

EDITORIALS.

THE following sensible letter appeared in the New York Tribune, October 18th—

No cause was ever improved by misrepresentation. I am no Mormon or polygamist, as you well know, but I have spent some time among the Mormons, and I assure you that the present crusade against Brigham Young and his disciples is instigated by prejudice and bigotry, and that the sayings and doings of the Mormons are continually misrepresented. From a knowledge of these people and their institutions, gained by sojourning with them, and strictly examining the workings of their government and their peculiarities as a sect, I assert that they are sadly belied.

The Mormons as a body are honest, industrious, God-fearing people. Their industry, temperate habits and perseverance have achieved more wonderful results than can be shown from the same causes in any part of your land. They are peaceable, friendly, thrifty and an excessively hard-working people. They are very devotional, and evidently intend and desire to do what is right before God and man. A very large majority of them are not practically polygamists. They tolerate no dramshops, no gambling-saloons, and no houses of ill-fame. They sustain schools and see that all idlers are set to work.

Our Gentiles move and settle among them for the purpose of money-making, which is all very well, but too many desire to root them out, so as to put down competition in business; hence religious prejudice, bigotry and persecution are wrongfully brought against them, and our people of the East are misled by false reports concerning the Mormons. Many of the reports of doings in Salt Lake City that are sent to the East I know to be false. It was recently reported that one of Brigham Young's sons, in a speech before the Mormon Conference, made threats of war against the United States Government. I know positively that no such threats were made or intended in that speech nor in any speech made before the Conference. The Mormons desire peace, and nothing but bitter persecution, urged on by fanatics, will make them raise a hand against their persecutors. One of the United States Judges, in conversation with me at Salt Lake City, used the most fanatical language, and breathed threatenings and slaughter against the Mormons. Two clergymen, whom this Judge had taken around the city, said to me in his presence, that every Mormon deserved to be hanged from the trees at the roadside, and the Judge smiled approvingly. Religious fanaticism is pushing on a persecution against the Mormons, and imperceptibly the public at the East is being prejudiced against them through reports that are absolutely false. Gen. Grant is being told that it will add a laurel to his Presidency if he can stamp out these Mormons and their peculiarities during his Administration. Gen. Grant can gain no laurels by persecution. The laws of trade and population will bring these matters straight, unless vindictiveness and bigotry drive the Mormons to the wall. In that event, scenes may possibly be enacted that it is appalling to contemplate, and the cause will be unjust persecution. I hope that many judicious thoughtful people will visit Utah and devote time to examining this whole subject, without religious or other prejudice, and thus secure justice and an enlightened public opinion on one of the most important subjects at present agitating the public mind. You know me, Mr. Editor, and you are aware that I am not apt to advance opinions in the public papers without first thoroughly examining the subject on which I write. FAIR DEALING.

New York, Oct. 17, 1871.

THE following interesting editorial correspondence of the Indianapolis Journal was unavoidably crowded out of our columns yesterday—

ON THE PACIFIC ROAD,
October 12, 1871

At two p. m. to-day we bade farewell to the Saints and sinners of the happy valley, and were soon whirled away to Ogden, where our car was attached to the Central Pacific train for San Francisco. The pending and impending troubles in Utah absorb all other considerations concerning this region, and I shall make them the subject of this letter, and try to view the

MORMON QUESTION

as it is now presented to the public from the standpoint of the various classes immediately interested in its solution. The Mormons of the Territory now number nearly one hundred thousand souls, and in all that pertains to their material well being are a thriving, prosperous people. They came to Utah twenty-five years ago, when it was Mexican territory, and after a toilsome march, during which they suffered great privations, they pitched upon the Salt Lake valley as their home. Today the whole valley is a garden, and the small band that encamped here have become a great people. They have lived at peace with the savage tribes of Indians; have maintained good order among themselves; they are sober, industrious, economical; they have no gambling hells, no houses of prostitution, no almshouses, no beggars, no vagrants; and, barring their peculiar institution and its deplorable results, are a model people. Their isolation for many years from the society of other peoples, compelled them to adopt the co-operative plan of industry and manufactures, and the fruit of their labors has accumulated in their own hands, until millions of wealth in lands, flocks, cities, villages, manufactures and merchandise are now owned and controlled by them. It is quite natural for Mormons to feel that they have a right to the peaceful enjoyment of these results—achieved, as they have been, by their own unaided efforts—in the face of continued and bitter persecution, and in spite of obstacles that would have daunted a people less courageous, or, if you please, less fanatical than they. Recent events have convinced the Mormons that there is a settled purpose on the part of the Federal authorities in Utah to force a collision that will result in their expulsion from their chosen land, and there is a growing feeling of suspicion and distrust throughout the territory, which, if not soon allayed, will surely lead to the most dreadful consequences. After a full and free conference with the leading Mormons, Federal officers and business men of Salt Lake City, we predict that a dreadful

CIVIL WAR

will soon be raging in this fertile region, resulting in the loss of thousands of lives, the expenditure of millions of public treasure, and the complete devastation of one of the most beautiful and thriving regions on the continent, unless the Administration interferes with the schemes of the petty lords of misrule who are doing their utmost to bring it about.

It is unfortunate for the nation that it is in the power of such men as Judge McKean and the Deputy District Attorneys, Maxwell and Baskin, to precipitate a collision between the Federal authorities and the Mormons in a contest in which the General Government occupies a false and untenable position. If an issue is to be made and settled in the courts, between United States authority on the one hand and those who teach and practice polygamy on the other, concerning the lawfulness of the practice, it is of the utmost importance that it be fairly made and impartially tried, with full preparation for the probable results. We are convinced that the pending prosecutions are conceived in folly, conducted in violation of law, and with an utter recklessness as to the grave results that must necessarily ensue. How does the matter stand? There is a vacancy in the office of United States District Attorney for the territory of Utah. Judge McKean has appointed two lawyers, Maxwell and Baskin, to act as deputies. These deputies boast that they have instigated the prosecutions, and assume great credit for the disingenuous trickery by which they hope to force a conflict whose consequences they have not the capacity to measure or understand. It is much to the credit of President Grant's administration that these deputy prosecutors arrogate to themselves the entire credit of conceiving the disreputable trick to which they have resorted to effect their purpose. Let it be understood that the indictments pending are not based upon the act of Congress of 1862, defining and providing for the punishment of bigamy, but upon section 32 of the territorial laws of Utah, p. 53, which provides that "If any man or woman, not being married to each other, lewdly and lasciviously associate and cohabit together * * * he (or she) shall be imprisoned not more than ten years nor less than six months, and fined not to exceed \$1,000, nor less than \$100." The indictment against Brigham Young charges him with violating this statute by living with his sixteen wives. By no recognized rule

of interpretation can polygamy be punished under this law. The law itself was passed by Mormons, who taught and practiced polygamy at the time, and it was clearly intended by its framers to punish prostitution and fornication in cases where there was no claim or pretense of marriage. However illegal, the Mormon marriages are *de facto* marriages, and were not contracted in violation of this statute. That they are all contrary to the act of Congress is clear, and they should be attacked, if attacked at all, by the United States authorities under that law. To use the Federal tribunals for the punishment of polygamists under the territorial act, is a manifest perversion of the law, if it is anything more than a piece of disreputable trickery, conceived and carried on in the interest of a gang of unscrupulous adventurers. If the United States desires to wage war upon Mormon polygamy, let it be done in an open and dignified manner, and not in the pettifogging style which has thus far characterized the prosecutions in Judge McKean's court at Salt Lake. No good citizen of the United States can have any sympathy with polygamists. It is a doomed institution, and it must disappear from our social system; but all good people are interested in having its destruction brought about by methods, stern and effective if need be, but so ordered that the judgment of the civilized world shall approve them.

F.

U. S. Attorney for Utah.

GEORGE C. BATES, Esq., who has received the appointment of U. S. Attorney for this Territory, is a gentleman of from fifty to fifty-five years of age. In early California days he practiced his profession at San Francisco; but for the past thirteen or fourteen years has resided at Chicago. He is an old time friend of Gen. Grant's, is a man of national reputation and has the credit of being a lawyer of fine attainments. It is rarely that a man of his calibre accepts an appointment in a Territory, and whether he will consent to act the telegraph does not inform us. There never has been a time in this country when a man of justice, good sense, honesty and legal ability was more needed as a United States Attorney than now. An attorney of a vindictive, brutal and ignorant nature has it in his power to breed an immense amount of disturbance. He can by his proceedings disturb business relations, unsettle trade, check the development of the country and drive off capital. By promoting vexatious and causeless prosecutions he can inflict damage, not upon the men alone whom he seeks to entangle in the meshes of his snares, but upon the entire community. The mischief which a man of such a nature, acting in such a position, can accomplish, this community has experienced of late. Those proceedings are truthfully described in the editorial correspondence of the *Indianapolis Journal*, which we published yesterday, the writer of which is, himself, a lawyer of first-class reputation, in the following language:

"The pending prosecutions are conceived in folly, conducted in violation of law, and with an utter recklessness as to the grave results that must necessarily ensue."

For these the acting U. S. Attorney must be chiefly responsible. Situated as this Territory is, therefore, it is highly important that a U. S. Attorney acting here should be a wise and upright man. In Mr. Bates we trust the Administration has secured a gentleman of this character.

SALT LAKE is not the only place which has jury difficulties, though there may be few places so bad as it in respect to the manifest desire and determination of officials to find a jury tened to their views of things. Speaking of the Rosenzweig case, the New York *Herald* complains of "the inevitable difficulty of finding citizens enough who had never heard of the case to form a jury," and takes consolation in the thought that "when we get a Legislature willing to take leisure enough from jobbing to rectify so palpable an infraction of the spirit of free institutions as our present jury system the law will, doubtless, be so arranged that a notorious case may be tried on its merits by intelligent citizens conversant with the facts, for until then we shall have the usual law's delay lengthened out by this tedious duty of packing juries with the ignorant men of the community."

Such may be the state of affairs in New York, but it is slightly different

in Utah. Here we have a Legislature which has passed some very equitable provisions for the empanelling of juries, and if officials will act honorably in accordance with those provisions there never will be any difficulty in obtaining an intelligent, responsible jury, fairly representative of the body of citizens in the Territory, and willing to render a verdict, according to fact, law, and justice, giving the benefit of doubt in all cases to the last named property. Only such a jury is a true, lawful, constitutional jury, for the jury should not represent the judge, nor the prosecution, nor the defense, nor the law, but the people of the community whom they are called and sworn to act for and in the place of, and should return verdicts accordingly, taking into consideration firstly justice, next the well-known sentiments of the community, which give shape and body to the idea of what is or is not crime in that community, and both these things should be regarded so far as the law will possibly allow. We do not urge upon jurors to cleave to justice in spite of the law, for that might be accounted treason, and we consider that following justice so closely is a matter that lies with a man's own conscience, although we would not advise any officer to place us upon a jury if he did not wish the ends of justice to be served.

The great difficulty in obtaining juries in Utah seems to be that some officious official or other wants to have a jury after his own heart, not to return according to justice, evidence or law particularly, but to convict according to a preconceived policy, and frequently according to a pre-arranged plan, using such laws, and so much or so little of them, whether Federal or Territorial, as may suit the purpose in hand. Such a jury is not a jury, it does not represent the community, and can not act for the people—it is essentially a partizan mob, having no right whatever in a court room, only to be tried and punished for perverting the law, if it assumes to act as a jury.

The judge has comparatively little interest in the jury, and the counsel on either side have equally little. The parties to whom the jury are all important are the defendant and the plaintiff and the community—the defendant or criminal has a right to a jury that represents the community and the sentiment of the community, and that is not prejudiced against his case, and the plaintiff and the community have the deepest interest in the obtaining of a jury that shall act according to justice so far as they reasonably can. Apart from these considerations the views, policy, designs, wishes, feelings, hopes, or fears of the judge, the counsel, or the marshal have nothing to do with the jury. The judge does not own the jury, neither does the marshal. If the jury are responsible to any, it is to the people, the community for and in behalf of and among whom they act. Hence the folly, the wickedness, the perversion of law and justice in organizing juries who do not represent the people, but who are brought together to act according to a certain plan or policy, regardless of, or rather in opposition to, the views, feelings, sentiments, and wishes of the community.

If all the officials who have to do with the procuring of juries in Utah would take these things into proper consideration and let them have the weight to which they are entitled in action, we could hardly ever again see among us a jury which had not the full respect and confidence of the entire community. And is not this an object worth striving for by all who have anything to do with judicial matters? It is undoubtedly. Then go and strive for it, and the Lord will bless you, if you never deserved to be blessed before.

ALARMING.—This is how the St. Louis *Journal of Commerce* views the situation—

There is something suggestive and alarming in his case, not only to Mormons but to extra-uxorious Gentiles all over the land. The vigorous assertion of her marital rights by Mrs. Hawkins No. 1 may become the key note to arouse all other slighted *sposas* in the nation. An avenging army of these may move like an avalanche against their faithless husbands and go for them in a frightful way. How many in that day will be found not immaculate and irreproachable husbands? To be sure, they will not have spiritual wives, but may they not have unspiritual wivernatic ones? The day of vengeance and of righteous retribution will probably reveal many a disguised Hawkins amongst the male pillars of society. Happy bachelors! You have no wife No. 1 to go for you; are in danger of no uxorial retribution, while to myriads of faithless husbands the ireful exclamation will be heard: You Hawkins!