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WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - MAR. 19, 1884.

ANNUAL CONFERENCE.

To the Officers and Members of the Church of Jesus Christ of Latter-day Saints:

As the Sixth of April, the day appointed for holding our Annual Conference, falls on Sunday, we deem it proper to commence the Conference meetings on Friday, April 4th, 1884, at 10 o'clock a.m. at the Large Tabernacle in this city.

Trusting this arrangement will suit the convenience of the officers and Saints generally, and that there will be a punctual attendance at all the meetings, to which you are hereby invited,

We remain your Brethren,

JOHN TAYLOR,
GEORGE Q. CANNON,
JOSEPH F. SMITH,
First Presidency of the Church of Jesus Christ of Latter-day Saints.

SALT LAKE CITY, March 12, 1884.

EXECUTIVE FALSEHOOD AND "NULLIFICATION."

IT seems that the Governor received better advice than that which induced him to file the vetoed election bill with the Secretary instead of returning it to the Assembly as required by law, and on Tuesday afternoon forwarded it to the Council, with the request that the Secretary might be allowed to make a copy. The request was granted. The document containing the Governor's objections to the bill will now become a public paper, and the unblushing falsehoods and ridiculous logic which it contains will be placed on record to the shame and disgrace of the hand that wrote them.

We have already pointed out two of the most flagrant untruths to which the Governor was compelled to resort, in order to find fault with the action of the Legislature and make it appear that they had not complied with the requirements of Congress. They are so utterly baseless and contrary to facts that we will refer to them again. He states that the following oath is "required to be taken under the Edmunds law" and that the bill which he vetoes "proposes to supplant it:"

TERRITORY OF UTAH,
COUNTY OF ———— } ss.

I ————, being first duly sworn, (or affirmed) depose and say, that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of———— one month immediately preceding the date hereof, and (if a male) am a native born or naturalized (as the case may be) citizen of the United States, and a tax-payer in this Territory, (or if a female), I am native born, or naturalized, or the wife, widow, or daughter, (as the case may be) of a native born or naturalized citizen of the United States; and I do further solemnly swear (or affirm) that I am not a bigamist nor a polygamist; that I have not violated the laws of the United States prohiblting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into, or continued in violation of the said laws of the United States prohibiting bigamy or polygamy; (and if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy and bigamy.

Subscribed and sworn to before me this —— day of———— A. D., 188—

Registration Officer————Precint.

We invite examination of the Edmunds law and challenge any one to produce a section or a line or a sentence from that enactment that requires any such oath or authorizes its formulation. It is not only without color or authority of law but is in flagrant violation of the spirit and letter of the Act which the Governor has the audacity to say requires it to be taken. The Edmunds law which contains no oath whatever, provides "That no bigamist, polygamist, or any person cohabiting with more than one woman, and no woman cohabiting with either of the persons aforesaid * * * * shall be entitled to vote at any election." But the above oath interpolates in this provision the words, "*in the marriage relation.*" thus altering materially the wording and plain intent of he law of Congress. The law would prevent any person "cohabiting with more than woman" from voting or holding office in Utah. But this oath, while shutting out persons who cohabit with more than one woman "in the marriage relation,"-that is men who marry the women with whom they consort, lets in all the whoremongers, adultarers, schemers, male and female prostitutes, and persons of either sex guilty of the vilest sexual crimes. The Governor likes this oath and wants it perpetuated. And that it may be continued in all its shameful depravity and violation of a law of Congress as well as of public morality, he has the impudence to claim that it is *required* by the very law it violates, and will not endorse the annexed oath that appears in the election bill:

TERRITORY OF UTAH,
COUNTY OF ———— } ss.

I ———— being first duly sworn depose and say that I am a citizen of the United States; (or,)I have declared on oath before a competent court of record, my intention to become a citizen of the United States, and have taken an oath to support the Constitution and government of the United States, (as the case may be). I am over 21 years of age; I have resided in the Territory of Utah six months, and in the precinct of ———— thirty days next preceding the date hereof, and I am not disqualified as a voter by any law of the United States or of the Territory of Utah.

Subscribed and sworn to before me this ———— day of ————, 18

Assessor.

By————
Deputy Assessor.

Another thing to be noticed is that the oath contained in the election bill removes the objections which have been advanced by some persons, among them the Governor himself, against the oath in the old election law, and the Act conferring upon women the elective franchise. It places the woman voter on exactly the same platform as the male voter. It is simpler in form and leaves no room for those misrepresentations of its meaning in which the Governor and others have indulged. But this has no merit in his eyes. It would deprive him of the chance to repeat the untruths which he has uttered and which have been published in the newspapers in reference to woman suffrage in this Territory. The oath covers the whole ground of violation of Congressional and Territorial law. The Governor and his associates can take the oath which he falsely says is required under the Edmunds law, but it is a question whether some of them could take the oath in the election bill which he has vetoed, without being guilty of perjury.

He says: "It is defective because it leaves the applicant for registration the right to judge of his own qualifications, thus making each one a judge in his own case." But these remarks do not apply any more to this oath than to the immoral one which suits him so well. If a person swears falsely to either oath he is subject to prosecution for perjury, and the applicant is no more a judge of his own case, under one oath than the other. In either instance he swears that he is a citizen. Who judges that question? In one case he swears that he has not committed certain specified offences, three in number only, in the other he swears that he is not disqualified by *any* law of the United States or of this Territory. This covers much broader ground than the old oath, too broad, it appears, to suit the Governor. In effect the new oath makes a man swear that he does not cohabit with more than one woman. For he who does so cohabit is disqualified by a law of Congress. The Governor, it seems, does not want his friends nor himself to be placed under any such stringent provisions, and therefore prefers his favorite phrase "*in the marriage relation*," as a way of escape for all who cohabit with more than one woman out of the marriage relation. Well, every man to his taste, and as the old adage has it, "Straws show which way the wind blows."

The other manifest untruth to which we allude in this article, is the statement that there are Acts of Congress which require the present Legislature to pass measures to "uproot" and "suppress" certain things regarded as "organized crime." The Governor was unable to cite a section or a paragraph or a phrase from a law of Congress which makes any such requirement of the Legislature. He refers to certain "expectations of the country and requirements of Congress" in this direction. Those public expectations are very different from congressional requirements. Some foolish persons expected that the Legislature of Utan would re-enact the provisions of anti-polygamy measures or something of the kind, to satisfy the clamor of certain agitators who figure as "the public" and call themselves "the country." But their "expectations" were founded in folly, for any sane person can see that such action by the Legislature would amount to nothing, for it would give the laws of Congress no further effect, and anything enacted by the Legislature contrary to congressional law would be void.

But whether these popular "expectations" were wise or foolish, Congress did not intimate, in any enactment, that the Legislature of Utah was required or expected to do anything whatever but provide for the filling of the registration and election officers of the Territory. This the Legislature accomplished, in good faith, endeavoring to meet every point that appeared to be necessary, and the only thing thus required of that body has been nullified by the Governor. The term "nullification" is a favorite one with that official. He uses it repeatedly, and seems to think it answers for argument. Now we defy him to show one law of Congress which the Legislature have "nullified." And we agree in return to prove that he is himself the great "nullifier" of the times, in his own small way. He has "nullified" measures that would have been of vast benefit to the people whose interests he is sworn to subserve, and he has nullified the application and intended effect of laws of Congress by his own unlawful and prejudiced course and official action.

The two falsehoods which we have touched upon are samples of a batch that might be presented, of which the Governor is the author. How much respect is it possible for the citizens to entertain for an official who condescends to such methods, in a warfare against them and their representatives, for the purpose of reducing this flourishing, prosperous and peaceable community to a condition of absolute serfdom?

SPECIAL POWERS GRANTED TO THE LEGISLATURE.

GOVERNOR MURRAY pretends a great regard for the laws of Congress, particularly one or two sections thereof. When those laws conflict with the line of policy marked out for him by those who have used him as their tool, he does not hesitate to dodge around or ignore them. He is very strenuous over a strained construction of Section Seven of the Organic Act. The spirit of the law and the general principles that governed in its enactment he does not take into account. Well, we invite his attention to the exact wording of Section Nine of the Edmunds law, to which he has made reference in his message disapproving of the election bill passed by the Legislature in pursuance of that section. The only duty suggested to, not "required" of, the Legislature by this section is prescribed in these words;

"And at the first meeting of said Legislative Assembly, whose members shall have been elected and returned according to the provisions of this Act, said Legislative Assembly may make such laws, conformable to the Organic Act of said Territory, and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory, declared vacant by this Act."

Here is power granted to the Legislative Assembly, alone, without any action or concurrence or approval of the Governor, to make such laws "as it shall deem proper" for the filling of the offices made vacant by the Edmunds law. Such laws must be conformable to the Organic Act and the laws of the United States. Anything forbidden in those laws cannot be legalized by the Assembly, of course. But the power to pass them is vested in the Assembly of itself. It is not the Governor and the Legislative Assembly together that are to enact them. For this special purpose the Edmunds Act vests the right in that body of itself to pass such laws as the Legislature may deem proper. The Governor is left out entirely. Ordinarily the legislative power is vested in the Governor and the Assembly. It is so declared in the Organic Act. But this is a special enactment. The reference to the Organic Act and other laws of Congress does not apply to this special grant of power, but to the kind of laws which the Assembly is specially authorized to pass. Those laws must not be inconsistent with the *laws* of the United States, but this *authorization* of the Legislature to pass them has no reference to any previous enactment.

And in this connection we will here cite the Governor to his own words. In that part of his message relating to the qualification of officers, he says:

"The fact that these essential prerequisites are contained in some other prior statute does not answer, because such prior statute might be claimed to be repealed in favor of this the later one. And further, persons elected or appointed to office might fairly claim that the late statute governs and repeals the former, if not directly, by implication, and that no further tests than those prescribed in these sections should be required."

On this principle the Edmunds law—the later statute—so far as the power of the Assembly to legislate without the Governor on the filling of the offices is concerned, "governs and repeals" any former statute, "if not directly, by implication." And, as he says, "the fact that essential prerequisites are contained in some other prior statute does not answer." It is this later statute—the Edmunds law—that prevails, and for this special purpose, the provisions of former laws concerning the power of the Governor to join in the legislation or to veto it when enacted, are in effect abrogated and annulled.

The Legislative Assembly of this Territory may, under the Edmunds Act, yet enact an election law providing for the manner in which the registration and election offices made vacant by the Edmunds Act shall be filled, and if that law shall contain no other provisions than for the purposes named, it will meet the provisions of the law of Congress which confers this power, and the Governor cuts no figure in the legislation. On the passage of that law, so enacted, the terms of all persons appointed to fill the registration and election offices by the Commission will expire as, provided in Section Nine of the Edmunds Act, and the duties of the Commission will be at an end. This is according to the plain letter of the law of Congress, and cannot be refuted by implied intentions or assumptions as to meanings ot expressed in the law.

THE PROPER POSITION.

THE absolute veto power vested in one man, especially when the person clothed with such extreme authority is not popularly responsible, is an anomaly in a Republic. It pleases Governor Murray, an official noted as much for unjust, and unscrupulous partizanship as any other characteristic, to exercise his "brief authority" to subvert the will of the people, and consequently the fundamental principles of republican government, by refusing to attach his official signature to measures enacted by the Legislature that are clearly in the interests of the public weal. So long as such an illiberal, despotic and prejudiced man as Mr. Murray is retained in office there appears to be no help but for the people to endure the oppression for the present.

We observe in our esteemed contemporary the *Herald*, a suggestion favoring an application to Congress to pass the bills vetoed by the Governor. We are not in favor of a movement of that character. It appears to us that the proper position of the people of Utah is that they desire no special national legislation for the Territory, either favorable or otherwise. This attitude is based on the fact that the people of Utah are perfectly capable of exercising the privileges of self-government without any special Congressional interference.

The Territory has an inherent right to make laws in relation to "all rightful subjects of legislation." This right was a condition co-existent with its birth of which it cannot be properly or constitutionally deprived. This also inheres from the common right of man, as defined in the Declaration of Independence, to "life, liberty and the pursuit of happiness." The assumption that the Territorial organization being the creature of Congress, the National Legislature has a right to interfere legislatively in the regulation of the domestic concerns of the people, is fallacious, such interposition being subversive of the fundamental principles of free government.

Should the idea of our esteemed contemporary be acted upon and Congress take favorable action on the application, it would amount to a special or temporary abrogation of the absolute veto power of the Governor. It is not likely, however, that Congress would take a favorable position on the subject. Should any application be made at all in connection with the stretch of power exercised by the Governor, it is our opinion that it would be better that it should take the form of a petition for the abolition of the absolute veto power, which would rectify the wrong of which the people have now good reason for complaint, far more completely than the passage of Congress of any or all of the bills which have been passed by the Legisature and to which Mr. Murray renses to attach his official signature.

THE LEGISLATURE.

THE Legislative Assembly of the Twenty-sixth Session has been an industrious, hardworking body. Their labors have been largely confined to the committee rooms, where the toil of the lawmaker is always the most intense, and therefore they have not been so apparent in the general sittings. The result, however, is exhibited in the list of measures introduced and disposed of which appears in our columns today. The array is quite formidable and includes many enactments that are of a highly beneficial character. Altogether we can speak in terms of high commendation of the Assmbly, whose members have manifested a patriotic solicitude for the public weal, and their proceedings have been entirely free from everything in the shape of jobbery. In connection with the intelligent and devoted manner in which the business of the Legislature has been conducted throughout, it is in order to make special allusion to the capable and dignified deportment of President Cluff of the Council and Speaker Sharp of the House, who have won deserved encomiums for courtesy and efficiency.

If the wants of the Territory have not been legislatively supplied it is no fault of the Assembly, it having been arbitrarily and even tyrannically hampred by the illiberal and obstructive course of the Governor, by his refusal to perform his duty in attaching his official signature to some of the best bills of the session, among them the bill providing for qualifications of electors, office-holders, etc. The bill was framed in consonance with, and in pursuance of an implied anticipation expressed in the Edmunds law. The idea that in framing enactments legislative bodies should be controlled or unduly influenced by a supposed outside expectation or opinion is absurd. They must be governed by the desires and expectations of their constituencies, combined with their own better judgments. The Legislature of Utah has been governed in is deliberations of this year by a conservative spirit, and in this it has manifested wisdom, as gradual changes are not only the most immediately beneficial as a rule, but almost invariably the most permanent. Revolutionary or rabid measures are only needed in conditions of great emergency.

It was anticipated that the labors of the Assembly would have closed by this time, but it is still sitting, having, this afternoon, gone into executive session, with closed doors. The delay is occasioned by a deadlock between the Legislature and the Governor, the latter refusing to sign the appropriation bill unless certain changes suggested by him are accepted. We have not time nor space at our command at present to give the details of the points of difference.

The Assembly have been, up to this writing, four o'clock p. m., in continuous session, since last evening, and the members are exhibiting signs of weariness. In all probability the labors of the honorable body will, in any case, close some time this evening.

Just as we were going to press, at twenty minutes past four o'clock, we learned that the Assembly had adopted the suggestions of the Governor in relation to the appropriation bill, and decided to strike out section ten, in relation to the University.

THE MORMON QUESTION.

The following strong and pertinent article on this everlasting question is taken from *Texas Siftings* of March 8:

The new anti-Mormon bill reported by Mr. Hoar from the Senate Judiciary Committee, provides that the Mormon Church corporation shall be abolished, and its funds turned over to fourteen trustees of President Arthur's appointment; that women shall be compelled to testify against their husbands, and that all property accumulated by its religious or charitable institutions, in excess of $50,000 shall be forfeited. The bill further ordains that the Mormon must be brought under carpet-bag rule, to which end it provides for a returning board, and a whole host of unclean officials, of which several hosts are now in or around Washington waiting for something to turn up. This beats the Penal Laws of Ireland, the Blue Laws of Connecticut, and the Blue Blazes that issued from religious persecution in the Middle Ages. It is only strange that the Judiciary Committee did not direct the hanging, drawing and quartering of Mormon men, and the distribution of the widows among Congressmen just for a change of virtue. In the name of the Seven Deadly Sins, has Congress any more right to turn over the assets of the Mormon *corporation to fourteen trustees*, and they inspired with a religious fervor to prey without ceasing—than to make a similar dispotion of the property of the Western Union Telegraph Company? And what right has it to compel the forfeiture of the Mormon religious and charitable funds? Mormonism as a religion has as much right to existence in this country as Catholicity or Methodism. The violation of the law does not consist in the operation of thinking that a man has a right to marry two or more wives simultaneously, but in the act of having them. The idea of dissolving any religion in this country by Act of Congress suggests a precedent which, in the course of human events, may be used for dissolving all other religions except that which wields the heaviest purse and commands most membership. The polygamous feature of Mormonism is a relic of barbarism, and it should perish from the face of this country. But this cannot be effected through the agency of an inquisition in the hands of thieving carpet-baggers. By an admirable provision of Providence in the interest of human freedom, no religion has ever been crushed by violence, and Congress had better confine its measures to the prosecution of polygamy without extending its sphere of action to the extent of demanding the dissolution of religious organizations. It is, perhaps, a low estimate to put the proportion of Congressmen who lead immoral lives at ninety per cent., while not over thirty per cent. of the Mormons are polygamous, and yet how would it sound if Congressmen, self-convicted of immoraiity, should proceed to dissolve all religious organizations of the country on the ground that these organizations did not make them behave themselves.

LOCAL NEWS.

FROM FRIDAY'S DAILY, MAR. 14.

Z. C. M. I.—Great reductions, all grades of carpets at bottom prices, turcoman goods, lace curtains, reversible silks and plushes in great variety at very low figures. Everything in the way of general merchandise is to be found there at remarkably low figures

Washout at Riverdale.—The Ogden *Herald* states that on the bench east of Taylor's mill, near Riverdale, the water from the rain and snow had formed in a large natural basin—which became so full that, a few days ago, it overflowed. The water cut its way, at first lightly, over the hill and soon came down in great torrents, washing a cut from 20 to 25 feet deep for a long distance in the hill, carrying hundreds