heard from others, and their persons who are adepts at misrepresentation. The "fund of a million dollars annually" is one item out of a fund of untruths that those individuals have on hand for the delectation of these egotists, who think they can learn all about Utah in a day and report it to the rest of mankind, from notes of the "stuffings" received from practiced defamers.

Feeling called upon to descend upon the iniquities supposed to exist here, he says:

"There is scarcely an opportunity in such an article to give a hint of the enormity of the crime committed against humanity and the laws of justice under the guise of the 'Holiness of the Lord' system practiced in Utah. No written or spoken testimony can equal the impressions gained by one who knows how to see and hear in a few days sojourn in this city, the Zion of the Latter-day Saints."

The way "to see and hear," according to his own account of his visit, is to spend the time in the society of violent opponents of the people to be described, in partaking of such pabulum for the body and mind as they provide, and to form conclusions concerning certain "enormities" without witnessing anything of the kind imagined or having the slightest reason for testifying to their existence.

We assert without fear of successful contradiction, that not one of the people who pay these hurried visits and then go back whence they came, and add their ink drops to the black stream of calumny sent forth about the "Mormons," could truthfully state anything derogatory of the people here, nor perceive anything different in the composition of society in Utah, except that there is in it less disorder, less crime and less of all the evils of modern times to be seen therein than are to be found in any other place with a similar number of people. But there are few travelers who see with their own eyes and hear with their own ears. They are usually but feeble echoes of other people's impressions or fabrications.

DO NOT MENTION THEM TOGETHER.

AN esteemed correspondent in the southern part of Utah writes to us a well written refutation of some

strictures which appeared in a "free love journal" on "A Mormon Woman's Faith." The lady, now deceased, was a firm believer in the doctrine of eternal marriage, and was anxious, when about to die, that her "Gentile" husband should embrace the Gospel, marry a good woman and attend to the ordinances necessary to bring about their reunion and eternal association in the world to come. The paper alluded to is hostile to marriage of any kind, regarding it as bondage and subversive of that license, which its editors miscall liberty, that they would like to revel in.

We do not print the communication, because we cannot conscientiously publish the vile statements of what is called "free loveism," nor place in the same connection the beastiality it advocates and the sacred and holy relations of celestial marriage. The covenants of the latter are no bondage to the pure in heart; while the licentiousness of the former is subversive of true liberty, and repugnant to the feelings of every mind susceptible of comprehending matrimony as established by the Creator, its objects and tendencies. Better leave the pitch alone, lest by touching it the odor of defilement might be experienced. And do not mention together the doctrines, if such they may be called, of unbridled lust, and the principles of eternal marriage as revealed from heaven for the direction and exaltation of mankind.

STILL FURTHER RULINGS.

IN another column we print some further instructions from the Commissioners. Registering officers will take notice and the public should be informed in relation to those points which affect voters.

We have nothing to say in regard to the ruling on the first question. The answer to the second we consider contrary to law; and the best proof of that is that no law can be cited in its support. The oath prescribed by the Commissioners will have to be revised and altered or it will not correspond to this ruling. The oath can be taken by two classes of widows whom the rule aims to shut out. The third point cuts no particular figure in the conduct of the election, except to raise the natural inquiry, "What is the reason for this change requiring the rescinding of a formed rule?"

The affidavits may as well go to the Secretary as to the County Clerk after the registry lists are made up. But a copy of the lists must be filed with the County Clerk by the 10th day of October. So says the law as it now stands, taking into consideration and complying with the rule of the Commissioners. This is just as binding on the registering officers as any other part of the laws or rules governing the election.

We are not surprised that changes have had to be made. There are others which appear to be requisite when the rules are compared with the later decisions of the Commissioners. The powers of those officers are limited within the lines of the laws of the United States and of this Territory, and in stepping beyond those bounds they cannot help involving themselves in difficulties that do not exist within the circumference of those enactments. For they form a harbor in which all is plain sailing and safety, while outside is a troubled sea with rocks and shoals and darkness and danger.

These stringent provisions give us no uneasiness. As far as we can learn, the general intention of persons who can by any twist of language be included in the term "polygamist," is and has been, to stay away from the registration and from the polls. Let it be an election by monogamists. But let it be a fair election. Put on the screws in any direction required to prevent polygamists from voting, if you wish to do so, whether the process is legal or illegal; but let the majority shown on a just count have their rights. That is all we ask. That we shall demand. Anything more or less than this will be iniquity that will receive such exposure and in such a manner as will brand the perpetrators thereof with infamy that will cling to them for ever.

Understand, we are not kicking against the rules nor against those who framed them. We don't care, so far as this election is concerned, what regulations are instituted so long as the rights of the

monogamic citizens are not infringed upon. The polygamist portion of the community are willing to stand by and take proper steps for maintaining their inalienable rights, some of which are at present denied them. Count them all out if you like, but give a fair show to those whom no law, or rule, or order at present enacted or promulgated can effect, and we shall not complain. At the same time we reserve the right to contest by all lawful means the legality, constitutionality and validity of every point involved in the present dispute, and we have no fears about the result.

A FLOOD IN KANAB.

THE PEOPLE OF THAT SNUG SETTLEMENT EXPERIENCE A STORMY TIME.

By courtesy of Elder John L. Nuttall, President of Kanab Stake, we are enabled to present the following extracts from a letter to him, dated August 30th, from Bishop W. D. Johnson, of Kanab settlement:

"About 12 noon it began to rain; after dinner we noticed it thundered and looked very black in the canyon northeast of town. In a few moments after we heard the roaring and rushing of the water, when upon looking at the cliffs north and east of town we saw the water rolling and tumbling off the cliffs with a great noise. The flood came down through town with a tremendous force through Farnsworth's, Oliphant's, yours, Bunting's, Rider's, Brown's and the Tithing Office lots and so on. Nearly every street was full of water. We had a hard time keeping the Tithing Office cellar from filling, as it was it ran into it about a foot deep. The Tithing Yard filled up two feet deep, when I had to tear down the gates and fence to let it out. It took five of us banking up as fast as we could to save the office. A great deal of hay has been spoiled by the flood, also grain standing in stacks. Cellars were filled and many things damaged, but no one hurt.

"This makes the third flood we have had this summer from the same direction, but none so large as this. In the canyon it was washed away our city ditch dam and cut the bed of the creek down some ten or fifteen feet. Two weeks ago the flood filled our city ditch. Just got it cleaned out three days ago and now it is full again.

"The storm two weeks ago was accompanied with hail which destroyed much fruit. We had some hail yesterday, but did not do as much damage as the one before. Down the street by your house and the store in front of Sister Stewart's house it has washed a gulch some three or four feet deep. Some of the folks feel quite discouraged about the floods, but I feel they will be for our good in the end."

CITIZENSHIP AND THE RIGHT OF SUFFRAGE.

CITIZENSHIP and the elective franchise are two different things, but there are many people who do not understand the difference. A rule that to vote at elections, as a rule, can only be exercised by citizens, but there are large numbers of citizens who do not hold the right to vote. Every person born in the United States is a citizen thereof, Native born women and children, then, are citizens; but no one under twenty-one years of age is entitled to vote, and women are excluded from the suffrage in most parts of this popular republic.

The laws of the United States regulate citizenship thereof; but the right to vote and hold office is regulated by the laws of the various States and Territories, within their own boundaries. And the qualifications prescribed by law are various in different places. Some States have a property qualification, others have an educational qualification. The time of residence required to confer the right to vote is not the same in many of the States and Territories. In Utah women can vote under certain restrictions, in other Territories, except Wyoming, they cannot.

If a man therefore is deprived of the right of suffrage, that does not take from him his citizenship. "Once a citizen always a citizen," holds good unless the right of expatriation is exercised, that being recognized by the laws of the United States as inher-

ent. The Edmunds Act provides that no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with either of the persons thus described, shall be entitled to vote or be eligible for office in any Territory of the United States. Supposing this law to be carried into effect and that thereby certain individuals are deprived of the right to vote and hold office; that does not take away from them their citizenship nor any of its rights and privileges except those of voting and holding office.

The question naturally arises, when considering this provision of the act of Congress, how is the fact of a citizen's disqualification to be determined? And the response in every legal mind is, by a judicial decision consequent upon a trial by jury, for that is the only lawful and constitutional method. A test oath is not the proper means to arrive at the fact, because no person may be required to give evidence against himself. And mere supposition, common rumor, the dictum of any official, federal or local, is entirely insufficient for the purpose.

To deprive a citizen of the franchise is punishment, and punishment cannot be constitutionally inflicted without a trial by a jury of the vicinage. The right to vote and hold office once obtained is property, and no person can be deprived of life, liberty or property without due process of law. This term signifies that process of law which is had through the courts. It is judicial, not legislative process. Polygamy has been constituted a crime by congressional enactment. But no *ex post facto* laws may be passed by Congress. The constitutional effect, therefore, of any law against polygamy can only be prospective. Anything done under color of that law to render it retro-active is void.

The first United States law against polygamy was passed March 22, 1862. The law of 1862 was enacted against a practice there and then defined as bigamy. Cohabitation with more than one woman was for the first time made criminal by United States law also in March, 1882. The language of the statute sustains the position that its effect was designed to be prospective, as indeed it must be or it is invalid. It provides that "every person who has a husband or wife living, etc., who hereafter marries another is guilty of polygamy; and "If any male person, etc., hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor." A person cannot be prosecuted for polygamy nor unlawful cohabitation committed before the passage of the Edmunds law. Prosecutions under the law of 1862 must be for bigamy, and the ceremony, not the cohabitation, is the offence.

Now if a man cannot be legally prosecuted for polygamy or unlawful cohabitation committed previous to March, 1882, how can he be punished lawfully for those offences, except for such as may have been committed since that date? The plan devised to deprive him of the right of suffrage, is to make him swear that he is not a polygamist or bigamist or person cohabiting with more than one woman. And it is argued that the establishment of this test oath is justifiable by the law of Congress which provides that no such person shall be entitled to vote or hold office; also that our local statutes provide for an oath as a test of certain qualifications prescribed by law. It is provided that a voter must be over twenty-one years of age, a citizen, a taxpayer, &c., and an oath is prescribed as a test of these qualifications.

But it must be seen upon fair examination that it is a very different matter for a law to be enacted providing means by which a voter can be proven to have certain lawful qualifications, and for an oath to be framed without law to deprive him of a vested right. In the former case it is law; in the latter it is a regulation established without law. In the first it admits him to the exercise of a right or privilege which he has lawfully acquired; in the other it deprives him of his acquisition without any process of law. And the operations of the unlawful rule are made retro-active. They punish persons for acts committed at a time when they were not punishable by law, and the provision would therefore be invalid even if enacted by a legislative body.

If any one will contend that the right of suffrage is not property, and that depriving a citizen of the right to vote and hold office is not punishment, the evidence thus given is