

EDITORIALS.

THE IDAHO TEST OATH INIQUITY.

THE following communication, presumed to be from the pen of Captain John Codman, appears in the columns of the New York Post:

'To the Editor of the Evening Post:

SIR:—The telegraph reports, of Boise City, Idaho, November 5, that Fred P. Dubois (Rep.) is elected to Congress over John Halley (Dem.) by 500 majority.

This election will doubtless be contested. Mr. Halley stood as the Democratic candidate pure and simple. Mr. Dubois represented the combined forces of Republicans and anti-Mormons, the latter party being the strongest.

Mr. Halley had declared himself an opponent of polygamy, but has insisted that the religious question ought not to enter into politics. Many Mormons would have refused to vote for him on account of his first position. On the other hand, his refusal to endorse the test oath as applied to the Mormon Church *per se* would have given him many supporters who are members of that denomination. But no member of the Mormon Church, polygamist or monogamist, was allowed to vote, being precluded from the franchise by this Territorial law:

SEC. 1. No person under guardianship, *non compos mentis*, or insane, or any person convicted of treason, felony or bribery, in this Territory, or in any other State or Territory in the Union, unless restored to civil rights, or any person who is a bigamist or polygamist, or who teaches, advises, counsels or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization or association which teaches, advises, counsels or encourages members or devotees, or any other persons, to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization or association, or otherwise, shall be permitted to vote at any election, or to hold any position of office or honor, trust, or profit, within this Territory.

It remains to be seen what view the House of Representatives will take of this summary exclusion of voters because of their religious belief.

J. C.

New York, November 6th.

We do not know what course Delegate Halley proposes to pursue in reference to this matter, before the House of Representatives, but J. C. has placed it correctly before the public. The law which he has cited is backed up by a test oath embodying all the objectionable features of the law, and it is further enforced by provisions making it criminal to vote under the disabilities thus created, the penalty being a fine of not less than a hundred nor more than a thousand dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

We hope to see this un-American and anti-Republican legislation tested, either in the House of Representatives or the Supreme Court of the United States or both. It is already settled in law—for the time being at any rate—that practical polygamists may be deprived of the franchise. How far the clause disfranchising persons who teach, advise counsel or encourage others to become polygamists will be sustained, remains to be seen, and it is yet to be determined what action or teaching can be construed into such advice. The right to advocate the rightfulness of polygamy cannot be lawfully denied to any American citizen. Preaching an unpopular doctrine, and advising a person or persons to commit an act forbidden by the law, are two distinct and different things; if the latter may be viewed as criminal, the former cannot be in any degree. But the unconstitutional and inherent wrong of the provision against membership in a religious or other body or association holding certain views and teaching certain doctrines, will not be disputed by any person but an anti-"Mormon" of the lowest type.

It is well known that there are a great many members of the "Mormon" Church who neither practice polygamy themselves nor advise or encourage others to practice it. Yet because of their membership in a Church which permits or counsels plural marriage among a portion of its members, the monogamist communicants in Idaho are disfranchised with the rest. The Supreme Court of the United States has virtually ruled against this, by declaring that it is time enough for legislation to step in upon religious matters when they break out into overt acts against peace and good order. It is no overt act against peace and good order to belong to the Church of Jesus Christ of Latter-day Saints, even if that Church holds to the rightfulness of something that the law condemns. Not until its members violate the law can they be made amenable to the law. And those of them who abstain from such violation cannot be lawfully classed with those who do not, either to be counted as criminals or deprived of any legal right or privilege.

To illustrate this, let the Catholic doctrine of celibacy be substituted for the "Mormon" doctrine of plurality of wives. Congress has just as much right to prohibit celibacy as polygamy

in the Territories. If it may be decided that it is against public policy for men to have large families, it may certainly be decided that it is against public policy for able-bodied men and women to be prevented from "filling" the measure of their creation, and becoming active participants in the building up of the State. Both nature and the perpetuation of the race and the community forbid the latter, while neither can be correctly cited against the former. If it be argued that Catholic celibacy is only practised by a portion of the Catholic body, it is replied that "Mormon" plurality is only practised by a portion of the "Mormon" Church. Suppose, then, that a law was enacted disfranchising all persons, male and female, specially devoted to a life of celibacy, such as priests and nuns. Where would be the justice or the right of disfranchising all Catholics because they are members of "an order, organization or association which teaches, advises counsels or encourages members or devotees or any other persons" to practise the crime of sworn celibacy, "either as a rite or ceremony of such order, organization or association or otherwise?" Would not so infamous an enactment cause a burst of indignation throughout Christendom?

Put circumcision in the place of celibacy or polygamy, and forbid the practice as an offense against children, an overt act that may be legislated against although a matter of religion—following the reason of the anti-polygamists—and where would be the justice or the right of disfranchising all Jews because they belong to an order or association which teaches, encourages and advises circumcision?

The law is clearly an attack upon the right of belief. Surround it with all the sophistry you please, and it is an assault upon the freedom of conscience, an attempt to destroy religious liberty. That any Democrat can endorse it is a proof that he is not what he professes. It can only be defended on the ground of anti-"Mormon" expediency, the plea of "anything to beat the Mormons at the polls." It is simply an iniquitous scheme to give anti-"Mormon" minorities the supremacy, and thus destroy the real Democratic principle that the majority in each locality shall rule in local affairs.

There are hosts of people throughout the country who are opposed to polygamy—most of them through lack of understanding—but there are very few except the unreasonable bigots and malignant fanatics who would countenance a law that deprives citizens of their commonest rights, simply because of their membership in a Church which allows a portion of its adherents to contract larger family obligations than most people like to undertake. And any party, court or nation, professing to be republican and to support religious liberty, that will uphold such a law, deserves to be damned politically and in every other way. We desire to see this matter tested, and there are methods by which it can be done both in the legislative and the judicial departments. Let it be pushed to the end.

THE LATEST VICTIM.

THE extreme bitterness and questionable methods by which the prosecution against County Collector N. V. Jones has been conducted, form another demonstration of the fact that no "Mormon" need expect justice or fairness in the Third Judicial District of this Territory. The whole business is thoroughly discreditable to the officials engaged in it.

The trial developed the fact that although the defendant was indicted for bribing a United States deputy marshal, the individual put forward as serving in that capacity was not a *bona fide* officer; that he informed the defendant he held no such position when he conversed with him on the subject; that the endeavor which was made to constitute him a deputy marshal while the negotiations were in progress was not fully successful, because he never gave a bond to the Marshal; that he had ceased some time before to be a *lall*; that therefore Mr. Jones neither gave or offered a bribe to a United States officer and did not perform the act named in the indictment.

A jury was selected against him composed of anti-"Mormons," contrary to the spirit and letter of the Polid law which Congress passed to govern the empanelling of juries in Utah. It was not in any sense an impartial jury. It was like other juries picked out when "Mormons" are placed on trial—placed in the box to convict. The District Attorney who prosecuted and the Marshal who helped to get up the case were both engaged in a dirty scheme to entrap the defendant, having entered into a plot to make the chief witness a deputy unknown to Mr. Jones, that the latter might be inveigled into the commission of an act that would not have been criminal but for that piece of deception. It was made clear that whatever the status of the so-called deputy might have been, the defendant was unconscious that the man was an officer, but had been led by him to believe to the contrary.

On being convicted after such a prosecution by such conspirators and before such a jury, and giving cogent reasons by counsel why he should have a new trial, that was not only denied him, but he was refused bail pending an appeal to the Supreme Court of the Territory, and hustled off to the peni-

tentiary to serve a sentence of three years' imprisonment, for an offence which the evidence demonstrated he did not commit.

That is the way the people of Utah are being instructed to respect the law and the courts. Outside of the outrages on law, justice and common sense that have attended the prosecutions for polygamy, proceedings against "Mormons" have been conducted in such a spirit of animosity, hatred and vengeance because of their religion, that the whole administration of the criminal law in this District has been brought into public contempt.

Mr. Jones is the collector of taxes for Salt Lake County. He is personally responsible in law for the whole amount of the tax. Bail pending his appeal would have been a simple act of justice and as well a matter of public policy. It would have done no violence to the law or to expediency. It would have given the defendant time to the end of his term to discharge his duty as a public official. It on appeal it should be found that the court erred, as alleged, in the rulings, or that the verdict was, as affirmed and generally believed, contrary to the evidence adduced, Mr. Jones will have been unjustly punished and the fact will be undeniable that he has been made the victim of a judicial outrage.

He was ably defended and all that was right and proper was done to secure his rights before the law, but in vain. He is a man of well-known integrity, an efficient public servant, an honorable and upright citizen. But he is a "Mormon" and tried to serve his friends in what he believed to be a lawful way. Both of these are crimes in the eyes of the unscrupulous crusaders against the people of Utah, and N. V. Jones is one more sufferer, a prey to the vindictive and insatiable malice that has disgraced the latest assault upon the people of this Territory.

"LABOR" IN POLITICS.

IT is very easy to sneer at the "labor vote" polled for Henry George in the late New York election. It is asserted by some paper that the 67,000 ballots cast for the labor candidate were not representative of the working men of the country. It is assumed that they were deposited by the roughs and that class whose suffrages are at the disposal of the highest bidder. But such statements are wholly gratuitous. There is no warrant for them in known facts. It is quite probable that there were as many denizens of the "slums" in the ranks of the supporters of the Republican and Democratic candidates, as of the reformer whose following has startled the country.

We do not endorse the extreme and impracticable theories of the noted writer and lecturer. But we perceive the fact that his denunciations of the wrongs in the present forms of society and the relations of the landed rich and the landless poor, with other agencies have stirred up the masses to deep reflection, and that there is a disposition among the producers and tollers of this country to push their way into greater prominence as active members of the body politic. And there is reason to believe that the supporters of Henry George at the New York polls, numbered less of the thoughtless rabble than could be found in the ranks of the regular parties.

The labor vote is destined to cut an important figure in national politics. The 67,000 George ballots in New York are signs of the labor power in the United States. A *bona fide* labor candidate would draw an immense following in the next presidential campaign. Henry George's name is already mentioned in this connection. We do not believe he could be elected, for capital—and that means more than it usually is held to imply—would combine against him, and strict party lines would be broken down to a great extent in the combination. Property holders in small amounts would be almost as much interested in the defeat of the leveler as the great plutocrats of the country. He could no more succeed in a race for the Presidency than he did in running for the Mayoralty of New York.

The power of the labor vote will be most likely divided, for both the great parties will bid for it. The Democrats have always claimed to be the champions of labor. But the Republicans are already posing in that capacity with the view of gaining the coveted influence. And though the next presidential election will probably witness a division of the labor element, for want of its proper organization and the necessary preparation for a struggle on its own merits, yet a strong Working Men's or Labor Party is a probability that many must be able to foresee, and that a "Labor" candidate will yet occupy the presidential chair is one of the most likely events in the political future of the United States.

A PROPER SUBJECT OF EXECUTIVE CLEMENCY.

GOVERNOR WEST has done a very proper thing in granting a pardon to C. W. Hemenway of Ogden. It is well known that the liberated man was edi-

tor of the Ogden Herald; that he wrote some scathing articles against the Utah conspirators; that he was unwise in some of his expressions and that he laid himself open to charges of libel, because however true his remarks may have been he was unable to prove them. Although convicted of libel for stating that Judge Zane had rendered "a crooked decision," it was understood that he was not to be severely punished, and sentence was suspended. But just previous to the departure of Judge Orlando W. Powers from the Territory, that venomous creature, full of rage at his ejection from an office that he had disgraced, unexpectedly arraigned Mr. Hemenway and sent him to prison for a year, requiring him also to pay a heavy fine.

No one but those heartless and spiteful wretches who gloat over the punishment of a "Mormon," whether innocent or guilty, endorsed the action of the chagrined and ousted Michiganander. Hemenway went to jail, where he remained three months, and on a very humble appeal to Judge Zane obtained his Honor's recommendation to the Governor for a pardon. Both the appeal and the response will be found in another part of this paper.

It is but just to Judge Zane to say that, so far as known, he took no part in the prosecution of his alleged libeler, and that his course in performing the only act by which it is probable the prisoner could be released, was manly and humane. Governor West has exercised executive clemency in this instance, we think, in a proper manner, and no one will object to the release of the humbled editor who has a spark of good feeling or sense of mercy or justice.

We regard Powers' action as an attack on the liberty of the press. Mr. Hemenway's style is perhaps a little extreme. That fault, in our opinion is exhibited as much in his apologies as in his assaults. But there was little in his articles that could be truthfully called libellous, and we do not believe that outside of an anti-"Mormon" Utah court he would have been convicted of any infraction of the law under which he was indicted. He has been much more libeled by blackguard scribes than he has libeled others, even taking the worst view of his criticisms of public officials. But it is not at all likely that his assaults will ever be brought to justice before an earthly court. They are not in sympathy with the "Mormons," and therefore may be judicially excused for the most vulgar attacks and most indecent libels.

We do not wish to justify any writer in falsely assailing an opponent, no matter how vile the letter may be nor however much he may deserve chastisement. The truth is powerful enough, and usually disagreeable enough, for the official clerical and literary malcontents who are waging a warfare against the majority of the people of Utah. And an editor should be as ready to correct an error in his treatment of an opponent as to defend himself or his cause against falsehood and misrepresentation. We are glad that Mr. Hemenway is once more a free man, and hope that he will cease to be a special object of the virulence of a certain class, and that he has gained discretion by his recent disagreeable experience.

THE RECENTLY INAUGURATED ACADEMY.

THE inauguration of the Salt Lake S Academy, the details of which were given yesterday, was an auspicious occasion. The proceedings were most interesting, and the serenity which pervaded the assemblage indicated that the heavens smile upon such beneficent movements.

The only matter for regret was that the accommodations for pupils were entirely inadequate to the demand. While this is to be regretted in one sense, it is a matter for congratulation in another. It indicates a growing and healthier sentiment among the Saints in regard to the education of their children. When it gains sufficient strength it will become the soil out of which the needed facilities will spring. When there is a powerful demand the supply must sooner or later appear, as a natural consequence.

The object is to afford the children of the Saints a symmetrical education, cultivating the whole being, embellishing the moral, religious and affectional constituents of the soul as well as the intellectual. The aim can only be reached, in the estimation of true Latter-day Saints, by making true theology, as understood by them, a part of the curriculum. In the common or district schools the introduction of such an element is impossible, the duty having been practically legislated out of the system. While no proper claim can be made to the effect that infidel ideas have been promulgated in the schools by any of the public instructors, yet the absence of any attention to sacred things in any system of training for the young necessarily leads to all the stages of irreligious sentiment from indifference to positive unbelief. Hence the growing spirit among the people to institute seminaries in which there is recognition of the Divine is, as already said, a promising indication. It is but the

commencement of the flow of the tide in a most salutary direction, that will preserve many youths from straying into forbidden and unprofitable paths. Its action will be counter to that class of schools the chief purpose of which is to lead our children away from the faith of their fathers and mothers.

People who are sincere in their professions of religion and sense the saving benefits to be derived from obedience to what God has revealed—the constituents of the Gospel—will never send their children to be trained so as to induce them to travel in an opposite direction. Such a course would be most unnatural. Those who love their offspring and look upon them as a heritage from the Lord, desire them to be educated in a knowledge of the truth as they themselves understand it. Consequently those who send their children to schools established for the purpose of prejudicing their minds against those things they profess to hold sacred, can give no stronger proof of the hollowness of their pretensions and of their insincerity, to call it by no harsher term. Those who are sincere and whose faith is unshaken, being not only unimpaired but strengthened by threatening clouds and storms, are yearning for opportunities to have their children kept in the straight lines marked out by the Gospel of the Redeemer. This increasing disposition is an indication of that spirit of repentance which the Lord desires to see diffused throughout the community. Its fruits are bound to be highly beneficial. They will contribute to the present strength and future power and glory of Zion.

If we understand aright the desire of the leading authorities of the Church on this subject, it is that there should be a leading throughout the community toward the establishment of such educational institutions as that inaugurated at the Social Hall on Monday, November 15th. It is the initiatory step toward the introduction of a new educational era in the Salt Lake Stake, whose ecclesiastical authorities are in active sympathy and connection with the movement.

The brethren who took the initiatory steps, and contributed for the attainment of so laudable an object, are to be congratulated on the degree of success they have achieved. The Academy is under the supervision of one of the most estimable men as well as devoted and efficient educators to be found anywhere. Success to the Salt Lake Stake Academy.

THE INDEPENDENTS.

THE issues upon which the Republican party were brought into existence before the war, and upon which the Democratic party fought it unsuccessfully for so many years afterward, have no longer a substantial existence; they were at best but for the time and the people which evolved them, and when they were settled, the Republican party had filled its mission and their opponents were left with nothing but a name backed by a history to fight. Out of such a slackening of political lines, has grown a number of smaller organizations, all more or less ephemeral; but there is a floating mass which refuses to get together and be organized and in which each individual votes for whoever and whatever pleases him best; this body of free thinkers and unrestrained actors is known as Independents—not as the Independent party, for there is no party in it. They play fantastic tricks, too, sometimes, as witness the following from the Boston Herald:

"The Independent voters do not all break in the same direction. Each one stops to think and uses his own best judgment in every case. Thus, in one district in California, a Republican was elected in place of a Democrat; in another district a Democrat in place of a Republican. In one Connecticut district a Democrat is elected in place of a Republican; in four Illinois districts Republicans are elected in place of Democrats. In one Massachusetts district a Democrat is displaced by a Republican; in three others Republican give place to Democrats. Republicans are also elected to seats now filled by Democrats in Indiana, Iowa, Kentucky, Michigan, New Jersey, New York, North Carolina and Virginia; while Democrats displace Republicans in Kentucky, Minnesota, Nebraska, New Hampshire, New York, Pennsylvania, South Carolina and Tennessee. In short, the Independent voter is abroad."

THE MORMON BATTALION.

ONE of the most interesting chapters of Mr. Hubert Howe Bancroft's History of California, Vol. V., is the one devoted to the review of the Mormon Battalion—1846-8. Following is a summary of the story, as he relates it, which occupies a chapter of thirty pages:

The Latter-day Saints, believing they had just cause of complaint that the national government had refused to protect them against the oppressions which forced them to quit their homes in Missouri and Illinois, did not hesitate to apply at Washington for aid in their enforced exodus. Elder Jess