

one doubt, who approaches with unprejudiced mind a consideration of the question, that the cause is found in the theocracy established and maintained here; in the education of the people to believe that God has chosen this people to take possession of the earth and to dominate and control all other peoples; that through His priesthood God governs them immediately, not alone in faith and morals, but in all the affairs and relations of life, and that the counsel of the priesthood is the Supreme Voice of God and must be obeyed without question? It necessarily follows that perfect and complete unity has and does exist among the Mormon people; an absolute oneness, without division or dissent. The unity in the State which comes from free and fair discussion of public questions, securing by merit conviction of the mind and triumph of the right is desirable and commendable.

The unity which is obtained by recognizing the supremacy of one man, or set of men, by attributing to him or them a knowledge and power not granted to others derived from superhuman and supreme source and therefore not to be questioned, but must be obeyed, is the establishment of complete absolutism in those holding power, and the most abject and servile slavery in those submitting. It stifles enterprise, prevents progress, is death to prosperity, unites all people not connected with it in antagonism to it. Intelligent freemen will not object but cheerfully submit though their ideas may not prevail, in communities of which they are members, so long as they know that they have had an equal chance with their neighbors in asserting themselves. But when this is denied them, and they are conscious, regardless of the merits and worth of their views, that they have no voice but are buried beneath a power alien to and unrecognized by the government under which they live, it is not surprising that they should rebel against the tyranny which paralyzes manhood and destroys freedom.

The contest which the minority have waged and now urge, has not been upon the principle that minorities should control, but that freedom should be established and prevail here as elsewhere in our land; that no man or set of men asserting and claiming absolute power as of divine right shall reign and control the State and all the affairs of the citizen, moral, religious, social, political, commercial and financial; that each citizen's weight in public affairs and private enterprise shall alone depend upon his business capacity.

Submission to the government of God through His priesthood, and the unity it enforces, brought this people to accept, sustain and uphold polygamy, whether practicing it or not, regardless of the sentiments of the Christian world, and in defiance of the law of the land. The revelation, enforced upon the people as law by the priesthood and accepted of necessity without question by them, attracted the attention of the whole country. Its practice received universal condemnation, protesting the enactment of Federal laws against it, and their enforcement by officials of Federal appointment.

No church organization can obtain and hold political power in this country. It is contrary to the spirit and genius of our free government.

That I may be understood, let it be known, that I have no religious controversy with the Mormon people. I am fully held to the rightfulness of the Constitutional guarantee, which the government has given, that it will always hold the creeds of its citizens as sacred and inviolable as their lives. No attack is made upon, nor is any punishment of, the Mormon religious creed asked for. The wisdom and propriety of putting, not the belief in, but the practice of polygamy equally by Mormon and non-Mormon, Jew and Gentile, under the ban of the law has passed beyond the pale of profitable discussion. With polygamy out, I make the statement and challenge successful contradiction, that there is no tenet, ceremony, practice, observance or right, mandated or taught, of a religious nature by the Mormon church that the law has been invoked against. The Mormon church, as a religious factor, is under the law upon the same footing as every other religious body or denomination in the land, with equal rights and privileges, no more, no less, and it should be so left without interference.

I shall not arraign the Mormon people as wanting, in comparison with other people, in religious devotion, virtue, honesty, sobriety, industry, and the graces and qualities that adorn, beautify and bless life. Nor will I attempt to detract from the praise or glory that is due, or claimed, for the early pioneers who settled, and reclaimed this land. Too often in the past arguments made upon this line, by the defenders of the Mormon system, have been made to do duty in concealing a self-protecting available and undefensible position. Not all the sacrifices of the pioneers, had they been more glorious than history has ever recorded; not all the virtues of the highest Christian civilization, though the people possessed them all; nor the surrender of the whole people to a willing martyrdom, could justify the selfishness of the Mormon political system to a people who have known and appreciate the blessing of a free government.

In the Mormon polity established and governing the people of this Territory since its settlement, the unity of the church and State has been perfect and

indissoluble. It is based upon the complete and absolute control of a priesthood, wielding a supreme power, exercised and yielded to as emanating immediately from God, in all things secular, as well as spiritual. The word of the priesthood is to the Mormon people the command of God, not only in matters of faith and morals, but in all civil, political and commercial affairs. This priesthood not only rules the church, but governs the state.

A complete and comprehensive system of laws, rules, and regulations, with all needed agents and officers is provided to direct and prescribe not alone the spiritual life and moral actions of the Mormon people, but to control them in all their various vocations, public and private. It is passing strange, yet true, that in this land of liberty and free government, for forty years a power more absolute and despotic than any other known to civilization has held sway and dominion over a people whose birth-right is freedom; that here we have had, as it is nowhere else in our land, a union of Church and State, the latter subordinate to the former.

This power has demanded and received tribute from high and low, rich and poor. Every trade, business, industrial pursuit and profession, has and must contribute to it. It has exacted from the Mormon people by way of tithing millions of money. Its tithing yards and houses are great marts of trade, where the church as an organization is the head and proprietor, and where its faithful servants in charge find place, employment and emolument. It has engaged in many if not all secular employments and businesses; constructed and operated gasworks, street railroads, telegraph lines; built and conducted a theatre as a public place for profit; engaged in merchandizing; owned farming lands and coal mines, horses, cattle and sheep; conducted on an extensive scale farming and stock raising. Where it does not engage immediately in business and trade, it lends its power and influence to its leaders and faithful followers, in co-operative institutions which it promotes. By way of illustration: The Zion's Co-operative Mercantile Institution is a mammoth manufacturing and mercantile corporation, with its principal houses located at the capital and branch houses scattered throughout the Territory. Its head is the President or presiding officer of the Church. Its articles of incorporation, provides as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-day Saints. Its business houses, decorated with an all-seeing eye and inscribed with the motto "Holiness to the Lord." It is generally true, and if any exist, the exceptions are very rare, that only the faithful to the Church, or those not of the faith who are willing to serve the interests of the Church, are given place and employment in all the various enterprises and business of the community, conducted and controlled by the Mormons. No matter what the capability and merit of a non-Mormon, who will not serve the Church interest, no door of employment or advancement is opened to him by the Mormons. To an extent truly surprising their dealing in business affairs is with and among themselves, emphasizing forcibly the truth of the designation that they have applied to those not of the faith that they are,—"outsiders."

The political power which is common to the Territories, and which by reason of their numerical strength is held by the Mormon people, has been a powerful agent in the upbuilding and solidifying of the dominant Church power, the faithful to the Church have always been the favored of the State, and as in private business affairs the way of advancement and preferment has been closed to all not of the faith, and unwilling to serve the Church. The contest for supremacy among freemen for administering the government, and forming its policies, prevailing over the rest of the country, has not obtained here to any great degree because of the submission without question of a large majority of the people to the counsel and voice of the ruling Church authorities. The church power has determined the policy of the civil government, and administered the affairs of the Territory through its faithful servants, whom it has selected and designated as Territorial, county and municipal officers. The civil interests being always subordinate to those of the Church. The fullness and absolute domination of this power over the individual and the community, and the manner in which it affects every individual, private and public, must be lived under and felt to be fully appreciated.

I am not unmindful that the defenders of the Mormon system will take issue with me, and deny the correctness of the views that I have advanced as to their system, and will claim for it the merit of being the most liberal and perfect of free governments existing on earth—a theocracy, as they name it, resting upon the will of God and the voluntary consent of the people that is to say, God commands in affairs secular as well as religious, the people obey. The people are taught by the church authorities that it is their duty to obey the will of God, a failure to do which will lose them earthly prosperity, and comfort and eternal glory and happiness. They are taught that the church leaders are charged with conveying to them this will of God, by direct revelation. The people believe and voluntarily obey. Let it be understood always that I address myself alone to the civil, and make no ques-

tion whatsoever as to the religious polity.

With a view to suppressing polygamy, Congress has passed laws making its practice a crime and disfranchising polygamists. It has also aimed a blow at the commercial and business power heretofore wielded by the Mormon church by enacting laws, limiting the extent of, and the uses of property, to be acquired and held by it, and all other churches. It has given to the President, by and with the consent of the Senate, the appointment of Probate Judges, leaving almost the whole political power of the Territory in the hands of the people to be controlled and used by the Mormon church.

If the statements I have made are true, and to be relied upon, Utah has a theocratic government, while the other States and Territories have Republican governments. This government, under another name, and widely different forms, is as theocratic to all purposes as that of the ancient Hebrews.

The truth or falsity of my statements is susceptible of ascertainment by investigation and proof. Justice to the whole country, as well as to the Mormon and non-Mormon people of this Territory, requires such investigation to be made. If true, it is due the country and the non-Mormons living here to hear from the wishes of the latter, and provide a government more in consonance with their desires, and one more likely to prepare and fit the Territory for statehood. If false, and there is nothing in the Mormon system opposed to republican institutions and free government, then the Territory ought to be admitted as a state, as all other necessary qualifications are conceded.

Believing that a clear knowledge of the facts and a full appreciation of the situation will secure from Congress necessary legislation for the good of this Territory, I recommend the appointment by Congress of a committee composed of equal numbers of Democrats and Republicans from both Houses, with full authority to make a complete and thorough investigation of the conditions heretofore and now prevailing in Utah, with all necessary power to secure the attendance of witnesses and a full ascertainment of facts. If, however, it should be deemed by reason of other congressional duties, such a committee could not devote the necessary time and attention to such an investigation, provide for the appointment by the President, with the advice and consent of the Senate, of a commission to be composed equally of the two great parties, to be clothed in the power suggested by said committee, and charged with this duty and no other. I am, sir, very respectfully,

Your obedient servant,
CALEB W. WEST,
Governor.

NEVADA TEST OATH STATUTE

Text of the Decision of the Supreme Court of that State.

State ex rel. Whitney vs. Findley, Registry Agent. (No. 1,292.)

(Supreme Court of Nevada, October 8th, 1888.)

ELECTIONS AND VOTERS—QUALIFICATION OF VOTERS—MORMONS—CONSTITUTIONAL LAW—LEGISLATIVE POWERS.

St. Rev. 1887, p. 107, § 1, prohibiting Mormons from voting at elections, and requiring applicants for registration to take oath that they are not members of the Mormon Church, is in violation of Const. Nev. art. 2, § 1, prescribing the qualifications of electors, and is not authorized by article 2, § 4, requiring provision to be made by law for registration, and the ascertainment by proper proofs of the persons "entitled to the right of suffrage as hereby established," and empowering the legislature "to prescribe by law any other or further rules or oaths as may be deemed necessary as a test of electoral qualifications."

Application for mandamus. George S. Sawyer and Tremore Conlin, for relator, J. D. Torreyson and Thomas H. Wells, for respondent. Hawley, J.—Relator applied to respondent, a justice of the peace and ex officio registry agent at Panaca township in Lincoln County, to be registered as a voter, and offered to take the oath required by the act providing for the registration of the names of the electors. Gen. St. 1883. The registry agent refused to register his name unless he took the oath required by the "act prescribing the qualifications and modifying the oath for the registration of voters in conformity therewith." St. 1887, p. 106. This proceeding was thereupon instituted for the purpose of testing the validity of that act. Relator, in his application for a mandamus to compel respondent to register his name, affirmatively shows that he possesses all the qualifications of an elector, as prescribed by the constitution of this State, (Const. art. 2, § 1); that he could not take the oath prescribed by the act of 1887, because he is a member of, and belongs to, the "Church of Jesus Christ of Latter-day Saints," commonly known as the "Mormon Church," and this was the only reason why he refused to take said oath. Upon the hearing of said case, it appearing so clearly to our minds that the relator was entitled to be registered, we ordered the writ to issue as prayed for.

Section 1 of article 2 of the constitution provides that "every male citizen of the United States (not laboring under the disabilities named in this constitution) of the age of twenty-one years and upwards, who shall have actually, and not constructively, resided

in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election: provided, that no person who has been or may be convicted of treason or felony in any State or Territory of the United States, unless restored to civil rights, and no person who, after arriving at the age of eighteen years, shall have voluntarily borne arms against the United States, or held civil or military office under the so-called Confederate States, or either of them, unless an amnesty be granted to such by the federal government; and no idiot or insane person shall be entitled to the privilege of elector." Any citizen possessing the qualifications of an elector, as defined and declared in this provision of the constitution, and who is not disqualified by any of the provisions thereof, is entitled to the right of suffrage. It is not within the power of the legislature to deny, abridge, extend or change the qualifications of a voter as prescribed by the constitution of the State. Davies vs. McKeeby, 5 Nev. 300; Clayton vs. Harris, 7 Nev. 61; State vs. Williams, 5 Wis. 308; State vs. Baker, 38 Wis. 86; Quinn vs. State, 35 Ind. 490; Monroe vs. Collins, 17 Ohio St. 685; McCafferty vs. Guyer, 59 Pa. St. 111; Kinneen vs. Wells, 144 Mass. 497, 11 N. E. Rep. 916; Rison vs. Farr, 24 Ark. 182; Stats vs. Canaday, 78 N. C. 222. The legislature, by the act of 1887, adopted additional disqualifications to those mentioned in the constitution, by declaring in positive terms that "no person shall be allowed to vote at any election in this State

who is a member of or belongs to the 'Church of Jesus Christ of Latter-day Saints,' commonly called the 'Mormon Church,' (St. 1887, p. 107, § 1); and in the same act sought to amend the oath to be administered to the elector by the registry agent, under the provisions of the registration law, by adding thereto that the elector was not a member of nor belonged to the "Church of Jesus Christ of Latter-day Saints, commonly called the 'Mormon Church.'" Section 2. The act was a direct attempt, in violation of the provisions of the constitution, to disfranchise the members of the Mormon Church; to deny them the right of suffrage regardless of the question whether or not they possessed the qualifications of an elector as defined in the constitution.

It was suggested by respondent's counsel that the act of 1887 was, perhaps, authorized by the provisions of section 6, article 2, of the constitution, which declares that "provision shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary, as a test of electoral qualifications." The other or further rules or oaths which the legislature may prescribe are such as may be deemed necessary "for the ascertainment, by proper proof, of the persons who shall be entitled to the right of suffrage," as established by the provision for the registration of voters, the framers of the constitution deemed it proper to give the legislature the power to enact such rules and prescribe such oaths as might be necessary in order to determine who was entitled to be registered; and this could only be done by ascertaining in advance, by proper and reasonable proofs, the persons who would on the day of election, under the provisions of the constitution, be entitled to vote. If the views suggested by respondent's counsel, that the legislature has the power, under the guise of adopting further rules or oaths as a test of electoral qualifications, to declare, as set forth in the preamble to the act of 1888, that "it is deemed necessary for the peace and safety of the people of this State to exclude from participation in the electoral franchise all persons belonging to the self-styled 'Church of Jesus Christ of Latter-day Saints,' commonly called the 'Mormon Church,'" then, of course, it could by like methods exclude from the elective franchise all persons belonging to any other church, or members of any particular political party, social organization, or benevolent order. In brief, the rights of suffrage guaranteed by the constitution, and of which we boast so much, would be placed entirely at the mercy, will, or caprice of the legislature. The legislature has no such power. The right of suffrage, as conferred by the constitution, is beyond the reach of any such legislative interference. It cannot be changed except by the power that established it, viz., the people, in their direct sovereign capacity. In McCafferty vs. Guyer, supra, where the legislature attempted to disfranchise certain persons who were not disfranchised by the provisions of the constitution from voting, the court, in reviewing the provisions of the act, said: "It attempts to disfranchise those who are enfranchised by the fundamental law of commonwealth, and it enacts what shall be the evidence of disfranchisement. It is not, it does not profess to be, a regulation of the mode of exercise of the right to an elective franchise. It is a deprivation of the right itself. Can, then, the legislature take away from an elector his right to vote, while he possesses

all the qualifications required by the constitution? This is the question now before us. When a citizen goes to the polls on an election day with the constitution in his hand, and presents it as giving him a right to vote, can he be told, 'True, you have every qualification that instrument requires.' It declares you entitled to the right of an elector, but an act of assembly forbids your vote, and therefore it cannot be received.' If so, the legislative power is superior to the organic law of the State; and the legislature, instead of being controlled by it, may mould the constitution at their pleasure. Such is not the law." The legislature may adopt such rules and prescribe such oaths as may be deemed necessary to test the qualifications of an elector. It also has the power to adopt such reasonable regulations of the constitutional rights of a voter as may be deemed necessary to preserve order at elections, to guard against fraud, undue influence or oppression, and preserve the purity of the ballot. "All regulations of the elective franchise, however, must be reasonable, uniform, and impartial. They must not have for their purpose directly or indirectly to deny or abridge the constitutional right of citizens to vote, or unnecessarily to impede its exercise; if they do, they must be declared void." Cooley, Const. Lim. 758; Daggett v. Hudson, 43 Ohio St. 548, 3 N. E. Rep. 538; State v. Butts, 31 Kan. 654 2 Pac. Rep. 618; Capen v. Foster, 12 Pick. 488; Page v. Allen, 58 Pa. St. 340, 347; McMahon v. Mayor, 66 Ga. 224.

The reasons we have stated are amply sufficient to justify the issuance of the writ of mandamus as prayed for, and we therefore deem it unnecessary to discuss the other points presented by relator, as to whether or not the act is repugnant to the provisions of section 4 of article 1 of the constitution.

Laying the Corner Stone.

The 5th of November will be a most important day in the history of Ogden. On that day the corner stone of the Union depot will be laid under the auspices of the Grand Lodge of the A. F. and A. M. The ceremonies will be imposing, the procession will be one of the finest seen in Ogden. Committees are daily at work making the most extensive preparations for that day. The majority of the schools have already promised to close for the day and it is expected that all business houses will close from noon until after the ceremonies.

The officers of the railroads centering in Ogden have established a half rate over their roads for that day and it is expected that hundreds of people will take advantage of the cheap rates and be present to witness the laying of the corner stone according to the rites of the Masonic order.—Ogden Standard.

On Tuesday morning, Oct. 23, a horrible and brutal murder and suicide were committed at Deer Lodge, Montana. Tom Watson, a half-breed, murdered his mistress, Maggie Parks, by cutting her throat with a razor and stabbing her in the right breast with a dirk knife, and then committed suicide by inflicting three wounds in his throat and neck.

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