

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE  
DESERET NEWS COMPANY.

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WEDNESDAY, - JUNE 18, 1884.

## SOME OF SENATOR HOAR'S FALLACIES.

We publish in another column the remarks of Senator Hoar, of Massachusetts, on the Utah bill in the Senate of the United States, May 26th. All persons who are familiar with the situation in this Territory, and who read the Senator's brief speech will perceive that, as we have previously pointed out, he is very much in error in regard to Utah affairs, the laws of the Territory, and the spirit, teachings and institutions of the "Mormon" Church, against which, strange to say, he tacitly admits this legislation that he advocates is chiefly directed.

Senator Hoar errs in stating that this Territory as an incipient State is "founded upon the denial of the purity and integrity of the family relation." If he would take pains to investigate, instead of accepting rumors and the wilful falsehoods of men who are personally interested in keeping Utah in territorial vassalage, he would fail to find anything in the laws of Utah or its political institutions on which to base the opinion he so broadly expressed. There is no denial of the purity and integrity of the family, either directly or in the sense that he evidently intends, in the local government or in the Constitution on which Utah seeks admission into the Union as a State. Polygamy, if that is what Mr. Hoar means, is not and never has been made a feature of the Territorial polity, and will not be a part of the policy of the State if Utah should obtain the rights to which she is entitled.

The plural marriage in which the Latter-day Saints believe is a Church institution, an establishment of religion with which the secular government has nothing to do. If Mr. Hoar means that the Church of which most of the people of Utah are members is founded on that denial, he should have said so. But even then he would be just as much mistaken. The purity and integrity of the family is sustained by the Church as a fundamental necessity. There is no society in the world in which this is theoretically and practically insisted upon as much as in the Church of Jesus Christ of Latter-day Saints. Sexual intercourse outside of the marriage relation is looked upon as a deadly sin, and adultery is the next crime in enormity to murder. But Senator Hoar would say that the purity and integrity of the family relation cannot be maintained except in monogamy. And there is where he is again mistaken. His assumption of this, which is the real point at issue, is simply begging the question. He thinks he is right, we know that he is wrong. He depends on a theory, the "Mormons" understand from practice. His theory would brand the whole line of the Savior's ancestry with impurity and stamp with infamy those holy men and women who are held up as examples in the Scriptures which all professedly Christian nations accept as sacred and divine.

But Mr. Hoar asserts that: "The American state rests upon the fundamental doctrine that the family, which is the result of the pure and chaste union of one man to one woman constitutes the unity of citizenship." This we most emphatically deny, and it would puzzle the gentleman greatly if he was put to the proof. There is not a line in the fundamental and supreme law of the land which bears out the assertion. And if the state rested upon this doctrine what a wreck it would have long ago become. Will Senator Hoar claim that his associates in Congress carry out that "fundamental" in their common practice? Will he attempt to say that it is the rule in the various States of the Union? Do the men of the United States preserve the "chaste union of one man to one woman?" And whether they do or not, does the theory of our national government contemplate the regulation of family affairs in any way whatever? Are not the domestic relations of the people left to themselves to manage as they choose in their several commonwealths and localities?

The attempt to impose upon Congress the duty of sustaining certain theories of the family relation, is contrary to the plain declaration and limitation of the functions of the national government, and shows that Mr. Hoar, in endeavoring to legislate the "Mormons" into his notions of family integrity, has stepped far over the bounds of constitutional authority. And his assertion that "it is the constitutional duty of Congress to exercise exclusive legislation" over the Territories, is another assumption of the same character. That power is not only omitted from the Constitution, but is by that instrument definitely limited to a

specified tract or district, and this clearly excepts all other places but those so named and defined.

Mr. Hoar is mistaken in his statement about juries in Utah. The records of the courts refute his assertion. There is no truth in it. The selection of juries is not in "Mormon" hands, and the question which he names as between "Mormon" and "Gentile" is never raised unless it be when a case of polygamy is tried, and then the whole machinery of the court is directed against the accused "Mormon." The judge, the jury, the marshal, the attorney, and all the agencies employed are entirely anti-"Mormon," every person who either practices or believes in plural marriage being excluded from the exercise of any authority in the Court. And his error in this is equalled by his statement that, in Utah "we find schools established where the text books are selected wholly to instruct the youth of that community in a doctrine inconsistent as we believe, not only with Christianity, but with civilization." Mr. Hoar would be surprised, if he enquired into the facts, to find that all the text books in the District Schools of Utah are "Gentile" text books, the same as are used in the various States. He could go into the common schools of Massachusetts and find the very same books as are used in the District Schools of Utah. He has been deceived by the wilful falsehoods of such unprincipled officials as Governor Murray, and repeats the stories they have told, which are utterly and entirely devoid of truth.

The gentleman winds up by explaining that he has "no desire to interfere with the conscientious belief" of the "Mormons." We are very much obliged for his astonishing liberality. He seems to think that the constitutional protection of "an establishment of religion" means merely freedom of belief, and does not extend to "the free exercise thereof." And yet without this there would be no real religious liberty in the land. It is freedom to act that the Constitution guarantees, or its language is meaningless and its protection a mockery. Who could prevent belief, however heterodox, if there was no written guaranty for its protection? You cannot hinder any man's mere belief. It is beyond human control. No person or government can curtail it. Laws will not touch it. Prisons and punishments cannot reach it. It is free action springing from religious belief that the Constitution protects, and anything less than that is a sham.

Mr. Hoar refers to the case of a man who pleaded religious inspiration to justify the killing of his own offspring. But does not the Senator distinguish the difference between an assault on life, or property, or any other natural right, and conduct that does not interfere with any right, natural or acquired? It is amazing to see the fallacious arguments that some wise men offer, coupled with misstatements of fact that they ought to be informed upon, and then base schemes of legislation designed to affect whole communities upon those errors of fact and fallacies of reasoning. Yet this is the course pursued by all the bitter opponents of the Mormon people and system, and hence their mistakes in legislation and the failure of their plans and policy. If Senator Hoar and other Members of Congress could only be induced to inform themselves upon the subject on which they expend so much time and indignation, they would cease proposing measures that reflect so badly upon their good sense and statesmanship.

## THE "OLD TICKET" NO MORE.

NOTWITHSTANDING the statements publicly made by the personal friends of Samuel J. Tilden, that he would decline the nomination for the presidency, the tide of Democratic sentiment has steadily run in the direction of the "old ticket," and Tilden and Hendricks have been the names almost universally mentioned as the nominees in the coming convention. Tilden's letter to the Chairman of the New York Democratic State Convention, published in our dispatches, ought now to set this matter at rest. He does not want the nomination, is not able to stand the fatigue and trouble of the canvass, and does not possess the necessary strength to perform the labors of the Presidency if he were elected. He announces his public career as closed forever.

It is much better for the Democrats to understand this before the Convention meets, than to assemble and then have to change their policy. They will have to weigh well the qualifications of the several candidates whose names have been prominently mentioned, so that they may go into the Convention well prepared. We believe the "old ticket" would have been the strongest that the Democrats could have made, with which to enter the field against Blaine and Logan. This being now impossible, it is to be hoped that the wisest heads in the party will be able to make a selection that will receive general favor and arouse that enthusiasm which will be necessary to stir the country, unite the party, and draw into its ranks for the next election those elements of dissatisfaction with the Republican nominees that are beginning to manifest themselves in several quarters. It will be a big fight and the issue is very doubtful.

## ARE THE PRESBYTERIANS RESPONSIBLE?

WE give place to a communication concerning the vandalism of boys attending the educational establishment which is under the special care of Coyner and McNiece, who have lied so foully about the "Mormons" in their answer to the six question from Jos. Cook, of Boston. Their falsehoods have not only been published in the New York Independent, but have been put into pamphlet form and circulated among members of Congress, at Washington, D. C. The object is to deceive public men, and to influence their minds against the people of this Territory.

The rowdism and destructiveness displayed by the urchins under Presbyterian influences would form no excuse for the deeds described by McNiece and endorsed by Coyner, if they had ever been committed. But those pious men knew they were lying when they penned those statements, and lying for one of the worst of purposes—to bring injury upon a people who had never done them any harm.

The truth is, that all the acts of aggression committed here have been done by those who attempt to stir up trouble against the Latter-day Saints, and who accuse us of intolerance. They are continually attacking us; we merely stand on the defense. They assail our rights; we never attempt to interfere with theirs. They would if they could, bring us into abject bondage; we never even wish to curtail their perfect liberty. Methodist and Presbyterian priests have in times past headed mobs to drive the "Mormons" from their toil-earned homes, and today in many places they stir up the passions of the ignorant against our missionaries, while in Utah, such men as we have named, publish foul and wilful lies in the same spirit and with the same object. Yet they have never been assailed in any way by the people whom they malign and whose liberties they are seeking to take away.

We do not believe that the teachers in the Presbyterian school have encouraged the reckless boys to pelt the Liberal Institute with stones. But we have just as good a right and just as much reason, to intimate that the shameful conduct described by our correspondent is an exhibition of Presbyterian bigotry, as those twin sons of the Father of Lies who watch over that school have to denounce the "Mormons," and call down vengeance on their heads, if some wilful school-boy throws a stone through a pane of glass in a Presbyterian window.

It is said that there is some honor even among thieves. But with the mendacious writers of those falsehoods in the answers to Cook's six questions, there is neither honor nor decency. They are utterly and completely despicable and contemptible.

## NON-SECTARIAN SCHOOL BOOKS IN UTAH.

SENATOR Hoar, of Massachusetts, has repeatedly stated in the United States Senate, in arguing for one of his amendments to the Utah bill, that sectarian text books are introduced into the schools of this Territory, and that the text books in use are prepared solely to support a peculiar feature of the "Mormon" religion. That the gentleman is entirely mistaken everybody here is well aware. The statements on which Senator Hoar has relied in framing his proposed legislation are wilful falsehoods. But being told for facts by such officials as Governor Murray, they have naturally obtained credence. The boldness with which they have been uttered in official documents has deceived honorable men, who would not suspect that such officials would descend to shameless and intentional untruth.

This error into which Senator Hoar has fallen is shared by many persons who are interested in the so-called Utah problem, and is repeated in lectures, sermons and press articles, notwithstanding the positive denials which have been published. We are pleased therefore to see the following article, which we clip from the Boston Index, because it will assist a little in refuting the falsehood which has been so widely circulated:

Editor of the Index:

Though I did not myself come from Utah by the last express, I chanced to meet on Monday last, April 21, persons who did. I give their testimony for what it is worth. They were Mormons. It was in the Grand Central Hotel, New York City. As I entered they were entering their names on the register. I conversed with some five or six on the subject, each separately, some elders in the church, others quite young men. The answers to my questions were substantially as follows: There is no religion taught in the Mormon schools, none whatever. It is against our principles. The schools are supported by public taxation, and the trustees are chosen at the polls, the same as other civil officers. For this reason it would be wrong to teach any one's religion. The schools are open to Mormon and outsider alike, and are in fact patronized by both. The teacher is frequently a Gentile. There is not and never was any religion

taught in the Deseret University. The text-books in use are the same as elsewhere; we always aim for the best. In the outside schools in Utah there are some kind of religious exercises, such as prayer, reading of Scriptures, etc. There is one Mormon school in Utah, at Provo, called the Brigham Young Academy, which has a theological department where church history and doctrines are taught, including those of the Mormon Church." One person said to me: "I have a son born in the church and now grown to man's estate, is married, has a trade and is very prosperous. Though he never went to other than the Mormon schools, he never attended one where religion was taught, for the reason that there were no such schools." Another young man somewhere between 20 and 30, and full six feet in stature, said to me: "Didn't you use to teach school in Salt Lake?" "I did." "Well, I went to school to you when I was a mere boy." "I looked up astonished." "But we used to think you were pretty young then for a teacher." "Oh, thank you; but we didn't have any religion in those days." "No, and we don't now; you don't hear of such a thing in the Mormon schools." "Oh, yes, we do." "Well, I never did." "But wait until you have been East awhile." I learned from these Elders, who were on their way to England, where they were sent as missionaries, that a former school-mate of mine, now in Liverpool, was president of the European mission. He is also one of the Twelve Apostles. I do not know of his attending a school that I did not, and in none of these schools was a Mormon text book ever seen. Had it been, he no less than myself would have sneered at such a bigoted proceeding. I am satisfied of this, though his name was Smith and his father a cousin to the prophet.

T. W. CURTIS.

## THE N. Y. "HERALD" AND MR. BLAINE.

THE New York Herald is exceedingly pronounced in its opposition to Blaine, and asserts that there is a strong feeling of antipathy to him among leading Republicans, who claim that the nomination was carried with a roar in place of by reason or persuasion. These tactics will be resented before and at the election. The Herald expresses confidence that the Democrats, with a ticket headed with Tilden's name would send Mr. Blaine and the Republican party into oblivion, not only because of the strong current of ill-feeling against the Republican candidate, but also because the country is more ready now to resent the fraud of 1876 than it was at the time of its perpetration. It is claimed that there would be a most promising prospect for the Democracy should it be careful as to the selection of the second name on the ticket, and there is a goodly number of brilliant ones from which to choose. And none would consider it a humiliation to take a second place in association with a man like Tilden.

It is held that Mr. Blaine's nomination was forced upon an unwilling party, and that the placing of Logan's name upon the ticket was but the consummation of a bargain by which the successful Presidential nominee obtained the Logan votes.

Speaking of the stout fight the stalwarts made for Blaine, the Herald holds that they assumed that position to revenge themselves on Arthur. That accomplished they have no further use for Blaine, whom they love but little if any better than they do Arthur, and will not exert themselves to secure his election. It also claims that the detestation in which the candidate is held by many independent Republicans would lead them to vote for a Tilden Democratic ticket, as they would recognize in him a conservative statesman and leader. In support of this view the Herald quotes the words of Carl Schurz, used a short time before the holding of the National Republican Convention:

"It is now being recognized as an actual fact that the nomination of Blaine would be disastrously obnoxious to quite a large and strong element in the party which it would be simple folly to ignore in a probably close canvass. \* \* \* The simple truth is that party shackles are very loosely worn by a vast number of so-called republicans, whose prejudices lead them into the republican camp, if they find the right sort of a commander and the right principles of warfare, but who care so little for the regular stock of slogans of the republican party that they are ready at any minute to fight under another flag in order to obtain what they demand in the shape of reform. These men will all argue that if the republican party in Convention assembled can nominate for the Presidency a man of Blaine's antecedents it is no longer safe to be intrusted with the control of the government."

It is now asked whether the Independents will "swallow the bitter pill or bolt." It is apparent that the New York Herald favors a "bolt," and as that enterprising journal generally endeavors to drift with a current that will ultimately reach the goal of success, it is evident that the condition of the Republican party is not particularly harmonious. Otherwise the Herald must be blundering out of its general line of policy.

As Mr. Tilden has positively declined

to sanction the use of his name as a candidate, so far as the results partially predicted by the Herald as predicated on his nomination is concerned, they fall to the ground. But there are other Democrats whose names stand as fairly, or nearly so, before the party and the country as his. They are also outside of the objection of the disabilities resulting from an unusually advanced age.

## PROSPECTIVE CHANGES IN LAND LAWS.

Editor Deseret News.

In view of the prospective changes in the U. S. Land Laws, which have been strongly recommended by the Hon. Commissioner of the General Land Office, and others, among which are the repeal of the Pre-emption, Timber Culture and Desert Land Acts, the modifications of the Homestead Act, and other provisions affecting the vital interests of the settlers in the Territory, we respectfully urge and recommend all who expect to enter government land to do so under existing laws without delay. And those settlers who have filled the law hitherto, and are now entitled to prove up on their entries, should avail themselves of the privilege at once, of doing so.

By communicating with the undersigned, either in person or by letter, full instructions will be imparted free of charge.

Respectfully,  
STAYNER & SIMMONS,  
Attorneys and Land Agents.

## REMARKABLE PROCEEDINGS IN THE HOPT CASE.

THE case of the murderer Frederick Hopt alias Welcome, will be celebrated in the judicial annals of this Territory. Three times has the accused been convicted of the wilful murder of John F. Turner, son of Sheriff Turner, upon evidence that has thoroughly convinced the public as well as the juries that tried the case that the defendant was guilty, without a shadow of a doubt. Yet so far he has been able to evade the legal penalty of his crime. This has occurred through no flaw in the evidence, but in consequence of errors in the proceedings. On appeals to the Supreme Court of the United States the judgment of the lower courts has been set aside on technicalities. And now a third appeal is taken and the prisoner's life is spared a little longer. This time the delay in the execution of justice is effected through the clemency of the Acting Governor; it is done as an act of grace instead of a matter of right. In order to judge this case intelligently it will be necessary to explain the law and the situation. The Congress of the United States, in the so-called Poland law of June 23d, 1874, provided that:

"A writ of error from the Supreme Court of the United States to the Supreme Court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy."

In the Act on Criminal Procedure passed by the Utah Legislature in 1878, it is provided that:

"Sec. 366.—An appeal to the Supreme Court from a judgment of conviction stays the execution of the judgment, upon filing with the Clerk of the Court in which the conviction was had, a certificate of the Judge of such Court, or of a Justice of the Supreme Court, that in his opinion there is probable cause for the appeal, and not otherwise."

When the third trial of Hopt resulted in conviction, application was made to Judge Hunter for a certificate such as is described in the Utah statute, but this was denied. A little thought, without much legal learning will show that in spite of the local law, the right of appeal is secured to a defendant in the cases named. The superior law—the law of Congress, says the appeal or writ of error, "shall lie" in cases of conviction for bigamy or polygamy, or in which the accused has been sentenced to capital punishment. The appeal then is made by the higher law a matter of right, and it cannot be lawfully denied. A person convicted of bigamy or polygamy or sentenced to death by a District Court in Utah, has the undisputable right to appeal until his case reaches the court of last resort. The justice or good reason for the provision in our statute does not appear in a very strong light. For if an appeal should be allowed from a District Court to the Supreme Court of the Territory, in any case, the power to prevent ought not to be vested in a Judge who may be prejudiced against the accused. But however this point may be viewed, it is clear that an appeal in those cases provided for in the Poland law cannot be denied or prevented by failure to obtain the certificate of a Judge.

The case of Hopt was taken before the Supreme Court of the Territory, and a stay of proceedings demanded while an appeal was taken to the Supreme Court of the United States. But this was denied on the ground that the application was possibly not made in good faith and that an appeal might not be taken at all. A writ of error to the Supreme Court of the United States was then sued out, and an appli-