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TRUTH AND LIBERTY.

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WEDNESDAY, - MARCH 30, 1887.

GENERAL ANNUAL CONFERENCE.

The Annual Conference of the Church f Jesus Christ of Latter-day Saints will commence at 10 o'clock, on the morning of Wednesday, the 6th of April next, at the Stake House in Provo, Utah County.

The officers and members of the Church are respectfully invited to attend.

JOHN TAYLOR,
GEORGE Q. CANNON,
JOSEPH F. SMITH,
First Presidency.

OFFICE-HOLDERS TAKING THE OATH.

THIS test-oath question is still the theme of the L. L's. The section which relates to it is the whole law, or nearly so, in their eyes. They did not think the "Mormons" would condescend to take it, and therefore they imagined the local offices would fall into League clutches. But events have demonstrated the fact that many "Mormons" *can* take the oath, and the probability that enough of them *will* take it to retain "the balance of power," has brought their enemies well nigh to despair.

But the Leaguers have hatched up another conspiracy. It relates to the present incumbents of city, county and precinct offices. The law does not require them to take the oath, it would not stand the test of competent judicial scrutiny if it did so require. But with courts and officers on the spot ready to act in hostility to the people and their elected officers on the slightest occasion, a great deal of trouble might be made on this question. And trouble and obstruction are what the defeated office-hunters and their allies intend to work for, as they have announced through their organ.

Having misstated and garbled the law, and being exposed in its mendacity, the organ of the L. Ls now urges in regard to the local officers that they "should all be brought into court, if they will not take the oath otherwise, and be compelled to take the oath required by law, or be declared disqualified." And it adds "We believe there is a Territorial statute prescribing the method of filling such vacancies, and that it is by gubernatorial appointment."

This, then, is the latest "little game." The method by which the officers shall "all be brought into court" is not explained. It would puzzle the Leaguers to tell how it is to be done. The law does not provide anything of the kind. Neither city, county nor precinct officers are required to go "into court" to take the oath. Who is to declare them disqualified," and how can that be expected without a regular suit at law which can be contested to the last notch? How can an officeholder who has done all that the law requires of him previous to entering upon his office, and who holds the credentials which show him to be in lawful possession, be "declared disqualified" by reason of new qualifications which are made by law enacted during his incumbency?

Of course those who pretend that the law was designed to have this unlawful effect, or that it could be made to stick if it was so designed, know better than what they assert. But that they intend to provoke trouble and cause protracted litigation, and that they have some hopes of judicial and executive backing to their nefarious scheme, is evident from their language and their disposition.

The Salt Lake City and County officials, it appears, have taken the easiest and cheapest way to avoid the snare prepared for their feet, and have quietly taken the oath. Not going "into court," however, but attending to the business in the manner required by law of newly elected officials. As we remarked on Monday: "If it were necessary to subscribe to the oath or affirmation, persons now in office would make no opposition, for polygamists were prohibited from office-holding by the act of 1882, so there is no barrier on that score."

These officials are fully alive to the fact that no law does or can require them to take the oath, but they take it to avoid litigation, and to block the way of the fiends who are gnashing their teeth over their defeat and plotting mischief by way of retaliation. If "discretion is the better part of valor" the office-holders may be right in taking this course and others may be wise in following their example. It is possible that the refusal of office-holders to take the oath might be so misrepresented by their enemies as to make voters hesitate as to taking it as a condition to registration. This would be promotive of evil. The whole force of the enemy will be used to prevent, retard and obstruct the registration of members of the People's Party. This should be met by an overwhelming registration that no "Liberal" tricks or dodges can resist. And no small matter like the taking of the oath, by present officeholders, though the law does not require it, should stand in the way of the great desideratum.

The whole original scheme of the Leaguers was directed to the seizure of the local offices. This end they have still in view. For this they are skirmishing to rattle in the half-dollars. For this the two B's are now "on the stump." They must be met at every step and vanquished. Everything that can be accomplished, legally and consistently, should be done promptly to circumvent the conspirators. If the waiving of their right to act on their legal qualifications and commissions, and the taking of the oath, will strengthen the good cause by way of example to voters, by all means let the objection slide.

Victory is the object in view. It must not be endangered by a petty mine sprung at this juncture. If the fuse can be stamped out by so small a step as this, no one is going to object but "our friends the enemy." They will be just as anxious to stop the present incumbents from taking the oath when they commence to do so, as they were to "force them to take it" when they thought there was a potent reason for refusing. All the same there is no law to compel it, and those office-holders who take the oath, do so not to comply with a statute but to avoid trouble and defeat a conspiracy.

VITAL DEMOCRATIC DOCTRINE.

AN oration delivered by Hon. John G. Carlisle, Speaker of the House of Representatives, at a dinner given in Boston on the 12th inst. by the Bay State Club, a noted New England Democratic organization, has been commented upon considerably by the press. Mr. Carlisle is a recognized leader of his party, an able man and an accomplished parliamentarian. His utterances are noteworthy, and his speech at "The Hub" was greeted with enthusiastic plaudits. We clip a portion of the report of his address from the Boston *Herald*, because it sounds the keynote of the Democratic scale and its vibrations should be heard throughout the land. He said:

"The principle of local self-government is the vital part of democracy. The amendment to the Constitution declares that the powers not delegated to the United States by the Constitution, nor prohibited by it to the State, are reserved to the States respectively or to the people. No power can justly be claimed unless it is granted in express terms or by necessary implication. If no such grant of power can can be found, and if its exercise by the State is not prohibited, it belongs to the State and her people, and thus the whole doctrine of States' rights is defined in this article. It does not sanction secession or nullification, but it instructs the several States and their people as to the boundaries of all legislative, executive and judicial power not delegated to the United States by a fair and reasonable construction of the Constitution. By this constitutional doctrine of State rights the Democratic party of this country stands to-day, as it always has stood, and as, I trust, it will stand forever hereafter. [Loud applause.]

Twenty-five years ago the tendency was to carry this doctrine to a dangerous extreme, but since that time the dangerous extreme has threatened from quite an opposite direction. Great and powerful interests, too powerful almost to be successfully resisted, are constantly pressing against the barriers of the Constitution and demanding the extension of the Federal power to a degree never contemplated by the most extreme Federalist in the early days. It is quite common now to hear gentlemen, able gentlemen in Congress and elsewhere, contending for the exercise of power by the general government over particular subjects, simply because the States refuse to do so, or because it is thought that the State legislation might not be entirely effective. The argument is that whatever the States will not do, or can not do, must be done by Congress or the departments of the General Government, and that, independently of these specific grants of power, it is the right and the duty of a government to exercise a general supervision and control over all the concerns of the people.

Mr. President, this is not Democratic doctrine as I understand it, and it never was. [Tremendous cheers.] It means centralization first, and inevitable dissolution afterward. No part of the Union is so vitally interested in the preservation and the maintenance intact of this local authority as the New England States, and in no part of the Union have the beneficial results attending the maintenance of this doctrine been so thoroughly demonstrated. Your town meeting is the most democratic institution in this country. [Cheers.] It has never endangered the liberties of a single human being. The town, the State and the General Government all have their appropriate powers and duties, and so long as these are respected and maintained, neither encroaching on the domain of the other, there will be harmony and unity in our complex system of government."

The ideas expressed in the foregoing are distinctly Democratic. They are entertained by the majority of the people of Utah. This is why the large majority of them are Democrats in political faith. But in the light of recent history, it would be difficult to maintain the truth of Mr. Carlisle's statement that the Democratic party "always has stood" by that constitutional doctrine. Several measures which lead to the most pronounced "centralization" and which vest in the Federal Government powers that belong exclusively to the States or to the people, have been fostered and furthered by Democratic influence in and out of Congress. The Blair educational bill, the oleomargarine bill, the inter-State commerce bill are samples only of measures that do violence to the principles enunciated by Mr. Carlisle, and favored by the Democratic party or at least a powerful portion of it. The party can scarcely be viewed as a whole upon any important public question. It is divided upon many topics on which it should be united if it preserved its traditional policy. And its vital distinction from Republicanism remains more as a theory than a practical and living issue.

The passage by a Democratic House of a measure prepared by a Democratic leader, which proposed to vest in the President and Senate and in a Governor of their appointment, power to select every office in a Territory with a hundred and eighty thousand people, was scarcely an evidence of the Democratic party's adherence to the vital Democratic principle of local self-government. The passage of the Tucker infamy by the House was the most pronounced heresy that Democrats could be guilty of. It was so thoroughly opposed to the fundamental principles of American government, that even the "centralizing" Republicans could not stomach it, and it had to be rejected. Whenever the Democratic party, in order to please the mob or to gain the applause of religious fanatics, tramples upon the very distinctive principle that distinguishes it from its great political opponent, it makes a deadly thrust at its own existence and taps the fountain of its essential vitality.

The Democratic party went back on its basic dogma when it gave assent to the error of Territorial vassalage. The doctrine of the supreme power of Congress over the Territories was as great a concession to centralization as it was possible to make. It was as undemocratic as it could be, for it is a despotism of the rankest character. And it is directly in opposition to the doctrine laid down by Mr. Carlisle as the essence of Democracy, that by Congress "no power can be justly claimed unless it is granted in express terms or by necessary implication."

The authority now claimed to govern the Territories, composed of citizens who are a part of "the people," without any regard to their will or wishes, to tax them without representation, to appoint officers to regulate their affairs without their consent, to impose arbitrary conditions as to the elective franchise and to take it away altogether, to interfere at will with their purely domestic concerns and exercise sovereign power over them in every sense of the word, cannot be found either by expression or implication in the great instrument of freedom which it is the professed mission of the Democracy to uphold. That power is not given to Congress, it has been assumed. And when the Democratic party recognized that power, it receded from its special ground, yielded up so much to its political enemy and weakened its own cause essentially. It gave an advantage to the foe which has been followed up gradually and effectually.

If it became necessary, in the course of events and the acquisition of Territory, for the Federal Government to exercise powers not expressly conferred in the Constitution, it should have been the aim and work of the Democratic party to have prevented the exercise of monarchial powers and preserved the vital principle of local self-government intact. But to yield up the right of "supreme power" to Congress and to recognize its right to "exclusive legislation over any more than the limited space defined by the Constitution, was to depart from Democratic essentials and pave the way to the centralization that has followed.

The Democratic party is gradually losing its Democracy. It is difficult to draw the lines between it and its nominal opposite. Many so-called Democrats are imbued with the heresies of Republicanism, and many Republicans are tinctured with the flavor of Democracy. And altogether the clear cut and definite doctrines of the Constitution are being left as a memory, while expediency and popularity and selfish and grasping ends sway the major portion of both political parties, leading the country towards that dissolution which Mr. Carlisle declares the inevitable consequence of centralization.

We endorse the sentiments contained in the following which we clip from an article in the Boston *Herald*, and which we commend to the thoughtful notice of every Democrat who reads it. Unless the advice it offers is taken, to be a true Democrat in principle, one will have to keep from connection with the Democratic party:

"If the Democratic party believes in limiting the extent and power of the federal government by a strict construction of the Constitution, let it forthwith set the bonds beyond which central power shall not go; let it instantly set itself to the work of lopping off and curtailing those extensions and usurpations of federal power which a quarter of a century of abuse has occasioned. In this way, as Mr. Carlisle says, its leaders can build up a party that will outlive all others. But to tamely submit, out of mistaken notions of expediency, to stultification of principles, is to prove itself unworthy of triumph, and therefore deserving of defeat."

LET THEM BARK.

OUR exposure of the shameless mendacity of the chief organ of the L. L's makes its squirm and squeak in a manner truly diverting. Its positive assertion that the new law "carefully avoided" making the test oath "a condition precedent" to officeholding, while the law actually uses the very words it was alleged to have "carefully avoided," was a very bad break, and being caught in a plain and wilful falsehood, the scribe who wrote it sputters and foams and urges the League to make the present incumbents take the oath anyhow. Well, no one need pay any attention to such nonsense. Of course if it were necessary to subscribe to the oath or affirmation, persons now in office would make no opposition, for polygamists were prohibited from office-holding by the Act of 1882, and so there is no barrier on that score. But any attempt to force this issue now, should be resisted, because it is not required by the new law, and if it were, the requirement would not stand, as it is well known that after an office-holder has complied with all legal requirements and is possessed of all the legal qualifications prescribed at the time of entering upon his duties, he cannot be required to to comply with any new qualifications while his term of office remains. It is only by picking out a few words of the new law and throwing aside the language which makes its intent obvious, that it can be so wrested and construed in the sense desired by the phrenzied obtructionists. Let them rave and rant; their bark is noisy but their bite is gone.

"NO CAPITULATION."

THE action of the City and County officials in quietly subscribing to the oath, required in the new law of officeholders before entering upon their duties, has taken the wind out of the sails of the League free-booters. They were going to "force them all to take the oath." If the officers wouldn't be forced, then their offices were to be "declared vacant." The next move was to get the Governor to "fill the offices by appointment, *a la* Murray. The effect of which was to be the possible installation of some hungry Leaguers by aid from the courts, or at least protracted litigation causing considerable trouble and expense. The plot was worthy of the class of minds that conceived it, and indicates the "rule or ruin" inclinations of the defeated L. L's. The course pursued by the incumbents of the offices knocks the bottom out of the conspiracy.

It was to head off this shallow piece of trickery that the local officers subscribed to the oath. Neither they nor their legal advisers had the slightest doubt about the requirements of the law. They understood perfectly well that the new law does not require those who are in lawful possession of the offices, to take the oath prescribed as "a condition precedent" to entering upon their duties, and that such a requirement cannot be made of any already qualified official. But they saw that it would effectually block the snide game of the people's enemies, and so they took the oath to stop the squabble and checkmate the tricksters.

This proceeding is now sneered at as "capitulation." But it has not been shown that any of the officers who have taken the oath for the purpose named, ever objected to subscribing to it. The DESERET NEWS took the ground that the law does not require the oath to be taken by incumbents, and still maintains that position. The office-holders said nothing officially about it. They have not "capitulated" to anything or anybody. They have simply taken the oath as a matter of policy, and have not concluded that they were required to do so by law.

In the discussion that has taken place on this question, we are not aware that the office-holders have taken any part. The organ of the discomfited L. L's tried to make it appear that the law was imperative on this point, but could only do so by omitting essential clauses of the law, and declaring that the law had "carefully avoided" using words which are in the very section of the law that it garbled and perverted. It was during the dispute that followed our exposure of the *Tribune's* shameless mendacity, that the local officials saw through the scheme that was on foot and so determined to avoid the snare set for their feet. But they neither resisted the law nor "capitulated" to any interpretation of it, nor appeared in any way in the dispute.

But the disgruntled scribe who twisted the law for a purpose, still twitters away in a vain attempt to talk round his rash and original falsehood. It will not do. In the start, when we showed that the oath prescribed for office holders was to be a condition precedent to holding office, he stated emphatically concerning the law that,

"It distinctly avoids making the oath 'a condition precedent' to entering upon office but says none 'shall hold any office' without taking the oath."

This is the gist of the whole argument. If the foregoing language of scribe aforesaid is true, our position was wrong. If it is untrue, his ground is taken from under him and he goes down to his general level as the wilful falsifier he is understood to be. Here is the law as it stands in Section Twenty-four. First comes the requirement that the oath shall be taken by voters. Then the law says:

"As a condition precedent to the right to hold office in or under said Territory, the officer before entering upon the duties of his office shall take and subscribe an oath or affirmation."

Then follows the oath required which need not be repeated, and after come the words here annexed:

"All grand and petit jurors shall take the same oath or affirmation, to be administered in writing or orally in the proper court."

This makes the provision cover the ground of voters, officeholders and jurors. The oath is to be taken by voters before registration or voting, by officeholders as a condition precedent before entering upon their duties, and by urors before they act in their positions. This is all clear and explicit. Next comes the provision that none of these persons, either voters, officeholders or jurors shall be competent unless they have taken the oath prescribed as "a condition precedent." It says:

"No person shall be entitled to vote at any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid."

This is the usual provision to clinch the requirements that precede it. It contains nothing new, except that unless the persons previously required shall have taken the oath in the manner and form provided, they shall not be competent. It makes no requirement whatever of persons already in office, qualified and holding commissions under laws in force when they entered upon their duties. The lawyers who drafted it knew better than to attempt such a thing. It would have been a violation of recognized legal principles. It nowhere says that persons in office shall take the oath. "The oath or affirmation aforesaid," so far as it relates to office-holders, is prescribed as "a condition precedent," "before entering upon the duties of their office" and no other is mentioned or hinted at, or implied.

The last clause we have quoted plainly refers back to the three classes previously mentioned in the section and no others. They are first, voters before exercising the franchise; second, office holders before entering upon the duties of their offices; third, jurors before sitting in that capacity. There is no other class referred to. Present incumbents would form a fourth class, and if it had been intended that the law should apply to them—a manifestly improper thing—the provision would have been made in terms.

The intentional distorter of the law who persists in his perversions has not in any instance cited the law as it stands, but, on the contrary, has openly denied that it includes the words which any reader can see it contains and which convey its true signification. No lawyer, unless afflicted with "League" lunacy or blinded by "Liberal" logic, would pretend that such pettifogging as the *Tribune* has resorted to is a fair construction of the law or consistent with the rules of legal interpretation. There is no need for further discussion on this point, unless some incumbents choose to decline taking the oath and have the matter contested judicially. And even then, if it were not carried further than a court which adds to the law for the purpose of inflicting penalties greater than the law provides, the test would be about as valuable as the Utah decision on the subject of segregation.

The present situation is quite satisfactory—except to the plotters. The law does not and cannot require persons holding office under the qualifications required when they entered upon their duties, to comply with new qualifications made during their terms. But to spoil a dirty conspiracy they take the oath prescribed for newly