

ber of Commerce. The officers and members are composed of both Gentiles and Mormons. They both join in advertising the advantages of the city. They both join in inviting people to come here. They both donate their money for the above purposes. This advertising, these invitations, are not made to Mormons, but to Gentiles, and Gentiles that have responded to these calls, after coming here, formed business relations with Mormons. A ball was given by the Chamber of Commerce. The elite of both classes were present. The wives and daughters of the Gentiles were led out by the Mormon, and the wives and daughters of the Mormon by the Gentile, and all passed off very enjoyably. The families of both classes visit each other. In fact, we seem to get along together first-rate—till we come to politics, and then—O then!

Now as to the "manifesto" concerning polygamy: If they had claimed a revelation direct from the Almighty, I should have been suspicious. I think it came in the right way. The civilization that had made its way here was against it; the laws of their country were against it; they were being prosecuted, convicted and punished. Altogether it was becoming a great hardship on the people, affecting not only the guilty, but the innocent offspring of that relation. Their citizenship was threatened. What was the proper thing to do? I think, just what they did do. And even if it was for the purpose that the *Tribune* suggests—to hold their citizenship and political rights, I know that to retain my rights as a citizen under a government like ours, I would subordinate everything.

It is because I love the institutions of my country that I am not willing to strain them. I responded to my country's call when she was in need. I carry the marks of my loyalty on my person. What little I did was to preserve the Union; the political rights of mankind; the perpetuity of all her institutions for the welfare of man. Today I look over our Territory—I see thousands of young men, thousands of young children—shall I not interest myself somewhat in their welfare—their political welfare? When I see so many young men without any knowledge of the questions that divide the people of this country, shall I deprive them of the opportunity of acquiring that knowledge, a knowledge that every citizen ought to have? It is forcibly clear to my mind that the present attitude and relations of what are called "political parties" cannot continue much longer without serious disaster to those I have mentioned above—the young.

It is my belief that by some means there must be secured candid, patriotic co-operation in political matters of all the citizens of the entire Territory.

The conditions as they appear to me—the political conditions—are nothing more than two factions arrayed against each other, each intent on securing by whatever means may be necessary, political control. The one intent on securing power by the destruction of the other.

I do not blame or rebuke the desire of power. But what power? That is all the question. Power to destroy? The lion's limb, and the dragon's breath? Not so. Power to heal, to redeem, to guide, and to guard. Power of the sceptre and shield; the power of the royal hand that heals in touching—that binds the friend and looses the captive—the throne that is founded on the rock of justice and virtue, and descended from only by steps of mercy.

Assuming that you are honest in your convictions on these subjects, and that you will concede to those who feel they cannot follow the policy laid down by *The Tribune* the same honesty of purpose, I submit this communication.

A. SAXEY.

PROVO, March 25, 1891.

SCHOOL BOND ELECTION.

The Supreme Court of the Territory sat again April 2nd, Chief Justice Zane presiding. Associate Justices Blackburn and Miner were likewise present. Yesterday's record having been read and signed, the

SCHOOL BOND ELECTION CASE

was called on, according to prior arrangement. It is known as that of the People ex rel. vs. the Utah Commission, and involves the question of the validity of the school bond election.

Judge Sutherland (Sutherland and Judd) represented the People; Messrs. Baldwin and Tatlock appeared for the Utah Commission.

Judge Sutherland opened the arguments by stating the circumstances which led up to the application made to the Third District Court for the writ of prohibition, on behalf of the Board of Education, on March 23rd in the present year. These have already been published in the columns of the News. Counsel said that the writ was asked for to prevent the Utah Commission from interfering in the conduct of the election, since the statute provides another way of calling and holding it. The only question he desired to discuss on this appeal was whether that election should be called and held under the auspices of the Commission, or whether it might be held in the manner provided by the school law. This suit was instituted wholly upon business considerations and not to further any political end. Whatever contrariety of opinion might exist as to the proper jurisdiction of the Board of Education or the Commission with reference to this subject, all united in the desire to have the bonds, if issued, go upon the market without a shadow of doubt relative to their validity. It was probably known to the court that the school districts in cities of the first and second class were governed by article 15 of the school act, passed in the year 1890; that the schools in the districts were under some different control from those existing in the country. The Board of Education was made a corporation to manage the business and really exercise the corporate franchise of the school districts. By section 122 it was provided that the School Board, on its own motion, may, and upon the petition of a certain proportion of the taxpayers in the district must, submit to the district the question whether bonds should be issued for the purchase of schoolhouse sites, the erection of schoolhouses, etc., giving them the proper equipment. In this instance the Board, of its own discretion, had deemed it best to submit the question to the district. The next section said that the meeting provided for in section 122 of the act shall be called by publishing a notice signed by the president and clerk of the Board of Education. The notice in this case was signed by the Utah Commission. The question here depended upon the most obvious elementary rule. He had not deemed it necessary to bring authorities to any extent to establish the proposition that where a special power was given by a statute, and that power was to be exercised after certain preliminary proceed-

ings, that power itself must be strictly construed and pursued. It had been suggested that the Commission might hold this election; but he saw no ground for that. He contended, upon a reasonable construction of the acts of Congress, that the jurisdiction of the Utah Commission did not include this election. If the question were in doubt, that doubt ought to be resolved upon public considerations in favor of the validity of this statute. If there was a doubt, he did not ask the court to set aside any provision of the acts of Congress in order to give effect to a Territorial act; but he did invoke this principle—that where the state of the statute law was dubious and subject to various constructions, consideration of public convenience would always be influential with the Court. Judge Sutherland next directed attention to the act defining the jurisdiction of the Commission, remarking that section 9 of the Edmunds law provided that all the registration and election offices, of every description, in the Territory were declared vacant; that all the duties and powers pertaining to those registration or election officers should henceforth be performed by persons put in those offices by the Utah Commission, and that the Legislature, at its next session, might pass such laws as are not inconsistent with the laws of the United States, as they deem proper concerning the filling of the offices made vacant by this act. Section 23 of the Edmunds-Tucker Act provided simply that the power and jurisdiction of the Commission and their appointees in these offices should continue as defined in section 9. All the registration and election officers, said counsel, under the laws existing when the act was passed in 1882 were vacant. The Utah Commission was brought into being with power to fill them; and by the Edmunds-Tucker act their powers were simply continued under the laws mentioned in the act of 1882. Counsel supported his argument by copious legal quotations in addition to those above given.

Mr. Baldwin followed on the other side and assured the court that there was no personal feeling in this matter so far as his clients were concerned. It seemed to them in doing what they did they were acting within the scope of their jurisdiction. The election was held last Monday and the bonds were voted. He contended that the strongest ground Judge Sutherland could take was that this was not such an election as contemplated by the United States statutes. An election was an election anyhow, and the law books all meant any kind of election where the populace cast its ballots, whether for an individual or for something pertaining to the future.

Mr. Tatlock next addressed the court, observing it was originally the desire of the Utah Commission, if it could be legally done, that the responsibility of this election be taken from their shoulders, and the election held under the direction and supervision of the statutory board. The election had been held, and the expression of the people was almost unanimously in favor of the issuance of the bonds. It was the wish of the Commission now that that election be upheld if it took