DESERET EVENING NEWS.

TRUTH AND LIBERTY.

VOL. XIX SALT LAKE CITY, UTAH TERRITORY, WEDNESDAY EVENING, DECEMBER 16, 1885. NO. 21.

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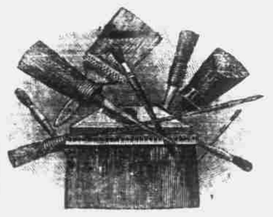

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REPORT

OF THE

GOVERNOR OF UTAH,

TO THE

SECRETARY OF THE INTERIOR.

TERRITORY OF UTAH,
EXECUTIVE OFFICE, SALT LAKE CITY,
October 17th, 1885.

SIR: The past year may very properly be said to have been the most eventful one in the history of the Territory of Utah. The execution of national law in the face of a bitter opposition upon the partjof those who assume temporal as well as ecclesiastical control over the great majority of the people has been successful to a degree which by many heretofore was regarded as impossible. A crisis is now at hand, which must have one of two results: the Government either must yield its claim for continued supremacy over one of its Territories, permit its power to be broken, and the laws nullified, or there must be a surrender to the rightful authority of the Government upon the part of the majority of the people.

On assuming the duties of Governor, I undertook to acquaint myself with the wants and requirements of the Territory in whole and in detail, and to investigate the questions of difference. I found a condition of affairs which had little reason to believe could exist under the Government.

Coming, as I believed, to a people who revered the Constitution, I was unwilling to believe otherwise. Knowing them to be given to polygamy, I felt that this excess would carry with it its own punishment, and that time and contact with the people of a common country, who held that the monogamous system of marriage was the very foundation of our hope to continue a government controlled by the people, I was slow to conclude that a fixed purpose existed to force their views upon the country, and to build up a kingdom which was "to supplant this and every other government." I found that administrations had been misled; that proposed legislation had been robbed of effective features, and that Congressional action had been defeated by misrepresentations on the floor of Congress. I found that appeals from good citizens had been unanswered, and that a feeling of hopelessness pervaded those who had confidently looked to their government for redress of the many wrongs they had so long borne and grievances they had so often presented for redress.

At your request, I now present, "for the information of the President," facts and conclusions gleaned from nearly six years of residence and official observation, and which I am sure the business and official records and history of the Territory will even more than fully sustain. The utterances of the President admonish me that it is unnecessary for me to show that grievous wrongs exist. I shall, therefore, deal more particularly with the present, and such facts as tend to show what remedies have fallen short of a solution of our troubles and what remedies are required to solve them.

The Mormon authorities unquestionably control the great body of the people, and by means of legislatures named by them have persistently thwarted the purposes of Congress, by which means national control over its best Territory is perverted. Unbearable as this condition is regarded by all good people in every section, the further fact is shown in the present term of the district court of this city, where a number of leading Mormons, convicted of crime under the laws of the United States, solemnly decline to acknowledge the binding effect of laws of the United States, and declare their purpose to continue the practice of the disobedience for which they stand arraigned or convicted, and as a reason for such action assert that to do otherwise would bring them under the ban of the organization to which they belong, and would leave them to be regarded with scorn and contempt by their associates and people.

Some of the better men of those so arraigned, recognizing their obligations as naturalized citizens, have promised to obey the laws and to desist from counseling others to violate them, for which they have been denounced as traitors in violent manner and in innumerable ways. I refer to the cases of United States vs. H. B. Clawson, United States against O. P. Arnold, United States against John Sharp and others, and to copies of the official Mormon organ, the DESERET NEWS, on the days following the determination of their respective cases in the courts. Beyond all this is the fact that an ecclesiastichl court of the Mormons, the highest authority on earth acknowledged by them—the first presidency, with which the quorum of twelve agree, decides that the Supreme Court of the United States is in error, and solemnly asserts that laws determined by that court to be constitutional are in fact unconstitutional and therefore not binding upon the Mormon people, and the distinguished ecclesiastical jurists composing that court of the first presidency, from their places of concealment from the United States marshal, counsel and direct their followers to persist in the violation of the laws of this country. I ask your attention to the deliverance made by the first presidency at the Logan conference during this month.

These statements being true, it is necessarily true that a good Mormon cannot be a good citizen. People who disregard and teach others to violate the laws and all those who belong to and give material aid to organizations which teach, advise and counsel others to commit any act defined by law to be a crime should, to say the least, be deprived of the power to write laws for the government of any part of our country.

The treatment of the Utah question up to the present enactments has resulted in allowing a treasonable growth here of alien sentiment which decisive measures would have adjusted years ago. The government, apparently so fearful that it might do wrong, has failed to do right, and to that extent may be said to be morally responsible. If, under any circumstances, a blunder may be regarded as worse than a crime, certainly indifference on the part of those charged with legislation and the execution of the laws should be regarded as something more than a blunder. It is true that during thirty years the government has forgiven the Mormon leaders for open rebellion against the armed forces and authorities of the United States and other and innumerable indignities to the nation itself.

It has appealed to them time after time, to obey the laws and "to be like the rest of us." It has legitimated and given honorable place before the world to their children born out of lawful wedlock. The generosity of this treatment they have disregarded. They have accepted the gifts and have smitten the hands of the giver. They have abused this generosity to strengthen their power over a too-confiding people large numbers of whom try to be, and under other circumstances would be, worthy citizens of our country, and have abused and have made outcasts of the few who announced their determination to obey the laws.

The right of the people to believe what they choose is unquestioned, and in that belief they are entitled to whatever of comfort and happiness such belief may bring to them, whether in this world or in the hereafter, and, further, the Government will, as it has done, protect them in the fullest exercise of that belief, be it religious or otherwise. One may believe that the world owes him a living, and that in order to attain that living he is warranted to go out upon the highway and rob to that extent. It will hardly be claimed when he puts that belief into practice that it would be wrong for the Government to punish him for robbery. A person may believe that the Book of Mormon is of divine origin, and that plural marriage is authorized by revelation; but when in the face of a plain statute, which is intended to protect the marriage system of one man to one woman, he indulges that belief to the extent of marrying more than one woman, he becomes a bigamist and must answer for the offense. The law of 1862 was the first to make bigamy a statutory crime in this Territory. That, and the Poland bill of 1874, and the later and more comprehensive statue known as the Edmunds law, which has been sustained by the Supreme Court, are accepted by all law-abiding citizens as the law of the land. But we are confronted here in Utah by the decision of the high council of the Mormon Church declaring otherwise, and many people, following that decision, have subjected themselves to fines and imprisonment rather than conform to national law, and thousands outside of the penitentiary, who are enjoying the protection and benefit of the Government and the privileges of the elective franchise, are not less guilty in one sense, and are not better, if so good, as many who are in prison. Every Territorial officer, by virtue of Territorial statutes, and these are always and necessarily Mormons; every legislature of the past, and the Delegate of the Mormon Church in Washington, have used and are using every effort to thwart the execution of these laws and to break down those who under the law are intelligently and honestly endeavoring to enforce them. These public officers are following the edict of the ecclesastical high council, and by words and acts are urging others to do so, and glorifying those who upon conviction in the courts declare their purpose "to live up to their privileges" as so construed.

Instances of this action are presented in the speech of Hon. John T. Caine, Delegate to Congress, delivered before the Logan conference a few days since, and the following extract from his paper, the Salt Lake *Herald*, October 11, 1885.

George Romney was sentenced to the penitentiary. The following day Mr. Caine's paper said:

There is sorrow when a man like George Romney goes to the penitentiary; but when one does go his friends and acquaintances feel like taking off their hats to him, for they feel that a brave and honest man is suffering because of his bravery and honesty, which will not permit him to do otherwise.

The fact that the Territorial officers of whom I speak, every legislature of the past, and the Congressional Delegate (and that too, the legislatures and Delegate paid out of the Treasury of the United States), all vindictively joining and leading in a conspiracy to defeat the execution of the laws of the United States, presents a travesty upon government without parallel.

But is it said these have committed no crimes, and therefore should not be questioned. Is this true? And if it be true, would it not be well in justice to repeal some laws and enact others, by which privileges which should be esteemed may be forfeited to such conspirators against the well being of law and order and the enlightened civilization of the world?

The man who conspires with another and sends him out into the street to commit murder upon a passer-by, and covers his co-conspirator from danger at the hands of their victim with a rifle from his place of concealment, is a guilty man. The man who holds a women while another ravishes her is alike guilty. This being true, it follows that a monogamist Mormon is not deserving of as much consideration as a polygamist, for the reason that, where two men claim to believe that polygamy is divinely appointed, the one who follows that belief into a conscientious practice is the honester of the two. If you punish the honester one, you at least should disfranchise the other who belongs and gives material aid and support and defense to an organization banded to do an unlawful thing. The application of this principle is found embodied in the Idaho statutes, the validity of which has been sustained by Chief Justice Hayes. With this enactment the monster was throttled, and with it the growth and political power of Mormonism is ended in that Territory. National supremacy cannot be upheld in Utah as long as political power is vested in those who are engaged in nullifying the statutes of Congress, and for so doing are paid out of the Treasury at Washington. I protest, for myself and for all good people, that such application of public funds be no longer made.

The Territory is divided into three judicial districts, presided over, respectively, by the chief justice and the associate justices of the supreme court. There should be four districts, or perhaps not more districts, but certainly four judges, and the United States attorney should be allowed three good assistants and a clerk, for the reason that the law of Congress of 1874 imposes upon that officer the prosecution of all Territorial cases in addition to the United States cases. Besides the duties which pertain to like officers in the States and other Territories, he stands in the relation of the attorney-general and prosecuting officer of the several districts in Territorial prosecutions. This, it will be seen, imposes responsibility and great labor upon that officer. A more vigorous prosecution of polygamy and unlawful cohabitation cases, which the situation requires, would call for still further help and more courts.

Under the Edmunds law and by this court polygamy in all its hideousness has been laid bare and the power of the Government to deal succes fully with the question demonstrated. Intelligent interpretations of the laws by Chief Justice Zane, and able presentments by the United States attorney, Dickson, have resulted in shattering the heretofore apparently impregnable walls of defense which surrounded the degrading system of polygamy prevailing here.

Before the bar of this court that degradation has been shown in the painful lack of manhood upon the part of those arraigned for polygamy or unlawful cohabitation, in permitting their plural wives to be sent into imprisonment for contempt in vain endeavors to shield themselves from the penalty of the law, and women under oath have denied a knowledge of the paternity of their children in attempts to shield the offenders. Men otherwise good have abandoned their families by going to the penitentiary rather than disobey the cruel edict of polygamous leaders in their defense of the infamous system. A few others, more manly and less fanatical, have had the courage to recognize the fact that the law is above us all, and these have received the lighter inflictions of the law, and are devoting themselves to the care of their families and education of all their children and pursuing the different paths of duty and business.

In order to present the strongest arguments from the Mormon view of the situation, so far as polygamy and unlawful cohabitation are concerned, I ask your attention to the cases and statements of John Nicholson and Hiram B. Clawson and the words of Judge Zane in sentencing them. The former is perhaps one of the most intellectual of his faith, and editor and representative of the leaders. The latter, H. B. Clawson, is an intelligent and kindly man, a leading business man, and a bishop.

THE MILITARY.

In my report for 1883 I said: "The militia, of Utah, by the proper proclamation of my predecessor, is not and cannot be made available." I again suggest that such a law, if necessary, be passed, or orders from the President, if that may be done without further legislation, as will make the military of the united States available in case of necessity in the execution of process out of the court or for the preservation of life and property, should the civil power be powerless to do so. Recent occurrences in Utah, such as the half-masting of the flag of the United States and the excitement growing out of it, the late threatening harrangues against the Government and the officers charged with the execution of its laws, notably that of Apostle Heber J. Grant at the Logan Conference. The significance of these being that with a word of command from the Apostles any act of violence commanded by them would certainly be executed by their followers. The assault a short time since in the night time upon the homes of United States Attorney Dickson, Assistant United States Attorney Varian, and United States Commissioner McKay by unknown persons, using hand grenades filled with the foulest human excrement, indicates a strong feeling existing among some persons that in some way or another may result in conflict, and the non-Mormons, paying one-half the taxes of the Territory, and producing one-half of the wealth, are but as one to four against an organized and disciplined host. The recent massacre of Chinamen in Wyoming, and other reasons I might mention, present the necessity of a change in the law or regulations in reference to the use of troops of the United States in the Territories. Whatever may be the arguments so far as States are concerned, they do not apply to the Territories, and, in my opinion, may not longer in safety be followed. The half-masting of the flags on the morning of July 4, last, on the court-house, city hall, Mormon headquarters, and other buildings owned or controlled by Mormons, was such an occurence as greatly to outrage the feelings of patriotic people. While the outrage to the flag on that day was not greater than the outrage for years to the sovereignty of the nation, and but a continuation of like insults offered to every officer of the United States and every loyal man who for the last thirty years has endeavored to do his duty in Utah, yet it was of such a character as appealed more directly to the resentment of all Americans. This was shown in ex-Confederate and ex-Federal soldiers joining with other citizens in having it properly placed and at least outwardly respected on public buildings. The defense of this treatment of the flag on the part of the Mormon authorities, including the city council, I regard as more reprehensible than the insult itself. An outbreak was avoided, but had there been a statute at least permitting the soldiers of the United States to protect the flag from gross insult, this of itself would have avoided the apparent necessity for their services in preventing riot and bloodshed.

THE EDMUNDS LAW

This law has been fully and intelligently applied by the court and by the commissioners charged with the conduct of elections and the disfranchisement of polygamists. The penalty of six months imprisonment and $300 fine as a maximum for unlawful cohabitation, is shown in its application to be entirely inadequate to the magnitude of the offense. The claim that many Mormons entered into polygamous relations before it was a crime is not true, and should not have the consideration asked for that claim. It was always a crime, and in every country and State from which every one of them came; it was a crime when this was Mexican territory and after it became the property of the United States it continued to be under our common law, and in 1862 it was made a statutory offense in all the Territories by Congress. The change under the application of the present laws has been far-reaching, effective and disintegrating. The expressions of the President have called into life new hope in the hearts of all law and order loving people.

REASONS AND REMEDIES.

To the end that a republican form of government may be established in Utah I give the reasons in part, and the remedies that will accomplish the end sought after. Many patients have died because the doctors disagreed. Polygamous control has continued in Utah because it has been able to bring about disagreements in the past among the doctors at Washington. It is utter folly to hope for a thorough settlement as long as political power is continued in the hands of persons who belong to an organization which teaches and compels its members to commit the crime of bigamy, polygamy or any other crime. It is demonstrated to be idle to hope for reform from within, and the man that continues that hope is an obstructionist. The fallacy of the profession that all Mormons were Democrats was absolutely refuted to the utter failure of the support by them of a straight-out Democratic ticket and their adherence to the Mormon ticket, as shown by a movement which was inaugurated last spring, and summer, when it was hoped by all, and believed by many, that in presenting a straight-out Democratic ticket many of the younger Mormons, at least, would ally themselves with parties in a national sense. In this movement were a number of our leading citizens, but notwithstanding an active canvass in this city and county the slight vote demonstrated that it was a process too slow to be carried out by this or the following generation. With the machinery of the courts as now organized it is shown that, whilst say fifty are convicted of prevailing offenses and kept in the penitentiary for six months, two hundred and fifty during a like period may be mustered into polygamy. The advice of the leaders to their people is "to continue to live up to their privileges;" that the storm will soon blow over. The much to be regretted resignation of district attorney Dickson is looked upon by them as a break in the cloud. The fact that an organization exists that holds allegiance to an authority over and above that of the United States is the great evil to be corrected and that polygamy, debasing as it is, is secondary in importance, although a main prop to that organization leaves little hope for the completion of national supremacy here without a continued prosecution against offenders by courts with increased facilities and penalties, and by further and decisive legislation by Congress. Therefore, Congress must assume a more direct control of the Territory, rather than the negative control heretofore exercised. I commend to your consideration what is known as the "Idaho statute," which is as follows:

"SEC. 2. No person under guardianship, *non compos mentis*, or insane, nor any persons convicted of treason, felony or bribery in this Territory, or in any other State or Territory in the Union, unless restored to civil rights, or any person who is a bigamist, or polygamist, or who teaches, advises, counsels or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization or association which teaches, advises, counsels, or encourages members or devotees or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization or association, or otherwise, shall be permitted to vote at any election, or to hold any position, or office of honor, trust or profit within this Territory."

If Congress will enact this for Utah, that end hoped for by any good citizens would be the result. This law was born out of the necessities of the situation in Idaho, is founded in reason and justice, and has been sustained in the only court in which it has been tested. It is suggested that the wily leaders of the organization aimed at by this law propose to cut off its members in Idaho *pro forma* in order to defeat the operation of this law.

I have therefore recommended the repeal of that part of the organic law of this Territory, which provides for a legislature, and in place of it the substitution of a legislative council, to be appointed by the President and confirmed by the Senate, and to be composed of the very best men in the Territory. After carefully considering all the objections that have been made to this remedy I find no reason to change my opinion as to the advisability of this measure. Should it be deemed objectionable by Congress, as unauthorized, to delegate the power to pass penal statutes, then Congress can pass a penal code for the Territory and delegate to the council such authority as may safely and unquestionably be given. In this way we have a direct control by the parent government. While the Idaho statute is the more radical of the two, I prefer to have Congress and the President control directly, and through their chosen agencies, in the belief that upon the whole and in the end, it will prove more satisfactory to the great body of the Territory and to the country. The practical operation of the Idaho statute would be to have a legislature elected by the non-Mormons. The creation of class distinctions is to be avoided if possible, and therefore, I believe that it would be better to have Congress assume as direct control as practical, even if, by so doing, all of us—non-Mormons as well as Mormons—are thereby denied the right of suffrage.

In the District of Columbia there are thousands of men of intelligence and worth entirely capable of local self-government. As these yielded readily the privilege of voting in order to secure by the more direct control of Congress a better government for the District, so it will prove to be in Utah. To say that Congress has no authority to pass such a statute is to deny the right of Congress to pass any statute for the Territories, or even to establish any form of Territorial government. It has been said that the establishment of a commission is unusual and undemocratic. When unusual conditions exist, unusual remedies must be applied. But the history of the country shows that it is neither unusual nor undemocratic. Different statutes of every Congress, and the long line of decisions by the Supreme Court, especially in the Yankton-Dakota case, show the power of Congress to be as complete over Utah as it is in the District of Columbia. If it was right and wise to apply the rule sought to the District of Columbia, is it not right and wise when a worse condition of affairs exists here than did exist there, to apply that same rule and government here?

I also ask your attention to the precedent of 1787, in establishing the Northwest Territory. The Louisiana statute, which had the sanction of Mr. Jefferson, presents the exact remedy I suggest. The body of the people at the time of its purchase by our government, were thought to be incapable or at least not ready, to be intrusted with the power of unlimited Territorial Government. A legislative council was provided. In Florida and other parts of the country, the same principle was applied, and in Michigan, Lewis Cass, as governor, and the district judges constituted the legislative council and passed laws for that Territory. Where an unusual condition of affairs has existed in the Territories this has been the accepted and usual remedy. And without exception has been acceptable and satisfactory to the United States, and this particular measure was originally recommended for Utah years ago by Stephen A. Douglas, and seconded by Frank Blair.

It is said that this action is to be avoided; if possible I will grant that. But a crisis is at hand, and the necessity exists for positive governmental action. This failing to be done, conflict and military government will follow in the future. I have stood for nearly six years in the midst of a storm, and in kindness am attempting to stay the people from rushing headlong to their own destruction. The government is reaching out its kindly hand to rescue the Mormon people from being carried over the precipice into which the stubborn leaders of an alien polygamous organization are steering them. They cannot save themselves, it seems, and therefore they must be saved in spite of themselves. Humanity demands it. The honor of the name of the United States demands it, and it is the unmistakable duty of the Government promptly to do so. I therefore present the two propositions, namely: That embodied in the Idaho statute and that embodied in the Louisiana statute, preferring the latter, as being less unusual and less radical, and therefore to be preferred, if it will settle the question, which I am confident either will accomplish. If I am mistaken, then a more heroic action must be adopted.

THE TERRITORIAL GOVERNMENT.

For a number of years an unlawful Territorial Government in part has been persisted in, in violation of a law of Congress, and my effort to correct it. I ask your attention to my report of 1883 as to the whole question in Utah, and especially to this feature. All Territorial officers created by Territorial statutes are holding on by virtue of an unauthorized and unlawful election held years ago, and contrary to the law of Congress, as adjudicated by the supreme court of the Territory, the decision of the Utah Commission, and the later decision of Attorney-General Garland. It is questionable if the bond heretofore given by these *de facto* officials would protect the public in case of unlawful expenditures, defalcations or malfeasance in office. Very important business and educational interests are involved in this matter, and the last legislature went so far as to strike down the Deseret University by leaving it without an appropriation rather than to see the will of Congress carried out in the Government of Utah. I have delayed further action in this matter, trusting that with the opinion of Attorney General Garland before them, sustaining my previous action, the legislature soon to assemble would recognize the law, and that a satisfactory determination of this matter would follow.

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Horse's Feet.

The above drawing was made from a model showing the lamination of iron in the Coil Rolled and Shearing process.

This drawing was made from the nail taken from the hoof and coffin bone as shown in Figs. 1 and 2.

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E. M. Sargent, 41 Andover st., Lowell, Mass., says: "I commenced using Ayer's Cherry Pectoral about the year 1842, as a family medicine, for Coughs and Colds, and have always kept it in my house since that time. I consider it the best remedy that can be had for these complaints." Dr. J. B. Robertson, Clayton, N. C., writes: "I have used Ayer's Cherry Pectoral, in my family and practice, for a number of years, and have no hesitation in recommending it. It is an admirable preparation, and well-qualified to do all that is claimed for it." E. J. Styers, Germanton, N. C., writes: "Ayer's Cherry Pectoral is the best Cough preparation I ever saw. It gives instant relief."

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has cured a Cough in a few doses. It always relieves irritation of the lungs or throat, and arrests the tendency to inflammation. It strikes at the foundation of all Pulmonary diseases, is without a rival as an expectorant, and is a sure cure for the most obstinate Coughs and Colds. L. Garrett, Texana, Texas, writes: "I have used Ayer's Cherry Pectoral in my family for twenty years. For throat and lung diseases, I consider it a wonderful remedy."

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" "	8.—	" "	"	"	"	8.00.
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