

# **EVENING NEWS.** *Published Daily, except Sundays, at 4 o'clock.*

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**CHARLES W. PENROSE, EDITOR.**

**Friday, March 4, 1897.**

## **THE NEW LAW.**

This bill which has gone through so many changes and which hung in the balance till the last day of the Forty-Ninth Congress, is now generally conceded to have become a law by default, no Presidential action having been taken upon it during the ten days-Sunday excluded—provided for in the Constitution. Its complete text will be found in another part of this paper. As many of our readers would prefer reading an explanation of the salient points of the measure to wading through its entire length, we offer the following:

The first section exempts the legal wife from compulsory evidence as a witness against her husband in cases under the Edmunds act, without his consent, and precludes all such testimony as to confidential communications to each other during the existence of the marriage relation. This settles a question that has agitated the courts here for some time, and affords much relief. The next section permits the arrest of a person who is wanted as a witness in any case under a law of the United States, if oath is made that the witness is likely to refuse to obey a subpoena. But the person so attached, by giving bonds for appearance when wanted, must be released.

The crime of adultery is made punishable by three years imprisonment at most, and an unmarried woman is not to be considered guilty of this offense with a married man, if the intercourse between unmarried persons is made punishable by imprisonment not exceeding six months or a fine of \$100. The sections providing for these penalties will not be considered wholesome by some of the very "liberal" disenchanted who have paid their money towards lobbying for the passage of the bill. Any person who marries, cohabits or carnally associates with another woman, but not including the fourth degree of consanguinity, is liable from three to fifteen years imprisonment. First cousins are not affected by this enactment. Uncle and niece, aunt and nephew, are affected. There must be blood relationship or descent from a common ancestor to constitute the consanguinity.

Commissioners are clothed with the same powers as Justices of the Peace, and may now sit courts to try petty offenses, whereas before, they could not lawfully inflict any penalties. This will relieve the fee-blands and relieve some of the Justices. United States Marshals and their deputies are authorized to make arrests like sheriffs and constables, and when they witness any breach of the peace, may cause the offender to enter into recognizance to keep the peace and commit him to jail trial on refusing to do so. "In their view" does not mean in their opinion, but in their sight. This provision is an invasion of the rights of the people, as no United States officer should have the power to arrest in any other than United States cases. It is an enlargement of the evil perpetrated by the Poland law, which abolished the office of Territorial Marshal and united his duties with those of the United States Marshal.

The ninth section requires a certificate of marriage to be drawn up and signed by all the parties to it and the performance of the ceremony, whether the marriage be lawful or not, and the certificate is to be filed in the probate court and become subject to inspection. The extreme penalty for willful violation of this provision is a fine of \$1,000 and imprisonment for two years. The object is, doubtless, to obtain evidence of every ceremony in the nature of a marriage, for the purposes of the courts.

The provisions of the Utah law are annulled, by which illegitimate children inherit a portion of the father's estate; this does not take effect for a year. Children of plural wives born after that time will have to be provided for during the father's lifetime, if he wishes them to receive any portion of his property after his decease.

The Probate Courts are deprived of all jurisdiction except usual probate powers. This takes from them authority in divorce cases and other matters, and vests them with the District Courts. The Probate Judges are to be appointed by the President and Senate.

Sections thirteen to seventeen and section thirty-six relate to the dissolution of the corporation of the Church of Jesus Christ of Latter-day Saints and the Perpetual Emigrating Fund Company, and the disposition and holding of Church property. The Emigrating Fund matter may be dismissed almost without a thought. It matters little whether the corporation exists or not. Emigration cannot be stopped by any such legislation. And as for the property of the Company, if anything of the kind is available we would like to know where it can be found.

The Church corporation, if it has any legal existence, is dissolved and the acts that created it are annulled. But this does not affect the Church as an ecclesiastical body, which is independent of any human law. If since the act of 1862 it has acquired and now holds real estate above the value of \$50,000, the excess may be taken by process of law and forfeited to the United States to be used for the benefit of the common schools of the Territory. But no buildings or the grounds pertaining to them used exclusively for the worship of God or for religious or burial purposes are to be forfeited.

The Attorney General of the United States is required to institute legal proceedings to recover the excessive real estate, and the courts may compel the production of books, papers and records belonging to the corporation. The same official is required to take proceedings in the Territorial Supreme Court to wind up the affairs of the corporation conformably to law, and to transfer the places of worship and other property belonging to the corporation to trustees appointed by the Probate Courts to hold them for the several congregations; but those trustees are to be named by the authorities of the Church or congregation. Nothing is mentioned about personal property, and the only allusion to it is by construction, in the clause about the winding up of the affairs of the corporation conformably to law. What that may mean remains to be seen.

The proposers of this part of the measure have not obtained just what they planned for. The changes that have been made from the original bill are much to the advantage of the Church, and we are of the opinion that

very little satisfaction will be obtained by the members who would like to rife the coffers of the Church. We are not very much concerned over the sections devoted to this purpose.

As to the long section in regard to the right of dower, the chief difficulty is that it will create a law in regard to the conveyance of real estate. A wise man who desires to provide for all members of his family, no matter how many branches it may have, can do so as far as his means permit, notwithstanding the obstacles designed to be placed in his way. The purpose of this many-headed section will not be very effectually accomplished.

Section twenty takes away the election franchise from every woman voter in the Territory without due process of law. This is an outrage upon woman and upon the rights of citizens. It is wrong in principle and, as we view it, beyond the rightful powers of legislation. It is worth contesting, and we hope it will be carried up to the highest judicial tribunal in the land.

The redistricting of the Territory, which is to be performed by the Governor, and which will be done by the Utah Commission, is an unnecessary provision, and intended by its promoters for mischief. But as it must be arranged according to the numbers of citizens in the various election districts, and will be very useful unless so managed, it is not likely to effect much harm.

The twenty-fourth section is the one that is fraught with the most interest to the people of Utah, both "Mormon" and "Gentile." It provides an oath to be taken by every person as a condition precedent to voting and office-holding. He must, in addition to taking the usual oath, give his name and age, and business, the name of his lawful wife, if he is married, and swear that he will support the Constitution of the United States and will faithfully obey the laws thereof and especially the laws of Congress in relation to bigamy, etc., and that he will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of the crimes named therein. This oath is to be administered on registration.

But if an election occurs before the next revision of the registration lists then the oath shall be administered by the presiding judge of the election precinct, on or before the day of election. If the majority of the people of that precinct take this oath, the very life and pulse will be taken out of the measure, in the estimation of the faction which have been plotting for political control, and now are quivering with fear lest the whole scheme should be a failure.

The Supreme Court of the Territory is authorized to appoint a Commissioner of Schools in place of the Territorial Superintendent, whose office is abolished. It is provided that the new official shall draw his salary from the territorial treasury. Whether an officer created by the United States, and appointed under their authority, and not responsible to the people, can draw any money without the people's consent, remains to be seen.

The militia laws of Utah are abolished and a militia organization authorized under the laws of the United States. This is a matter of small concern, as our militia laws have long been a dead letter. The bill has a bad one in many respects, but it is far better than the infamous one concocted in the judiciary committee of the House. If it is a law, it has become so because the time has elapsed during which it should have been returned to the Senate if vetoed. That depends upon the action of the President, which does not seem to be quite certain at present. If he did not receive it until Monday afternoon, Feb. 21st, as alleged, it has not in our opinion become a law in the manner described. If it went to him on Saturday Feb. 19th, then the matter is beyond dispute. In any event the Latter-day Saints will live and flourish and fulfill their mission relying on Him in whose hands is the issue of all events of every kind in every nation.

## **ACROSS THE ATLANTIC IN FOUR DAYS.**

In 1867 a New Yorker declared that it would yet be possible to cross the Atlantic from New York to Queenstown in six days. Of course the idea was so far ahead of the progress of the age in that direction that it was scouted by all the old salts who "knew their time." But over the years, the prediction has proved more and more a source of merit to the smart paragraphs of the press generally, as the speedy steamers of those days required the best part of a fortnight to make the passage. In subsequent events have demonstrated that the prediction was very nearly correct, as vessels have already crossed the Atlantic in some hours less than seven days, and he would be considered little better than a crank who would now declare it impossible to make the trip in the prescribed time.

Now comes the Arrow Steamship Company, of New York, and proposes to build a line of twelve vessels, each of which shall be able to accomplish the extraordinary feat of making the voyage from that port to Liverpool, England, in four days. The first vessel, which is to be called the *Poconah*, will be constructed of iron and steel, and is sixty-eight transverse walls or bulkheads, with openings cut in them for the saloons and passage ways, thus making over 1,000 water-tight compartments, half of them below the water line. The vessel is to be equipped with steam engines, furnished with steam from twenty boilers, placed fore and aft, with three smokestacks on each side, next to the rail. The vessel will be very long and narrow, and the dimensions being respectively 660 and 25 feet. The estimated speed which it will attain is to be twenty-two knots. The Boston Post thus throws cold water on the project:

"Putting aside the questions which naturally arise concerning such a strange model, even granting all the conditions to be fulfilled, the *Poconah* could not possibly get from New York only to Queenstown in the time which it is claimed that it could make. It would be over five days making the passage. No one who knows about ocean traveling needs to be told that such a uniform speed would be an impossibility. Wind and weather are chances that always have to be taken into consideration; and besides, to run at twenty-two knots through the fog and floating ice of the banks would be in the highest degree imprudent. The fast time of two days in existence, the *Struth* and *Unio* for instance, often attain on the open ocean, but they are not a ship like the *Poconah*, which would have in bad weather at least an open sea, and the fact that the vessel is so blacked by the rail would certainly not be an element of safety."

There is one slight mistake in the above criticism, and that is, that although the *Struth* and *Unio* were built recently the swiftest vessels afloat, they are so no longer, as the Clyde Steamship Company of Scotland have constructed and are now constructing steamers for the Spanish government that can make, and one of which has made, consider-

ably over twenty-three knots an hour, and kept the pace for several hours. Taking existing fact and the apparently limitless scope of human ingenuity into consideration, it is very difficult to point out exactly the line of demarcation where man's progress is stopped, and where the sentence of the impassable barriers of nature's ramparts shall declare, "Thus far shalt thou go and no farther." Although the present company may not accomplish it, it may yet be possible to cross the Atlantic in four days, *Quien Sabe?*

## **ON TOP.**

THE belligerent remarks of Senator Ingalls on the occasion of the passage in the Senate of the retaliation bill against Canada, were expected to excite great indignation in England. They occasioned much comment in the London press, and the English public, being applauded by the pugnacious and explosive sort of "patriots," and deplored by the justice and clearheaded promoters of justice and consistency.

The legislative bill came from the Senate about 6 and it was immediately called up by Holman, who explained that the point of difference remaining between the houses was the item for Secretary of the House.

The House moved that the House recede from its disagreement to the Senate amendments. The motion received a majority vote, but Taubec made a point of order of no quorum, which consumed the time. His opposition was withdrawn and the bill was declared carried, passing the legislative appropriation bill.

Although the deficiency bill had not yet reached the House yet, the House moved that the Senate amendments to the bill were non-conforming to the rules of the House, and that the House should appoint a conference committee.

The conference report on the bill amending sections 5181, 5182 of the Revised Statutes, was agreed to. As early as 7 o'clock the House adjourned sine die at noon.

**Speedy Postmaster.**  
 SORIA, March 4.—The leaders of the revolt at Ruskuch have been ordered to be shot.

**Ball Quaking.**  
 NICE, March 4.—Another slight shock of earthquake has been felt here.

**The Swindler.**  
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**Anarchy Spreading.**  
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 WASHINGTON, March 4.—The river and harbor bill failed to receive the President's signature. It reached him five days ago, but was "pocket vetoed."

**Cleveland Goes to the Capitol.**  
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In the matter of the lack of vault room in the New York sub-treasury, where it is assumed the bulk of the trade dollars will be presented for redemption, acting Secretary Fairchild has been ordered to make arrangements at New York to forward the coins as fast as redeemed to the assay office, and here they will be melted into bars of convenient size each representing about \$15,000, and stored in that office until suitable vault rooms are provided for their safe keeping.

**THE PRESIDENT.**  
 The President has decided not to go to the Capitol to-morrow for the purpose of signing on measures which have passed by Congress during the last session of the session.

The President of the Senate said the Speaker of the House of his decision this morning early in the evening, and added that the executive office would remain open all night and up to the very hour of adjournment at noon to-morrow for the consideration of all matters requiring executive action.

In accordance with this plan the President and most of the members of his cabinet will remain at the White House all night for the consideration of a large number of important bills which passed the Senate yesterday.

**AMONG THE BILLS APPROVED.**  
 The Senate joint resolution authorizing the President to make a loan of the report of the health officer of the District of Columbia; to authorize the printing of envelopes for use in Congress upon the late John A. Logan; to authorize the purchase of a site for a public building at San Francisco, and twenty-one pensions and relief bills, including one to pension G. Spence.

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Another insurrectionary movement is reported to have taken place near Tarnobrodz, in Eastern Russia, a short distance from Philadelphia.

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