

## DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY  
THE DESERET NEWS COMPANY.

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WEDNESDAY, - DEC. 22, 1880.

WHAT IS TO BE DONE WITH  
UTAH?

THE proposition of President Hayes to wipe out all semblance to a republican form of government in Utah, does not seem to meet with favorable consideration anywhere outside of the narrow circle in which the project originated. The Usonian conspirators who concocted the little scheme which the President was indiscreet enough to adopt and recommend to Congress, would like very much to have the entire control of this Territory committed to them by legislative enactment.

A Governor and three or four Judges would have what is vulgarly called a "soft thing," as an absolute body in which the legislative, judicial and executive power over so important a part of this great country would be blended in a manner more autocratic than the rule of any monarch in Christendom. To political aspirants and ambitious adventurers the prospect of such a prize is no doubt dazzling and worth desperate efforts to make a reality.

But they will be greatly disappointed. Their success received its culmination in the absorption of their plan into the body of the presidential message. That was the end of it. Until Congress goes crazy, a plot to hand over to half a dozen persons or less, a rapidly growing Territory, which has exercised for over thirty years the chartered rights of the elective franchise, local legislation, trial by jury and similar common, constitutionally guaranteed privileges, is not likely to meet with the slightest favor either among Democrats or Republicans. And even in the event of "the gods" making the national law makers "mad" enough to establish such an infamous system in this republic, we think that the "Commision" which would attempt to exercise such powers as those referred to would find that their couch was not one of roses, but more like a bed of thorns. To execute measures against which almost the entire community are hostile, is a task that even tyrants whose dynasty is strengthened by the customs of centuries, find most difficult, and in these times and under the liberties that have been exercised would be found next to impossible.

The New York *Herald* considers the thing impracticable and recommends military administration, and remarks: "We acquired Utah from Mexico as the result of military force. If Congress will see fit to administer its affairs by military force, it can find a way to do so free from constitutional obstacles."

We remind the *Herald* that if Utah was acquired from Mexico as a result of military force, "Mormon" aid was used in acquiring this Territory. The "Mormon Battalion" in its famous and unparalleled march from the Missouri to Mexico as part of the army of the United States, helped to secure the results of the Mexican war and to add to the Union that portion of Mexican Territory on which their brethren had settled and unfurled the American flag. It would be a fitting return for their services, would it not, to deprive them of their civil rights and turn them over to military domination?

But if such a thing were free from constitutional objections—which we think the *Herald* would find great difficulty in proving—we believe the great body of our people would prefer military government and martial law to the domination of a little clique of rapacious adventurers and political cormorants. Our intercourse with the military—the regular army of the United States—has been mainly of a pleasant character. Its officers are of a different stamp to the carpet-bag element which has

been forced upon us. They have had no private axes to grind in the "Mormon" wheel, nor personal motives to malign and abuse us, and have generally acted the part of gentlemen. A military government would perhaps be impartial to all classes of our citizens, while the pretence of government which the President was injudicious enough to suggest, would mean petty and persistent persecution of the "Mormon" part of the population; the spoiling of the many for the enrichment of the few; the abrogation of all the cherished rights of citizenship; the establishment of serfdom, and the setting up of a power incompatible with the whole spirit and letter of American institutions, and which would require military force to sustain it for any appreciable period. So far as we are individually concerned, we would vastly prefer the military government at once.

But under what pretence could a military administration be substituted for civil government in this Territory? Is Utah at war with the general government? Is it giving "aid and comfort" to the enemies of the United States? Are there no courts or legal officers here? Can Congress pass no laws in relation to the Territory? Is it subject to domestic violence? Does social anarchy prevail within its borders? If not what is the matter? Why, a portion of its citizens believe they have the right, under certain ecclesiastical regulations to marry, maintain, live with and protect more wives than one, and to acknowledge, rear, educate and father all the offsprings of such unions, in the fear of God and under religious impulses and motives.

But there is a law of the United States against this. Yes. What then? These people persist in continuing these marital relations notwithstanding the law, and something must be done about it. What is generally done when a law is violated? Why when the officers of the law are in earnest, the guilty persons are indicted, tried, and if found guilty punished as the law provides. But what is to be done if proof of the offence cannot be obtained? Then you cannot legally convict, of course, and the same method must be pursued as in any other case. If people are said to be engaged in smuggling, and thus violating a law of the United States, and proof of the crime cannot be obtained, would you punish them anyhow? If witnesses are questioned who cannot testify that they have seen the offence committed, although they know of the general belief or understanding that the law has been broken, would you convict the accused on common rumor? If not would you put the community where smuggling is alleged to exist but in which evidence cannot be obtained, under martial law, or deprive the whole people of the ordinary rights of citizens just because the legal officers are not smart enough to secure legal proof of the crime alleged?

The whole outcry against Utah is both ridiculous and shameful. The crime of these muchly married "Mormons" is not that they have intimate relations with more than one woman. That is a practice so common in Christendom as to be a matter of sport and often of boasting in all classes of society, from the solemn looking senator to the police court shyster, and from the millionaire down to the mud-lark. Your rich Lothario or vulgar habitue of dens of infamy excites no storm of national indignation; the mistress-keeping husband or the virtue-betraying, lady-killing bachelor is no object of Congressional enactment nor general "Christian" oecumenical resolutions. The illegitimate breeders of the spawn that evolves into an army of criminals form no subject for presidential suggestions nor political party cries. But the "Mormons" marry all the women with whom they cohabit and believe they are right in it. That is the trouble. Therein is the difference. If they only did evil knowing that it was wrong after the fashion of the world, it would be "all right" with the world.

Do you, pretended champions of monogamic law, think you can make the "Mormons" believe you care a lot about their private social life? If so, you are very much mistaken. You political strife breeders are after political position. You legal gentlemen are after fees. You priests are anxious to denounce a potent and spreading creed because your craft is in danger. You law-makers and

presidents are desirous of pandering to popular prejudice, worked up by smaller and more unscrupulous defamers, because you want to continue in power. You pretended pious sectarians find in "Mormon" polygamy a convenient object of denunciation, to divert attention from your own shortcomings and the evils in which you dwell, and in which many of you revel till you are as corrupt as the denizens of the God-burned cities of the plains. Take all the polygamy in Utah, with its supposed enormities, and compare it with the social horrors of your most civilized and church-favored cities, and it would be snowy white in contrast.

The whole country is periodically roused into a ferment over the domestic relations of a portion of a small community in the heart of the Rocky Mountains, and this great nation of nearly fifty millions gets terribly excited because a few hundred "Mormons" have more wives than one. Who stirs up the popular mind? Just a few unscrupulous persons who find this subject a probable stepping stone to prominence and place.

We have no fears whatever that Congress will pay any serious attention to the ridiculous propositions presented for its action. We do not anticipate either military rule or the domination of an appointed clique of fortune-hunters to subjugate the people of Utah. Neither scheme would affect the belief in or practice of celestial marriage. But we touch on the subject that its true bearings may be understood, and that the motives and movements of certain ambitious and designing persons may be known and appreciated. Utah lives and progresses in spite of the schemes and plottings of their predecessors, and it will flourish and prevail when they lie in their political coffins, return into the obscurity from which they would never have emerged but for Utah, and sink into the oblivion which is their certain fate in the not distant future.

## THE DELEGATE'S CERTIFICATE.

WE publish in full to-day the protest of Allen G. Campbell against the issuance of a certificate of election to Hon. George Q. Cannon, Delegate to Congress, in which he demands the certificate for himself. The impudence of the demand is only equalled by the puerility of the protest. Out of 19,933 votes, Campbell received 1,357, while our Delegate received 18,568. And upon what grounds does the contestant base his demand upon the Governor?

Those who wade through the obscurity of the wordy document will find nothing in it but unsupported accusations, unfounded inferences and inapplicable quotations. These reduced to simple terms amount to this: That Hon. Geo. Q. Cannon is an unnaturalized alien and therefore ineligible to election; that he is a polygamist and publicly teaches polygamy, and therefore cannot now become naturalized; that more females than males claim the right to vote in the Territory, and therefore the conclusion is unavoidable that Mr. Cannon's majority consisted of female votes, and that as it is generally conceded that the Woman Suffrage Act of Utah is void, therefore Mr. Cannon's majority is void; that as Cushing's *Law and Practice of Legislative Assemblies* states that a "returning officer" who is "fully apprised" of some "notorious disqualification" of a candidate or elector may exercise judicial powers to prevent their voting or being returned, therefore the Governor is authorized to withhold the certificate from Mr. Cannon.

The absurdity of all this is really laughable; it is so extreme as to be grotesque. Is it possible that the legal gentleman who represented the protestant had anything to do with the drafting of such a document? We notice that it is dated "Frisco, December 12," on a Sunday, and the probability is that it was written either by the "Liberal" candidate himself, or by some brilliant luminary who twinkles in the atmosphere of the justice's court at the mining camp above named. We must confess our surprise that the lawyer who represents the contestant would risk his legal reputation by any connection with such a mass of dense verbiage and cheap chop logic.

It is well known that the question of Mr. Cannon's naturalization has already been decided, and that there is no doubt of his citizenship; argument about his qualifications for becoming naturalized is therefore vain, and out of the question; the woman suffrage act is not generally conceded to be void, and if it were, it will remain valid until declared otherwise by a court of competent jurisdiction; the Governor is not a court of any kind, and therefore cannot decide the question, and all the sophistry about the probable number of women voters who cast their ballots for Mr. Cannon, is so much folly. The Governor is not a "returning officer" and therefore has no "judicial powers" connected with the election. The question before him is not whether an elector may vote or a candidate is disqualified to be returned, but simply which candidate received the greatest number of votes according to the returns already made. This is all that the Governor is required to determine before issuing the certificate. It is merely a question of arithmetic, an exercise of the rules of simple addition and subtraction. In proof of this we refer to the Acts of Congress in relation to the Territories. Section 1,862 of the Revised Statutes says:

"Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof. The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly."

Section 25 of the Compiled Laws of Utah which Mr. Campbell quotes is repealed, and if it were not its provisions would only apply to territorial officers, as do those of section 22 of the Registration Act, which is the substitute for the repealed section. This provides that the Secretary shall perform certain duties and give the certificate of election. But in the case of the election for Delegate, the United States statute governs the matter of the certificate and leaves no room for dispute or exercise of judicial powers. The returning officers are in the respective counties, and when the returns are in, all that the Governor can lawfully do in the premises is to count the votes as returned and then give the certificate to the person having the greatest number. This duty is made mandatory. "The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly."

The Governor has made no secret of his feelings and desires. He has publicly identified himself with the so-called "Liberal" movement and has taken the platform in favor of the "Liberal" candidate. We do not insinuate that in face of the popular vote he would attempt to use his official power on the side to which as a citizen he committed himself. But we do say that he cannot lawfully do so if he would. The statute is too plain and peremptory. He has no authority to determine either the validity of votes, the validity of the woman suffrage act, or the validity of a certificate of naturalization. He cannot pass upon the qualifications of a candidate to office. The Territorial Legislature has power to pass upon the qualifications of its members elect, and the Constitution provides concerning Congress that "each house shall be the judge of the elections, returns and qualifications of its own members." This leaves the Governor nothing to do in connection with the matter but issue a certificate to the person having the greatest number of votes. Mr. Cannon having received 18,568 votes against his opponent's 1,357, there is no room left for dispute.

The attorney conducting this farcical attempt at contesting the election for Delegate, is as wide of the mark as in the recent foolish effort at compelling by mandamus an officer of this county to do something which the law says he shall not do. Has contact with the "Liberal" firebrands and failures affected the judgment of learned lawyers? or are they so engaged with greater issues, that they cannot come down to the comprehension of simple local laws and the statutes of the United States in relation to the Territories?

We are safe in the assertion that in no other part of the United States would an attempt of this kind be made after so fair, free and honest an election as that of last November. Our Dele-

gate goes to Congress as he has done before, supported by the best wishes and full confidence of more than nine-tenths of his constituents, and it will take something more than such antagonism as the Liberal element all combined can bring against him, to cheat him out of the seat to which he is at least as fully entitled as any other member-elect of the Forty-Seventh Congress of the United States.

THE GOVERNOR'S REPORT TO  
SECRETARY SCHURZ.

THE Report of the Secretary of the Interior, the receipt of which we acknowledge with thanks to the Hon. Carl Schurz, contains a brief reference to Utah affairs, the page and a half of letter press on this subject being condensed from the Governor's report. It is not of any great interest and is only remarkable for some palpable inaccuracies. One of the plainest of these is in the statement that,

"The population of the Territory is 145,000, showing an increase of 60 per cent. over that of ten years ago. About one-half of this increase has been drawn by the mines of the Territory. The remaining half has been the natural increase by birth, together with the proselyting work of the missionaries sent out by the Mormon Church."

That is, the mining or "Gentile" element has increased by immigration as much during ten years as the whole natural increase of the Territory and the "Mormon" immigration combined! This shows how much the Governor knows of what is going on around him. His estimate would make the "Gentile" increase during the last ten years somewhere in the neighborhood of 30,000, or nearly if not more than double their entire number. Why, we have that many children in the Territory under ten years of age, to say nothing of the annual "Mormon" immigration. There are over 30,000 children in our Sunday schools, not counting the number disinclined or too small to attend. The "Liberal" vote at the late election was 1,357 out of a total of 19,933, a proportion of less than one-fourteenth. Allowing that all the "Gentile" element here has been "drawn by the mines," which is not the actual fact, their proportion of increase during the past ten years instead of being about one half is at the utmost only about one-tenth.

We notice in one of our exchanges a reference to the Governor as a person supposed to be a good authority on Utah affairs. The truth is, there is scarcely any one who has a good opportunity of learning the true condition of affairs here who is so poorly posted as he. Not taking the trouble or the pains to mix with those from whom he could obtain correct information, and his ears being open to the stories with which a certain class are fond of stuffing the gullible, he is as widely "off" on the social condition as on the relative numbers of the two sections of the community.

As proof of this we will refer to another assertion in his report that is quoted by the Secretary of the Interior:

"Polygamy is not only tolerated in Utah, but, because of the power and influence of the organization in which it is practiced, it is made the shibboleth to position and power. Besides being in direct violation of law, it tends toward a union of church and state too intimate to accord with the spirit of our institutions."

How does he know that polygamy is "made the shibboleth to place and power?" Somebody told him so, and somebody told him an untruth. If his statement was correct no man with but one wife would occupy any position of trust or profit under the rules of the Church or the laws of the Territory. That this is not so every one knows who is familiar with Utah affairs; he understands next to nothing about them. But the Governor has done his best, so far as he is concerned, to disprove his own assertion; for, in the appointments to so small an office as Notary, he has endeavored to establish an inquisitorial test to prevent any person who believes or practices plural marriage from even using a pen under authority. A drunkard, a libertine, a liar or a thief is not barred from the office by the dictum of the Governor; the sole obstacle in the way is sup-