

VINDICATED.

CHIEF JUSTICE S. B. AXTELL, of Arizona, has been honorably acquitted of the charges against him which were investigated by a Committee of the United States House of Representatives. They were preferred by his political enemies and were evidently founded in malice. They have been fully inquired into and our former Governor has been cleared of every accusation. It would have been quite as reasonable to set up the claim that the stories against him were instigated by the "Gentiles" of Utah, as to say that the grave charges against Eli H. Murray were promoted by the "Mormons."

The Axtell investigation has not been smothered as is attempted in the Murray inquiry, and the Chief Justice of Arizona did not endeavor to divert attention from the points at issue by blackguarding the witnesses, as the Governor of Utah has done. The inquiry in his case was continued until it resulted in his vindication, while in the Murray investigation the attempt is made to shut off further examination into the charges.

We see that not only has Chief Justice Axtell been honorably acquitted by the Congressional Committee that sat upon his case, but the Legislature of Arizona has, in both Houses, adopted resolutions denouncing the charges against him as "malicious, scandalous and entirely false," and that the Assembly has endorsed his administration and pronounced him "an honorable, upright and impartial judge, whose honesty, ability and integrity cannot be attacked except by malicious, discontended and designing men." This is also established by the official reports of the Grand Juries of Santa Fe, San Miguel, Mora, Colfax, Taos and Rio Arriba Counties.

We are glad to see the Judge rising above the flood of slander and vituperation which has been sent out to overwhelm him, and hope that a like failure may overtake all similar unworthy and despicable attempts at official murder.

WATER RIGHTS.

JUNCTION, Piute County,
March 31, 1884.

Editor Deseret News:

In your Semi-Weekly issue, Tuesday, February 26th, 1884, entitled, "Water Rights Again," you say:

"If meadow land that has a water right, so long in the Spring as the other crops do not require it," etc.

Also again,
"The right to the use of water for meadow land, which is usually limited to a certain season of the year," etc., etc. Will you be kind enough to state in relation to hay-land rights, whether there is any law, or whether merely a custom in certain settlements. In this county, of which much is grass land, it is often impossible to obtain water for grain crops during the summer, while much hay land is drowned out.

Yours truly, EDWIN.

Under the Act of the Legislature on Water Rights, approved Feb. 20, 1880, claims to the use of water for various purposes are to be determined by a Board of Water Commissioners in each county, who are authorized to issue certificates to persons establishing their claims in the manner designated in this law. Section Three provides that each of these certificates "shall state generally the nature and extent of the right to use water, of the person or corporation to whom it is issued." And this right is defined and limited in Section Six "to the extent of and reasonable necessity for such use thereof." In Section Seven which defines "secondary rights," circumstances are described in which water has been appropriated by prior claimants, from any natural source of supply, "for a part or parts of each year only," in which case other persons may acquire secondary rights by subsequent appropriation at other seasons of the year.

The law was thus framed to accommodate provisions to local customs, which must rule in the determination of either primary or secondary rights. In many places the right to the use of water "for a part or parts of each year" has been obtained for grass lands, and has been recognized by the settlers. And the right to the use of the same water during other periods of the year for plowed lands, has been also obtained and recognized. In the settlement of claims by the Water Commissioners, these respective rights ought to be clearly defined, and specified in the certificates granted. This would prevent disputes and be in accordance with law and local custom.

No water right can be lawfully obtained beyond "the reasonable necessity for such use thereof." If this principle is kept in view, and rights are determined in accordance with it, the owners of grass land who have acquired water rights would be protected in their reasonable use thereof, which is usually limited to certain seasons of the year, while the owners of plowed land would also be protected in their reasonable use of the water, which would be generally at other seasons of the year. In every settlement there are peculiarities of condition, and the necessity

exists for mutual forbearance and accommodation. These must enter into the regulation of affairs as well as the written law. Particularly in the distribution of water for irrigation, every man must have respect to the rights and necessities of others. The law is intended to cover this ground, and it should be administered and complied with according to its spirit and intent.

ATTRACTED BY THE TRUTH.

We are in receipt of a letter from Mrs. J. Yard, of Bradford County, Pennsylvania, with the price of subscription for the News, which she says she takes great interest in reading, being especially delighted with the discourses which appear in its columns. She was in this city six months ago, having arrived here on the 1st of last October, and attended the General Semi-Annual Conference in the Tabernacle. Although then a member of the M. E. Church she never, according to her statement, attended meetings of such great interest in her life. She was inexpressibly gratified with the preaching, and regrets her inability to be at the late Annual Conference. Not only was she attracted by the spirit and teaching at the meetings, but also by the kindness and general goodness of the people.

It appears that the relatives of the family sent for them to return to the East, and Mr. Yard made up his mind to act on their invitation, to the great disappointment of his wife, who says her heart continues to yearn after the Latter-day Saints. She came out here with the impression that they were a bad people but found out by actual observation that they are precisely the reverse. It seems that the favorable impression made upon her mind is so great that she has not attended the Church of which she is a member since her return to Pennsylvania. She now regrets that she failed to get baptized into the Church when she had an opportunity, as she is confident that she would feel more contented if she had taken that step.

Mrs. Yard is like many other stray sheep. When they hear the voice of the Good Shepherd they know it, and another they will not follow. The impressions made upon the lady's mind are evidently the whisperings of the good Spirit which attracts and draws the sheep of the Savior to His fold. Many receive those impressions and allow the good seed to be choked and killed by the cares of the world, which we hope will not be the case in this instance, and that the desire of the good lady to identify herself with the work of the Lord will yet be gratified.

LOSS OF CATTLE SOUTH.

THE deep snows of last winter have played sad havoc among stock in Southern Utah, and the end is not yet. Messrs. Robert & David Bullock, of Cedar City were the owners of nearly 400 head of animals, besides having had charge of about 400 more for a person who resides in Pioche, making in all a herd of between 700 and 800. A few days ago Mr. Robert Bullock returned from the mountains where the cattle were wintering and reported that 500 of them had perished. The snow had been from five to seven feet deep in the mountains; it is now two feet. In order to reach home Mr. Bullock was compelled to make a circuit through the mountains of a hundred miles, most of the way on snowshoes.

The loss of cattle is already very great, but will be still more extensive. Even should the snow rapidly disappear from this on, the ground is likely to be so saturated and soft that the cattle are apt to get mired, and having become emaciated and weak from starvation, will be unable to extricate themselves and move from place to place to nibble enough to maintain life till spring advances. It is questionable if Bullock Brothers shall be able to save any animals out of their formerly large and promising herd, while the general loss throughout Southern Utah is likely to be exceedingly large.

We obtained our information from Brother Henry Lunt, who received advices from Cedar the other day. Brother Lunt left the city for home yesterday afternoon.

CHURCH RELICS.

WHILE Mr. Joseph Bull was in the East recently, in the interest of this office, he was enabled to examine some very interesting relics connected with the past history of the Latter-day Saints. They are at the establishment of Shniedervend & Lee, of Chicago, and consist of a number of articles that were deposited in the chief corner stone of the Nauvoo Temple at the time the foundation of that structure was laid. One was a portion of a manuscript copy of the Book of Mormon, evidently the original one, the idea that it is in the possession of David Whitmer being apparently a mistake, the one he has being in all probability only a copy of it. This view is born out by the opinion of President Wilford Woodruff, whose attention has been drawn to the subject.

Brother Bull made an extract from

the manuscript and brought it with him. He also has a portion of the cord (strongly twisted yarn) with which it was tied together.

Among the relics is also the April number of 1840 of the *Times and Seasons*.

SEX IN RELIGION.

AN address was delivered in the First Congregational Church of Oakland, California, a short time ago, by Dr. McLean, on the subject of "Sex in Religion." A report of the discourse was given in the *San Francisco Chronicle*. We make the following extract therefrom:

"The statement had been made that in the membership of the Protestant evangelical church of the United States there were two female communicants to every male. He had taken pains to gather statistics on the subject. As far as his own church was concerned, with a membership of about 800, one-third were men and two-thirds women, almost exactly. Further than this, in all other churches in the State, so far as he could learn, aggregating a membership of about 6,000, one-third were men and two-thirds women, and the ratio held good among all Protestant churches throughout the country. This explanation of this disparity has been given by outsiders—that the masculine intellect is not satisfied with what it gets from the pulpit, and therefore leaves the digestion of sermons to women. He did not endorse this argument. In the public schools, for example, he had found that this curious state of things began to develop. In the primary schools of Oakland the sexes remained about equal through the five grades, but in the grammar grades they began to differ and when they came to the close of the high school course they had almost or quite reached the ratio of the church communicants. In the State University he was told that ratio did not prevail, but the female gain in the last five years had been large.

"How is it," he continued, "if the male intellect is so superior to the female that the boys drop out of the higher grammar grades, high school and university and go to work and leave the intellectual honors to the girls? For it is a fact that the girls are fast taking all the coveted honors in all colleges and other institutions. The city prison was full of men, but few women were seen there. At the opera, theatre and concert where the entertainment was of a high order, the proportion of women to men was as two to one; but in the dives, where the lowest form of amusement is given, the men, with their four-storied intellects, were predominant." He did not make an effort to explain the remarkable fact of the singular prevailing ratio in the churches, but he would simply state his belief as to it, that while the female mind is not greatly inferior to the male, the feminine moral instinct and spiritual power is immensely greater.

We do not propose to enter into a discussion of the relative capabilities of the sexes, nor the causes which lead to the disparity between the numbers of men and of women who become members of the various religious denominations. But we have a little to say in regard to the facts and what they suggest. According to Dr. McLean and others who have taken the pains to investigate, for every one thousand male members of churches there are two thousand female members. Now the doctrine of the Christian Church has been from the beginning that Christians should marry only Christians. That those who belong to the Church should not intermarry with persons who do not belong to it. And since the schisms which have split Christendom asunder have prevailed, it has been thought wrong or at least inadvisable for Catholics to marry Protestants and for Catholics or Protestants to marry Dissenters.

This is founded upon the teachings of the early Apostles who had the precedent of the law of God to ancient Israel. This law commanded concerning the Gentiles "Neither shalt thou make marriages with them, thy daughter thou shalt not give to his son, nor his daughter shalt thou take unto thy son." Paul instructed the Corinthians: "Be ye not unequally yoked together with unbelievers: 'For what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?' And after advising those who were already married not to part without mutual consent, he said: 'The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to marry whom she will; only in the Lord.'"

If these apostolic injunctions are of any worth, and it seems that they should be to people who profess to believe in their inspiration and authority, members of the Church ought not to marry with non-members. But if every male member of the churches marries one of the female members, there will still be left as many unmarried as married women in those churches. What is to be done with them? Are they to remain forever single? This would not be right. And the same Apostle declares that "Neither is the man without the woman, neither the woman without the man in the Lord." Either this large number of female members of the Church, perhaps just as good and as well qualified by God and nature for wifehood and motherhood as

their sister members who have an opportunity to marry in the Church, must be doomed to spinsterhood, or they must violate the law against marriage with unbelievers, or some men must marry more wives than one.

But the latter alternative will not be countenanced for a moment by the professed Christians of the nineteenth century, although there is not a word against it either in the New Testament or the Old, so the word of the Lord has to be disregarded and the positive injunctions of holy writ rejected and set at naught. For marriage is natural to woman, and she but follows the promptings of nature and her God-given tendencies in gravitating to the state of matrimony. Honorable motherhood is one of her rights, and she will obtain it if opportunity offers, even if she has to go outside of the limits prescribed by her religious belief. The exceptions to this rule are only exceptions and they help to prove the rule.

Plural marriage is thus one of the necessities of a true Christian Church. Marriage is a requirement of the Almighty and becomes a religious duty to marriageable members of the Church of Christ. If there are more female members than male members of the Church, some men ought to have more wives than one, so that every woman in the Church might have equal privileges with other women in this direction, and not be compelled to go outside the Church for a husband, and be "unequally yoked with an unbeliever." If the laws of man prevent this, those laws are unjust and are repressive of an establishment of religion, preventing the free exercise thereof and leading to a disregard of a divine injunction. "Forbidding to marry" is denounced by the Apostle Paul as "a doctrine of devils." Christians everywhere should be opposed to such laws, or they are inconsistent and hostile to the Scriptures in which they profess to believe and on which they claim to found their ecclesiastical systems and organizations.

BLAINE OF MAINE.

BLAINE of Maine is working diligently for the Presidency of the United States. He is not daunted in the least by his former defeats. He has laid back for the purpose of coming forward at the proper time. Keeping for a while out of prominence in politics, he has spent his time getting up his book which is now being canvassed for by pushing agents all over the country. In every State and Territory his name is made the subject of conversation by means of his book, and a strong effort will be made to gain the nomination for him at Chicago.

One of the objections now being raised against this shrewd politician—for he is more of a politician than a statesman—is the charge that he is a Catholic. It appears that his mother was a Catholic and that he was reared in the Catholic faith. His father was at one time opposed to Catholicism, and on application to Father Maguire, at Brownsville, where the family resided, for a letter stating this fact, he received the following certificate: "I hereby certify that Ephraim L. Blaine is not now and never was a member of the Catholic church, and furthermore, in my opinion, is not fit to be a member of any church." But it is stated that this "smooth Ephraim" afterwards joined the Catholic church, of which his wife was a strong if not fanatical supporter, but that James, after passing out from the influence of his mother, was considered a pervert rather than a convert.

But Blaine's religion ought to cut no figure in the question of his qualifications for the Presidency. He has just as good a right to be a Catholic as a Protestant, and his creed has nothing to do with his politics. And yet if it is true as claimed by some that the man of Maine repudiates the faith of his mother and of his childhood, simply to gain political support, he is beneath the respect of all people, religious or irreligious.

DIFFICULTIES OF TRAVEL SOUTHWARD.

It appears from a letter from James T. Wilson, late of the Second Ward of this city, on his way southward for the purpose of settling permanently in Arizona, that the roads in that direction are in some places almost impassible. The fact that the streams that have to be crossed are swollen to unprecedented proportions renders the difficulties of travel exceedingly formidable. The letter was written at the eighteenth crossing of the Sandy, ten miles north of Signal Mohave Co., A. T. One of Brother Wilson's horses had died, greatly impeding his progress, and he and the party with which he was traveling found the Sandy so high that it was impossible to cross it, and they concluded to halt a while and rest their teams, which were well nigh worn out with fatigue.

The swollen river had swept away entire farms and greatly damaged others. The party was led by Brother Bush, who had been appointed captain. He attempted to sound the crossing on horseback, but had not gone into the stream farther than a couple of rods when the shifting of the quicksand

swept the animal's feet from under and horse and rider rolled over into the powerful current. Brother Bush was undermost and had a hard struggle to regain his feet. When he did so the moving sand did the same for him as for the horse, but after a desperate struggle he escaped drowning. The horse was several times overwhelmed by the torrent, but being finally washed on to a sand-bank and having his head and shoulders above water, was enabled to get his breath, after which he made a plunge shoreward and reached the bank.

In an addenda to the letter written on the 3rd inst., Brother Wilson states that the river had risen at least a foot higher, rendering the prospect for crossing at the point the party had reached still more remote. Captain Bush was just on the point of leaving for Signal, on horseback, to mail letters for the party and ascertain whether or not a practicable route more immediately available to enable the party to proceed on their way could be found.

"LIBERTY ENLIGHTENING THE WORLD."

THE French people have contributed \$250,000 for the colossal statue of "Liberty Enlightening the World," designed and executed by the great sculptor, M. Bartholdi, as the free gift of the citizens of the French Republic to the United States. It is the free, spontaneous gift of 250,000 Frenchmen, as a testimony of their admiration for American institutions. Another \$250,000 is necessary to make the magnificent gift available by building a suitable pedestal for it to stand upon. A committee have been operating for several years to raise that sum, and thus far have only been able to obtain \$150,000 of the amount, a lack of appreciation of the munificent generosity of the French people being evinced by this comparative tardiness. Renewed efforts are now being made to obtain the remaining \$100,000 for the pedestal, and it will probably soon be forthcoming.

The statue is to be erected in the Bay of New York, and will be useful as well as grandly ornamental. It will tower above the bay to a height of about 330 feet, and its majestic proportions will consequently be visible far out at sea. Besides, an electric beacon light will gleam from its torch and send its bright radiance fifty miles across the ocean.

PROGRESSIVE CHANGES.

New conditions demand corresponding changes of method. This is as true in relation to the Church as any other department. It is progressing and extending, and so must its management as a whole and in detail. The *modus operandi*, when its area in a gathered capacity was limited to a comparatively small centre, will not suffice for its present dimensions and scope, and neither will the methods of to-day suffice for its wellbeing a quarter of a century hence.

It will be seen by the account of the Bishops' meeting in another part of the paper, that it adjourned *sine die*, and it will probably be the last of its character that will be held. Those meetings have served their purpose, but necessarily now, with the great growth of the Church, cannot possibly be any longer representative so far as the Church as a whole is concerned. The extinction of those meetings as a means or medium for the Presiding Bishopric to transact business in unison with the nature of an office of such wide jurisdiction will be seen to be a necessity. And as foreshadowed by the remarks of Presiding Bishop Preston, he and his counselors will operate in assemblages of the Priesthood of each Stake as a whole, which will involve a good deal of travel, either in person, by representative or both.

The Bishopric, which holds the keys of the Presidency of the Aaronic Priesthood, is one of very great importance, demanding the keenest appreciation of the temporal situation, and the most unremitting activity in attending to business necessary to the physical welfare of the Church. Bishop Preston is fully alive to that fact. He has had an extended experience in the Bishopric, and his labors have been marked by eminent success. His selection for the important trust confided to him has the full and hearty endorsement of the great body of the Church, and doubtless his labors will be attended by the blessing of the Lord. In attending to the duties of his calling he will be ably supported by Counselors Hardy and Burton, both men of integrity, ability, wisdom and a wide experience gained while occupying the positions they now hold relatively to the late venerable Bishop Hunter.

THE GOVERNMENT AND THE TERRITORIES.

A WEEK ago we demonstrated the truth that the people of the Territories of the United States have inherent rights equally with the people of the States, and that any infringement upon those rights, by Congress or any other power