

with law. There is no legal authority for it. It is new legislation, and therefore there is no authority for its enforcement either by the "responsibles" or "irresponsibles"—Commission or Registrars.

The formulation, recommendation and, we presume, adoption of this oath is based upon the late Supreme Court decision which defined the usurpations of authority of which the Commission had been guilty, but the foundation appears to be of an exceedingly shadowy character. We will now refer to the fragile basis upon which the production of the new oath is predicated, as quoted in the definitions. Speaking of the form of oath incorporated in the Territorial election law, the decision of the Supreme Court says:

"Either the oath itself must be regarded merely as a model, to be modified by the operation of the Act of Congress, so as to meet by appropriate denials the several new disqualifications created by it, and then to be taken with the prescribed effect of entitling the person subscribing it to register as a voter without other proof; or else the effect of the Act of Congress is to limit the class entitled to take the oath in the form prescribed by the Territorial Act, with the effect thereby given to it, to those who are not subject to the disqualifications which the Act of Congress imposes."

To a cursory reader that almost interminable sentence doubtless appears as clear as mud. Stripped of its verbiage the statement means this: Either the Territorial oath must be regarded as a model after which to shape something else, or else the effect of the Edmunds act is to apply the Territorial oath and limit those entitled to take it to persons not disqualified from being electors under the law of Congress. The registrars are thus left with two horns of a dilemma conspicuously in sight, without any information from the ruling as to which of them they should seize. It is an absurd situation, because if the decision proposed to define it at all it should have done so with unmistakable definiteness, but the ruling has the usual ambiguity of documents intended for bolstering purposes. There should have been no difficulty regarding this particular point, however, for if any oath is applied at all, it should be that prescribed in the Territorial statute, it being the only legal form in existence with any constitutional reference to the subject. This is clearly stated in the Edmunds Act itself, the 9th section of which provides that the duties of the registration officers shall "be performed under the existing laws of the United States and said Territory" (Utah). The Congressional act provides no oath, and gives no authority for the formulation and application of anything of that character. Consequently that incorporated in the Territorial statute or none are the alternatives.

Bearing on the same point, we quote from the decision:

"The existing laws of the United States and of the Territory, under which the election officers are bound to perform their duties, must include the Act itself, which provides for their appointment and defines their duties, and if they have not the right to exact an oath different from that, the form of which is given in the Territorial Act they must otherwise satisfy themselves that persons offering to register are free from the disqualifications defined in the Act of Congress. In doing so, they are, of course, required to exercise diligence and good faith in their inquiries, and are responsible in damages for rejections made without reasonable cause, or maliciously."

"If they have not the right to exact an oath different from that, the form of which is in the Territorial act," further shows that the Supreme Court did not admit any such authority as that now being used by the Commission. On the contrary, a decided doubt is advanced. But again, in this remarkably opaque decision the "responsibles" and purely ministerial officers, as exhibited in the quotation just made, are credited with judicial powers in deciding who are entitled to register or otherwise. To "satisfy" themselves on the subject referred to, the judicial function is indispensable.

It will be admitted that a "reason to believe" base of action under existing conditions is dangerous to the rights of citizens. Especially when placed in the hands of men with decided prejudices and in numerous instances malicious purposes toward people with whom they are brought into official contact. It is likely that our readers have noted this clause of the "suggestions" of the Commission:

"Said Registration Officer, or his deputies, should strike from said list the names of all persons, who, he has reason to believe have become disqualified to vote under the act of Congress, approved March 22d, A. D., 1882, entitled 'An Act to amend Section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes.'"

It is exceedingly easy for some men, especially anti-"Mormons," to get up some "reason to believe" snuffery. This has been illustrated in numerous instances in the past, when people have, on this basis, had their names peremptorily stricken from the registration lists. There are plenty of proofs of this having been done. And when application has been made by the parties wronged to have such matters adjusted, they have been

worn out and harassed by being referred from one official to another, each claiming that he was not responsible, until it has appeared as if the manipulation of election matters was an "irresponsible" affair not only at its head, but throughout the entire body. The people who have been politically robbed by unconstitutional laws and official trickery know too well the significance of the "reason to believe" suggestion. The whole business thus far under the Utah Commission has been a delusion and a snare, and fair play has been, as a whole, an element foreign to the subject.

The Commission from the onset have acted in a partisan spirit. They have inflicted wrongs upon the "Mormon" people of which they should be ashamed. To infer that they did so without knowledge would be an insult to their intelligence. Yet instead of endeavoring to repair the breaches heretofore made in the bulwark of the people's rights, they still indicate a leaning in the same direction. They are unable to apply now the most infamous oath ever formulated, but their relinquishment is compulsory and should never have been necessary, because it should never have been adopted. True it was suggested and recommended to them, and the identity of the suggestor is pretty generally known, but in its adoption they fathered it, and through it discredit will cling to their memories long after they have passed out of mortal existence. Their only honorable course is to repent of their shortcomings and repair, as far as possible, the wrongs they have inflicted.

It will be admitted that the ministers of the law should be above the law. A correspondent touches a key-note in reference to that point, on the subject upon which we have been treating. The oath to which male applicants for registration will be required to subscribe, concludes with the words "I do not cohabit with more than one woman." Now let the reader consider the following, which has been purposely shorn of its tail:

"The Registration officers and their deputies should each, before entering upon the discharge of his duties, take and subscribe an oath in substance that he will support the Constitution of the United States, and will faithfully and impartially perform the duties of his office as herein defined, and that he is not a bigamist or polygamist; and in order to secure pay for their services they should immediately transmit said oaths to the Secretary of this Commission."

An effort may be made to apologize for the Commission, on the ground that they were driven to the alternative of omitting the anti-cohabitation proviso, because they would be unable to procure the requisite number of registration officers from among the class from which the majority are selected if they inserted it. But be that as it may, the anomaly is presented of a presumed legal requirement placed upon the people which is omitted in the cases of those who are to them the ministers of the law. Still it is not so flagrant as the anti-"marriage relation" clause of the former oath. It partakes of the same nature, however, making a distinction between classes in the application of law, which is never tolerated in theory, and rarely in practice, except when "Mormons" are the proposed victims.

HE STRIKES IT RIGHT.

By courtesy of A. M. Musser, Esq., we are enabled to present an extract from a letter received by him from a professional gentleman (being an M. A.) of California. The writer of the communication has penned several articles which appeared in the *Boston Investigator*, in which he has had nothing but sympathetic words for the Latter-day Saints and scathing denunciation for their defamers and oppressors. He never hit the nail more squarely on the head than he does in what follows:

"In reply to your letter of the 13th instant, I will say that I have read with pleasure and benefit the pamphlets that you sent me. In them I find many statistics of great value. Please accept my thanks, and a hand shake for equal justice."

"I wonder that you and your people, goaded as you have been by long continued wrongs and outrages, can still be so temperate as you are in your language, and so loyal to the government which has become to you a heartless oppressor instead of a protector. You challenge my admiration. I, a non-Mormon, a non-believer in religion, feel like fighting against these great and cruel wrongs done to a patient, honest and law-abiding people, such as your people are."

"From the bottom of my heart, I hate injustice and oppression on their own account. In this case, I hate them the more, because of the unmitigated hypocrisy of the oppressors. The cry of 'morality' made by these anti-Mormon crusaders is, to my certain knowledge, an empty sham. As a rule those who are raising this cry are not the promoters of morality. They are the armies of professional priests, who find themselves utterly unable to cope with the Mormons in making converts; the armies of hungry political adventurers who hope to gain popular favor by this cry; the armies of rum-sellers, gamblers, libertines, pimps, etc., whose several occupations would be gone, were Mor-

monism to prevail; and the armies of puppets, who join in the cry without knowing why they do so. A short time ago, I heard an honest (?) libertine express himself as follows: 'Why, if Mormonism should come to prevail the women would all find husbands and homes, the whore houses would all be emptied, and then what would we do? Where could we go to enjoy ourselves?' This forcibly suggests the real animus of the anti-Mormon crusade."

CIRCULAR.

FOR THE INFORMATION OF REGISTRATION OFFICERS.

I.

The recent decision of the Supreme Court of the United States makes it necessary for the Registration Officers in Utah to be informed as to the points decided, so far as they relate to the discharge of their duties. Among the points decided are the following:

1. The Registration Officers are required to exclude from the registry lists every man who is a polygamist or bigamist, and every person cohabiting with more than one woman. They are also to exclude every woman cohabiting with any of the persons described as aforesaid.

2. A bigamist (or polygamist) in the sense of the 8th section of the Edmunds law is a man who has entered into the state of plural marriage, at any time in the past and still maintains that relation—it not having been dissolved by death, divorce, or "other effective manner,"—and he is still a polygamist even "though he restricts his cohabitation to but one woman."

3. If a man has married several women and he has died, the surviving women (if otherwise qualified) are entitled to be registered.

4. If, in such a case, all the wives, or all but one, have died or been divorced, the man is entitled to be registered.

5. The first or legal wife is not entitled to be registered, if at the time she offers to register she cohabits with a bigamist or polygamist, (unless the other wives are dead or divorced), nor is she to be registered, if she cohabits with a person cohabiting with more than one woman.

6. The disfranchisement operates upon the existing state and condition of the person, and not upon a past offense. It is, therefore, not retrospective. He alone is deprived of his vote, who, when he offers to register is then in the state and condition of a bigamist or polygamist, or is then actually cohabiting with more than one woman. But a bigamist or polygamist is such a person as is described in paragraph 2 above, (which see). The Registration Officers are required under the law to exclude all illegal voters, and the different methods by which this may be effectuated are thus set forth in the opinion of the Supreme Court:

"The act of March 22d, 1882, created the additional disqualifications which have been mentioned, and which, of course, are not met by the oath as prescribed by the Territorial Act of 1878, and it is not consistent with the express provisions of the Act of Congress, that every person willing to take the oath in the form prescribed by the Territorial Act shall be permitted to register as a voter. Either the oath itself must be regarded merely as a model, to be modified by the operation of the Act of Congress, so as to meet by appropriate denials the several new disqualifications created by it, and then to be taken with the prescribed effect of entitling the person subscribing it to register as a voter without other proof; or else the effect of the Act of Congress is to limit the class entitled to take the oath in the form prescribed by the Territorial Act, with the effect thereby given to it, to those who are not subject to the disqualifications which the Act of Congress imposes. The existing laws of the United States and of the Territory, under which the election officers are bound to perform their duties, must include the Act itself, which provides for their appointment and defines their duties, and if they have not the right to exact an oath different from that, the form of which is given in the Territorial Act, they must otherwise satisfy themselves that persons offering to register are free from the disqualifications defined in the Act of Congress. In doing so, they are, of course, required to exercise diligence and good faith in their inquiries, and are responsible in damages for rejections made without reasonable cause, or maliciously."

7. Upon the completion of the lists, each Registration Officer should prepare triplicate lists in alphabetical order for each precinct containing the names of all registered voters, one of which lists should be filed in the office of the Clerk of the County Court on or before the first day of July next; one list to be posted up in each precinct at least fifteen days before the day of election, at or near the place of election, and the other list transmitted by him to the Judges of Election of the several precincts for use at the polls; and the affidavits of voters should be transmitted to the Secretary of the Commission.

8. The law authorizes voters removing from one election precinct to another in the same county to appear before the Registration Officer at any time previous to the filing of the lists in the office of the Clerk of the County Court, and have their names erased therefrom, and they may thereupon have their names registered in the precinct to which they may remove.

9. Prior to each election the Registration Officer of each county should cause to be written or printed a notice which shall designate the office or offices to be filled, and stating that the election will commence at — (designating the place for holding polls), one hour after sunrise, and continue until sunset on the — day of — 1885.

and these may be changed by the Registration Officers, upon whom the Supreme Court decides the responsibility rests, by erasure or otherwise, if in their judgment any change is required, keeping in view the fact that all polygamists and others disqualified by the Act of Congress, must be excluded.

FORM OF OATH FOR A MAN.

TERRITORY OF UTAH, } ss.
County of.....

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 I am a native born, or naturalized, (as the case may be) citizen of the United States, and a taxpayer in this Territory; and I do further swear (or affirm) that I am not a bigamist nor a polygamist; and that I do not cohabit with more than one woman.

Subscribed and sworn to before me this.....day of.....1885

Registration Officer for..... Precinct.

FORM OF OATH FOR A WOMAN.

TERRITORY OF UTAH, } ss.
County of.....

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 am a 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.] I do further solemnly swear (or affirm) that I am not cohabiting with a bigamist, polygamist, or any person cohabiting with more than one woman.

Subscribed and sworn to before me this.....day of.....1885

Registration Officer for..... Precinct.

NOTE.—The registration officer, or his deputy, should erase from the clause between [brackets] such parts as are not applicable to the case. In every case the female should swear that she is over twenty-one years of age, otherwise she should not be registered.

2. And said Registration Officer, or his deputies, should strike from said list the names of all persons, who, he has reason to believe have become disqualified to vote under the act of Congress, approved March 22, A. D. 1882, entitled "An Act to amend Section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes."

3. The Registration Officers and their Deputies should carefully preserve the Registration List for each precinct for use at the June Revision.

4. The first revision prior to June in.....precinct,.....county, should be performed within.....days.

5. The County Registration Officers and their Deputies will receive compensation as follows: For County Registration Officers, \$4 per day; for each Deputy Registration Officer, \$3 per day; the compensation to be paid for the time during which said officers have been necessarily employed in the discharge of their duties.

6. The law requires each County Registration Officer, in person, or by deputy, during the week commencing the first Monday in June, at his office, to enter on his Registry List, the name of any voter that may have been omitted, on such voter appearing and making affidavit, and to strike out the name of any disqualified voter.

7. Upon the completion of the lists, each Registration Officer should prepare triplicate lists in alphabetical order for each precinct containing the names of all registered voters, one of which lists should be filed in the office of the Clerk of the County Court on or before the first day of July next; one list to be posted up in each precinct at least fifteen days before the day of election, at or near the place of election, and the other list transmitted by him to the Judges of Election of the several precincts for use at the polls; and the affidavits of voters should be transmitted to the Secretary of the Commission.

8. The law authorizes voters removing from one election precinct to another in the same county to appear before the Registration Officer at any time previous to the filing of the lists in the office of the Clerk of the County Court, and have their names erased therefrom, and they may thereupon have their names registered in the precinct to which they may remove.

9. Prior to each election the Registration Officer of each county should cause to be written or printed a notice which shall designate the office or offices to be filled, and stating that the election will commence at — (designating the place for holding polls), one hour after sunrise, and continue until sunset on the — day of — 1885.

Dated at —, on this — day of —, A. D. 1885.

Registration Officer.

A copy of which should be posted up at least fifteen days before the day of election, in the three public places in the precinct best calculated to give notice to all the voters. It is the duty of the Registration Officer to give

notice on the lists posted as aforesaid, that the Deputy Registration Officer of such precinct will hear objections to the right to vote of any person registered, until sunset on the fifth day preceding the day of election. Said objection shall be made by a qualified voter, in writing, and delivered to said Deputy Registration Officer, who shall issue a written notice to the person objected to, stating the place, day and hour, when the objection shall be heard. The person making the objection shall serve, or cause to be served said notice on the person objected to, and shall also make return of such service to the Deputy Registration Officer, before whom the objection is to be heard. Upon the hearing of the case, if said officer shall find that the person objected to is not a qualified voter, he shall within three days prior to the election transmit a certified list of all such disqualified persons to the Judges of Election appointed by the Commission; and said Judges should strike such names from the Registry lists before the opening of the polls.

10. The Registration Officer for each county should, as soon as may be, after his appointment, transmit to the Secretary of the Commission, by mail, at Salt Lake City, the names of three persons, who are proper and eligible persons to act as Judges of Election in each precinct of the county, for the information of the Commission. If in any precinct any person appointed Judge declines to serve, or fails to appear, the Deputy Registration Officer of the precinct should by appointment fill the vacancy, and the person so appointed will qualify as herein provided. Said Registration Officer should immediately transmit the oath of the person so appointed, together with the name of the person declining to serve, to the Secretary of the Commission.

11. The Registration Officers and their deputies should each, before entering upon the discharge of his duties, take and subscribe an oath in substance that "he will support the Constitution of the United States, and will faithfully and impartially perform the duties of his office as herein defined, and that he is not a bigamist or polygamist;" and in order to secure pay for their services they should immediately transmit said oaths to the Secretary of this Commission.

For the Commission,
ALEX. RAMSEY,
Chairman.
SALT LAKE CITY, April 21, 1885.

QUARTERLY CONFERENCE.

To the Latter-day Saints of the Salt Lake Stake of Zion:

The Quarterly Conference of this Stake of Zion will convene on Friday next, at 10 o'clock a. m., and continue on Saturday and Sunday the first, second and third proximo, except during the afternoon of Saturday 2d.

It is earnestly desired that the officers and members of the Church in this Stake be in attendance, to report their standing and the condition of all entrusted to their care.

Trusting that the Lord may be with us and impart such instructions through His Good Spirit as shall further qualify us to continue to discharge the duties of our holy callings. I am,

Your brother and fellow-laborer, in the Gospel,
ANGUS M. CANNON.

Mr. Frank Visetteley, correspondent of the *Illustrated London News* during the war of the rebellion, and who was reported to be among those killed in the Sudan, is said to be alive and well, and doing service in the Mahdi's army as surgeon.

The report of Sir Peter Lumsden to the British Ministry, on the encounter between the Russians and Afghans at the time of Penjdeh being taken by the former, is very different to that given by General Komaroff. The duplicity being practised by the Russians becomes more apparent every day. There is a marked difference between the outspoken, straightforward manner of the English and the subtle, underhanded, deceptive style of the Russians in this Afghanistan matter. England's hesitancy has encouraged Russia to be more arrogant than she otherwise possibly would have been, and she will now be justified by other nations generally in taking up arms against her insolent enemy. But in view of the rapidity with which Russia is moving in the matter and the possibility of having already gained favor with the tribes of Afghanistan by her bold and aggressive action, it is quite possible that England may have a greater job on her hands than she has anticipated. Gladstone intimates that the British forces will be withdrawn from the Sudan if necessary, and this indicates that in his judgment such an emergency is at hand.

Marvelous Restorations.

The cures which are being made by Drs. Starkey & Palen, 1109 Grand St., Philadelphia, in Consumption, Catarrh, Neuralgia, Bronchitis, Rheumatism and all chronic diseases, by their Compound Oxygen Treatment, are indeed marvelous. If you are a sufferer from any disease which your physician has failed to cure, write for information about this treatment, and it will be promptly sent without charge.

Orders for the Compound Oxygen Home Treatment will be filled by H. E. Matthews, 606 Montgomery Street, San Francisco.