tice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances." As no part of the act purports to do any of these things, is it not fair to presume that none of it is repealed? Such doubtless, was the conclusion reached by the compilers of the laws of 1876. And while they were responsible for their work, they availed themselves, I understand, of the assistance and legal knowledge of Judge Emerson, who did much of the work, and included the entire Act in the compilation.

In my former communication I affirmed that the courts had decided that the approval of the compilation did not amount to an enactment of any law in it, and that the Governor must have been aware of this, when he made the false assertion that it had been, re-enacted!" Mr. McBride does not deny that the courts had so decided, but seeks by evasive arguments and unsupported assertions to prop up the Governor's false position; and, as he has especially chosen this point, as one upon which to test my "reverence for truth in general," I accept it and in doing so am prepared to abide the result. I affirm, he denies. I refer to court decisions to sustain my position. As a lawyer, without any reference to his reputationas a gentleman of veracity, dare he deny that this matter hasbeen judicially decided in Utah by Federal Courts, or by a Federal Court of the Territory? And if he dare not deny it, let him remember, that the decision was not rendered by a "Mormon Probate Court" for which he seems to have so much contempt, nor by a "Mormon ecclesiastical court" for which he appears to have such holy horror. Does he not know that it has been decided that the compilation, not only did not enact any law in it, but that it did not repeal any law that was left out of it by the compilers, unless previously repealed by the Legislature or by Congress! Being a lawyer, if he does not know these things, then as champion of Governor Murray and his message, he has undertaken a job for the accomplishment of which he is evidently sadly unfitted.

If the courts have so decided and Mr. McBride is aware of it, of what value is his unsupported assertion that the Governor was substantially correct when he said this act was re-enacted in 1876?"

Again, he asserts that the "Governor was insisting that this act had always been invalid, and asked its repeal because it not only had been once annulled by Congress but was invalid from the beginning." While pitying Governor Murray by reason of the unenviable atitude in which he finds himself, let us dispassionately look at the humiliating position in which this legal light has placed the Chief Executive of Utah. The champion says: "The Governor was insisting that the act had always been invalid." Then he did ask the Territorial Legislature to repeal that which, in his own view, was null and void, without force, without effect; and wanted it done *because* "it not only had been once annulled"—that is, as used appropriately of laws, decisions of courts, &c., reduced to nothing; obliterated; made void and of no effect; abrogated; abolished; repealed; reversed; rescinded; revoked; set aside; destroyed. Mr. Editor, in the presence of this logic, reason stands speechless, and his Excellency must feel sorely tried. But he should attribute it to a "system of shuffling" that "pettifoggers," even at the sacrifice of their best friends, are sometimes forced to adopt when "religious and political expediency rests upon the crumbling and ever shifting foundations of insincerity and falsehood." (The sentence is not quoted from the Bible, and has no refference to battles, swiftness or races.)

Mr. McBride further says: "It is adding insult to injury to permit a void act to remain on the statute book because its repeal does not affect its legal validity, and then assert the validity of the act itself." Conceded, but who has done anything of the kind? Certainly not I! On the other hand, is not an attempt to secure the repeal of a valid law, under the false plea that it was invalid from the beginning, and that Congress had annulled it, also, "adding insult to injury?"

I say the law is not, and has not been invalid, and I back my assertion by reference to judicial decisions. I say that Congress has never annulled it, and asproof refer notonly towhat thecourts have affirmed but also to the fact that members of Congress now recognize the validity of the law, as evidenced by the bill introduced in the Senate January 28th, 1884, by the Judiciary Committee, through Mr. Hoar, wherein the church, as a corporate body, is clearly recognized, and the appointment of fourteen trustees to manage its property, contemplated.

Now "marines" might believe, that Governor Murray and his advisers did not know that the law was *not* repealed and that his assertions to the contrary were not meant to deceive, but intelligent people won't believe it.

One point more on this subject; Mr. McBride's Mormon client, to whom he refers, had a perfect right to consult him or any other attorney within his reach; and he had a right also, after paying the bills, to abide by the decision of the court and renounce his connection with the church, or take less than the court awarded him, and remain in it. It was simply a matter of "fellowship." Nothing more. Renouncing his connection with the church, it could have nothing more to do with him further than to excommunicate him, and that would end the matter. The church could not thereafter fine or inflict any punishment whatever upon him, nor could it in any degree enforce, so far as he was concerned, any decision which its ecclesiastical court might have rendered. But the judicial court had the power to force the other party to comply with its decision, whether the parties were in, or out, of the church. A distinction, with a vast difference. Mr. McBride should not feel badly because men place a value on their standing even in the "Mormon" church, it being a matter held sacred by members of other churches.

Dower is a life interest in one third of the real estate acquired solely during the coverture and left by a widow's deceased husband. Under the old common law a married woman became a legal nonentity. Marriage made the twain one, and the man was that one. Her personal property, if she had any, 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 compensation 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. I will now give the entire statute by which the dower was abolished in Utah; the reasons for its abolition can be seen from the text at once by any candid mind:

(1020) Sec. 1. *Be it enacted by the Governor and Legislature Assembly 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 it is so 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 Utah, then, a married woman is a legal somebody. Her property acquired before marriage does not pass to her husband. After marriage, as before, she can hold it, or dispose of it in her own right. As a wife she can acquire other property and posses or convey it by sale, gift, or will. She can enter into contracts. She has an individual and indipendent legal status. She is a free person, as much as a man.

Once more therefore, I assert that Governor Murray's comments on the dower question give an entirely false idea of the property rights of women in Utah, and having shown still further, in this letter, wherein, I pass on, simply remarking that when he, or his champion, "assumes to voice" the sentiments of the women of Utah on this or any other subject, they "are agents without credentials, attorneys without authority."

In seeking to refute my affirmation that "no polygamous marriage has ever been claimed even by Mormons to be valid in law" and that "they have never been enforced or annulled by process of civil law," attorney McBride chides my memory thus: "He must be strangely forgetful. The writer of this article was an attorney in the noted case of Ann Eliza Young vs. Brigham Young, the father of Mr. Thatcher's polygamous wife, and well recollects, if Mr. Thatcher does not, that the Chief Justice of Utah, after three years of expensive litigation, entered a decree annulling the polygamous marriage involved in the case, at the cost of the defendant."

Well, confessing that my memory is at times somewhat faulty, and as Mr. McBride was, as he says, an attorney in the case and must have known whereof he was speaking, I felt I would have to yield this *one* point, and would without further investigation have done so, but after much reflection being wholly unable to remember of having ever married a daughter of Brigham Young; and, being finally convinced that I never had, I thought it just possible that my legalopponent might be in error on other points of his remarkable statement. Not intentionally of course! He is too honorable for that! But knowing that a faulty memory that "well recollects" leads sometimes to mistakes and to misstatement as well, I investigated this particular matter, as the following copy, under the seal of the 3rd District Court of Utah, duly attested—shows:

"In the District Court for the Third Judicial District, Utah Territory.

ANN ELIZA YOUNG. vs. BRIGHAM YOUNG. } Decree.

1877, April 20th, and now on this day this cause comes on to be heard on Bill, amended answer, and exhibits and testimony, and same being read, and the Court having heard the arguments of McBride for complainant and Williams and Sheeks for the deft. and the Court takes the matter under advisement. —— 1877, April 27th and now the court having duly considered the same and being fully advised and having made its findings herein, which findings are herewith filed. It is ordered, adjudged and decreed that the alleged marriage between the plaintiff and defendant on the 6th day of April 1868, was and the same is hereby decreed and declared to have been and to be null and void *ab initio*. It is further ordered, adjudged and decreed that all orders and decrees heretofore made by this court in this cause for the payment of temporary alimony by the deft. to the plaintiff which have not been complied with nor paid nor collected, be and the same are hereby revoked and annulled. It is, ordered, adjudged and decreed that the defendant herein pay the cost of this suit, taxed at $——

M. SHAFFER, Judge.

Decree.

Filed April 27, 1877.

C. S. HILL, Clerk.

Teritory of Utah, } ss.
County of Salt Lake. }

I, O. J. Averill, Clerk of the Third Judicial District Court of Utah Territory, do hereby certify that the following (foregoing) is a full, true and correct copy of the original Decree, made and entered by said court April 27th, 1877, in the above entitled action filed in my office.

Witness my hand and the seal of said Court at Salt Lake [Seal] City this 28th day of February A. D. 1884.

O. J. AVERILL, Clerk.
by H. G. MCMILLAN.
Deputy Clerk."

Comment would seem unnecessary, and I cannot perhaps dismiss this point to better advantage, than by remarking that "the readers of *The Inter-Ocean* by this time will begin to comprehend what sublime reverence" this legal gentleman "has for truth; it is exhausted in his devotion to it in the abstract," but what can he say in extenuation, when investigation drags out facts in "detail," that dethrone fraud, and reveal hypocricy?

I am sorry that Mr. McBride's memory has served him so imperfeetly as to cause him to state a judicial decree to have been exactly the *reverse* of what it really was. Then the awkward part of it consists in his having been an attorney in the case, and that in reference to it "he well recollected," etc.

If he would look into the matter deeply, especially in refereuce to the alimony *pendente lite* that was granted, he may be able to tell why the case extended over "three years," and was, indeed, made "expensive to the defendant. "A convict (I quote from Mr. McBride,s letter) might as well quote his lawyer's argument to the jury, to prove his innocence," as to trust to the memory of some attorneys who, when discussing anything involving the rights of "Mormons," always act as though the end justifies the means.

My legal opponent having said that Judge Black "was as liable to err as any other attorney seeking victory for his client," I might show by comparison wherein he is incorrect. But when I think of comparing Judge Jere S. Black and his noble deeds with some attorneys whom I know, and with whose acts I am somewhat familiar, reverence checks the thought, and the unnerved hand refuses to pen anything that would belittle the memory of that dead but venerated statesman.

Mr. McBride thinks that a "Mormon" article without allusion to the fraudulent certificate "would be like the play of Hamlet with the Prince left out." Well, personally, I like the play better with the Prince left in. But why, if it is but "a dagger of the mind, a false creation," fear it? If it did not seek to murder the right of franchise in Utah, the nightmare of conscience-smitten minds, need not, Macbeth like, behold foul spots, like "gouts of blood," in a mere allusion to it!

Mr. McBride further says: "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." Reference to the *Congressional Records* containing the reports of the committee on elections, the discussions and final action of the House on that matter, show how utterly without foundation in fact the above statement is. To show this I submit a single paragraph from the speech of Representative House on the subject. He says: "The committee in the report reverse his honor on the *naturalization* question, and holds that his Excellency slightly erred in giving a certificate of election to a man who only missed an election by a failure to get the votes of the people he aspired to represent."

The facts of the case are simple. The fraudulent certificate, whether as a part of a previously arranged conspiracy, I need not here discuss, was granted. Armed with it, Allen G. Campbell and his advisers, kept Hon. George Q. Cannon out of his seat until, under presure of public opinion brought to bear as part of the programme, the Edmunds bill passed the Senate, and by a false ruling of Speaker Keifer was gagged through the House, signed by the President, became law, and under its provisions, applied retroactively, Mr. Cannon having admitted in a former contest that he was a polygamist, was pronounced by majority vote of the House, disqualified to hold his seat.

That the fraudulent certificate played its part in the plot I have no doubt, but that George Q. Cannon lost his seat by an unfair application of the Edmunds law is, I think, beyond question. And when Murray gave the "certificate," he knew that former Congresses had held the practice of polygamy to be no disqualification, and that the question of naturalization had been decided, so far as Mr. Cannon was concerned, in his favor.

And here let me remark that in no other Territory in the Union, would Governor Murray, or any other Governor, dare to strike such a blow at the liberities of the people as he did, in granting that fraudulent certificate; for elsewhere people interpret by acts their idea of treachery in their treatment of the treacherous.

Thus I have, I believe, met all the points of importance mentioned in my former letter, and to which Mr. McBride has taken exceptions. The length to which this has already reached admonishes me that I shall only be able to meet in a general way some of the new points brought forward in his reply. I should like much to answer them all in detail, but it would be impossible in one letter, without extending its length beyond all reason, and even now, I fear that this may tax the patience of those who read it. I cannot therefore, go over the ground laid out by Mr. McBride in his allusions to old obsolete laws in reference to water claims, timber and cañon road grants, etc., further than to say that good reasons can be given for the enactment of laws applicable and necessary to the conditions existing in a new country first then being developed, that would seem now, without explanation, not only strange but improper, for we have outgrown them. But supposing, as Mr. McBride seems to think, that some of the early laws of Utah were eminently improper, he need only refer to the "Blue Laws of Connecticut" in order to find such to have existed elsewhere. Again, when in England a few years ago, I remember to have had my attention called to an old law—and by the way it was not then repealed either—under the provisions of which the husband could lead his wife into a public market, with a rope round her neck, and sell her to the highest bidder. An attempt to quote that law as an evidence of English civilization and sense of justice now, would be considered extremely foolish.

Again I want to say that I recognize, and am satisfied that most, if not all, "Mormons" in Utah do, "that the Territorial Legislature is a body created and existing by virtue of Congressional law." Not as a gift from Congress, but as one of the rights purchased at the sacrifice of the blood of freemen. In all the long list of questions and in everything Mr. McBride names I recognize it. I know also something about the congressional act of "June 23d, 1874;" and just for his satisfaction will inform him that the Territory had paid on that account, up to December 31st, 1883, $159,624.14. He is in error too, when affirming that "the Legislature in 1875 failed to appropriate money for enforcing the criminal laws." Perhaps such a statement was made to Congress, and it is not unlikely that it was acted upon by Congress, in "authorizing the use, by the courts of justice, of the money appropriated by it, for legislative expenses in Utah." The money was certainly diverted, and the Legislature, as I before stated, served without compensation, and did not make "a loud outcry" about it either. Mr. McBride comes forward now asserting that the members of the Legislature of 1876, "had gone to the county courts and procured appropriations out of the county treasuries, for their per diem and mileage," and then adds: "Mr. Thatcher was well aware that this game had been played, but was perhaps not aware that it had been exposed." Mr. Thatcher was not aware of anything of the kind, for he knew that the per diem and mileage of at least one member—himself—had never been paid out of any county treasury. But Mr. McBride's assertion led to inquiry; and, having looked for fraud, where naturally it would most likely be found, I trust that the publication of the result, will greatly edify my legal opponent. For some time previous to the year 1876, Tooele County had been in the hands of the "Liberals"—further on I will show how *liberal* they were to their kind—but here I note the fact that the mileage for a member of the Legislature from that county could not well exceed say $60, while the per diem would amount to $240, making a total of $300.* [Now I don't say that the member from that county received that or any other amount from the county treasury, for services as a lawmaker in 1876. But if Mr. McBride will examine the records of that county he will find that one E. S. Foote, "Liberal," was then by virtue, perhaps, of stuffed ballots, Probate Judge; and that the majority of the selectmen were also "Liberals;" that Judge Foote ran for the Legislature as member from Tooele, and was defeated; that on the 11th of March, 1876, the court allowed a sheriff's bill of $192.50, "for money advanced to witnesses and official expenses in the case of E. S. Foote vs. George Atkins, in the contested election case before the Legislature;" and to Tilford and Hagan, attorneys, "for 12 days attendance before legislative committee in contested election case of E. S. Foote vs. George Atkins, $500;" and on the same matter $14 for short hand reporting; and for printing by the Salt Lake *Tribune*, $37.00; and, finally that an appropriation" was made "to E. S. Foote for extra expenses incurred in the contested case of Atkins vs. Foote before the Legislature, $254.00." Rather rudely put together, these items, but I am confident that Mr. McBride will consider them, "mighty interesting reading." Nine hundred and ninety-seven dollars and fifty cents appropriated on the account of a fellow that wasn't a member of the Legislature—what did the court give to a gentleman that was? The record answers, nothing! Think of a judge voting himself money to get into a place to which the people never elected him! Why, it almost parallels the "Certificate" business, but of such are the regenerators of Utah.]

In conclusion permit me to say that, if Governor Murray's champion and special message interpreter is as faulty in his history, as in his remembrance of divorce cases, he can not hope to become a referenee. He speaks of one John of Munster as a "revelator, polygamist, blood atoner," etc., who, with 50,000 followers was killed by sanction of Luther, and so on. The standard works I mention one John Boccold, of Munster, who was a *consecutive* polygamist, acknowledging only one wife at a time, but who by "the freedom of divorce invaded the obligations of matrimony;" he crowned himself king, coined money, defied constituted authority, led his followers into much trouble—many to death, and finally was himself tortured and executed. The world has produced many such characters, but their history affords no special interest or lessons of profit. History gives account of two distinct classes of Anabaptists, one fanatical and corrupt, the other sincere and pure. Referred to as a whole and without distinction by Mr. McBride, leaves little doubt as to the intent of the allusion—whether authentic or imaginary—and the spirit of malice is clearly manifest in his mock inquiries in relation to the early persecutions of the "Mormon" people.

Having in childhood learned to fear mobs, who threatened to burn the house from over my mother's defenseless head, while her children clung to her for safety; having walked sandy deserts with bare, blistered feet, and listened to the howling of wolves, less cruel than heartless man; having experienced the benumbing influence of cold and the sharp pangs of hunger while—like a savage—digging roots to keep body and soul together all because men had not forgotten how to pillage, drive, and murder; I can tell Mr. McBride, if he would like to know, why the Mormons have suffered. But first I would have him tell, why the Jews crucified Christ and made martyrs of His Apostles? Why Nero burned Rome, and then accused, steeped in oil and made of Christians torches to light the walks of palace gardens, while dogs tore the flesh from the bones of women and children whom he caused to be clad in the skins of wild beasts? Why the rack, thumb-screw and other infernal instruments of torture were invented by men who laughed at the sights that anguish forced from the lips of dying millions, on whose brow the sweat of death did but slowly gather?

Why Charles IX of France rejoiced in the smell of dead and decomposing Huguenots, heaped in windrows in the streets of Paris, when his courtiers sickened and turned away in disgust at the horrid sight? Why Phillip of Spain laughed for the first and only time in his life, when he heard of that awful massacre? Why fainting galley-slaves were revived by the application of salt and vinegar, on welted and bleeding backs, and the tongues of women cut out, that they might not, as they went to execution, testify of the convictions planted deep in their souls?

Let Mr. McBride answer these questions and I will inform him why "Mormons" have suffered, and why they are now planted on the backbone of the American continent, where petty tyrants may fret and gall, but can never make them bow down to traitors who falsely accuse, nor kiss the hand that unjustly smites them.

MOSES THATCHER.

*The part marked above in brackets was omitted from the *Inter-Ocean* although included in the manuscript.

A friend of Senator Edmunds says that the recent death of a daughter from consumption, and the illness of another from the same disease, are among the most weighty reasons why the Senator refuses to be a Presidential candidate.

A singular accident happened lately at a mill in Nashville, Tenn. A workman was thrown toward a circular saw, and thinking he would strike it, died from fright. When picked up he was dead, but there was no sign of a bruise on his body.
