

## THE MUDDLE IN ONEIDA COUNTY, IDAHO.

POLITICAL affairs in Oneida County, Idaho, are in a terrible state of confusion. Muddle is a mild word to express the situation. Our readers are aware that the County Commissioners, who are *ex-officio* the Board of Canvassers, threw out the returns from some of the precincts because they were not made according to law. This was their duty under the law by virtue of which they acted. But the throwing out of those returns defeated the scheme of the anti-"Mormon" party, who had staked the ballot boxes in most of those precincts, ignoring the registration law and polling several hundred more votes than there were voters. The Board formulated its order to the Clerk to issue certificates to the persons having the highest number of votes, and then dissolved.

The anti-"Mormon" plotters, however, sure of the co-operation of Judge Morgan who has stood in with them, hand and glove, obtained a writ of alternative mandamus, which was so mixed up that it was partly a mandate and partly an injunction, requiring the Board of Canvassers (then non-existent) to count all the returns, and restraining the Clerk from issuing certificates to any of the officers-elect who were not found to be elected by counting all the votes, including those of the rejected precincts. This writ was afterwards made peremptory.

But the Commissioners could not be found. And the Clerk, before the mandamus was served upon him, had issued certificates to the Members of the Legislature, the District Attorney and the County Treasurer, elected as per the valid returns. The Board of Canvassers was virtually defunct. It was like serving a writ upon a corpse. The Commissioners lived, but the Board of Canvassers was dead—dissolved. Governor Bam came to the rescue, and agreed to appoint two Commissioners to act as Canvassers, although there is not a line of law authorizing such action.

In this condition of affairs, the County Commissioners, knowing that any appeal to the law must come before Judge Morgan, who had shown in the most unmistakable manner his bias and favor to the anti-"Mormon" clique, (the reasons need not now be discussed, but they are personal) concluded to meet and obey the mandate of the Court, which they did on November 27th, under protest. They made the whole thing a matter of record for future action. So the fraudulent votes—cast in defiance of the registration law—were counted in defiance of the election law, in obedience to an illegal mandate, which not only commanded them to perform a certain official act, but actually defined how it was to be done, and required it to be performed in that manner. A mandamus may command the performance of an official act, but the manner of its performance is prescribed by law, and that cannot be lawfully changed or otherwise defined by mandate of a court.

Thus there are now two sets of certificates issued to the members of the Legislature, District Attorney and County Treasurer in Oneida County, while for the rest of the county officers certificates are issued under protest for one set, and the order for the issue of their certificates and their official declaration that they are elected, are on file with the proper officer for the other set.

It has been claimed since the election, by the anti-"Mormon" clique who found themselves beaten because of the operations of the registration law, that the latter is unconstitutional. We understand that it requires an oath to be taken before the registration officer, and the law does not define how or before whom the registration officer is himself to take the oath. And this, it is argued, deprives all the registration officers of the right to vote. But, as a matter of fact, it has not deprived them of that right, seeing that in most instances they have exercised it, without challenge. And even if it has so operated, the law is only defective as far as those individuals are concerned and does not affect the general citizens. The injured persons might complain and have their remedy, but the people at large are not thereby deprived of any right.

Again, supposing the law to be defective. It has not been so pronounced on trial by any court of competent jurisdiction. And should it on judicial test be declared invalid, it is not to be supposed that an election held and conducted before the test was made would be materially affected by the decision, reached on a complaint made afterwards and only sprung because of anger and defeat. All the Territory, with the exception of three precincts in Alturas County and four in Oneida County, complied with the registration law.

The Legislature meets on Monday next, the 8th inst. It has power to decide on the election and qualification of its own members. It will then be seen whether party tactics are to rule, or justice, fairness and law. Both sets of claimants, each holding certificates, will be on hand contending for seats. One member-elect has "blood in his eye," and says he means to have the seat to which he was lawfully elected, or there will be a vacancy in the office.

The county officers will qualify on the first Monday in January. Most likely there will be then two sets of

county officers, and by *quo warranto* their rights will be tested. It is not difficult to guess what Judge Morgan's decision will be, and then the case will have to be carried up to the Supreme Court of the Territory. Meanwhile certain officers will no doubt hang on to their places under the "hold over" clause, and thereby hangs a tale, that may be told in its details at another time. It will do to keep. It is part of the plot hatched by certain individuals in Oneida County, and explains the animus they have displayed.

The territorial election count will be made on the 4th inst. It is understood that John Haley has a majority of 1,200—giving Singler all he claims, fraudulent votes included. Haley's real majority is placed at about 2,000. There is only one way by which the Republican Board can count him out, and that would be by the most palpable iniquity. We do not think that it will be attempted, in view of the feeling that exists in regard to his certain election. The people of Idaho in general and of Boise in particular will not tamely submit to any such nonsense or infamy.

Politics in Idaho do verily float in a filthy pool. Where Judges dabble in the dirtiness, muddles like the present are likely to disturb the honest citizens. There must be a change! The prospects are that it will come, and then perhaps justice and law will take the place of chicanery and political corruption.

### A USELESS PETITION.

We publish in another column the text of a petition which is to be circulated in this city for signatures and particularly among the "Mormons." It has been framed under the direction of "The Blue Ribbon Temperance Association." The object in view, we have no doubt, is laudable. But the manner in which it is proposed to be accomplished is ill-advised and impracticable.

The generalities set forth in the petition concerning the effects of the liquor traffic are as true as they are aged. They have been uttered from the platform and through the press as long as we can remember, and were then but repetitions from ancient arguments. We do not think they will be disputed by any one, except perhaps those individuals who are financially interested in the liquor traffic. We have, therefore, nothing to say about them except by way of endorsement.

The control, and where it is practicable the suppression, of the manufacture and sale of intoxicants is, in our opinion, a rightful subject of legislation. But the method proposed in the petition, for the accomplishment of those objects cannot be effectual in Salt Lake City. The question of revenue cuts but a very small figure in our consideration of the subject. We think it would pay the public, in the long run, if all the dram-shops and tipping-houses were closed. But even if the municipal treasury would suffer loss by the cutting off of this channel of revenue, we would not count that as a valid argument if the prohibition principle could be made practicable in this city.

There are two reasons why this cannot be done. One is, that we have a certain proportion of population who will have stimulants if they can be obtained by any means. The demand is here, the supply is sure to be forthcoming. If it cannot be furnished legally, it will be illegally. The supply cannot be effectually cut off because of the greatness and force of the demand. Prohibition would not prohibit in this city. It may be effectually established in some of the towns and cities of Utah, as experience has demonstrated, the violations of law which occur therein being only exceptional. The sentiment of the very large majority is sincerely against the traffic, therefore it can be in the main suppressed. But where there are so many people who look upon liquor as a necessity, and so many who are ready to meet the demand, and willing to risk the evasion and violation of law in order to make the large profits that flow from the business, the abrogation of the license system would be but the signal for unregulated secret traffic, and determined and widespread schemes for the pursuit of an unlawful business, guarded by concealments difficult to bring within the sphere of legal punishment. We are aware that these statements can be met with a long string of reasonings on the other side, but the facts remain and cannot be argued away.

The other and more potent reason against the practicability of prohibition in Salt Lake City, is the lack of power in the municipal authorities. The petition states that "the City Charter as amended by the Legislature of 1882, gives the City power of granting or withholding licenses to sell liquor." This is a mistake, and it is fatal to the petition, for the request which people are asked to sign is based upon that error. The City has power under the amended Charter to license, tax and regulate this business, and to prohibit it "without a license therefor," but not to absolutely prohibit the manufacture, sale, or other disposition of intoxicants except on "Sundays, public holidays and election days." Lest there be some dispute as to this we here give, in full,

An Act amending the Charter of Salt Lake City.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Terri-

tory of Utah: That the City Council of Salt Lake City is hereby empowered by ordinance and enforcement thereof, to license, tax and regulate the manufacturing, selling, giving away or in other manner disposing of spirituous, vinous or malt liquors, and the persons who engage therein; to restrain, prohibit and punish the manufacturing, selling, giving away, or in any other manner disposing of spirituous, vinous or malt liquors, without a license therefor, or contrary to the terms of a license granted to exercise said powers, conjointly or separately; to prohibit the selling, giving away, or in any manner disposing of spirituous, vinous or malt liquors upon Sundays, public holidays and election days; to adopt and employ proper and convenient means for carrying the same into effect; to have the power to require the payment in advance, into the city treasury, for purposes of revenue for each and every license granted for the manufacturing, selling, or otherwise disposing of such liquors, a sum not exceeding at the rate of twelve hundred dollars per annum.

Approved Jan. 20, 1882.

The general liquor law passed at the same session of the Legislature, while it gives certain defined powers to the county authorities, does not extend prohibitory powers to the cities, although it protects them in the exercise of powers already granted in their charters. The petition, then, is utterly useless as a means towards the suppression of the liquor business in this city, and every signature appended to it will be so much labor in vain and so much evidence of a lack of information on this matter.

We have nothing to say against any organization or society that has for its real object the reclamation of victims of alcoholism, the restriction of an injurious business, and the suppression of a vice that is ruining a large proportion of the human family. We wish such societies success in their laudable endeavors. But we have never seen the necessity or advisability of identification with them on the part of members of the Church. The Latter-day Saints are, in their own Church and by its covenants, under obligations as to temperance and all the virtues connected therewith. The Church embraces within its creed and regulations all that is necessary to promote the welfare of mankind, and they who are guided thereby need no other rules or pledges or covenants of sobriety, chastity or propriety of conduct. All that is good in any temperance association is to be found within the pale of the Church of Jesus Christ of Latter-day Saints, and identification of its members with other societies would be on their part a manifest mark of weakness.

We wish such organizations God-speed, when they act in their own sphere, and would encourage, aid and cheer them in the good work of elevating the degraded, but we have a work to which we are called of God that embraces all agencies for the redemption of mankind and that requires all our energies and attention. For this reason and for others that might be named, there is no need for Latter-day Saints to join any other society or organization separate and apart from the institution established by the word and authority of the Most High God.

### PETITION,

UNDER THE AUSPICES OF THE BLUE RIBBON TEMPERANCE ASSOCIATION.

To the Mayor and City Council of Salt Lake City:

No one, who is really interested in the present and future welfare of our city, can fail to be alarmed at the widespread mischief which results from the liquor traffic in our midst. These open saloons, with their attractive appointments and powerful influences, are the training schools of a generation of drunkards. Young men by the hundred, upon whom will soon devolve the responsibilities of government, under the influence of these liquor saloons, are forming habits which will soon demoralize any community, and so strong is the influence of these places, that many who attempt to reform are drawn back again to intemperance, besides the pauperism, crime and suffering directly caused by this illegitimate business, and placing burdens upon us all "grievous to be borne."

Now, believing that the City Charter, as amended by the Legislature of 1882, gives you the discretionary power of granting or withholding licenses to sell liquor, and also gives you power to punish all who sell liquor without a license, we, as citizens and voters, hereby earnestly petition your honorable body to exercise, in behalf of the welfare of the city, the power conferred on you by the Legislature, and close all the saloons and liquor stores when their present licenses expire first giving six months' public notice of the time fixed upon for such closing.

We can readily anticipate one objection that some will urge against the granting of this petition, namely, that it will deprive the city of several thousand dollars of revenue, and the burden of taxation would be thereby increased to that extent.

But such an object is not in harmony with the facts. One reason why we urge the granting of the petition, is because the liquor traffic in this city increases the burdens of the taxpayers in a way that is very unjust, for it has been found by actual experiment that

by far the larger part of the expenses of carrying on the government of a city in which the liquor traffic is allowed, is directly caused by that traffic. Take for example the two cities of Vineland, in New Jersey, and Yonkers, on the Hudson, places having a population of between 13,000 and 16,000 each, Yonkers having some 3,000 more than Vineland. In Vineland no liquor is allowed to be sold. In Yonkers there are over one hundred liquor saloons. In 1882 it cost the taxpayers of Yonkers for a police force, a police court and for pauperism, \$54,200. In Vineland these same items cost the taxpayers \$475. The New York *Evening Post* is the authority for these statements.

And taking the cities of the country as a whole in which liquor saloons are tolerated, we believe it can be demonstrated that out of every \$4 of taxes paid by each sober and industrious citizen, \$3 are demanded of them in consequence of the liquor traffic.

But aside from all economical considerations, we urge you to exercise your lawful authority, and stop this cause of so much crime, mischief and suffering, by refusing henceforth to license men to poison and destroy their fellow men, to heap heavy burdens upon the shoulders of the sober and industrious, to bring poverty and terrible suffering into happy and prosperous homes, and to undermine the good name, the prosperity and welfare of our city. And thus will your petitioners ever pray.

Should your honorable body consider the time mentioned in the above petition too short to bring about so important a change, your petitioners earnestly request that you will immediately pass such ordinances as will secure the present limitation, and as soon as possible the entire suppression, of the liquor traffic in this city.

### CURSORY COMMENT.

I see in an eastern paper an article headed, "What shall we wear?" taking the position that double-breasted vests will be just the thing. People out here in Utah will doubtless differ with this conclusion. Cold weather is creeping on to us stealthily, and to say the least, a vest of any kind would be barely sufficient protection against the inclemency of the elements. I am in favor of wearing some other articles of clothing besides the double-breasted waistcoat.

An Eastern paper states that a little annatto put in butter will give it the golden hue so attractive to purchasers. I do not make this statement to induce Utah dairy people to dye their butter, but merely to tell them why their product is not so good-looking as some of the imported. There is another article besides annatto that Eastern people do not always put into their butter designed for the market. They should introduce some of it by way of experiment. We have reference to cream.

Mr. Miln, who appears at the Salt Lake Theatre to-night, has the reputation of being a great actor. I have no doubt he will be received as such by my drama-loving fellow-citizens. By the way that huge poster representing him in the character of the "Melancholy Dane," at the grave, has its comical side. The skull of Yorick which he holds in his hands looks not unlike a large turnip, and the sombre Prince appears to be contemplating it with a view to reaching a decision as to whether he will eat it raw, or defer devouring it till after it is boiled. That poster might be improved by changing the subject.

The reference of Mr. President Arthur to Utah looks very like a dying kick of the Republican party at an object which it has been accustomed to castigate during its whole lifetime. This constant spanking of a small baby by a great, brawny giant is not an attractive spectacle. It is not an exhibition of courage or magnanimity. However, I don't think another such kick will be administered by Mr. Arthur. In recommending a legislative commission for this Territory, he not only kicked Utah, but gave the Republic a cuff on the ear. I have always looked upon a Territorial form of government as a boil on the body politic. But a Territory under a legislative commission would be worse than a carbuncle on the back of its neck.

The case of the man who was fined in the police court yesterday for knocking his wife down, and battering his mother-in-law should teach a lesson to men who do not carry around a lasso to prevent their tempers from running loose. I recommend as a preventive of dangerous outbursts of passion, that hasty people adopt one of a number of rules. When they are provoked they should do either of the following things before speaking or acting: Repeat the alphabet—count twenty—whistle a tune—go out into the back yard and saw a two-foot diameter log into stove wood—dig a post hole; in fact anything respectable until they get time to cool off. When the heat is reduced the danger is passed. If there is to be any weeping by a man liable to commit rash and outrageous acts, let it be before the deeds are done, and then not do them. A hot tempered person always reminds me of a man driving a span of wild colts with a piece of boiled carrot for bits, and a string of spool cotton for lines.

People who have been in almost every clime under heaven give the palm to Utah, where the climate taken as a

whole, is most delightful. It is a fact that if a person were so situated and inclined to move from one part of the Territory to another at will, he could have nearly any kind of temperature he might desire. Here is the 8rd of December and the sun has been shining brightly almost continuously during the entire fall, the air mild and yet bracing and everything bright and cheerful. Clouds are now, however, beginning to gather, portending an early change.

The country just now is literally flooded with a special class of artisans—cabinet makers. Since the early part of this month the enormous force has been engaged on one job. It may seem remarkable that so many could be employed on the same thing at one time, yet they have all been busy making a cabinet for the President elect. If I am any judge of such a matter I should say that Mr. Cleveland will discharge all these voluntary workmen as so many bunglers, play smash with what they have done, and do the whole job himself, with the aid of a few favored assistants.

The latest slang wave has struck Salt Lake City. When a man exhibits more than the regular amount of assurance, he is accused of manifesting a superabundance of "gall." Whenever I hear anyone use this recent addition to the slang vocabulary, I feel like stepping aside and gazing upon him a few moments with unmitigated admiration, it is so refreshing to find an original person in these days of apish imitation; besides the delight with which one is inspired in hearing the English language misused. Seriously, young men who are prone to the slang habit are not likely to startle a bewildered world by standing in the front ranks of human affairs, or a step or two in advance of the foremost. My advice to young men on this subject is, don't.

I rather admire the electric light, notwithstanding it casts a somewhat cold and sickly hue over objects reached by its rays. It is bright and clear, and the best substitute for the moon when the lunar orb refuses to show her shining face. It has its disadvantages, however, as was proved by a friend of mine a few nights ago as he was trudging along a foot in the 16th Ward. He was crossing the street where there was no path, and the glare of the electric light in the vicinity of the U. C. depot, which he faced, blinded his eyes to his immediate surroundings. As a consequence he landed in a mud hole. The moral of this incident is that a man should not be so absorbed in the contemplation of a distant object as to ignore the necessity of making his footing sure as he goes along.

My admiration for the loafing fraternity—those who adopt that profession from choice, is not overwhelming. If it was divided into classes it should consider that portion among the most contemptible which stands just outside the gates of the Temple Block on Sundays, impeding the progress of those who have been to worship, after the dismissal of the meeting. The demeanor of those who compose that wing of the loafers' brigade, is most disgusting, gazing impudently into the faces of the ladies, and otherwise deporting themselves offensively. I am a peaceable citizen, but if it was all right and legal for Marshal Phillips to depute some sturdy man to give the most objectionable of those fellows a sound kicking, my feelings would not be hurt to any appreciable extent, although theirs doubtless would be. I think that nuisance should be abated by some means. My opinion is shared by many others.

The question asked the Utah Commission by the anti-"Mormon" opponents of education, as to whether a meeting to decide upon levying a tax, is or is not an election, looks the more absurd the longer it is looked at. It is like unto taking a bay mare to a horseman and asking him to say it is black. The person interrogated says: "Well, the animal is bay, but if I say so I shall offend you; and besides, you know its color as well as I do. I will refer it to the boss horseman, because I do not want to take the responsibility of deciding. If I were to say it is a black mare, I would render myself ridiculous, and if I tell the truth and say it is a bay you will raise a howl and make it uncomfortable for me. My spinal column is somewhat slender, so I'll shirk this awful responsibility."

The object of Governor Murray's visit to the Insane Asylum at Provo is stated to be to inspect the work. I think he might "kill two birds with one stone," by preparing quarters for the "Liberals" who have gone insane on the legislative commission idea. If they keep on trying to reconcile political serfdom with republicanism, I should think their being finally dumped into an institution for lunatics is but a question of time. By the way, Mr. Murray's tastes are very peculiar. While he sat down on the University, he nurses the Insane Asylum as tenderly as a fond mother nurses a baby. His name may yet be handed down to posterity as an enemy of education and a close friend of the mentally deranged.

The late Grand Jury knew a thing or two. They recommended that the city police be informed, so that people liable to arrest might know they were in the grasp of rightful authority and not deprived of their freedom by