

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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## THE ATTORNEY GENERAL'S DECISION.

It creates a feeling of security and is a source of consolation that local questions raised by bitter, relentless and revolutionary anti-"Mormon" partisans, can be once in a while lifted out of the local political pot, kept incessantly boiling by the strife-stirrers, to a higher type of adjudication than is afforded here.

When the question as to whether a meeting to decide as to the levying of a tax for school purposes is an election? was submitted to the Utah Commission, that body might have decided it forthwith, by stating that it is not, and is therefore a matter with which they have nothing to do. It would be a reflection upon the intelligence of the Commissioners to suppose for a moment that they entertained any other opinion than that, because of the absurdity of any other view. The question was sprung by the same parties who have been the instigators of the travesty that has been enacted in the Third District Court for the last several days. It was presented to the Commission in the hope of getting a favorable decision from them to the effect that a meeting in relation to the levying of a school tax was an election, and upon that ground polygamists would, under the Edmunds law, of March 22d, 1882, be excluded from participating in the proceedings. This attempt to go outside of the law; anticipating legislation so devoutly wished by the anti-"Mormon" crusaders, is a part of the conspiracy to overturn and revolutionize important public institutions which has been developing in the District Court, and both branches of the nefarious movement should share the fate one part of it has been assigned to by the decision of Attorney-General Brewster, which every sensible person who considered the question could not but anticipate. Whatever may be the decision on the question of the validity of the school tax levied in the Seventh School District of this city, we cannot but think that finally it must be subjected to the same flat given to the other point by the Attorney-General. The case appears equally clear in the one relation as in the other.

If we wished to introduce the ludicrous element into the discussion of this question, we might profess astonishment at the striking manner in which "great minds differ." At the Seventh District school meeting, convened for the purpose of deciding whether or not a special tax should be levied to obtain means with which to make improvements with a view to increasing educational facilities, Mr. John R. McBride—a gentleman who, in a Methodist anti-"Mormon" meeting, once expressed a hope of being appointed prosecutor of the "Mormon" Church—flaunted the Edmunds law in the faces of the voters, intent on intimidation, telling them to beware, as no polygamist, etc., had a legal right to "vote at any election," etc. He was not a resident of the district, as he admitted, being present on the occasion by invitation, evidently in the capacity of an engaged intimidator. He threatened a portion of the "Mormon" voters who were there, with the terrors of the law, that had no applicability in the premises. The difference of mind in this regard is exhibited by the bigoted, pettifogging position of the anti-"Mormon" crusader attorney and the dignified and strictly legal decision of the Attorney-General.

The reference of so simple a question, which might have been decided by the Commission without a second's hesitation, appears like a piece of absurdity. But it has turned out all right, and the decision comes with all the more force on account of its being from such an elevated quarter. The only reason that can be attributed as influencing the Utah Commission to refer the matter to the Attorney General is that they could not consistently give a decision that could gratify the clamor of the crusaders, and one of an opposite character would have brought upon their devoted heads the vituperative and malignant abuse of the anti-"Mormon" revolutionists. This apprehension, if it existed in the minds of the gentlemen of the Commission, was justified by the fact that from that source they have been treated occasionally to inordinate doses of taffy or of scurrility, according as they manifested in their official operations anti-"Mormon" bias or a proper regard for even-handed justice and consistency. However, as they have invariably leaned to the anti-"Mormon" side of the fence, there has been no cause for complaint from the conspirators, but the demand

of the latter has been that their leaning to their unjust desires and demands should be of a decidedly pronounced character.

The decision of the Attorney General on the school meeting question is a point gained in relation to a controversy, the manner of conducting which locally has probably never been paralleled in the history of the earth in some of its phases. The court proceedings during the last few days have been popularly denominated "a theological discussion;" a "religious inquisitorial congress;" a "theological debating society," and anything else in that line other than what they purported to be—the trial of the validity of a school tax levied in the Seventh District.

## THE IDAHO WING OF THE CRUSADE.

THE anti-"Mormon" crusade in Idaho is assuming the most extreme phases possible. Conservatism of any shade is unknown to the tactics of those who are running the legislative and political grinding machine in that Territory. But the greater the excesses to which they resort, the better is the prospect of their measures defeating the ends they aim at. When the bounds of law and right are entirely overleaped, the legislative and political acrobats are the more likely to break their own backs as they come down flat on the other side of the barriers of safety.

The law requiring voters to register has been an obstacle in the way of these plotters against the peace and good order of the commonwealth. At the late election in the conduct of which they committed the grossest and most barefaced frauds, they sought to ignore the registration law, and were successful in operating entirely outside of it in some of the precincts. In others the rights of the people were, so far as the manipulation of the election was concerned, preserved and the registration law enforced. This law was in the interest of pure election, of which the average anti-"Mormon" in this region has a holy terror, and this bulwark of popular safety must be swept out of existence. So the intelligence comes from Boise to the effect that the obnoxious obstacle to the free flow of the stream of political corruption has been repealed. Other acts are said to be in contemplation of a piece with this, such as disqualification from voting and sitting on juries, on account of religious belief. In fact any step, no matter how unjustifiable, extreme or absurd may be anticipated, but the faster the fanatics run in the direction they are pursuing the quicker may they be expected to stumble over a stump and break their necks.

## A CONSPICUOUS FAILURE.

THE general verdict in regard to the attempt of the prosecuting officers to make political capital out of the trial of the validity of the special tax levied in the Seventh School District, is, so far as we have been able to ascertain, that it was a miserable failure. They doubtless anticipated finding a genuine "nigger in the fence," and the scope allowed them being of such a wide character, enabling them to rake in without stint every circumstance that could, by adroit twisting, be construed to the detriment of the "Mormon" Church, made their defeat all the more clear and conspicuous.

One of the leading efforts of the prosecution was to show that State officers were mere tools in the hands of the authorities of the Church, whose dictum, it was asserted, must be obeyed in temporal as well as spiritual concerns. The Book of Doctrine and Covenants containing the Church articles, requirements and regulations, were admitted as evidence on this point. It was clearly shown by the defense, however, from the pages of that standard work, recognized by the Latter-day Saints that, it exhibited the reverse of what the prosecution sought to establish. Copious extracts were read from it to that effect, showing that the genius of the Church embodies the real essence of democracy. In addition to the passages to this effect so intelligently presented in Court, it may be well to give the following, from page 137:

"And all things shall be done by common consent in the Church."

And on page 161:

"But, verily, I say unto you, that in time you shall have no king nor ruler, for I will be your King and watch over you. Wherefore, hear my voice and follow me, and you shall be a free people."

Nothing could be more definitely democratic than that.

It was held by the Court, in effect, that this journal is the organ of the Church, and an attempt was made to utilize it for the purposes of the prosecution. But no utterance of the News could be construed into a snare to make it appear that any species of curtailment of the freedom of the individual existed in connection with the Church, neither has it advocated any other principles than those of freedom and the rights of men, no matter of what creed or color they may be. This is a fact well known to every person who has perused the columns of this paper.

The inability of the prosecution to find materials for their object was clearly betrayed in their searches into

the circumstances of the past, connected with the early settlement of Utah, when there was scarcely a non-"Mormon" in the Territory, and there being now no opportunity to give explanations of the matter of that kind introduced. This *modus operandi* showed that they were driven to that recourse, because the present status of affairs afforded no opportunity for carrying out their design. Perhaps this absence of present matter can be clearly exhibited by the republication of a quotation read by Assistant U. S. District Attorney Varian from a discourse delivered by President John Taylor, April 9th, 1879. The purposes of its presentation in Court by the assistant prosecution was to show the opposition of the Church to the laws of the land:

"Furthermore, being gathered together, we necessarily form a body politic, if you please, and we cannot help ourselves if we would; but we do not want to. We frame laws according to the usage of the nation we are associated with; for being here and finding ourselves in a Territory of the United States, we necessarily have had to organize a government which has assumed a Territorial form; and that means a Legislature with its enactments and all the various adjuncts of a government. Laws have to be made, officers have to be created to execute those laws; and we necessarily become an integral part of these United States, and have to perform all the political functions associated therewith."

"We are united, then, as a body politic, as an integral part of this government, and it becomes our duty to submit to the laws and institutions of that government—to all that are constitutional (special notice was called to this remark by the reader) framed and based upon correct principles, and not in violation of what the fathers of the country instituted." \* \* \* "We want to acknowledge the Lord in all things, temporal as well as spiritual."

We have but to leave it to the intelligent reader to imagine by what tortuous course of reasoning those sentiments could be construed into anything else than expressions of a patriotic character, evincing an unmistakable disposition in favor of supporting and sustaining the laws and institutions of the country.

Some of the tactics of the prosecution were to say the least, disgraceful, while in other respects they were paltry and despicable in the extreme, and this opinion is shared by many non-"Mormons" as well as by people connected with the Church. Some of the witnesses were asked whether, in case a meeting of the Church commanding them to the capacity of trustees to engage no other than "Mormon" teachers, they would obey it. Those witnesses were thus required in these extraordinary proceedings not only to define their position in regard to existing facts and conditions, but with regard to imaginary or suppositional situations that never did exist and so far as human ken extends, neither can nor will. Let any candid person consider this matter and see if he can imagine any greater stretch of absurdity, not to say license and impertinence in its line than this.

In the first place the situation is purely imaginary; there is no probability of its ever arising; to ask a man what his position would be in relation to an improbable condition of the future is a request for him to do an impossible thing. The fact is that if such proceedings are allowed to go on unchecked as have been permitted in the District Court of late, it might be suggested as unnecessary for people to pay an admission fee to theatres to witness dramatic performances, when free entrance can be had to the Federal Court room where broad farces are enacted in real life.

Some instances were cited of non-"Mormon" teachers making applications for schools, and they were not engaged. They expressed the belief that they were rejected because they were not members of the Church. Their belief amounts to nothing, for in any case where a preference of that kind was not stated by the trustees it is unsubstantiated. It was shown in one case of rejection, to be on account of the bad reputation of the applicant, and we happen to know that the action was well grounded. The point sought to be established by the prosecution that by the mandate of the Church non-"Mormon" teachers are excluded from the District Schools, because they are not in the Church falls flatly to the ground, being demolished by the mere fact that non-"Mormon" teachers have been and are now employed in the common schools. If such a situation as the prosecution endeavored but failed to prove existed there would be no instance of this nature. The fact of the preponderance of "Mormon" teachers is explained by the fact of members of the Church being overwhelmingly in the majority.

The prosecution did not confine themselves to the school question in their efforts to show that an absolutism exists. The attempt was also made to exhibit a similar situation politically. It has been constantly asserted that the nominations for office in the People's Party are dictated by the Priesthood and the people are bound to sustain them by their votes. Yet that members of the Church have on many occasions bolted the People's Party tickets is a matter of notoriety, and the bolters, including those who have run for office on opposition tickets, are still members of the Church, some of them Home Missionaries and holding other positions of responsibility in it, and have been subsequently selected for

political positions of trust, honor and emolument by the People's Party.

We take the liberty of citing those who shout so much about "Mormon" Church control, to the authoritative sermon of Bishop Spaulding, of Peoria, Illinois, delivered recently at the Roman Catholic Plenary Council at Baltimore, in which he claimed for the church, authority in temporal as well as spiritual matters, and placed in the order in which allegiance should be given by the citizen as: "First, the Church; second, the Family, third, the State." Yet not a howl was raised from any quarter of the land against this extraordinary claim.

The assertions so frequently made that the "Mormons" are under an absolutism grows out of the fact of their extraordinary unity, which is not an outgrowth of an existing tyranny, but of an intelligent understanding of correct principles. Nothing would more effectively break this phenomenal unanimity than the condition that is falsely claimed to obtain. Any attempt to exercise tyrannical control over them and deprive them of their freedom would make quick work in the demolition of the admirable harmony that prevails in the community.

## AFFAIRS IN ONEIDA COUNTY IDAHO.

We were pleased this morning to meet our friend George C. Parkinson, of Oxford, Oneida County, Idaho, who is down here on a brief visit. We learn from him that matters political are still considerably complicated in that northern region. Our readers have already been informed of the frauds practised at the time of the autumn election, the seating of the anti-"Mormon" aspirants for legislative honors and the outrageous legislation since enacted, providing a test oath, etc. They are probably not aware, though, that a number of the old county officers, such as the County Auditor, Assessor and Collector, Sheriff and Prosecuting Attorney still hold possession of their offices and refuse to vacate. There are also three sets of County Commissioners, the old ones, who, though their term of office is out, are still trying to retain the office; those regularly elected by the Democrats at the autumn election, and the anti-"Mormon" candidates for the offices, who are also trying to act.

Some confusion has also been caused in the county by conflicting laws. The law of Idaho provides that county officers elected shall qualify at the regular meeting of the Commissioners on the first Monday in January. The registration law approved in February, 1883, appoints the second Monday in January for the regular meeting of the Commissioners, and a law passed by the recent session of the Legislature requires the Commissioners to qualify before the County Auditor on the 2nd of January, and then for all other county officers to qualify before the Commissioners upon the same day. On the 2nd of this month the anti-"Mormon" Commissioners met and qualified and then proceeded to act upon certain bills and make appropriations. On the first Monday the old board of Commissioners met and proceeded to business, and the anti-"Mormon" board, fearing what they had previously done might not be considered valid, owing to the new law not providing for a regular meeting upon the 2nd, again met and took action upon the same bill brought before the old board. Whether the Democratic board will meet next Monday and do the same, as the registration law provides, remains to be seen.

Mr. Parkinson was elected school superintendent for Oneida County about a year ago, but W. B. Thews, who had previously held the office and who was a candidate for re-election, refused to vacate the office or even to canvass the votes and issue a certificate, which, as County Auditor, he was required to do, although he acknowledged that his rival had four times as many votes as he had. Finally the people of the county petitioned the commissioners to appoint Mr. Parkinson to the office, which they did, Prosecuting Attorney Crawford acting as their legal adviser. And, by the way, they yielded to a demand of Mr. Thews and paid him \$600 before he would vacate the office.

The new superintendent filed his bonds, received his certificate of appointment and entered upon the duties of his office, not looking for any trouble in connection with it, but to his surprise, on the 24th of last month, he received a bill from Judge Willard Crawford for \$100 for "service rendered in securing" him "the office of county school superintendent."

To this Mr. Parkinson replied that he had "never asked for nor secured the services" of Mr. Crawford in "said case nor at any other time."

On receipt of this reply, or perhaps before, Judge Crawford entered suit against him for the sum of \$300, for services in the case mentioned. Absurd as this claim appears, Mr. Parkinson is not much inclined to regard it as a joke, and, in view of the partisan spirit which prevails in that region, and the small chance a Latter-day Saint stands of getting justice in the courts there, we do not altogether blame him for considering it seriously. We trust, however, that he will soon be able to clear himself, and show up such a mendacious attorney in his true light.

## LOCAL NEWS.

FROM WEDNESDAY'S DAILY, JAN. 7.

**Recovering.**—Brother Wm. Cowan, of Teasdel's store, who has been suffering from strangulated hernia for some time, and had an operation performed upon him on the 22d ult. by Drs. Richards and Anderson, is now able to sit up and eat. His many friends will be pleased to learn of his convalescence, after the dangerous crisis through which he has passed.

**Holiday Doings at Rexburg.**—We have received a communication from Walter Paul, of Rexburg, giving an account of how the holidays were spent in that lively place. A social ball, a theatrical performance by their dramatic company, and an enjoyable Sunday school re-union, afforded ample holiday amusement for old and young. At the Sunday School re-union, the young folks not only received much good instruction, but each was the recipient of a nice prize. The people enjoy good health and spirits.

**Thief Caught.**—On New Year's night, Henry Behm stole from his bed-fellow, Jas. Douglas, at Franklyn, four pairs of blankets, one razor, one strop, one hair brush, one clothing brush and one shaving brush and started southward. Sheriff Turner was notified of it and arrested the thief a day or two ago at Provo. Yesterday Sheriff Grosbeck went to that place and brought the prisoner to this city. Behm was up before Justice Pyper this morning and was fined \$200. As he was unable to furnish the amount, he will probably spend the fourth of July in jail.

**Polygamy Cases Continued.**—We learn by special telegram to the Deseret News, of to-day's date, from J. B. Milner, Esq., Prescott, Arizona, that the polygamy cases in the Supreme Court of that Territory have been continued to the third Monday in February. We regard the deferring of a hearing in these cases as quite in keeping with "Summary" Howard's flagrant injustice in refusing to accept bail from the persons whom he convicted on the charge of polygamy, and his having then hustled off to a distant prison, pending their appeal to the Supreme Court. It is useless to expect anything like justice from such partisan judges.

**A Disorderly Soldier.**—A fellow dressed in military clothes, and unquestionably a soldier from Fort Douglas, created quite an excitement last evening, about 6 o'clock, in the vicinity of the Eleventh Ward. He was riding a bay horse, and racing up and down the street, and from one side to another, amusing himself by the dangerous pastime of firing off a pistol. He was certainly either drunk or crazy, probably both. Passers-by were considerably alarmed for their safety, and three ladies were obliged to seek protection in a First South Street car, which happened fortunately to come up at that time. We understand this disturber of the peace will be handed over to our city officers to-morrow to be properly dealt with.

**Sudden Death.**—Lafayette Murphy, recently engineer at the Lucky Boy, in Bingham, and at one time on the D. & R. G. Railway, died suddenly, in a tenement of Edward Magee, of Upper Bingham, on the evening of the 4th instant. There being no Justice of the Peace or other officer authorized to hold an inquest on the remains, Coroner Taylor being notified by telegram, went out by the first train, held an inquest and had the body removed yesterday to this city for burial. It is claimed that he belongs to the "Brotherhood of Engineers" and that he has a son in the grocery business in Denver. Chief of police, W. A. Smith of Denver has been telegraphed to for information. Unless friends or relatives are heard from immediately the body will be interred by sexton J. E. Taylor in Salt Lake City Cemetery.

**Woman's Department.**—Mrs. E. B. Wells has received a letter from the Woman's Department of the World's Exposition in New Orleans, urging her to take immediate steps for collecting together articles suitable for the representation of the women of Utah in the Exposition, and assuring her there is space awaiting them, and an opportunity to do themselves credit before the world. The writer, who by the way is the Vice-President for the Pacific Slope, including Utah, further, says she, will do all in her power towards the care of goods intrusted and see that they have a proper installation. She has taken pains to give definite information as to what will be desired and desirable, and manifests much interest in the matter, believing, as she says, it will be a good work to engage in. Transportation to and from the Exposition, the cost of installation of goods and all necessary expenses here will be defrayed by the Department of Woman.

**The Clawson Case Before the U. S. Supreme Court.**—A special telegram to the Salt Lake Herald, dated Washington, January 5th, says:

"The Rudger Clawson habeas corpus case was argued before the United States Supreme Court to-day by ex-Attorney General Wayne McVeagh and F. S. Richards for the petitioner, and the solicitor-general for the government. The case was taken under advisement, and will probably be decided next week."

The court set the hearing of the Utah Commission election cases for January 28th. These suits have been thus advanced owing to the importance of the questions involved.