DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY
THE DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - Dec. 6, 1882.

A RECKLESS AND PRESUMPTUOUS OFFICIAL.

In conversation with the reporter of the Salt Lake *Herald*, who recently "interviewed" the Commissioners and others in this city, Governor Eli H. Murray gave his views of a subject that troubles him sorely. The reporter says:

"Governor Murray stated to the *Herald* correspondent that there was no doubt in his mind but that Congress declared the offices vacant. The Edmunds bill clearly disqualifies polygamists from voting or holding office. Of the 350 local officials in the Territory at least three-fourths are polygamists. The moment the Edmunds bill became a law those offices held by polygamists became vacant. Yet I could not fill them because I did not have the power. The Hoar amendment gave me the power to fill those vacancies in the event that they were not filled by election. The election not being held at the specified time I exercised the power conferred on me by that act. And I would further add that not half of these officials who are now holding office in defiance of a law of Congress are commissioned. The law requires that an official must be commissioned. Though elected two years ago they have never applied for a commission. They had rather serve without a commission than recognize the authority of the Governor. The Mormons are now in an open and avowed state of nullification, more pronounced and deffant than were the South Carolinians when General Jackson stamped it out."

The Governor concluded by saying the easiest and surest way, in his opinion, to suppress this social evil, was for the government to appoing a Territorial legislature for the government of the Territory. This was done in several instances in the early history of our government, and a less rebellious people found no fault with it."

Governor Murray is very reckless in making assertions designed for the eyes of the public. Some time ago he allowed statements to appear in newspapers by his authority that were the very reverse of the truth in regard to the election laws of Utah; statements that only needed comparison with the Utah statutes to prove their utter untruthfulness. For instance, he declared to newspaper reporters that under our election laws a Chinese girl twelve years of age could, as soon as she entered Utah, by simply marrying a "Mormon," acquire the right to vote at any election. Everybody that knows anything of our local laws knows that this was shamefully and utterly false.

In the above remarks he exhibits similar recklessness and disregard of the facts. The Hoar Amendment, as everybody who can read can see for themselves, makes no vacancies whatever. There is not a line or a word indicating the creation of a single vacancy of any kind. The Edmunds bill vacated certain offices, but neither that law nor the Hoar Amendment, nor any other Act of Congress gave Governor Murray any authority to fill them, as he well knows; that duty devolved upon the Commission. The Edmunds law provides a certain disqualification. It declares that certain classes of persons shall not be qualified to vote or hold office. But it did not presume to designate who the persons were, neither did it give the Governor, nor any other functionary the right to designate them, or to fill the positions they occupied when they should be proven to be disqualified.

And how does Governor Murray know the marital relations of the "360 local officials in this Territory?" He is not acquainted personally with a hundred of them, and of his own knowledge he could not truthfully swear that any of them are polygamists. He has heard something about some of them, and perhaps believes what he has been told. But what does he know about the people or the officials of the Territory? Scarcely anything. Not any more than a stranger after sojourning a few days in this city and visiting two or three prominent places outside.

And it is not true that "the moment the Edmunds bill became a law, those offices held by polygamists became vacant." The disqualification created by the Edmunds law must be proven against any official before he can be ousted. His office does not become vacant until he is so ousted. But Governor Murray, in the same spirit by which he presumed to decide that the Delegate from Utah was not a citizen, arrogantly undertakes to act as judge, jury, public prosecutor and all, and by his *ipse dixit* to vacate offices on the suspicion that the incumbents are guilty of offences defined by the Edmunds law, and then claim the right to fill the vacancies thus created.

Then, even if men could be thus summarily ejected from office, by the dictum of a presumptuous Governor, he is wrong again in claiming that "The Hoar Amendment gave him power to fill those vacancies" under any circumstances. That hurried piece of stupid special legislation makes no reference of any kind to offices made vacant by the disability of the incumbents through the action of the Edmunds law. Although founded on a misunderstanding of the situation in Utah, that Amendment is clearly worded, and bestows no authority on the Governor excep to fill vacancies occurring through a single specified cause, with which polygamy or either of the disqualifications of the Edmunds law has no connection.

The truth is the Governor ssems so anxious to play the autocrat that he cannot rest under the limited powers of a mere Executive of a Territory, but yearns to sway the dictatorial sceptre of a monarch, and in a commonwealth of the United States to disregard the voice of the people, and ride roughshod over their wishes and their rights, appoint their local officers and bring them into abject serfdom. This is conclusively shown in the closing paragraph of the above quotation from the New York *Herald*. He aches for the destruction in Utah of what little semblance exists to a republican form of government—the right of the people to elect their own Legislature.

And again, he is reckless and wrong in his assertions. The precedents for such action on the part of Congress as he claims, have no existence. The Congress of the United States never yet took away the vested right to elect their own framers of local law from any organized State or Territory of the Union. Such a monstrous exercise of arbitrary authority, we are pleased to say, is yet unknown in this great republic. Nothing that can be referred to in the early incipient States of this Union bears any parallel to the infamy that has been proposed by a few unprincipled schemers in this city and endorsed by Governor Murray.

We do not wish to do that official any injustice. We have no personal animosity towards the man. But when, in his official capacity, he makes such reckless and untruthful statements for the public eye or ear, we feel called upon to at least record our contradiction. This we suppose he will denounce as "nullification." If it is, then we are willing to bear the title of a "nullifier." It is wickedly and totally false to say that the people of Utah are in a state of nullification, avowed or otherwise, unless it be in a determination to resist the despotism of an arrogant official and to defeat his nefarious attempts to misrepresent them, and deprive them of the commonest rights of American citizens. We denounce his efforts to deceive the public through the medium of the press, and to bring a Territory which he cannot dominate as a conquered province into political bondage and absolute slavery, and will do all that lies in our power to "nullify" his presumptions and impudent schemes and desires.

THE STATUS OF WOMAN IN UTAH.

One of the charges against the majority of the people of Utah represented in its Legislature, is that the right of dowry has been abolished in this Territory. This has been repeated till the sound of it must be wearying to the ears of those whe listen to anti-"Mormon" accusations. "The "Liberal" orators during the canvass previous to the Delegate election, relied on this as one of their chief arguments against the People's Party. The Governor of Utah has told it to newspaper correspondents as though it was a crime. And the whole anti-"Mormon" clique dwell upon it as of itself enough to call for the abolition of the Legislative Assembly and the establishment of a despotism in the shape of a Legislative Commission.

Let us look at this dowry business a little, and also at the legal status of women in this Territory, and see how much the Legislature has done to injure the ladies of Utah. First we must examine this much talked of right of dower. What is it, and where did it originate? Dower is a widow's life interest in one-third of the real estate left by her deceased husband, and which he acquired solely during the coverture. It is a relic of the old common law of England which destroyed a woman's legal identity as soon as she was married. Under it a married woman was a legal nonentity. She and all she had belonged to her husband. They twain were made one, and the man was the one. Her personal property, if she had any before marriage, became his; it was her dowry or portion which by the contract of marriage passed to him absolutely; any real estate secured to her before marriage, passed to his control during their joint lives. As a sort of compenaation for this marital slavery, after the husband's death the woman was entitled to a life interest only in one-third of such lands, tenements or hereditaments as he became possessed of in his own right during her wifehood. Mark it, this dower gave her no right to dispose of her third, either by sale or will; she merely had the use of it during her life.

The right of dower was subject to be barred. The adultery of the wife destroyed it. So if she joined her husband in conveying his estate, or accepted a jointure, that is a certain portion settled on her for life if she survived her husband. These and some other things that might be enumerated barred the widow's right of dower.

Let us now compare this state of vassalage in which woman was placed under the common law that provided this dower, and the legal status of women in Utah, where the dower is abolished. For, strange to say, the "Liberals" have made one charge that is true, although they use it for deceptive purposes; the right of dower *is* abolished in Utah because the conditions under which the usage originated are also abolished. Under our statutory law a married woman is a legal entity. She is a somebody as much as is the man. The property she holds before marriage does not pass to her husband; it remains her own. She holds it still, in her own right. She can sell or convey it or dispose of it by will or otherwise. She can acquire property after marriage as well as before. She can make contracts, sue and be sued, and she hold, her personality after marrirge as before. She is not a vassal. She is not the property of the husband. The old common-law barbarism in reference to married women is done away by Utah, law and the abolition of the right of dower goes with it.

Those who make such an outcry about the dower for the purpose of deceiving the public, quote but one section of the Utah statutes on the subject—the third—purposely omitting the preceding sections on which it is based. We here quote the whole enactment:

(1020.) Sec. 1. *Be it enacted by Governor and Legislative Assembly of the Territory of Utah:* That all property owned by either spouse before marriage, and that acquired afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof, is the separate property of that spouse by whom the same is so owned or acquired and separate property owned or acquired as specified above, may be held, managed, controlled, transferred and in any manner disposed of by the spouse so owning or acquiring it, without any limitation or restriction by reason of marriage.

(1021.) Sec. 2. Either spouse may sue or be sued, plead and be impleaded, or defend and be defended at law.

(1022.) Sec. 3. No right of dower shall exist or be allowed in this Territory.—*Compiled Laws, page* 342.

In the laws governing the estates of decedents, it is provided that:

"Any married woman may dispose of all her estate by will, and may alter or revoke the will in like manner as a person under no disability might do." (Ibid p. 271).

The law in regard to succession provides that if the decedent at the time of the death is the head of a family, the property shall pass to the surviving family in equal shares, but if the decedent leave a husband or a wife and only one child, the estate passes one-third to the surviving husband or wife for life, the rest to the child or issue of such child; if there be more than one child, then one-fourth of the estate goes to the surviving husband or wife; if there is no issue, but a mother survives, then the estate goes in equal shares to the surviving wife or husband and the mother.

Thus it will be seen that provision is made in the law which more than compensates for the abolition of the dower, and the law is so framed as to deal out justice to all parties concerned. In addition to the rights, liberties and privileges granted to wives and widows under the laws of Utah, the elective franchise is conferred upon all women who are citizens or the wives, widows or daughters of citizens, and who are twenty-one years of age, and have resided in the Territory six months and in the precinct one month next previous to registration. They can vote at all elections of every descriptions in the Territory.

Now compare this condition of woman's affairs under Utah laws with the old common law slavery of which the dower is a relic, and which still exists in many parts of this republic though chiefly in a modified form, and it will be seen that the women of this Territory enjoy far more liberty and many more privileges than their sisters in other parts of the United States, and that the outcry made about the abolition of the right of dower is nothing but "Liberal" clap-trap and deception.

As regards the "Mormon" Church, which is accused of bringing *women into bondage.* It has given its female members the same rights as the male members in voting at all public meetings upon Church matters of every kind. Woman is a free agent and stands on her own rights and membership, and though it is a matter of faith that an unmarried woman cannot reach the same height of happiness and exaltation as a wife and mother, it is also a doctrine of equal standing that a single man cannot be the peer of a husband and father. "The man is not without the woman" any more than the "woman is without the man, in the Lord." The sexes go together in the "Mormon" plan of salvation, and what affects one sex affects the other; that which exalts the husband, exalts the faithful wife who progresses with her spouse in this world and in the world to come, while the glory of God shall shine or eternity endures.

[From Wednesday's Daily, Nov. 29.]

LET US BE THANKFUL.

To morrow will be Thanksgiving Day. We are thankful for it. A day's cessation from regular labor will be a boon to many thousands of toilers. Such a rest can only be fully appreciated by those whose occupations call for steady, persistent, daily work of brain or brawn. They will be among the most grateful of the celebrators. A few holidays scattered through the year are like green and flowered spots in a thickly populated city, and are a gain instead of a loss to employers and employed.

The day will be kept in Utah as generally as in any part of this great country to which the custom is peculiar. We Utonians have much to be thankful for. Our situation, climate, condition and surroundings are pleasant, healthful and agreeable. Our harvests have been abundant. Our business affairs have been prosperous. Our population is increasing. Our friends are becoming more numerous as we become better understood. Our enemies have failed in all endeavors for our injury. A cloudless and serene blue sky typifies the peace which overspreads the valleys where we dwell, and the grand old mountains rear their lofty, venerable heads above and around us as tokens of the bulwarks reared by an Almighty Hand for our protection and our defence.

Let God be thanked for His mercies! In every home and heart in Utah let His holy name be glorified. And while joy and gratitude and feasting and merriment abound, let the poor be remembered as a charge that will always be with us, to stimulate our benevolence that we may be kind and liberal even as our Eternal Father from all bounties flow.

ANOTHER "EDIFYING" ESCAPE.

Henry Ward Beecher has succeeded once more in court. He escaped conviction on that disgraceful criminal charge preferred against him which will not easily fade from the public memory, and now he is free from the suit for damages in which he has lately figured, for violation of his contract to write "The Life of Jesus Christ." The jury disagreed in the former case. A legal technicality saved him in the latter.

It could not be denied that the contract was made and that he received $10,000 for the work which he did not perform. But after he had delayed it for six years, he was not formally notified that if he did not proceed he would be sued for damages. Hence the failure of the case against him.

The noted preacher may congratulate himself on another escape, but it is not much more edifying for the public than his more notorious release from consequences, and the spectacle is before the country of its foremost teacher of "Christian" morality, saving himself by a legal techincality, from punishment for the non-performance of work which he had agreed to do, and for which he had accepted $10,000 to accomplish.

PRESBYTERIANS IN A QUANDARY.

The subject of anointing the sick with oil, as directed by the Apostle James in his epistle to the early Saints, was broached resently by a member of the Presbyterian Church at a meeting in San Rafael, California. It created quite a confab. The authority of the Scripture could not be denied. The injunction of the Apostle is so plain that it cannot be "spiritualized" away. The elders, not knowing how to decide, called upon the Presbytery fur a ruling. But the Presbytery appeared to be equally puzzled with the elders, so they have called upon the Synod, and it is expected that it will take a reference to the General Assembly before any settled conclusion can be reached.

This is evidence of how much right the elders of the Presbyterian Church have to that title. It is a duty devolving upon the Elders to anoint the sick with oil and pray over them, that the sick may be healed. And the Apostle James lays it down as the duty of the sick to send for the Elders of the Church, to attend to this ordinance. But it appears that if sick Presbyterians follow the scriptural injunction, their elders know nothing about it; they do not know how to attend to it, or whether they ought to do anything of the kind, and are, in fact, completely in the dark concerning the matter.

Other churches, if the truth was known, are in the same lamentable condition of ignorance concerning the ordinance for the sick and many other ceremonies belonging to the true Christian Church. And as they have no means of obtaining definite knowledge concerning them, they have to depend upon the opinions of men who are just as ignorant as themselves. This ordinance, however, with all the ordinances instituted by the Savior and his Apostles, has been restored, and they are enjoyed in the Church of Jesus Christ of Latter-day Saints, the power of God attending their administration as in times of old. To this there are thousands of living witnesses whose testimony cannot be gainsayed.