DESERET NEWS.
WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - APRIL 9, 1879.

BIG EFFECTS OF A SMALL MISTAKE.

LAST week, in an article on "Trustees and School Meetings," we replied to some questions propounded by a country correspondent in regard to the ruling of the chairman at a recent school meeting, and also gave some advice as to the best course for the people to take under the circumstances described by the writer of the letter. We are now in receipt of a communication signed by the chairman of the meeting referred to, with a request for its publication. We cheerfully comply. Here is the letter, *minus only* the introduction and signature:

"The school meeting referred to was called by the trustees in consequence of petitions presented to them by a number of persons, for the building of the school-houses desired. After an organization was effected the voters present decided to vote by ballot. The chairman had by him the official list of registered voters. He told the voters plainly, several times, that if they were in favor of a tax they were to write "yes" on the ballot; if contrary, to write "no." As each person deposited his ballot, he gave his name to the secretary. Each name was compared with the official list, and all were found to be regular. There were found to be 39 names, and thirty-nine ballots. On examining the ballots and counting the votes, there were found to be 25 YES, 10 NO, and four ballots unmarked. The chairman then announced that as there were 39 qualified voters present, it required 26 yeas to make a two-thirds majority vote, and that, as there were but 25 yeas, the vote to levy the tax was lost.

With due deference to your decision in the matter, I still hold that the chairman was right, according to section 592, (sub sec. 4,) which says, "a two-thirds majority of the qualified voters *present at a meeting*," not a majority of those who wrote or did not write on their ballots.

Now, if a vote had been carried to levy a tax, I do not believe that even the editor of the NEWS would rule that another meeting could be called within the same year to annul said vote. But as the vote is for no tax, why does not that vote hold good for one year, on the same principle, being that the tax is named in the law an annual tax?

We publish the foregoing to show how easily a person may be mistaken, and how careful every one should be who attempts to construe the law. It appears from the chairman's own statement of this case that he has set aside the expressed wishes of the qualified voters of his district through misunderstanding the law, acting upon that error and being a little more technical than cautious.

Reference to the statute from which he quotes will show that he has altered the sense of the law by the omission of a word; a small thing in fact, but a big affair in its consequences. We do not accuse him of dropping this word intentionally, but it is evident that his ruling at the meeting was based on his incorrect reading, and the people, so far, have had to bear the consequences. He quotes the law, as saying that the tax shall be decided by "a two-thirds majority of the qualified voters present at a meeting" and adds in his own words, "not a majority of those who wrote or did not write on their ballots." Now the law reads, "a two-thirds majority vote," &c. By omitting the word "vote" he changes the sense of the clause. Take the law as it stands, with the rule of the meeting that the voting should be by ballot, and the effect is the exact reverse of what he endeavors to establish.

The question is, not how many voters were present at the meeting? but, how many votes were cast by qualified voters resident in the district and present at the meeting? He shows himself that there were only 35 votes, and that 25 of them were in the affirmative, which is more than the two-thirds majority required by the statute for the levying of a school tax. The four blanks were not votes. But the chairman by his ruling not only made the blank pieces of paper to be votes, but virtually threw their weight as such against the votes of the majority.

The meaning of the law is plain. It takes a two thirds majority vote to levy a tax, and those who cast the vote must be, first, qualified voters; second, residents in the district; third, present at the meeting when the vote is given. The facts, in this case, as stated by both parties are, that 35 voters were cast, that all who voted had the necessary qualifications, and that 25 out of the whole number voted in the affirmative. What can be clearer, then, than that the "yeas" carried the vote by the required majority?

Now in reply to the last part of the above letter, seeing that the vote was in favor of the tax, we ask in the chairman's own words, "Why does not that hold good for a year?" The answer is, simply through his mistake; and we do not believe that even the chairman of that meeting would rule, that the wishes of the large majority of legal voters in a district should be rendered abortive by the misunderstanding of one man. We therefore repeat our advice, that the trustees call another meeting, get all the qualified voters in the district to attend, and then let all things be done according to law and equity with good feeling and fair dealing all round.

EMIGRATION FARES.

THERE have been numerous inquiries in regard to the cost of emigration this year from Liverpool to Ogden and Salt Lake, which we were unable to answer definitely because arrangements had not been finally effected with the shipping company. But we are now favored with an advance copy of an editorial on emigration written for the *Millennial Star*, from which we glean the following particulars:

The first company of this season's emigration will start from Liverpool April 19th, on the steamship *Montana*, of the Guion line. The fares from Liverpool to Ogden will be: For adults, that is persons 12 years old and upwards, £14 14s., or $73.50; for children between 5 and 12 years, £7 7s., or $36 75; between 1 and 5 years, £2 2s. 6d., or $10.65; under one year, £1, or $5. From Ogden to Salt Lake will cost $1 extra per adult; to Provo, $2; to York, $3; to Brigham City, 80c.; to Logan, $1 85; to Franklin, $2.80; children between five and 12 years half fare; under five years, free. Adults are each allowed 100 pounds of baggage free, and children between five and 12 years, 50 pounds. Extra baggage will be charged eight cents a pound from New York to Ogden. Each emigrant should have at least $2.50 for provisions from New York to Ogden; the time of travel between those points, stoppages included, is reckoned at nine days.

The fare from Liverpool to New York only, is £4 5s. per adult or, $21.25.

Those who contemplate sending money to assist friends in the Old World to emigrate this season, should forward the same without delay. Cash can be deposited at the Church Office in this City and drafts obtained on the Liverpool Office, which is the safest method of forwarding funds. Due notice will be given of the sailing of the second vessel with the emigration for this season.

VACATED.

THIS morning Judge Michael Schaeffer adjourned his court *sine die*, after discharging the juries, and stepped down and out. The news of the nomination of David T. Corbin for the position of Chief Justice, came over the wires this morning, and this, we suppose, was the reason for Judge Schaeffer's precipitate action. It seems to us that he might have waited at least until the Senate had confirmed the nomination if not until his successor had put in an appearance. The Tooele case is left *in statu quo*, and the grand jury had much unfinished business on hand while several accused persons are in jail awaiting their action. But Utah, we presume, is able to endure for a time without any Chief Justice at all, and though litigants may suffer through delay, and justice may have to wait for its dues, the sun will rise and set as usual, business will not be paralyzed neither will society resolve itself into chaos.

Judge Schaeffer some time ago incurred the displeasure of most of the members of the Salt Lake bar, who made a united effort to procure his removal. The objections, we believe, were not so much against the man as his alleged incapacity. He was believed to be honest but not learned in the law. The attempt to remove him failed at the time, the Judge held on and was master of the situation, and latterly we have heard no great objections raised against him.

Mr. Corbin was the unsuccessful contestant for the Senatorship for North Carolina, and is a strong Republican in politics. It is not sure that his appointment will be confirmed or that he will accept the position. There is nothing on earth more uncertain than the tenure of office in Utah.

PREDICTIONS FOR THE PRESENT YEAR.

THE New York *Graphic* of March 20th, reports a conversation with a gentleman who has figured as a political prophet with some success. It is generally understood by the press of that city that the late managing editor of the *Graphic*, Mr. D. G. Croly, is the prognosticator of the following, which is an abstract of his foreshadowings for 1879. Our readers can take the predictions for what they are worth:

1. The year 1879 will, on the whole, be a prosperous one for the United States. There will be a general revival of industry, labor will be employed, and confidence in the future universally felt. Before the close of the year there will be a widespread interest in precious metal mining. A dangerous speculative feeling in other industries will soon show itself.

2. There will be a partial failure of crops this year. Our hay crop on the Atlantic slope will be short.

3. At least two important failures of Wall Street magnates will take place this year. They will be of persons with whose name everyone is familiar.

4. An unsuspected weakness in our national banking system may be developed during the coming year.

5. The disproportion between our exports and imports, such as we have witnessed for the past two years, will come to an end before 1881. Home prices will go higher and foreign goods be sold cheaper. We shall export less and import more. Unless the "unexpected" occurs there will be a drain of gold abroad, and then resumption, as at present established, must be legislated upon anew or it will fail.

6. Should the country be prosperous and resumption stand until the national conventions meet in 1880, John Sherman will be the candidate of the republican party for the presidency.

7. Resumption has not settled all our financial difficulties. Questions affecting the business interests of the country will be the subject of many warm political contests. But the final result will be the establishment of a national bank similar to that of Great Britain or France, but probably called by us by a different name. When that occurs, the Secretary of the Treasury will be stripped of much of the power he now possesses.

8. A foreign war before many years are over is not improbable, due to the weakness of our navy and the unprotected condition of our rich seaport cities.

9. A new pestilence or the revival of an old one, which will affect the people inhabiting the temperate zone, is among the probabilities of the near future.

10. A new motor will soon be discovered which will make air navigation possible.

TO SIT, OR NOT TO SIT.

IT is not generally known that when the Supreme Court of the Territory closed its sitting on the 10th of February it was adjourned until April 5th. To-morrow the Court should be opened as per adjournment, as we are informed by very good authority. Some members of the bar were ignorant of this until quite recently, and feel reasonably chagrined at the SECRESY that seemed to be observed in this movement. No court of this kind should sit in secret or take measures to throw dust in the eyes of its officers. Press reports of the minutes of February 10th say the court adjourned *sine die*, and so it was generally understood by the public and, we believe, by most of the members of the bar.

But if the Court is to sit to-morrow will Judge Schaeffer preside? After declaring himself removed, dismissing the grand and petit juries, contrary to the request and protest of the former body, and abruptly closing his court, will he take his seat as the Chief Justice of the Territory? If so will he not make himself the laughing stock of the country?

If the Judge is removed he cannot sit on the Supreme Bench tomorrow, and if he is not removed he ought not to have announced it when he dismissed the juries yesterday. The ways of learned Judges sent here to represent the dignity and wisdom of a great nation, to say the least, are very peculiar.

DECLARATIONS OF INTENTION.

WE understand that some persons who wish to be considered learned in the law, and who are anxious to lay stumbling blocks in the way of aliens in this Territory who wish to obtain their "first papers" of naturalization, have been very busy of late trying to bring discredit upon the doings of the Clerk of the Supreme Court, in regard to his manner of receiving declarations of intention.

The Clerk has appointed a deputy or deputies who receive applications of aliens and issue papers to them bearing the seal of the court, without requiring them to come into open court in this city, at much trouble and expense. This is a great accommodation to people living at long distances from town, and no one is injured thereby. The only question therefore that should be raised about it, is whether or not it is legal.

We have explained the law bearing on this subject on two previous occasions but will refer to it again with quotations. The old law, as it appears in the Revised Statutes of the United States, Section 2165 reads thus:

"An alien may be admitted to become a citizen of the United States, in the following manner and not otherwise:

"First. He shall declare on oath, before a circuit or district court of the United States, or a district or Supreme Court of the Territories, or a court of record of any of the States having common law jurisdiction and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly, by name, to the prince, potentate, state or sovereignty of which the alien may be at the time a citizen or subject."

From this it would appear that declarations of intention must be made in open court, and we presume that this is what the wiseacres who want to make trouble ground their objections upon. But we take pleasure in informing them that a law has been enacted amending the above section. It was passed Feb. 1876, and is as follows, without the usual enacting clause:

That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

Approved Feb. 1, 1876.

This settles the matter so far as the clerks of the Supreme and District Courts are concerned. They may receive the declarations of intention and issue their certificates without requiring the applicant to appear in open court. But it may be argued that this does not give any authority to a deputy clerk to act in the premises. The answer to this is that a statute of this Territory, approved Feb. 16, 1870, provides as follows:

"That the *clerks of the* various courts, and county recorders of this Territory are hereby authorized to appoint deputies, for whose acts they shall be responsible."

"Said deputies shall have power to perform *all the* acts and duties which the principals have right to perform in their official capacities, and to demand and receive the same *fees as their principals* for so doing." (Compiled Laws of Utah 132.)

This statute was in force close upon six years before the Act of Congress, conferring upon the clerks of the courts the right to receive declarations of intention out of court, was passed. The Legislature of the Territory has no right to pass laws on the naturalization of aliens; that power rests entirely with the Congress of the United States. But the Legislature does possess the authority to pass regulations in regard to the District and Supreme Courts, including the powers of their clerks. The Assembly has given the clerks the right to appoint deputies with *authority* to act *in all respects* as their *principals*, and Congress has extended to the clerks the power to issue first papers to aliens *without their* appearance *in court*.

The whole matter is plain and clear. The clerk and his deputy have been acting within the limits of the law in this matter, and those who have received their certificates in the manner referred to need be under no apprehensions of trouble.

In conclusion we repeat what we have explained on a former occasion. Aliens may declare their intentions to become citizens just as soon as they *wish to do so after* arriving in this country, and need not wait, *as some suppose, until* they have resided here three years. The law *says this declaration* must be made "two years, at *least, prior to* his admission" but does not specify any length of residence before making that *declaration*.

Female aliens have equal privileges with male aliens in declaring their intentions and obtaining their first papers, and we advise all those *of* both sexes who have not yet made application or taken the first step towards citizenship to do so without needless delay. We make these explanations, not for the benefit of officials who will reap a harvest of fees, but for the good of the public, and especially of persons who have not resided long in the country and are not familiar with its laws.

TOOELE RIGHTED.

THERE appears to be some misunderstanding in relation to the status of *affairs in Tooele County*. An impression exists that some further action of the District *Court is necessary* to settle the right to office of the men *chosen* by the people at the last election, and that the action of Judge Schaeffer in vacating his position on the bench, has left the matter in dubiety. This is a great mistake. A little reflection, with a knowledge of the facts in the case, will show this beyond the shadow of a doubt.

Last August, Tooele County, in common with other counties, held an election for county and territorial officers, under the election law passed at the last session of the Legislative Assembly. There were two parties in that county: First, the People's party, composed of the old settlers, and embracing a large majority of the citizens; second, the comparatively small "Liberal" party, which included the men who were in possession of most of the county offices, which they had obtained through wholesale frauds committed at the polls at previous elections.

On this occasion the People's party paid scrupulous attention to all the technicalities and requirements of the law, so as to leave no loophole for the enemy to take advantage of or to invalidate the elec-