Miss Mary Shumway, of No. 68 East Eighty-sixth Street, was very indignant at being arrested. She said the enumerator had acted very ungentlemanly, and had asked her a very peculiar question, which she thought no lady should answer. Miss Shumway was discharged.

Owen McCafferty, of No. 549 West Forty-fifth Street, told Enumerator Lollinger that his affairs were nobody's business. He was paroled for examination.

Fanny Hammerschlag, of No. 2 Second Place, prevented her son from answering the questions and would not answer them herself. She was held.

Margaret Krunce, of No. 337 West Fifty-third Street, refused to answer the question about mortgages, and Commissioner Shields discharged her.

THE SITUATION DEFINED.

In their official report to the Secretary of the Interior for 1887, the Utah Commission said:

"The majority of the Mormons are a kindly and hospitable people. They possess many traits of character which are well worthy of emulation by others. In their local affairs they strive to suppress the vices which are common to settled communities. In matters of religion they are intensely devotional, rendering a cheerful obedience to Church rules and requirements. They possess many of the elements which under a wise leadership would make them a useful and prosperous people."

Because of this and other considerations set forth, Hons. A. B. Carlton and J. A. McClernand, the minority of the Utah Commission, refused in 1888 to concur in the recommendation that many of the local officers now elected by the people should be appointed by the Governor, and in their report for that year remarked:

"It is obvious that the laws of Congress and of the Territorial Legislature, the officers in charge of the execution of the Federal statutes, the people of Utah including the Gentiles and the monogamous Mormons, with many other beneficent influences, such as railroads, telegraphs, schools colleges, and the invincible progress of civilization, are rapidly and surely working out a reformation of the inhibited sexual offenses in Utah; and there *does not now seem to be any necessity or propriety for further legislation restrictive of political rights* in that Territory.

We are thoroughly satisfied that the work of reformation in Utah is progressing rapidly and that it will soon result in a successful issue without a resort to legislation that is proscriptive of religious opinion. Our view may be epitomized in a few words: *Punish criminal actions; but religious creeds, never.*

In his separate report for 1889 Gen. McClernand says:

"I have already said that existing laws are working well and have cited accumulated proofs of the fact. To 'let well enough alone' is a wise and safe rule. I would therefore recommend general adherence to it. Further aggressive legislation trenching further upon civil and political privileges would be injurious rather than beneficial. It would be regarded by the people affected as revolutionary and despotic. Savoring under the circumstances of persecution for religious opinion, it would provoke a sullen and reactionary mood. Such has been the effect of like legislation. No religion was ever finally destroyed either by armed or unarmed proscription. 'The blood of the martyr is the seed of the church.'"

Gen. McClernand appends the annexed correspondence:

From Hon. Charles S. Zane.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, August 10, 1887.

Dear Sir—In view of your great experience and eminent service as a judge in this Territory, I beg leave to ask of you brief answers, as matter of useful information, to the following questions:

1. Whether, in your opinion, the existing laws, diligently enforced, may be reasonably relied on to work the cessation of polygamy as a practice?

2. Whether any case originating in the commission of the crime of polygamy since the date of the Edmunds-Tucker act has come under your judicial notice?

3. Whether, in your opinion, the alternate provisions of that act, extending the electoral franchise to those complying with their conditions and denying it to those not complying with them (or who are otherwise disqualified), have materially prompted the present movement for a constitutional inhibition of polygamy?

Your obedient servant,
JOHN A. MCCLERNA D.

Hon. Charles S. Zane,
United States Judge Third District, Utah Territory.

To the first question propounded within I answer yes.
To the second question I answer no.
To the third question I answer yes.
C. S. ZANE.

From Hon. William G. Bowman.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, August 16, 1887.

Dear Sir—Permit me to inquire whether, from personal and official observation, you are of opinion that the laws of the United States are working with increasing and encouraging effect a reformation of the practice of polygamy in this Territory?

Your obedient servant,
JOHN A. MCCLERNAND.

SALT LAKE CITY, UTAH,
August 17, 1887.

My Dear General—My answer to above interrogation is a decided yes. The change in Mormon sentiment in the last year has been marked and encouraging on the question of the suppression and abandonment of polygamy.

Truly, your friend,
WM. G. BOWMAN,
U. S. Surveyor-General.

Hon. William G. Bowman,
Surveyor-General United States,
Utah Territory.

The Territorial legislation to which Commissioners Carlton and McClernand refer in connection with the anti-polygamy laws of Congress is the marriage act passed by the Legislative Assembly of Utah in 1888 in which:

"Marriage is prohibited and declared void: (1) With an idiot. (2) When there is a husband or wife living from whom the person marrying has not been divorced. (3) When not solemnized by an authorized person," as exclusively by probate judges, justices of the peace, judges of the district and supreme courts, or ministers of the Gospel or priests of any denomination, in regular communion with any religious society. (4) "When at the time of marriage the male is under fourteen or the female is under twelve years of age. (5) Between a negro and a white person. (6) Between a Mongolian and white man."

"No marriage shall be solemnized without a license therefor, issued by the clerk of the probate court of the county in which the female resides at the time," "except when she is of full age or a widow, and it is issued on her application in person or by writing signed by her, it may be issued by the clerk of any probate court."

'The person solemnizing the marriage shall within thirty days thereafter return the license to the clerk of the probate court of the county whence it issued, with a certificate of the marriage over his signature, giving the date and the place of the marriage and the names of two or more witnesses present thereat,' and failing to make such return, he shall be adjudged guilty of a misdemeanor."

The license, together with the certificate of the person officiating at the marriage, shall be filed, recorded, indexed, and preserved by the clerk.

Various penal sections follow: "Any one solemnizing a marriage without license to the parties shall be fined not more than $1000, nor imprisoned not less than one nor more than three years, or both; or any one solemnizing a marriage without authority, under pretense of having such authority, or who falsely personates the father, mother, or guardian in obtaining a license, or forges the name of any father, mother, or guardian to any writing to give consent to the marriage, shall be imprisoned not exceeding three years; or if any authorized person shall knowingly, with or without a license, solemnize a marriage such as is prohibited by the act, shall be fined not exceeding $1000, or imprisoned not exceeding three years, or both, or any clerk or deputy clerk who shall issue a license for any prohibited marriage shall be imprisoned not exceeding two years, or fined not exceeding $1000, or both, and upon conviction shall be expelled from his office; or if he shall wilfully issue a license contrary to his duty, as prescribed, he shall be fined not exceeding $1000." (Session Laws, 1888. pp. 88-89.)

It has been urged that Utah should legislate directly against polygamy, but Congress has done all that is necessary on this subject, and Governor West, in his message to the Legislature of 1888, said:

"When Congress has legislated for the Territory its law is supreme and of binding force. We cannot add to or subtract from it. Therefore to attempt legislation upon like subjects is to make conflicts and introduce confusion, and should not be done except where congressional legislation contemplates or provides that we may do something."

The Utah Legislature therefore adopted the following resolutions.

Whereas, The government of the United