DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY.

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WEDNESDAY - OCT. 27, 1886

PEOPLES PARTY TICKET.

Election, Tuesday, November 2, 1886

FOR DELEGATE TO THE FIFTIETH CONGRESS,

JOHN T. CAINE.

THE LAW IS THE LION IN THE WAY.

YESTERDAY evening we received a call from Mrs. Augie F. Newman, projector of the proposed Industrial Home. She was accompanied on her visit by Mrs. Iliff. The purpose of the interview was to furnish us further enlightenment in relation to the institution named, in the hope of at least reducing what the lady was pleased to term our antagonism toward it, and that the motives of those who had been engaged in the movement might be better understood. The NEWS has said but little about the motive incentives, and an examination of recent articles on the subject will show that it has been treated chiefly from a philosophical standpoint.

Mrs. Newman is a bright and capable woman, and we were quite entertained by her explanations. The substance of what she said was to this effect: That the Industrial Home was not to be established merely for the benefit of "Mormon" women who renounce polygamy, and their children. Neither was it designed to benefit "Mormons" of any class exclusively. Its intent was to extend its benefits over every class—"Mormon, Jew and Gentile," to use her exact words. Its design was to create a higher educational status among the people generally, not only in the matter of providing homes, but in all the industrial and scholastic branches. All the denominations would have a species of connection with it, and those connections would warrant the purchase of scholarships, the holders of which would be authorized to designate a beneficiary. It was impressed upon us that the institution was not in the nature of a cold charity to the "Mormon" people.

We were also informed of circumstances presumed to be indicative of the motives by which the lady was inspired throughout, but we do not care to sit in judgment regarding that subject at present. Developments will be likely to make that matter apparent, one way or the other. What Mrs. Newman advances in self-justification must be taken in connection with other circumstances, the two classes be put in juxta position, in order to form the basis of either an inference or a conclusion. We do not desire to do the lady, nor any other person, an injustice, preferring to let facts tell their own tale. Facts are very stubborn.

We could not help suggesting to Mrs. Newman, that while her ideas appeared to be broad in regard to the scope of the proposed Home, its operations were drawn in to a very fine point. The contracting power was the law authorizing the appropriation of $40,000 for a specific purpose. It is more than likely that when the act of Congress and the ideas of Mrs. Newman conflict the latter are not liable to prevail to any appreciable extent. Strong in this view we assured the lady of our belief that not a dollar of that appropriation could be legally used for the support of an institution such as she had so finently described. It is now in order to introduce the section of the civil appropriation bill in question:

"SECTION 221.—Industrial Home in Utah Territory: To aid in the establishment of an Industrial Home in the Territory of Utah, to provide employment and means of self-support for the dependent women who renounce polygamy, and the children of such women of tender age, in said Territory; with a view to aid in the suppression of polygamy therein, $40,000 dollars; said sum to be expended upon the requisition of and under the management of a Board of Control to consist of the Governor and Justices of the Supreme Court and the District Attorney of said Territory, and said Board shall duly and properly expend said sum, or so much thereof as may be necessary, for the purposes herein indicated, and shall from time to time report to the President their acts and doings and expenditures hereunder, for transmission to Congress.

The elements of the enactment or provision are: (1) The class who are to be the sole beneficiaries of the Industrial Home—dependent women who renounce polygamy and their children of tender age. (2) The object of the Home and appropriation—to aid in the suppression of polygamy. (3) The amount of the appropriation. (4) Those who are to have the control and management and who are to report doings and progress.

We were cited to the original memorial, etc., as evidence of the intention of the projectors. Whatever might have been the nature of that document it cuts no figure in the affair. Those who go behind the express and unequivocal language of the law for an excuse for expending a public fund for any other purpose than that so clearly defined cannot do so without committing an illegal act for which they are liable to get into serious trouble.

But if the proceedings which gave birth to the appropriation are overhauled, how much will that amount to in the direction longed for? Simply nothing. They will largely if not wholly confirm and justify the plain purport of the Congressional act. If Mrs. Newman's memory fails her on that point, ours does not. The verification of our recollection can be readily obtained by the record. The main lever used in order to secure the appropriation was the alleged condition of "Mormon" women, which was depicted as inconceivably deplorable. This hypothecated position was the crank which turned the congressional mill and ground out the $40,000. It was the base of operations used by those who sought it. Without the ringing in of this hyperbolic creation there would have been no appropriation whatever. The position is simply incontrovertible.

Since Mrs. Newman's call, last evening, we have scanned late proceedings of those who are actively connected with the enterprise, and discover that they are in a quandary. The most amusing attempts are made to distend the law to fit the wider theories, which are designed to draw away the appropriation from its legitimate channel. While there are some members of what might be called the supplemental board who would scruple at no proceeding as long as it favored their own class and had an anti-"Mormon" bearing, there are others who are disposed to consistency. So far as the board of control is concerned — the officers designated in the act—the matter is also mixed. But if as clear headed and careful a man as Governor West should be willing to run his hand into a snare we shall miss our reckoning. So far as Judge Henderson is concerned we know nothing, but presume he has come here as an administrator and not a breaker of the law. In relation to the remaining three, we do not now care to say anything. But let us consider the quandary in its present aspect.

It has been decided, owing to a division of opinion regarding the purport of the law, which is as plain as a finger post, to apply to Attorney General Garland for his view on the subject. While apprehending that the idea of that official will be identical with our own, suppose it should be its antipodes? How much would that help in the solution? Mr. Garland's opinion has a certain weight on account of his being the chief legal adviser of the President of the United States, but beyond that it has no binding judicial significance. It brings the matter no nearer a determination than it was before.

That proceeding is indefinite enough, and is not entirely satisfactory to those who engage in it. At a late meeting of the "Woman's Home Association," the participants manifested a straw-grasping inclination in the same line that indicated a condition akin to desperation. The following occurred in the published minutes:

"Mrs. Newman was instructed to correspond at once with members of the Senate and House who were instrumental in passing the bill, to get their views as to its meaning and purpose."

It cannot be definitely determined what particular views on the subject are entertained by members of the Senate and House specially referred to. It ought to be clear, however, that those gentlemen are not numerically considerable, and that it was the Senate and House that passed the measure and not the appropriation instrumentalists in question. It would hardly be fair to conclude that their opinions, even if they be favorable to those who seek them, are necessarily a reflex of the opinions of all the members of both bodies of the Legislature, as entireties. Neither would it be consistent to assume that the complexion of such views would be strong enough to upset the express and unmistakable language of a statute.

This floundering about for undeterminate opinions shows that those connected with the scheme are treading on uncertain ground. They are undecided as to which of two roads to take. The first is the path pointed out by the law. The second is the one to which they are attracted by inclination. The inducement to take the first is that it is the only safe—because legal—one. The other will enable those who favor it to distribute the benefits of the appropriation among the classes to which they themselves belong, in place of to those for whom they were intended by Congress, but it is fraught with danger.

It may be asked, in this connection, how much polygamy will be suppressed through the agency of the institution by rendering Presbyterians Methodists, Baptists, etc., the beneficiaries. In the language of Tom Taylor, the noted playwright, "that is one of those things that no fellow can find out."

As Attorney General Garland and certain members of both branches of the National Legislature are about to be applied to for information regarding their opinions upon the intent of a particular section of the appropriation bill, we suggest that they be interrogated at the same time as to the meaning and purpose of the Edmunds act. "What is sauce for the goose is also sauce for the gander." Suppose they be asked the following questions.

Was it intended to swoop down on old men who entered into the plural-wife relationship before there was any law against polygamy, and whose act of marriage and subsequent status was consequently legally innocent?

Did the Legislature mean that the maximum penalty for unlawful cohabitation should be six-months' imprisonment and a fine of $300, or did it mean a possible life sentence and an incalculable sum in the shape of a fine, at the discretion of the District Attorney?

Was it the intention to prove cohabitation with one woman and presume cohabitation with another in order to secure conviction?

Was it the purpose of the law to upset all the rules of jurisprudence common among civilized peoples and organize juries on the ground that those who compose them are "in sympathy with the prosecution?"

And so on *ad infinitum*. Now, if answers favorable to the wider expenditure of the appropriation for the Industrial Home are to determine the scope of the law, by parity of reasoning if negatives are obtained in relation to the questions in regard to the Edmunds act they ought to have the same effect, and eliminate some of the barbarisms practiced in its administration.

But we have no objection to the proposed applications to the Attorney General and the aforesaid congressional instrumentalists. Surely it will let a little light into the heads of those gentlemen. It will appeal so directly to their ideas of propriety to find certain parties hunting for a side pretext for diverting an appropriation from the use for which it is legally designed. It will look as if there was a disposition for certain classes to exhibit their philanthropy at the expense of the government nearer home than on the "degraded Mormons." It appears now that the incentive which led to congressional action in the premises was not to aid in the suppression of polygamy, and the benefits of the appropriation were not to be applied to those rendered helpless by the enforcement of laws enacted against it. If this be so, then the conclusion is inevitable, judging from the representations made to congressional committees and to other quarters—that the "Mormon" people were simply used as a cat's paw with which to snatch the $40,000 chestnut out of the national treasury.

SCIENCE AND EARTHQUAKES.

In the present age, men, in every trouble that comes upon the race, appeal to science. Recently a minister in South Carolina sought to reassure his congregation by telling them that it would not be long before science would be able to foretell and locate earthquakes a sufficient length of time before they actually occur, to enable steps to guard against their effects to be taken. This subject has been widely discussed since the recent disastrous convulsions of the earth in the Palmetto state, the leading geologists of the world having given it attention. The conclusions of the savants who have written upon it may be summarized as follows: 1. The causes of earthquakes are not known. 2. The time, place and duration of their occurrence can not be predicted with the slightest hope of accuracy. 3. No connection has been traced between the weather and earthquakes. The establishment of a network of stations scattered throughout the principal countries of the world each provided with instruments called seismographs, or earthquake recorders, might, it is suggested, be of great benefit to science in the collection of data on this subject, and in pointing out the direction in which investigation into earthquake causes could be pursued with most profit.

This is confessed to be about all that science knows about the causes of earthquakes. Many theories, more or less plausible and interesting, are advanced, but the subject is admitted to be one that lies in a darkness of mystery that has not yet been penetrated by the light of scientific demonstration.

THAT INFAMOUS TEST OATH.

A DISPATCH, which appears elsewhere in this issue of the NEWS, gives the information that that infamous and unprecedented test oath law of Idaho has been declared constitutional by the District Court presided over by Judge Hays. This intelligence would be startling had it not been expected—startling because of its emanation from a source, presumably the shield of law and the sword of justice, while itself is squarely arrayed against both law and justice; and expected because any hostile measure to our people brought before a Judge with a mission to annoy and oppress them will always be upheld, no matter how strained and enforced may be the rule which he evokes as his reliance in such an emergency.

We think it useless to argue a *res adjudicata* case either in or out of court, and are rapidly arriving at the conclusion that it is not worth while to argue such matters before adjudication in such courts as that previously spoken of, provided the issue is one where a "Mormon" asks for religious tolerance and political equality. Of course the battle must be fought, every point raised and every inch of ground contested, because, even in the face of a hopeless fight, we must not lie supinely upon our backs and let events come and go as they will without placing ourselves on record.

The result of this decision means the disfranchisement of 1,500 voters, more or less—men who never voted twice at any election, who never sold a vote or had one for sale, who were and are property owners, tax payers, pioneers, empire founders, cultivators, and in every way qualified to properly exercise the right of franchise—men who can read and write as well as work and plan, and whose very presence in a politician-ridden commonwealth is like unto if not itself the salt that savors a vast lump of iniquity and vice by preventing almost total depravity — men whose only offense is that as citizens they are independent, that as politicians they are Democrats, that as religionists they are "Mormons." Nothing more than this has been attempted to be said of them; and yet a right exercised by the hod-carriers and dirt-heavers of New York, many of whom do not know the letters of the alphabet, who live in hovels and never owned ten dollars' worth of property in their lives, and whose only conception of political privilege is to be arrayed against the government, is withheld from these prosperous and intelligent people because they will not swear away their faith! Because they will not toss their caps in air and lift their voices in servile shouts at the sight of a ruffianly deputy marshal in their midst bent upon treachery and oppression that thrift may follow; because they claim that the great charter of the country means what it says; because they claim the right to think and act to suit themselves and will not bend the knee to Baal, they are first ridiculed and then slandered, then persecuted, then disfranchised—and all this in a part of the country consecrated to freedom, tolerance, and charity, a part of the public domain which was unsettled and nearly unknown when some of those very men whose franchise is now revoked crossed the frontier of our inter-mountain civilization and formed the nucleus around which the elements of a grand commonwealth have clustered and crystalized until the name of "Idaho" is borne upon the waters and wafted throughout the lands afar and near as the "Gem of the Mountains."

The infamous act of a cowardly Legislature which a bigoted Court has made valid, is as follows:

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

How does this comport with the first section of the Fourteenth Amendment to the Constitution of the United States? Being still citizens of the United States, no State (and consequently no Territory) is allowed to abridge their privileges or immunities, nor shall such be deprived of life, liberty or property without due process of law—yet in our neighboring Territory this, or part of it, is done at the behest of the most unscrupulous gang of political carrion crows that was ever gorged on plunder or became drunk on blood—men who come and live there for no other reason than that it is a grand and measurably undeveloped field for the exercise of their nefarious tactics, and because, in many instances, they are unknown. How does it comport with the first article of the amendments to that once sacred instrument, which permits no religious tests to deprive the citizen of his right to vote or hold office?

A PRIESTLY PREVARICATOR.

THE Rev. M. T. Lamb tried very diligently to work himself into notice in this section some time ago. He worried himself over the Book of Mormon, and sought assiduously to manufacture notoriety by fishing for discussions in regard to the authenticity of that record. He published a pamphlet containing his lectures on the subject, and tried various ways to make it sell. One was the getting of the endorsement of Hon. Eli H. Murray, the lately deposed Governor of Utah, certifying something in regard to the little book. Of course all that the endorser needed to know was that this meek and lowly Lamb had produced something with an anti-"Mormon" bias. That fact was doubtless sufficient to bring him to terms and append his name to the little pamphlet. There is nobody surely who would intimate, even remotely, that the late Governor knew anything about the Book of "Mormon." His name owing to the high office held by him would, it was supposed, give dignity to the twenty-cent production. As to whether the fact of the name of the gentleman being there, considering the relative positions of the aforesaid pamphlet and that held by him, added anything to his dignity must be left as an open question. Well this same lamb in wolf's clothing, or *vice versa*, is doing Philadelphia on the "Mormon" question, in the capacity of a lecturer. According to the *Times* of that city he is giving explanations of the doctrines of the Saints that would be a revelation to the latter, not having previously been aware that they believed such queer vagaries as he attributes to them. He is evidently also doing a little of the martyr business, in the hope of drawing the dimes. Nothing like a little mock heroism to draw the wool over the eyes of an eastern audience, and the dollars out of their pockets. This shows how he is "drawing" the long bow in that line.

"One missionary had for years to go eight or ten miles to supply necessaries of life to his family, as no Mormon in the town where he lived would sell him anything."

We would not descend to the vulgarity of calling Mr. Lamb a liar. That would be exceedingly rude. But we do say that if he made any such statement as that, he was guilty of a conspicuous inexactitude. The sneaking McNeice must now look to his laurels. Mr. Lamb comes very near the statement published in the East by that sinister prevaricator to the effect that "Mormons" set fire to the Presbyterian meeting house in Logan, when it was well known that the would-be incendiary was William Buder, a drunken anti-"Mormon," who had a personal spite against the pastor.

THE LATTER END OF IT.

WE give in this issue the complete copy of the closing part of Governor West's report. The document is now before our readers as a whole, and they can "read, mark and inwardly digest" for themselves. We made some comments upon it yesterday. It is largely similar to other productions of its class treating upon the same questions. There has been a copious crop of that kind of literature, within the last few years. They will serve a future purpose in making an aggregation of facts connected with one of the most remarkable political conspiracies connected with the history of our nation. It is a scheme involving the old Jesuitical theory of the end justifying the means. In this particular it is almost unrivalled. From our standpoint the object is about on a par with the methods employed to attain it. That leaves nothing more to be said upon that score.

In what was published yesterday one point connected with the recommendation to pass the Tucker-Edmunds anomalous monstrosity did not appear. It is in the shape of a supplemental legislative suggestion. It is to the effect that all the offices which are made appointive in place of elective by that measure, be declared vacant. That is, that the present incumbents, who were elected by the people in accordance with the letter and spirit of Democracy, be subjected to the dumping process, by Congressional enactment. This idea is doubtless prompted by the desire to have the pending bill go into effect—should it pass—forthwith after its enactment. It would render the measure retro-active in that as well as other particulars, and that is the next thing to its being *ex post facto*. The suggestion is in direct conflict with the spirit and intent of the Constitution, but in exact harmony with political self-interest. The Tucker-Edmunds Act would hoist the Governor of Utah Territory into the position of a species of potentate. It would place in his hands prestige enjoyed by no other official of the same character in any State or Territory within the domain of the United States. It would enable him to fill a host of offices that are properly, in a Republic, in the gift of the people. It would practically transfer what little of popular power remains in the Territory to the shoulders of one man.

We do not say that this fact intensified Mr. West's urgency for the passage of so anti-Republican a measure as the Tucker-Edmunds act, but the