

galleries. Never was the dignity of what should be the most august body in the State so rudely converted into the frenzy of a howling, roaring mob. The president of the assembly gave countenance to this transition by permitting the utmost freedom of utterance to those who spoke in denunciation of the dominant Church in Utah, and by restricting those who attempted to reply thereto. That he did this, no truthful person present upon that occasion can deny. He never once called Mr. Rideout to order, although his lengthy address was almost entirely made up of a deep and bitter arraignment of the Mormon Church; but the moment the said Church was referred to by those whose feelings had thus been outraged, he immediately began to call them to order and to insist that all reference to Church matters should be eliminated from their remarks; just as though a reply could be made to what had been said without exercising the same latitude in this respect that he had accorded to those who had precipitated the unwholesome and unjust attack. By permitting the assault upon the Church to be wildly applauded, and those who repelled to be disgracefully hissed and insulted, he exhibited a prejudice accompanied by a spirit of unfairness that should forever condemn him in the estimation of all lovers of justice and fair play.

As the representatives of both the Tribune and the Herald belonged to that class that were in sympathy with the riotous element that transformed the peace of the Assembly into a pandemonium, it is but human that they should have viewed the whole matter from a partisan standpoint, and therefore have tried to palliate and excuse those who created the disgraceful confusion, and those who encouraged and permitted it. That you were justified in inferring that the supporters of Thatcher had thus packed the hall with their sympathizers, is borne out by the fact that to all appearances few but his friends were there; and that they were there, too, in such numbers as to be emboldened in attempting coercive methods toward the members of the Assembly who persisted in voting as free men and not as demagogues for the plaudits of a mob. I say a mob—for when respectable citizens allow themselves to be wrought up to such a wild frenzy as characterized the galleries on the occasion referred to, the term employed is none too severe. It but fully expresses the spectacle presented.

As to the main question at issue in the controversy just ended, but which some say is but just commenced in Utah, it would be more truthful and consistent to say that Moses Thatcher left the domain of the Church to seek in the domain of politics a vindication of his course in a Church controversy, than to say that the dominant Church in Utah left its legitimate sphere to pursue a deposed Church official. The controversy began in the Church over a question of discipline that had never before been questioned, viz: The right of the Church to require of its Apostles that they first obtain permission of the Church before quitting their duties for political and other places that would prevent them giving that time and attention that they had

solemnly pledged themselves to give, to their exalted positions as Apostles of the Lord Jesus Christ. Not only the officials of the Church but the great membership thereof, sustained by vote in General and Stake Conferences as well as in ward meeting the rule, and yet this Apostle refused compliance therewith, and at the same time thought it grievous and unjust that he should not be permitted to hold his exalted place in the Church. Instead of submitting gracefully to the will of the majority in the case, like the eleventh jurymen he persists in saying that everybody that does not see as he does is wrong, and in seeking in the political arena a justification for his course and that, too, at the hands of those who, being largely outside of the pale of the Church, have no business whatever with the question at issue. Being a question purely of Church and not of State, none but members of the particular Church in which it has arisen have any just right to interfere with it.

It looks to me, therefore, that in place of the Church interfering with the affairs of the State in this controversy, Moses Thatcher has sought to use the machinery of the State to interfere with an affair that is purely a Church matter; for by the justification that he has sought he has tried to break down and destroy a rule of discipline that all fair minded will say the Mormon Church has a perfect right to make; and when so made to enforce, either by disfellowshipping the recalcitrant member from the quorum of which he was a member, or by cutting him off from the Church altogether.

A DEMOCRAT.

OGDEN, Utah, Feb. 8, 1897.

[As to our correspondent's criticisms in the first paragraph of the foregoing communication, the News is once more compelled to say that in its opinion the presiding officer of the joint assembly was "more sinned against than sinning." His rulings upon points of order in the session referred to appeared to us to be fair and uniform; and while the uproar of the rabble was disgraceful, and a deserting of all censure, the Assembly itself, it seems to us, was less zealous in desiring its suppression than was the presiding officer, who broke his gavel in attempting to restore order.—Ed. News.]

OPINIONS RENDERED.

Attorney General Bishop rendered an opinion, in response to a request from Hon. John R. Park, State superintendent of public instruction, inquiring whether the county commissioners have a lawful right to change the salary of county superintendent of schools three months prior to the election in November, 1896, after having fixed his salary once within thirty days after the taking effect of chapter 124 of the laws of 1896, in accordance with section 4 thereof.

Judge Bishop holds that when the county commissioners attempted to fix the salary of the county superintendent of schools three months prior to the election in November, 1896, they did so without authority of law. The county superintendent is a county

officer; his election occurs in July, 1896, and his salary should be fixed and determined at least three months prior to that time, and biennially thereafter, while as to other county officers it would be three months prior to the November election in 1896, and biennially thereafter.

Hon. S. M. Cook, chairman of the House committee on live stock, has submitted to the attorney general a bill providing for the payment of a license on the raising, etc., of sheep, asking his opinion. Mr. Bishop sent the following reply:

Dear Sir—In response to your request for an opinion as to the constitutionality of House bill No. 28, "A bill for an act to provide revenue for the support of the government of the State of Utah, and to provide for a license upon the business of owning, raising, grazing, herding or pasturing sheep in the several counties of the State of Utah, and to declare a violation thereof a misdemeanor, and to provide a punishment therefor," I beg leave to say:

The bill in its present form would be unconstitutional, as being in conflict with chapter 5 of article 13 of the Constitution of the State, which provides as follows: "The Legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may, by law, vest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation."

Under the provisions of the bill the license tax is to be imposed upon every person now engaged in, or who may hereafter engage in, the business of owning, raising, grazing, herding, or pasturing sheep, etc., in any county of the State of Utah.

Section 6 of said bill provides that all moneys collected for such licenses shall be paid to the county treasurer, and by him placed to the credit of the general fund of such county.

It will be observed that the object of the bill is the raising of revenue for county purposes, and under the section of the Constitution above quoted, it would be clearly unconstitutional.

The only power the Legislature possesses in respect to the subject matter, is the power to authorize the corporate authorities of the county to assess and collect taxes for all purposes of such corporation.

The question might be raised as to whether the revenue to be derived under the provisions of the said bill could be properly said to be a tax, so as to bring it within the purview of the constitutional provisions above set out. The purpose of the bill would seem to be to raise revenue for county purposes, as distinguished from an authorization by license to carry on the business mentioned therein. In other words, the object would seem to be to secure revenue for the county, rather than to license the business therein mentioned. The one comes within the taxing power, the other within the police power of State. The license is issued under police power, and the exaction of a license fee or tax with a view to revenue would be an exercise of the power of taxation.

I am therefore of opinion that the fee required under the provisions of the proposed bill would come within the purview of the constitutional provision supra, and would therefore be unconstitutional.

As above suggested, the only power possessed by the Legislature respecting the subject matter, is to vest in the corporate authorities of the respective counties the power to assess and collect taxes for all purposes of such corporation