

## THE MORMON IDEA.

MOSES THATCHER'S ANSWER TO THE CHARGES CONTAINED IN GOVERNOR MURRAY'S MESSAGE.

A REVIEW OF TERRITORIAL LAWS AND CHURCH CUSTOMS FROM THE MORMON STANDPOINT.

THE DOWER QUESTION AND THE QUESTION OF CHURCH AND STATE SPECIALLY INTERPRETED.

WASHINGTON, Jan. 28.

To the Editor of *The Inter Ocean*.

The message of His Excellency, Eli H. Murray, by grace of the General Government Governor of Utah, delivered to the Territorial Legislative Assembly at Salt Lake City, on the 14th inst., having afforded material upon which severe, and, as I believe, unjust comments on Utah affairs were published in *The Inter Ocean* of Jan. 17, I respectfully ask space in your widely circulated paper in which to reply, lest failing to do so might be by many construed as an admission of a charge which I am able to show to be almost wholly untrue.

In attempting this I certainly have no disposition to court discussion with so able a writer as the editor of *The Inter Ocean* is conceded to be, realizing that the sympathies of most readers go with the utterances of the editor whose paper they read, and that conviction, regardless of argument, too often follows the lead of such sympathy. Thus, whatever I say will necessarily be placed at a disadvantage. But having the truth, I hope to be able in this matter to so clearly reveal it that its light may shine unmistakably upon that which is fallacious. Public opinion, based upon erroneous statements like those to which I desire this communication to be an answer, may lash and foam and beat itself into fury, but it is to be hoped that a statement of facts will calm the storm and prevent unfortunate wrecks, lest possibly some that are innocent might perish.

He who stands on truth, though friendless and alone, is firmer and stronger than legions backed only by religious and political expediency, resting upon the crumbling and ever-shifting foundations of insincerity and falsehood. History verifies this, as I shall show further on. But I wish here to

NOTICE GOVERNOR MURRAY'S MESSAGE, for he, in several instances, misstates the existing law of the Territory, and asks the Legislature to make changes which were made years ago.

He asks the repeal of the law making escheats result to "the Perpetual Emigrating Fund Company." This law was repealed eight years ago by the enactment of section 173 of the compiled laws of Utah, which reads: "If the decedent leave no husband, wife, or kindred, the estate escheats to the Territory of Utah for the support of common schools." This is the law now and has been since 1876. His statement that the law vests ecclesiastical courts with authority which may only be exercised in the United States by the civil courts, is entirely without foundation in fact. No such powers are by law conferred upon the ecclesiastical courts; they only act as arbitrators, and regulate the "fellowship" of members of the church, and that without expense to the parties.

## THE DOWER QUESTION.

His comments on the dower question, as reported in the Eastern papers, give an entirely false idea of the property rights of women in Utah. The fact is, they are equal to men in their legal right to acquire, hold, and transfer real and personal property. The husband has no control whatever over the property of his wife, and need not join with her in deeding it away. She is absolutely free in this respect. Hundreds of women in Utah hold the title to their homes and other real estate, entirely independent of their husbands. It is true there is, technically speaking, no right of dower existing in the Territory, but the law of descent and succession is more liberal to the wife in many instances than the Common Law dower right would be. For instance: The widow of an intestate is always entitled for life to the homestead of her husband, and to all personal property which is by law exempt from execution. In addition thereto she inherits for life one-third of the remainder of the estate when he leaves one child, and if more than one child, then one-fourth of the remainder of the estate goes to her for life. If he leave no issue, but either a mother, father, sister, or brother, one-half of the estate goes to the wife absolutely; and if no issue, mother, father, sister, or brother survive him, the whole estate goes to her absolutely. And, moreover, in all cases where the exempted property is insufficient to support the family during the settlement of the estate, an allowance is made out of the estate for that purpose.

## MARRIAGE.

He says: "Marriage should be made by law a civil compact to be entered into only by persons competent to contract, and valid only as between the one man and the one woman, and any other marriage under any circumstances, should be declared void from the beginning." This is the common law, which, in the absence of a statute on the subject, prevails in Utah, and hence the enactment of such a law would not in any degree change the legal status of married persons. No polygamous marriage has ever been claimed, even by the "Mormons," to be

valid in law. They have never been enforced or annulled by process of civil law, as his language would imply, but simply regarded as religious obligations. Thus, it will be observed, that what the Governor recommends in this matter already exists.

## THE CHURCH.

*The Inter Ocean* says: "One of the early laws of the Territory vested dangerous and really unconstitutional powers in the Mormon Church." I presume that the law here referred to is the act incorporating the "Church of Jesus Christ of Latter-day Saints," and if so both you and the Governor have entirely mistaken the scope and meaning of that law. It did not "vest unconstitutional powers in the Mormon Church," nor did it "make it the established church." It simply made the church a body corporate, and in defining its powers expressly provided that "they should not be inconsistent with, or repugnant to, the Constitution of the United States."

In 1862 Congress declared that so much of this and other acts of the Legislature as might "establish, maintain, protect, or countenance the practice of polygamy" should be annulled; but, as no part of this act purported to either "establish, maintain, protect, or countenance" the practice of polygamy, the whole act was incorporated in the compilation of 1876, but no part of it was then, or has been at any time, re-enacted. The fact of its being included in the compilation did not make it valid unless it was at the time an existing law of the Territory. The courts have decided that the approval of the compilation did not amount to an enactment of any law in it, and the Governor must have been aware of this when he made the false assertion that it had been re-enacted.

## THE LEGISLATURE.

Then, again, the Legislature had not the power to re-enact that or any other law after its disapproval by Congress, as the validity of its legislation depends upon its consistency with the acts of Congress, and we defy His Excellency or any other person to prove a single instance in the history of the Territory where the Legislature has attempted to re-enact any law which has been disapproved by Congress. It has never been done, and yet the Chief Executive of our Territory deliberately makes this false assertion in order to bring down upon an unoffending people the wrath and indignation of the American people. In the hope of depriving them of the few rights and privileges which are vouchsafed them as American citizens under the present Territorial government. As to legislative matters, absolute veto power is in the hands of one man. The "Mormons" call it the "one-man power."

The Territorial Legislature of Utah recognize the fact that "they are a body existing by virtue of Congressional law, and that they derive their compensation" (when not otherwise diverted, as happened in at least one instance, and then they served without compensation), "from the Treasury of the United States." Do not the Legislatures of other Territories exist and receive pay for services in like manner? And do not the inhabitants of Utah pay revenues into the general Treasury as do the inhabitants of other Territories? If so, whether existing and receiving compensation as a right, or by the sufferance of a generous and great government, what could have been the object of *The Inter Ocean* in stating admitted facts so well known to all who are familiar with the Territorial system of government?

## THE LEGISLATURE.

As a paper gotten up with a view of influencing public opinion outside of Utah, and not to influence the law-makers inside, Governor Murray's message might be considered "a very judicious document." One not less sensational was presented to and answered by the Territorial Legislature two years ago.

I am not personally acquainted with all the members of the present Assembly, who are mostly young men; nor do I pretend to know what they will or will not do, but I do not think that they will "take satisfaction in treating the whole matter with possible contempt;" but, on the contrary, they will, I believe, study it carefully with the view of carrying into effect, as far as they can, any recommendations the message contains, which are sound, judicious, and for the good of the people they represent. Possibly they may, replying, refuting the errors and false conclusions to which a part of it tends; but while the members of the Legislature may have, as thousands in Utah, both Mormon and Gentile, do have a contempt for Eli H. Murray as a man, they will not fail, I have reason to hope, in the bestowal of that attention and consideration due to all official documents and important State papers with which they have to do.

## THE GOVERNOR'S RECORD.

On the other hand, they being familiar with the motives and methods of his Excellency during the past four years, it would be asking too much to expect them to repose confidence in recommendations founded in misrepresentations of facts and uttered with the evident intention to mislead.

The Governor's record in Utah, I regret to say, is not such as to inspire the confidence of American citizens anywhere. His system of mathematics, by which he was enabled to give greater force to 1,300 votes cast for the candidate of his liking, as against the one of his disliking having 18,000, is

still remembered, for that act was not only indefensible, but was pronounced at the time the deed was done by the press throughout the country "infamous." It seems, however, that we are living in a progressive age; hence we need not be surprised to know that even that act is praised by the Governor's admirers, who, at a "royal rally" of the "Liberals," called together at Salt Lake City on Dec. 22, 1883, for the purpose of indorsing his Excellency and President Arthur, gave three cheers for "Murray's revised mathematical system!"

In view of the enormity of that act of usurpation would it not be inconsistent to expect the man who did it to be scrupulous in the use of language embodying assertions made as means to an end? Why, after having done all in his power to destroy the last vestige of local self-government in Utah, I see by the full text of his message that he actually quotes from the bible.

## ARGUMENT OF THE LATE JUDGE JERE S. BLACK.

before the Judiciary Committee of the House on Feb. 1, 1883, in favor of the rights of the people of Utah to the privileges and blessings of local self-government, and says that he agrees with the lengthy quotation, and expresses a hope that the Legislature may do likewise. In unblushing presumption history affords but one parallel to this, viz.: That of Satan quoting the Scriptures to Christ.

Permit me here to transcribe a few passages from Judge Black's argument, the meaning of which can scarcely be misunderstood. He says:

"I think that under the circumstances it would be an infinite pity to strike the Territory of Utah with the curse of political slavery, to deprive the people of their local government, and deliver them up naked and defenseless to be sacked and pillaged by their enemies." Again he says:

"From real Christianity there comes no howl for the blood and property of the Mormons. But in other quarters the most rancorous hatred breaks out. By some famous preacher the policy of killing the Mormons by wholesale, unless they leave their property, abandon their homes, and flee beyond the Union is openly advocated and apparently concurred in with great warmth by congregations supposed to be respectable; and this is accompanied with curses loud and deep upon all who would interpose a constitutional objection to that method of dealing with them. When we read of such things in history we are apt to think them diabolical. But approved as they are now and here by popular judgment, and unrebuked even by Senatorial wisdom, we must concede, I suppose, that it is very good taste and refined humanity disguised in a new dress. As a general rule

## POLITICAL PIETY.

wherever it has turned up the whites of its eyes in this country or in Europe, is a sham and a false pretense; but in this exceptional case it would be bespeaking evil of dignities to call it hypocrisy. The soundness of the religion which slanders a Mormon is not to be questioned. Equally pure is the act of a returning officer who fraudulently certifies the election of an anti-Mormon candidate known to be defeated by a majority of more than fifteen to one, nor will we attribute any sordid motive to those residents of Utah, official and private, who busy themselves here and at home to break down the Territorial government, seize its offices, and grab its money. Their righteous souls are vexed from day to day by the mere fact that sinful men are allowed to live peaceful and prosperous lives. They are animated solely by disinterested zeal for the advancement of the Lord's kingdom, which, in their judgment, would be much obstructed by the further continuance of free government in Utah.

## JUDGE BLACK AGAIN.

Further on in his argument the learned Judge remarked:

"The end and object of this whole system of hostile measures against Utah seems to be the destruction of the popular rule in that Territory. I may be wrong—for I can only reason from the fact that is known to the fact that is not known—but I do not think that the promoters of this legislation care a straw how much or how little the Mormons are married. It is not their wives but their property, not beauty but booty, that they are after. I have not much faith in political piety, but I do most devoutly believe in the hunger of political adventurers for spoils of every kind. How else can you account for the struggle they are now making to get possession of all the local offices of the Territory, including the Treasurer, Auditor and all depositories of public money? If they do not want to rob the people, why do they reach out their hands for such a grab as this?"

And further on he says: "Do not charge me with overstating the danger to which the Territory will be exposed if its government shall be captured by those who are now trying to take it. The experience of the whole world in all times shows that the want of home rule is the want of everything else that is honest and fair. Rulers forced upon a people are never just. It is as certain as the rising sun to-morrow that if the people are put under foot they will be trampled down without mercy."

There can be no doubt as to the meaning and application of these passages, nor indeed, could there consist-

ently be of those quoted by the Governor. Surprise consists only in the fact of his having used them at all. As to the members of the Legislature, I am bound to believe that they endorse the sentiments expressed by Judge Black with all their hearts.

Thus the more I examine the message of His Excellency, the Governor of Utah, the more I am led to agree with *The Inter-Ocean* in reference to its value as an "important State paper." It is certainly "valuable," more valuable, even, than "judicious."

## REPORT OF A LEGISLATIVE COMMITTEE.

I deny your allegation that "the Legislature of Utah is merely the tool of the church as a political hierarchy." A similar charge was made by Governor Murray against the Legislature two years ago and was answered as follows:

"Your committee repudiate the insinuation of His Excellency that this Legislative Assembly is not representative of the people. We have not come here as representatives of any church, creed, or religious establishment, and would deplore as much as any one, or any body of people, the ascendancy of priestcraft or the domination of priestly or ecclesiastical influence, predominating over the minds of Legislators, or the civil authority of the Government. We have already suffered too much, and are laboring under too much oppression from similar causes, not to be keenly alive to all such pernicious influences. On the contrary, we have come from the people of the Territory as their political representatives, chosen freely and fairly by a republican ballot. Our constituents are a progressive people, who have thrown off the dogmas, egotism, bigotry, and superstition of the past, so characteristic of the self-appointed worldlings who assume to lord it over God's heritage, for filthy lucre's sake, and hireling priests who divine for money and preach for hire, making merchandise of men's souls, and who combine together to destroy the innocent and try to dictate to others what they shall or shall not practice. Had your committee the assurance that the Governor is as free from such influences as are the representatives now assembled, and Utah's people, whose representatives they are, we would experience less regret in reporting upon this part of his message. His Excellency can, however, rest assured that in our opinion in no sense should the church be placed by law over the State or other civil government; although the influence of God's religion on the mind of man stimulates him to good deeds, to love his neighbor, to ennoble his nature, to cause him to observe and keep his official oaths and solemn obligations, and better qualifies him to obey and administer the law.

"Your committee are confident that the Legislative Assembly of Utah will not pass a law concerning any church or establishment of religion of any kind, name or nature, for it would be an unconstitutional law if they should, and an examination of the statutes of the Territory will disclose no law of that character; unless authority for chartering religious, charitable, educational and benevolent institutions can be so construed. Therefore it follows that the assertion of the Governor, 'That political power is wielded by Church authority throughout Utah,' is 'not a fact.'

Your readers will perceive in the closing paragraph of the above extract the sentence: "Unless authority for chartering religious, charitable, educational and educational institutions can be so construed." This was evidently too much for his Excellency, and he clutched at the idea as a hungry fish clutches at a trout-fly, and promptly construed such authority as the "establishment of religion."

## CHURCH AND STATE.

Mr. Editor, the Mormons, of all people on earth, have the greatest reason to repudiate the domination of the church over the state, for to that mainly, strange as it may seem, do they trace the causes that constantly lead to attacks upon their liberties and to encroachments upon their rights. In proof of this they cite the public call issued by the ministers of the various religious sects of Utah in January, 1882, calling upon their brethren throughout the Union to join in calling meetings in every State and Territory in the land to pass resolutions and make speeches and petition Congress to enact laws against the Mormons.

How well that appeal to the religious was answered the files of the press and the petitions that flooded Congress will show. What was the result? The passage of the Edmunds law, a measure that history will show was begotten in a spirit of intolerance and brought to pass by the domination of ecclesiastical influence. Under these circumstances and others which it would require a volume to write the "Mormons" feel indeed, *The Inter-Ocean* says, that self-government in the Territories is a privilege and not a right. They have experienced almost enough to make them feel that to live in this land, for which their fathers fought, is also a "privilege." But, Mr. Editor, they are not discouraged. Many of them, while having an unfailing, infinite trust in God, are

## CAREFUL STUDENTS OF HISTORY,

from which, among other things, they learn that pomp and power, popular majorities, pontiffs, legates and councils, with armories and treasures, backed by the orthodox civilization of the age, once stood up to crush the

poor "Miner Hans Luther's son," and failed. But the failure was not due to the lack of false accusations, made and published against him, for of these there was an abundance. Open to conviction when the result of plain, just argument, but opposed to the violation of conscience, Martin Luther recognized truth as the messenger of God working in his soul. What, therefore, cared he for the hatred or threatened vengeance of the Roman Pontiff, at whose beck kings came bending, and at whose word emperors broke sacred obligations, while assenting to the death of those whom they had pledged to protect? Nothing.

The Pope burnt Luther's thesis, and Luther, whom the Pope wanted to burn, burnt in turn the Pope's bulls.

## THANK GOD FOR MARTIN LUTHER,

and for Wycliffe, Huss, Jerome, and other valiant ones who preceded and followed him; and for the Paulines, Waldenses, Vaudois, Huguenots, and Pilgrims; for to them and others like them, are we indebted for the liberties, prosperity, and blessings everywhere so abundantly bestowed upon us. Notwithstanding the efforts of those who seek to acquire political and religious influence by "misrepresenting the opinions, aims, and actions of others," thereby "rendering alien to each other those who ought to be bound together by fraternal ties," we are still gathering rich fruits from the tree of liberty. And, while we remember that Lucifer was, from the beginning, an accuser of his brethren, let us not forget that the tree of liberty was not planted amid acclamation and rejoicing. Neither did popular majorities plow the ground, nor did public opinion fertilize the soil in which its roots found nourishment. It was planted in an unorthodox way, by the weak, despised, belied, heretical few. Possibly many thought, in "a hot bed of infamy." But it mattered little to them what people thought, for they were in earnest; and if the blasts of cruel hate scorched the branches while they watered the roots with their tears, they knew that the winds of unreasoning prejudice that shook its limbs, would but make the tree stronger, more enduring, and more fruitful. Experience has demonstrated that their planting was even better than they knew, yet some there are who profit nothing by it.

Such may say, What has all this to do with us? To them, possibly nothing. Yet many there are who, while eating the fruits of others' labor, will remember the anguish and blood in the midst of which that labor was accomplished, and learn the lesson that the scorned and hated thing of to-day may be the acknowledged, acceptable, and truthful thing of to-morrow; and that in the eternal fitness of things, that which is true will eventually alone survive. Until then the despised and oppressed, having that faith which pleases God and reaches into the future, "must appeal to heaven's invisible justice, as against man's visible injustice."

MOSES THATCHER.

## SAN LUIS STAKE CONFERENCE.

The Quarterly Conference of the San Luis Stake commenced on Saturday the 8th inst., at 10 a. m., President Elias S. Smith presiding.

Present on the stand: Elders B. H. Roberts, Asa S. Hawley and John S. Heneger, from the Southern Mission; the Bishops and members of the High Council.

The Ephraim choir sang, "Glorious things of Thee are spoken."

Prayer by Elder S. C. Berthelson.

Manassa choir sang, "Hark the song of jubilee."

The meeting house was crowded. Many could not find standing room.

President Smith made a few opening remarks; was pleased to meet with the Saints of the Stake again in conference. We had hoped to have some of the general authorities of the Church with us on this occasion, but the channel of communication was open and such instruction as would be most beneficial would be given through the inspiration of the Holy Spirit by those who would speak, in answer to the prayers of the Saints.

Elder Heneger spoke of his experience in preaching the Gospel while abroad; compared the Church of Christ with the doctrines taught by modern Christianity; testified that the everlasting Gospel had been restored, and spoke to some length on the first principles, faith, repentance, baptism, etc.

Elder Howard Coray gave some incidents in his early experience; spoke of his intimate acquaintance with the Prophet Joseph and said that he was present when the Prophet rolled the responsibility of building up the kingdom of God in all the world off his own shoulders upon the Twelve Apostles.

After the opening exercises, The Bishops reported the different Wards in good condition.

Bishop T. N. Peterson said the Saints of Richfield were prosperous and all feeling well.

L. M. Peterson reported the Los Seritas branch in good condition, had a Sabbath school, and day school both of which were well attended.

Bishop J. C. Dalton reported the Manassa Ward, said a few had denied the faith, but those who were faithful were feeling better than formerly, there had been no suffering for food or for common necessities and that the ap-