

of heirship upon the children of a male decedent, without regard to their being born in lawful wedlock or not, or as to whether the father did or did not recognize them in life, is invalid.

According to the judge the annulment was produced by the Congressional anti-polygamy law of 1862, because the latter invalidated all laws that encouraged polygamy. It is set forth in the ruling that the Territorial statute, in establishing the heirship of illegitimate children, did encourage polygamy.

Judge Anderson seems to have completely overlooked the fact that Congress enacted, in March, 1882, what is known as the Edmunds Act. It was aimed expressly against polygamy, having been framed and passed for its suppression. It is in point to here quote from it the following section:

SECTION 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, Anno Domini eighteen hundred and eighty-three, are hereby legitimated.

There are two points worthy of note connected with the decision in question. It conflicts with the Edmunds law, because, according to that measure, which Judge Anderson has ignored, George H. Cope, born long before Jan. 1st, 1883, stands legally before the world as the legitimate son of his father. To declare that a legitimate issue of a decedent is not an heir to his estate is a judicial absurdity.

Referring again to the position that the Territorial statute in question encouraged polygamy, according to Judge Anderson's logic, so also does the The Edmunds Congressional anti-polygamy law. This is another judicial absurdity.

### FREE SCHOOLS IN CITIES.

THE first bill introduced in the Territorial Legislature at the present session is one "to establish a free public school system in certain cities of the Territory of Utah." It provides that in cities of the first and second classes there shall be a board of education, consisting of two members elected from each municipal ward of the city, as other city officers are. To this board is given full control of the schools and school property of the city, with power "to establish graded and high school departments whenever, in their

opinion, the educational interests of the city demand the same." To this section (sec. 4) is appended this proviso: "Provided, That no tuition fee nor any charge of such nature shall be established for pupils between the ages of six and eighteen years residing in the city where they attend school."

The board of education may elect a clerk, whose duty shall be to keep a record of its proceedings, keep accounts, etc., and a superintendent of public schools who shall have immediate supervision of the public schools, under the direction of the board. The city treasurer is made *ex officio* treasurer of the board, and his duties as such are defined. No member of the board of education shall receive any pay or emoluments for his services. Section 16 is as follows: "No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city; but nothing in this section shall be construed to prohibit the reading of the holy scriptures without comment." Applicants for positions as teachers shall be examined by a board of three persons, appointed by the board of education, and shall receive a certificate in accordance with their qualifications.

As soon as a board of education shall be elected and qualified in any given city, the title of all school property in such city shall vest in the board, in trust for the use of the public schools of the city. In the month of August of each year the board shall make an estimate of the amount of money that will be required to conduct the schools, pay interest, etc., during the year commencing with the first of January following, and report to the city assessor and collector the percentage of tax on the real and personal property in the city necessary to raise the amount needed for school purposes. The assessor and collector shall assess and collect such tax as other taxes are, and shall pay the same to the city treasurer, who shall hold the fund subject to the order of the board of education. The school tax shall not exceed six mills on the dollar in any one year. The whole city shall compose a school district for purposes of taxation, but may be subdivided into as many districts, for other purposes, as the board may see fit.

Power is given to the board of education to cause to be assessed and collected, in any one or more of the districts in which a city may be divided, a tax sufficient to provide

that district with school buildings and property as good as the average of the other districts of the city, the proportionate value of its taxable property being considered. The board of education in a city of the first class may issue bonds to the amount of \$125,000, and of a city of the second class to the amount of \$75,000, the proceeds to be used in providing school buildings and furnishing them, etc. The creation and management of a sinking fund are provided for, and permission is given for cities of the third class to adopt the system by vote of their city councils. But the board of education of a city of the third class shall consist of only three members, and it shall not issue bonds to an amount exceeding \$40,000.

Under this bill, should it become law, the common schools of the larger cities in the Territory would be placed under an excellent system of management and control. The bill has defective features, but much might be said in its favor. One of the most objectionable phases in it is that which compels a city to have free schools, whether it wants them or not. Local option is preferable to universal compulsion in matters of this kind.

Section 18 of the bill, which aims to peremptorily transfer school property from its present owners to other parties, is open to question in respect to its constitutionality. It is doubtful if the Legislature of this Territory has power to do anything of the kind. The people of an existing school district, who have taxed themselves to erect an expensive school building, would very likely object to having the title to the property transferred to the city at large, or vested in other than their own immediate representatives; and the courts would be very likely to sustain so reasonable an objection, no matter what might be the fiat of the Assembly.

### PHASES OF THE CONSPIRACY.

A REMARKABLE expression was made about two years ago, a short time before the last municipal election. It was the enunciation of a prominent "Liberal" who was urging the acceptance of the proposition of the People's Party to give the opposition representation in the Council. The offer was the election of four "Liberal" members. The speaker referred to held that the acceptance of the proposal would be a point gained. He said in the course of his reasoning: "We" (the Liberals)