

to produce them. A mandamus, and proceedings for contempt brought the records before the longing gaze of the unsatisfied court, and it was discovered that the generous, self-sacrificing members of the Utah Legislature, who had rent the air with their piteous cries about service in that body, as Mr. Thatcher says, "without compensation," had gone to the County Courts and procured appropriations out of the county treasuries for their per diem and mileage, as members of the Legislature, in defiance of the act of Congress (see 1855 Revised Statutes of United States) which prohibits the members of any Legislature of any Territory from having "any compensation other than that provided by the laws of the United States," and in the face of the Territorial statute forbidding the County Court to appropriate funds except in the presence of some existing law.

Mr. Thatcher was well aware that this game had been played, but was perhaps not aware that it had been exposed. By this time the readers of THE INTER OCEAN will begin to comprehend what sublime reverence your Mormon correspondent has for truth; it is exhausted in his devotion to it in the abstract, it disappears when he reaches its application in the detail.

Mr. Thatcher thinks the Governor's as a document "gotten up with a view of influencing public opinion outside of Utah, and not to influence the lawmakers inside might be considered a very judicious document." This can only be so if its statement of facts are correct; it is in this the real value of the message lies. It is because of this that Mr. Thatcher and his brethren go forth to Washington and fill the newspapers with lamentations. The Governor's shafts

#### STRUCK THE MORMON THEOCRACY

in a vital point, and its writhings in your columns tell how deeply the serpent was wounded.

The apostle says that thousands in Utah "do have contempt for Murray as a man," and I do not believe that the word "contempt" expresses all of the apostle's meaning; but I can assure THE INTER OCEAN when he includes Gentiles in his list of the opponents of Governor Murray he undertakes to speak for a class not in the habit of being represented by a Mormon priest anywhere.

Mr. Thatcher may arrogate to himself the right to speak for the herds of serfs who, believing him inspired, echo his utterances, but when he assumes to voice the feelings of the loyal citizens of Utah, he is an agent without credentials, an attorney without authority.

The Gentiles of Utah have been heard on Governor Murray, and there is no discord in the notes; they are substantially a unit as to the fitness of the man for his position, approbation of his official conduct, and the propriety and necessity of his reappointment.

#### THE GOVERNOR'S RECORD.

Under the specification the apostle rambles still more widely: he says generally that it is not such as to inspire confidence in him by American citizens anywhere, and then he repeats the stale lie, that Murray certified that a man receiving 1,300 votes was elected when his opponent had received 18,000.

This falsehood has been so industriously repeated by the Mormons and their allies, that a failure to put it on duty in an article such as Mr. Thatcher's, would be like the play of Hamlet with the Prince left out. The facts are few and simple. Governor Murray refused Cannon a certificate of election as delegate, for two reasons: That he was an alien and a polygamist. He gave Mr. Campbell a qualified certificate to the effect that he was a "citizen," receiving the highest number of votes, and accompanied his decision with a full detail of all the facts and the vote polled, remitting to Congress the question, it alone having final power to decide as to whether either of the candidates was chosen. The Committee on Elections held, that neither the certificate of Campbell, nor the statement of the vote, made a prima facie case for either of the claimants, held Cannon ineligible for election, just as the Governor did, and declared the seat vacant.

If 17,000 majority was all that was required to give Cannon the right to the seat, then the Governor was wrong, but he held that no number of votes could elect Cannon, and the House of Representatives sustained his act. It held that a man capable of being elected was just as essential as votes. That a Chinaman, or a British subject, or an outlaw could not be forced into Congress by a column of figures.

If Murray's act in refusing the certificate was "infamous," then the act of the House was equally so, for they acted on precisely the same facts and refused Cannon the seat. The clamor about Murray's "mathematical system" is the cry of the demagogue against a man whose offence consisted in refusing to certify to a falsehood.

Here, perhaps, I should close this letter. From this point on Mr. Thatcher's letter is a sort of general plea for Mormon rule in Utah. It wanders from

#### QUOTATIONS FROM JUDGE BLACK,

when acting as the church attorney in Washington, to the defense of the church from the charges made by THE INTER OCEAN, and then like a mist from the mountain vanishes gradually into generalities, till it closes in nothing.

May I claim your indulgence a little

further in response to some of these points?

As to Judge Black. He was a great lawyer. No man could or did state principles of settled law with more force or clearness; and while stating them, even as an advocate, he was careful and correct as he was forcible. But when as an advocate, with his client behind him, he came to apply those principles, he was as liable to err as any other attorney seeking victory for his client.

Judge Black did not err alone on the Mormon question. As an expounder of constitutional principles he was an acknowledged authority in all this country, but we all remember that in the application of those principles Judge Black erred in the most notable period of this country's history. That he was patriotic and honest none question; that he erred few deny. That Judge Black in stating the rules of "constitutional morality" on the Mormon question stated his client out of Court is just as certain. That taking the facts given him by his client, the Mormon Church, as true, he made mistakes and deductions both unwarrantable and and unjust, we in Utah well know.

For this misapplication of his own principles and misstatements of facts made by Judge Black the Mormons and not him are responsible. To quote one's own attorney in one's favor is to appeal to what is never regarded as authority. A convict might as well quote his lawyer's argument to the jury to prove his innocence.

#### THE CHURCH CONTROLLING THE STATE.

Mr. Thatcher denies that in Utah the church is a political hierarchy, and that the Legislature is its tool. And why deny it, since no one better knows its truth than Mr. Thatcher?

If this organization did not seek to be independent of the local law, why did it move from among the orderly, tolerant people of Ohio to the frontier of Missouri? If the Mormon people had not refused obedience to the laws in Jackson County, why were they compelled to fly to the far West? If they were willing to submit to the laws, why were they forced again to migrate to Illinois? And what else was it but non-submission to the civil laws that sent them again wanderers from that State to the valleys of Utah? Polygamy, if it existed among them then, was unknown. The fact was that they taught and practiced then what they have always taught and practiced in Utah; that they were God's chosen people, and were subject only to God's chosen rulers—the prophet and his counselors.

The denial that these Mormons teach this independence of the civil authority by Mr. Thatcher is a reckless impeachment of his own integrity.

In 1882 the First Presidency of the Mormon Church, John Taylor, President, and George Q. Cannon and Joseph F. Smith, his counselors, issued a manifesto to their followers declaring it to be their duty to support a certain ticket for Congress.

Perhaps this was not dominating the state with church power in Mr. T.'s estimation? If so, we must differ.

In 1883 Mr. Cannon, in speaking for his brethren, in answer to the reproach that the church interfered in matters not ecclesiastical, said boastfully that the God worshipped by Mormons was a "business God," and took cognizance not of spiritual matters only, but of worldly matters as well.

#### RELIGIOUS LIBERTY.

In the *Deseret News*, the organ of the Mormon church in this city, in a two-column article entitled "Religious Liberty," Sept. 29, 1883, there appeared the following: "True religion, or the revealed plan of salvation, is a theocracy. It embraces in its scope not merely a church, a body of worshippers circumscribed by a set of dogmas of belief and practice, but it comprises one organized body in government with all the spiritual elements and adjuncts of a body politic, having jurisdiction over the welfare of its members both spiritual and temporal. The visible presence and matured development of true religion is a kingdom, the Kingdom of God," etc.

In an address which was delivered by George Q. Cannon in Salt Lake Assembly Hall, on Dec. 2, 1883, he quoted from the "Book of Doctrine and Covenants" (the Mormon book of revelation), the following, section 103: "And by hearkening to observe all the words which I, the Lord thy God, shall speak unto them (the Mormons) they shall never cease to prevail until the kingdoms of the world (the Gentiles) are all subdued under my feet, and the earth is given unto the saints (the Mormons) to possess it forever and ever."

He then proceeded to say, after in his introduction earnestly urging his Mormon brethren to be united in all things:

"I never had any feeling of fear while I was in Washington and the clouds were dark and menacing, and our enemies were threatening and active in their preparations to assail us; I never had, I can truthfully say, any fear as to the result of their operations so long as the saints were united and were seeking to keep the commandments of God. But when I heard, as I did on one or two occasions, about division, for instance, in election matters, and hearing of brethren not being united upon questions of policy, then I confess that a feeling, a sickening feeling—if I may so describe it—would sometimes take possession of me." The whole harangue was an exhortation to the Mormons to keep charge by their numerical superiority

in Utah of the local power in the state, and thus frustrate their "enemies," as he characterized the non-Mormons. In the face of these explicit declarations what is there left of Mr. Thatcher's denial that the Mormon church seeks to control the civil power? Am I unjust when I assert that this denial is a perversion of the truth and designed to influence public sentiment outside of Utah, where the facts are but imperfectly understood?

#### MR. THATCHER CLAIMS

that the Mormons are careful students of history. I must controvert the assertion, if their conduct is any evidence of their knowledge of their lessons of history. They seem as incapable of understanding its teachings as their defender.

Four times in forty years they have been compelled, by their refusal to submit to the laws of the States where they resided, to change their abode and search for a new one. It is idle to say that it was sectarian opposition, because those most active in opposition to their pretensions have been men to whom all sects are alike, and cared no more for the theology of the Mormons than they did for that of the Hottentots. It is their disloyalty to the civil government, their contempt for all civil power, except that administered by their church, which challenges at once the opposition of every true citizen of every shade of religious belief. In this land of toleration and free thought the idea of divesting any citizen of any right because of his opinion on religion or anything else is preposterous, and when Apostle Thatcher or any other Mormon affects to believe the opposite, he is either too much of a fool to be considered or too much of a knave to be respected.

If Mr. Thatcher had read the history of the Ana-Baptists of Germany as a student should do, he would be able to tell his followers a lesson that would have saved them many hardships in the past if they had known it, and many in the future if they persist in their present course. John of Munster claimed to be a prophet of the Most High. A city of a hundred thousand people acknowledged his revelations, and setting up a government of their own, which they, like the Mormons, called Zion, and the "Kingdom of God on earth," adopted polygamy and blood atonement for sin in the same manner as our Latter-day Saints.

The Lutheran ruler of Germany stood this nonsense for a while, but forbearance at their treason ceased to be a virtue. He sent an army and took their city by storm, slew 50,000 of its people, put John of Munster, their prophet, in a cage for a two days' exhibition for the curious, and then executed him by driving a couple of iron stakes through his body, and all this with the approbation of Martin Luther, Mr. Thatcher's hero.

#### THIS ENDED THE SECT.

A remnant of them migrated to Russia and laid the basis of the Menonites, but from whose creed all the offensive elements of the Ana-Baptists have been carefully eliminated. Let Mr. Thatcher and his friends reflect upon this lesson of history, and by timely obedience to laws avert a fate otherwise as inevitable as that of their German prototype. This Nation is tolerant and forbearing; so long as it can be imposed upon by the fraudulent pretense that the Mormons of Utah are a harmless body of colonists, seeking only to worship God, it will indulge them and suffer much, but when it awakens to the fact that it has been nursing traitors who seek to perpetuate their own rule, then vengeance will be as swift as it has been long delayed. It is to avert this calamity, which must come upon the Mormons unless they change their course, that men like Governor Murray are striving to bring erring followers of John Taylor back to their duty as citizens, and who believe that the timely action of the Federal Government, enforcing its laws in Utah, as elsewhere, is the only remedy which can settle the differences which exist between the majority of the people of Utah and the great body of the people of the United States.

The length of this letter precludes anything further.

JOHN R. MCBRIDE.

\* The writer erred in this statement concerning Mr. Thatcher with another gentleman, and tried to correct the mistake but was not in time for correction before publication.

[From Chicago Inter-Ocean March 15th.]

#### THE MORMON QUESTION.

MR. MOSES THATCHER REPLIES TO MR. JOHN MCBRIDE ON THE UTAH PROBLEM.

A GENERAL DENIAL OF ALL THE ALLEGATION AND A LEGAL DOCUMENT SUBMITTED.

CANNON SEAT, THE FRAUDULENT CERTIFICATE, GOV. MURRAY, EARLY LAWS, AND OTHER POINTS.

LOGAN, Utah, March 6th, 1884.

To the Editor of The Inter Ocean.

In a lengthy communication published in your issue of Feb. 16th, Mr. John R. McBride, an attorney, puts himself forward, not only as the Champion of his Excellency Governor Murray of Utah, but as the interpreter

also, of the executive message which forms the basis of this discussion. In endeavoring to answer my former refutation of portions of that message, Mr. McBride indulges in a degree of acrimony, the exhibition of which, in matters of public interest, is much to be regretted. Personal allusions can be of little interest to the average intelligent reader, and I shall, therefore, as far as possible seek to avoid them, while doing myself justice in replying to those made by my legal, and so far as I know, self-appointed Champion of a questionable cause, who seems better qualified to make assertions, than to sustain them when made. It does not require legal ability to comprehend, how much easier it is, to do the one than the other. The law of compensation, however, often demonstrates that proofs, sometimes hard to produce, furnish when produced, a firm basis upon which to construct arguments; while unsupported assertions, "as I shall show further on," frequently lead the asserter into disagreeable predicaments, and annoying perplexities.

One of the noticeable features of the mock battles of children, is their proneness to magnify the numbers and strength of the enemy, in order to increase, correspondingly, the glory of the anticipated victory. Thus, in the remembrance of the methods and innocent conceits of childhood we may account for the following quoted from the prelude of Mr. McBride's remarkable letter. He says: "While Mr. Thatcher assumes the authorship and responsibility of the letter over his signature, its real paternity is known to be the labor of the Mormon lobby in Washington, consisting of Delegate Caine, Mr. Richards, a young Mormon attorney of much ambition, Mr. Thatcher, and at least one other apostle of the Mormon hierarchy, besides the regular church attorneys residing in that city." And that "in responding to it I am meeting the fire of the entire Mormon battery."

Now, while freely admitting that I avail myself, in the discussion of matters of public interest, of all honorable sources of information, and respectfully suggest that my legal opponent do likewise in the future, yet I really was not aware that there was a "Mormon lobby in Washington" or that there was "at least one other apostle," or that "the church had regular attorneys there." Being thus ignorant, will Mr. McBride please explain how the "paternity" of my letter "is known" to be the labor of the agencies named? That I conversed freely with Delegate Caine, and with Mr. Richards, and that I availed myself of such information as they were pleased to afford me in reference to the fraudulent intent of portions of Governor Murray's message is no secret, for I freely admit it; and I also admit, that I am not a lawyer. But while my learned opponent may be a veritable legal "Goliath," may have planned the raid that resulted in the passage of the Edmunds law, originated the Governor's peculiar mathematical system, advised him to issue under it a fraudulent certificate, written his recent message, and thrust him aside as a mere tool incompetent to explain, when attacked, that which appears over his official signature; modestly forbids my entertaining the thought, or expressing the idea, that I, in this discussion, meet the fire of the entire battery of the "Utah Ring." For, while the methods of that combination have been for years, and are still mainly unscrupulous, I am bound to accord to some of its members ability, as well as the faculty of making the counterfeit of truth resemble to a remarkable degree, the genuine article; and some of them I am sure have learned by experience that amateur—not experts, "bunch the game," fire at the flock, and leave the recoil only, to mark the position of the wounded goose.

Again, Christian charity forbids the belief that the "Utah Ring," as a whole, take stock in a proposition to "crucify" any body, it being about 1851 years too late for that kind of work. And notwithstanding Mr. McBride's announced intention of crucifying a poor "bantling," in order to make an unworthy object like myself, "suffer vicariously" for the Washington Mormon Agents, whoever they may be, I am utterly unable to think that, had he lived in the days when Christ was fastened to the cross, he would have been the first to drive a nail into the quivering flesh of innocent God-hood. Men now, may entertain awful feelings, but they could never do anything so shockingly cruel, as was that deed of torture.

Now for the points originally at issue and others, as far as space will admit, brought forward by my legal opponent, who says: "Mr. Thatcher charges Governor Murray with misstating the existing laws of the Territory in several instances, and his first specification under this assignment of errors, as a lawyer would put it, is that he asks the repeal of the law making escheats result to the Perpetual Emigrating Fund Company." That is fairly stated, and in it I recognize the position I at first assumed and still occupy; but I did not expect Governor Murray or any of his friends, much less his champion to admit, under any circumstances, its correctness; but "I shall show further on" that he does just that thing. In an attempt to sustain the Governor's position, Mr. McBride quotes in full an Act approved about thirty years ago, in relation to the management of certain property, and immediately after the closing of the quotation, says: "This act never in terms provided for escheats." If it never "in terms" did it ever out of terms, provide for escheats? And if not, will Mr. McBride please inform us why he dragged it into the discussion, and then in another

place, further humiliate his Excellency the Governor of Utah, by declaring positively that escheats never did vest in the company (i.e. the Perpetual Emigrating Fund Company), but that "it was the policy of giving it (the company) control and use of such property, and a far greater abuse, the right to confiscate to its use, the property of the living, that he was seeking to have overturned." Indeed! then why did he not say so? Such a charge could have been met and refuted quite as easily as has been the one on escheats, but the champion might not, had the Governor made that charge have deserted him, as he has on the other (at the point above to which I referred as being "further on"); and while Governor Murray, in the presence of such a defense, may stand amazed, I humbly extend to this Daniel who comes to judgment—sacrificing Governor Murray—my thanks, for conceding even more than I had claimed.

"The exact language of the message is, 'I ask the repeal of all laws incorporating the Perpetual Emigrating Fund Company, and the repeal of all laws making escheats to the company, &c.'" The exact language of the champion defender and special interpreter of the message is, "Escheats never did vest in the company." Governor Murray, please score one for the "bantling," give Shylock the pound of flesh nominated in the bond, and use your own judgment as to whether you retain or dismiss advisers who "bite off more than they can chew."

To force further argument on this point, would be cruel; I therefore dismiss it, by re-affirming that the only law governing escheats in this Territory, during the past eight years, is found on page 275, Compiled Laws of Utah, and reads as follows: "(713) Sec. 29. If the decedent leave no husband, wife, or kindred, the estate escheats to the Territory for the use of common schools," and which are, in no sense, "church schools," Mr. McBride's assertion to the contrary notwithstanding.

The next point under consideration is referred to by Mr. McBride as follows: "Now what was said in the message is this: 'I ask the repeal of chapter 5 of Compiled Laws of Utah (1876), because unwarranted and dangerous process are therein granted to a church corporation: because it is a law respecting the establishment of religion; because it vests ecclesiastical courts with authority which may really (only) be exercised in the United States by the civil courts; and if for no other reason, because Congress by express statute approved July 1862, disapproved it, and yet the Legislature of Utah re-enacted it in the Compiled laws of 1876.'"

Upon these points I took issue in my former letter, asserting that the Governor's statement "that the law vests the ecclesiastical courts with authority which may only be exercised in the United States by the civil courts, is entirely without foundation in fact." Replying to this Mr. McBride says: "I affirm that in doing so he (Mr. Thatcher) not only falsifies the law, but it must have been done with the knowledge of not only the law but the practice under it." Let us examine. In the report (page 9), of his Excellency Governor Murray to the Hon. the Secretary of the Interior made September 16th, 1883, and with the contents of which there are reasons for believing that Mr. McBride is familiar, I find the following language: "Whether the second section of the above act (the act of July 2 1862) unqualifiedly disapproved the act (Territorial) of incorporation is, perhaps questionable." He then goes on, and on the same page, admits that the courts of Utah had decided that the incorporation "still had an existence." The decisions of the courts being final as to the construction of laws, will my legal friend please explain how the Governor, in his report held the question to be one of doubt, and then four months, less two days, later asked the Territorial Legislature to repeal it, "if for no other reason, because Congress by express statute approved July 1862, disapproved it." Had any judicial tribunal, between Sept. 16th, 1883, when the report was made to the Secretary of the Interior, and January 14th, 1884, when the message was read to the Territorial Legislature, determined that the act of Congress referred to, repealed or "disapproved"—the terms are synonymous—the Territorial law incorporating the Church? If so, by what tribunal, and when and where was it done? Perhaps some legal friend or judicial interpreter, prevailed upon his Excellency to say in the first instance that the matter decided by the courts was "questionable," and then later, for a purpose, declare notwithstanding a judicial decision to the contrary, that it was not a question, but a fact. Thus it appears, that our Governor has placed himself, or permitted an incautious adviser to place him between the two horns of a dilemma, either of which seems worse than the ragged edge of a forlorn hope, the postponed realization of which "maketh the heart sick," and the soul faint. And yet the real facts, stripped of the glamour of fraudulent sham and hypocrisy thrown around it by pettifoggers, would appear not difficult of comprehension. The proviso contained in section 2 of the national law of 1862 itself, would seem to make the matter clear. It reads: "Provided: That this act shall be so limited and construed as not to affect or interfere with the rights of property legally acquired under the ordinance heretofore mentioned, nor with the right to worship God according to the dictates of conscience, but only (mark the language) to annul all acts of law which establish, maintain, protect, or countenance the prac-