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GOVERNOR MURRAY AND THE
RIGHT OF DOWER.

The right of dower seems to trouble our Executive to an alarming degree. Or to state it more correctly he makes it one of his main subjects for private and official remarks. He repeats this session his recommendation at the previous session of the Legislature: "That sheer justice demands the right of dower for widowhood," he claims that "unjust discrimination, unrest and untold suffering follow its denial," and states that "It is denied in no State or Territory except where something better is given."

This subject has been ventilated several times, and the Governor must either be very blind to the truth, or he is endeavoring to create a false impression in regard to it.

Before explaining the legal status of married women in Utah, and why the dower has been abolished, it will be necessary to show what this "right of dower" is that the Governor wants restored. We have done it before but will now do it again:

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 dower 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 widowhood. 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.

We 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 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 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 pleaded, 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 all references to the subject made by Governor Murray, of either a private or official character, only the third section of this law has been cited. For what reason? Because his object has been all the time to place the matter in a false light. If he knows anything about it at all he can perceive that the citation of sections one and two of the statute would be fatal to the position he assumes in relation to it. The terrible condition of married women which he delights in depicting as the consequence of the abolition of the dower, would be shown to have no existence. And those designing persons who have put these notions into the Governor's head, and framed the sentences to put into his mouth, are thoroughly aware of the effect of a fair quotation of the law, and so furnish him with one brief sentence from it, and carefully omit the most important parts. We will make one more extract from the laws of Utah bearing upon this subject. 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 leaves 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.

Now contrast the legal status of women in Utah with that of women elsewhere under the common law, or under statutes that simply give married women the right of dower. And it should be understood that in Utah women have the elective franchise equally with men. Under the laws of the Territory every woman can vote at an election who is a citizen of the United States, or the wife widow or daughter of a citizen, if she is twenty-one years of age and has resided in the Territory six months and in the precinct one month previous to registration. The Edmunds Act has disfranchised many of the best women in Utah (and it may be truthfully said some of the best in the world) but that is not the fault of our legislators.

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 possess or convey it by sale, gift, or will. She can enter into contracts. She has an individual and independent legal status. She is a free person as much as a man. She is not under the yoke of the common law barbarism that made her a vassal. She can vote as well as pay taxes, and a strictly secret ballot shelters her from any attempt at coercion in politics. At the death of her husband she is provided for out of his estate in a fair and equitable manner, and what she receives is not simply a life interest as under the dower, but an absolute right, title and control, to do with it as she pleases.

Now, in the light of these facts, how can the Governor have the impudence to stand before a body of intelligent men and tell them that "sheer justice," whatever that may be, "demands the right of dower?" Does he want the old slavish common law conditions of married women to be restored? Does he want Utah to go backward to the barbarism of the past which still lingers in many States of the Union? Or does he not talk simply to deceive people outside of this Territory for ulterior designs? Will he please to tell us where there are any woman in Utah who, simply from the lack of a dower law, are pining in "unrest and untold suffering?" Is the man daft as well as designing? He says "the dower is denied in no State or Territory except where something better is given." Well, is not something better given in Utah? Where is there a State in the Union which gives greater liberty and compensation for the dower than Utah bestows? Cannot his advisers—the fellows who pull the wires when he poses before the public—furnish him with something more rational than this repeated nonsense about the dower? They must indeed be in great straits for a plausible grievance.

But they know, and he knows, that the people, and indeed the press and the statesmen of the country, with few exceptions, take no pains to find out the facts of any question relating to Utah, but that anything that appears on its face as objectionable will be generally received as data, on which to base attacks against the "Mormons." Therefore the most astounding untruths are told in official documents, personal interviews and newspaper articles, without much fear of exposure and refutation, "the other side" being carefully kept from the public eye.

The dower paragraph in the Governor's message is nothing less than base insinuation in the nature of libel, and anyone but a professional politician seeking for official position and pabulum would be ashamed to utter or father such untruthful implications. The women of Utah are all right without the dower, and much prefer the liberties they enjoy under our territorial statutes, to the bondage and barbarism of that relic of common law slavery which the Governor seems so highly to esteem.

AN UNSWERABLE ARGUMENT.

BELOW we publish an extract from an article from the New York Evening Post, suggested by the discussion in the Senatorial branch of Congress, on the 11th inst., on Mr. Cullom's bill for the reorganization of the Territory of Utah. It is clear, forcible and its leading propositions are simply unanswerable. Here is the extract:

Mr. Cullom was followed by Mr. Brown, of Georgia, whose remarks will well repay the perusal of all other sober-minded persons. He did what seems at this juncture to be very necessary—and that is remind the people of the United States that our organized Territories, are like the States, inhabited by citizens of the United States, and that citizens of the United States have to be governed constitutionally, as long as they are not in a state of armed revolt. Now the Constitution prescribes that no person shall be deprived of life, liberty, or property without due process of law, or held to answer for an infamous or capital crime without the presentment of a Grand Jury, or be punished without a trial before a jury of the vicinage, or be made the victim of a bill of attainder or of an ex-post-facto law. It does not make any exception in the case of polygamists or bigamists, or priest-ridden people, or people

who hate the United States, or who import foreign paupers. The provisions of the United States Constitution regarding the punishment of crime are not, in fact, intended wholly or mainly for the protection of the godly and well-disposed, but of the ill-conditioned, obnoxious people whom their neighbors would like to bring to justice. Probably three-fourths of the white population at the South to-day—that is, the bulk of its governing class—dislike the United States Government, and teach their children to dislike it; but would any sane man now propose for this reason to disfranchise them or visit them with legal punishment of any kind? Probably two-thirds of the Irish are as priest-ridden as the Mormons, and as much disposed to put the spiritual above the temporal power, and as much occupied with non-American politics as the Mormons; but would any rational person propose to cure these evils by taking the suffrage away from Irish Catholics?

A great deal of the talk about the Mormon difficulty, in fact, seems to be based on an idea, which originated we know not where, that it is open to Congress to outlaw a whole community, in a time of profound peace, because some members of it commit a particular offence with the connivance or approval of the others, or because the majority of the people of the United States dislike their religious opinions, or the power of their church government. Some have even gone so far as to think that the President can declare martial law, and send troops in order to extirpate unchastity in a particular district. But all this is a mischievous hallucination.

The Mormons have done nothing which entitles us under the Constitution to punish them collectively. There is only one offence known to the United States Constitution which enables Congress or the Executive to inflict disabilities on a community en bloc, and that is armed rebellion. In time of peace we have no right to take away one man's vote because another man has too many wives, or punish him in any way because he has too much respect for his priests, or because we do not like his Bible. The great principle of this Government is that each man shall suffer for his own crimes only, and shall not suffer at all in time of peace without due process of law.

We are clearly on the wrong tack about Mormons and their polygamy. What social and material progress will not do to extirpate polygamy must be done by moral means. As Senator Brown very properly remarked, "the Christian Church is the true medium to deal with the Mormon question. Millions of dollars are sent yearly to convert the polygamists of India and China to Christianity. Some of this money spent at home, among people who speak our language, might result in producing a great change in the condition of the Mormon problem." These are words of soberness and truth, and it is high time they began to be listened to. Wholesale punishment for obnoxious opinions, by what are essentially acts of attainder, is a dangerous precedent to introduce into the conduct of our Government, even if it could succeed in making the 12,000 Mormon Polygamists give up their extra wives.

Some of the reasoning of the Post being based upon the supposition that "Mormon" sentiment is in any way inimical to the Government, makes it all the stronger in view of the fact that no such unpatriotic feeling exists.

"MORMONISM," IRRIGATION
AND THE DISTRICT SCHOOLS.

THE Christian Union of January 10th, has two articles touching on the subject of "Mormonism." The first admits that "legal prohibitions, enforced sometimes by the military and sometimes by the mob" have been tried "ever since Mormonism was a mere speck," and that they have failed while it has constantly grown. A different treatment is suggested, and it is declared that:

"The power of the hierarchy must be broken; that requires law, directed, however, not against polygamy, but against the despotic power which the polygamist hierarchy exercises over its subjects, chiefly by controlling the system of irrigation, on which their food depends."

The remedies proposed are breaking up the hierarchy, by destroying the power to control irrigation, and the dissipation of ignorance by planting a school-house in every village. If this is done, the Union thinks, "polygamy can be left to take care of itself."

What a pity it is that writers for the Christian Union and other papers, religious and secular, do not spend a little time in obtaining information on the subject of "Mormonism." If they have not taste for this they ought not to write about it. Most of their lucubrations are predicated upon grave mistakes. As a natural consequence they spend their time and fill up valuable space with articles that do no good, but only help to mislead the public, already in gross error on the question at issue.

For the information of the Union, we will state that there is not a village in Utah without a schoolhouse, and that the schools are regulated by secular law and not by the "Mormon" Church. We must also repeat the statement that the Church has no control whatever over the system of irrigation in this Territory. The Church does not own the land or the water. Title to the soil is vested in the individual owners thereof as in other parts of the country, and rights to the use of water for irrigation are held in a similar manner. It is all regulated by law and not by any hierarchy or ecclesiastical power.

Breaking up the hierarchy would not affect irrigation. The "despotic power" which we hear so much about is a myth. The organization of the Church of Jesus Christ of Latter-day Saints is remarkable, compact and complete. But it is not a despotism. It does not interfere with the liberty of any person either within or

without its limits. It does not control their individual property. Its presiding officers are "chosen by the body," and sustained in their position by the vote, faith and fellowship of the members of the Church of both sexes. The strength and unity of the Church are not maintained by any species of force, but by the powerful influence of an active and ever-present spirit which guides into all truth and inspires the whole body.

The imagined ignorance and absence of schools in Utah are misconceptions. The people understand much more than they are credited with. They are not as a rule from the highly educated classes, but they are common sense folk gathered from the industrial classes of the world, and are able to give good reasons for the faith that is in them. And they are governed, so far as the Church is concerned, by their own will and consent. Their children have ample opportunities for acquiring a good common education. None of them have any valid excuse for remaining away from school. The schools are mainly supported by taxation, and where tuition fees are required, the amount is small and means are provided in the various Wards for the tuition of children whose parents are too poor to pay for it.

The idea that "polygamy can take care of itself," is a sensible one. Rational people are beginning to see that it is no "problem" at all. That it is a matter which does not concern the nation half as much as they thought it did. That "Mormon" society is a great deal better than society where certain Puritans are clamoring for the suppression of a marriage system which they do not understand. And that it really has no proper bearing upon politics, but is a matter of purely domestic concern, affecting only those who are engaged in its practice.

This being the case, the suggestions of the Christian Union about a different treatment of the "Mormon" question amount to nothing at all.

The second article in the Union is devoted to the consideration of a letter from some person in this city described as "a well informed correspondent." That writer states that while the schools here are under the regulation of "a board of trustees regularly chosen," "the bishop is the real manager of school matters in every case;" also that "The Book of Mormon and the Book of Doctrine and Covenants (the latter containing Smith's revelations including the one on polygamy) hold an honored place in the curriculum," etc.

If the correspondent is well informed, he or she is not fit to write for a religious paper, for the remarks which we have quoted are false in every particular. We are familiar with the school law and its workings in this Territory, and also with the operations of the Church, and we have no hesitation in saying that the school trustees in the several school districts, hold and exercise their office as the law directs, independent of any other authority. And we do not know of a district school in the Territory—there is certainly not one in this city—where the books named are used as textbooks, or enter into the course of instruction given. The books in use are similar to those adopted in the best schools of the various States, and the Union correspondent has, no doubt, been imposed upon by some person as reckless of the truth as the present Executive of the Territory, who has had the hardihood to assert something very similar in his message to the Legislature. The statement that "sectarian tenets are taught in the district schools" is an absolute falsehood, and it is not unlikely that the "well-informed correspondent" of the Christian Union has drawn inspiration from the same foul fountain that has been quaffed by our ineffectual Executive.

The Christian Union occasionally exhibits a desire to treat these questions in a fair and temperate manner, and we therefore regret that its editors are so little informed in relation to it. On this occasion the supposed facts on which both of its articles are based are positive errors, and therefore all its reasonings and recommendations are thrown away. For correct information on the "Mormon" question, let no one be so unreasonable as to apply to an anti-"Mormon" source; one might as well ask a bigoted Catholic to give particulars for a fair insight into the principles and tendencies of the Protestant creeds.

THURSDAY'S SUICIDE.

It is curious to note the character of the causes which operate upon the minds of people who commit suicide and apparently influence them in the commission of so terrible an act. The mind must be in an abnormal condition to begin with and in that state impressed with some circumstance or condition which is brooded over until the mental depression becomes so great that life appears to the unfortunate being utterly unbearable.

In this connection we have been informed of some interesting circumstances associated with the late Thomas Morris, which explains the reason why he rashly took his own life.

The deceased lived in a little house on a strip of land in which Brother Brigham Young had kindly given him a life possessory interest. He had worked in earlier times as gardener for Brother Young and the latter, from

pure benevolence, took a lively and practical interest in his welfare. As has been stated he sustained himself and wife by peddling bottled horse-radish. He purchased a large quantity of the root last season from a Bountiful farmer, the value of the supply being about \$120, the entire amount of his working capital. His store of material, which was in good condition when received, became heated and was almost a total loss.

This incident weighed upon a mind already weakened by the natural operations of time, until he reached a condition of chronic despondency, causing the poor old man to frequently give vent to his feelings in tears. Efforts were made to encourage him, and the Teachers of the Church visited him and took care that he did not want for the necessities of life, but all that his mind was apparently capable of grasping for months was the fact of his loss.

The case is one into which the pathetic largely enters. Although the weight of misery which led the old gentleman to take his own life was apparently trivial, the effect on him was as heavy as if the fate of a world had been involved in it.

FROM FRIDAY'S DAILY, JAN. 18.

Box Lost.—There was lost by a person who came with the last company of immigrants a tin box addressed to Thomas Ogden, Richfield, Utah. Any person knowing its whereabouts will oblige by conveying the information to William Ogden, Richfield, Sevier Co., Utah.

Preserved Flowers.—A very nice specimen of preserved flowers in the form of a bouquet, nicely framed, was shown us this morning by Mrs. E. D. Roundy, of the Sixteenth Ward. The flowers were from the coffin of the late Bishop Edward Hunter, and were made for the family of the deceased. Mrs. Roundy has preserved flowers in different shapes for the same family.

Concussion of the Brain.—An accident occurred in this city yesterday in which William Cornin, of Kaysville, was thrown from a horse and sustained a concussion of the brain. He was taken to the Deseret Hospital, where, we are informed, he is doing well. The Hospital is a live institution, ably managed, and is doing a good work.

Thursday's Suicide.—An inquest was held yesterday by Justice Alina Pratt, of Farmer's Precinct, upon the body of Thomas Morris, who committed suicide at his residence on the State Road, as detailed in last evening's News. The facts elicited were in accordance with those already published, and the verdict was that the old man hung himself while laboring under a fit of temporary derangement of the mind.

Supreme Court.—Proceedings in the Supreme Court of Utah Territory, on Friday, Jan. 18th, 1884.

Alfred Andre, respondent, vs. Jacob Rivoir, appellant, from Third District: motion to dismiss appeal made by M. M. Kaighn for respondent, on the ground that more than thirty days have elapsed since said appeal was perfected and no transcript has yet been filed in this court.

In the matter of the application of Junius M. Larsen to become a citizen; ordered that said Junius M. Larsen be and he hereby is admitted a citizen of the United States.

A Book Worth Having.—A preservation in book form of the doctrinal pamphlets of the late Apostle Orson Pratt, has just been issued by the Juvenile Instructor office. It is a neat, handy little volume of 314 pages, nicely bound, well printed and replete with information of the most valuable kind to the student of "Mormonism." "Divine Authority, or was Joseph Smith sent of God," "The Kingdom of God," and "Divine Authenticity of the Book of Mormon," are the subjects treated upon. The book is entitled "Orson Pratt's Works." These pamphlets are much sought after, and are very valuable, not only for their superior merit from a literary and theological standpoint, but as the relics of a man who took rank among the greatest minds in Israel, and who, in his varied line of philosopher, theologian, author, mathematician and preacher, has had but few equals in history. The book sells for 75 cents, and should be read universally.

The Kidnapping Case.—A man named Samuel Hitch was arrested yesterday by Deputy U. S. Marshal Greenman, on a warrant sworn out before U. S. Commissioner McKay, by Mr. Elbridge Tufts, of this city. The warrant charges Hitch with abducting, on the 31st of last December, William E. Tufts, a little 5-year old son of Mr. Tufts, who was kidnapped while his father and stepmother (his own mother being dead) were up town making some purchases.

At the examination this afternoon, among the evidence adduced was that of a bar-tender, who claims to have seen Hitch, with the child at Evans-ton, on New Year's day. Hitch was intoxicated and was then on his way to Ohio, having been paid \$1,000, he said, by a man named William Tanner, of Morgan County, in that State, for the part he was playing in the transaction. Mr. Tanner is the father of the child's mother, and had repeatedly requested Mr. Tufts to allow the child to come to his home on a visit.