

EDITORIALS.

NO "APOLOGY."

THE *Democrat* in another article again shifts its ground in order to dodge the issue of other errors. Its statement that "If a polygamist in Utah died intestate, all his polygamous wives and children had no rights whatever in his estate, and could get no standing in court," we showed to be incorrect, and cited the laws which proved it untrue. Now it calls our conviction of its falsehood "An apology for the crime of polygamy."

This is a dishonest way of evading a question of fact. There is no "apology" in our article for anything. It was not an argument upon the question of polygamy either as a crime or a virtue. It was simply an arraignment of evidence against the above false assertion of the *Democrat*. So when the *Democrat* stated on Wednesday evening that these proofs we adduced of its error were "offered as an excuse and justification for polygamy" it only added to its former mendacity.

The clauses in the laws of Utah providing for illegitimate children and their mothers, which are proofs positive of the falsity of the *Democrat's* original statement, it now utilizes in order to find fault with the "Mormon" Legislature and take another fling at polygamy. It is not true that any provision has been made for polygamous children "as a compensation for their illegitimacy." They were simply placed on the same basis as regarded their fathers' property whether they were the children of the first or of a plural wife. This is the very thing which the *Democrat* declared had never been done. It was no more a "compensation" for the children of plural wives than for the children of first wives; it was simply securing to all the children their rights to the estate.

And as regards illegitimacy, the *Democrat* writer knows very well that the term is not applied by "Mormons" to their polygamous children but by their opponents. In the eyes of a "Mormon" all his wives are equally wives, and all his children equally legitimate, because they are his under the regulations of his religion. But the secular law only recognizes the first as the legal wife and her children as legitimate. Therefore in arranging provisions of which that secular law would take cognizance, it was necessary to make such provisions as would not be likely to be disturbed thereby.

The assertion that "The Mormon polygamist always intended to treat their polygamous children as inferior in all respects to the children of a legal marriage," made by the *Democrat* writer is infamously false. Was he treated in that way either before or after the death of his illustrious father? The doctrine, theory and general practice of plural marriage give the lie to the assertion. And if there is a case which would afford color to it, that case is an exception and is looked upon with reprobation by every true "Mormon" who knows of such a circumstance.

That the "Mormon Legislatures never once spoke of polygamous marriages" is true. It was none of their business. The marriages were religious, not secular. And if the Utah Legislatures had enacted laws legalizing polygamy, what a howl would have gone up from their accusers! This is what was urged against them in Congress. And on the bare suspicion that something was lurking in our laws that squinted in that direction, a clause was inserted in the Congressional law of 1882 annulling all such laws or parts of laws. What sense is there in finding fault with a legislative body for not doing something that never was in its power to do while the authority was claimed by Congress to disapprove and thereby make void any act of that Legislature?

In conclusion, we will remind the *Democrat* that there are some things of even more value than "a good name" from the people of this world, which it seems to value so highly. Among these are consistency, a regard for truth, the approval of conscience, and a firm reliance on the word and will of the Almighty. Legitimacy before God and for eternal ages, is worth far more than that which is called legitimacy by man and his laws that perish. And the applause of the world which lasts but for a moment, counts for nothing in view of "Well done, good and faithful servant," which will greet the ears of many who had no good name to boast of while they sojourned on this earth.

PRIVILEGES AND POLYGAMY.

THE Salt Lake *Democrat* of Wednesday evening has a long article on "Privileges," in which it attempts to reply to the argument of the *Deseret News*, that the Constitution of the United States protects the privileges as well as the rights of citizens. The *Democrat* had asserted that

"The Constitution of the United States only undertakes to protect rights and not privileges."

Against this we quoted the first section of the Fourteenth Amendments which says:

"No State shall make or enforce any law which shall abridge the privilege, or immunities of citizens of the United States."

Now comes the *Democrat*, and in a labored effort to shuffle out of its position, only establishes the fact that it was in error. We never asserted that the Constitution directly, and in words, guaranteed protection to "Mormon" polygamy; that was not our contention, it was solely on the question of protection to privileges as well as rights, and in that the *Democrat* now proves itself to have been wrong while still holding itself up to be right. Every quotation it has made is against its first position.

And now as to the polygamy question in connection with it: Suppose a State should be formed and admitted into the Union which legalized plural marriage. Or suppose one of the States now in the Union, should, by a change in its constitution and the enactment of laws in pursuance thereof, legalize plural marriages in that State. Would not the plural marriages thus legalized within that State, become legal in every other State of the Union? And would not the Constitution of the United States, according to the very authorities quoted by the *Democrat*, protect the citizens of the State that passed the polygamy laws, in the enjoyment of their privileges and of the rights that accrued therefrom?

"Mormon" plural marriage, as we have shown, is an ecclesiastical matter. It was not established by secular law, it did not ask the sanction of the secular law. There was no secular law against it when it was first practiced in Utah, and therefore while it was a religious institution it was not set up "in violation of the regulation of the law." The laws which Congress has since enacted concerning it were framed against it, as "an establishment of religion," as a rite of the "Mormon" Church, and such legislation the Constitution forbids.

Congress, moreover, according to true Democratic doctrine, has no right to legislate upon the purely domestic concerns of an organized commonwealth, and has no jurisdiction over the questions of marriage and divorce. "The establishment of family relations under the regulations of the law" belongs to the local government and not to the Federal government, and anything contrary to that is contrary to fundamental Democratic principles.

A MEAN AND DESPERATE DEVICE.

THE *San Francisco Chronicle* of Nov. 24th has a vile article on the raid by the police upon the male prostitutes. It says:

"The Mormons have revived one of their old tricks. This is to induce Mormon women to swear that federal officials have been guilty of improper relations with them. This is about the meanest device to which desperate men could resort, as it violates the instincts of even the lowest class of women."

The "Mormons" never resorted to any such "tricks." They have not done so now. No "Mormon woman" has sworn about "improper relations" with Federal officials. The *Chronicle* has fallen into the *Tribune* trap. The truth is that some dirty men, among them persons who have been prominent in urging the persecution of "Mormons" for living with their wives, have been seen consorting with lewd women in violation of the city ordinances, the police have made some arrests, the whole crew who have been crying out against "Mormon" immorality have rushed to the rescue, the Federal courts are appealed to to shield them, and now the effort is being put forth to divert attention from the criminals by crying out, it is the work of the "Mormons." This is about "the meanest device to which desperate men can resort," but it is the device of the Salt Lake *Tribune* and the *San Francisco Chronicle* adopts it. In work of this kind the two papers are "par nobis fratrum."

The morning organ of the prostitutes raves through nearly another column of idiocy about the "Mormon" Church and thinks this will be a sufficient apology for the lecherous doings of the libertines whose cause it fights for. But all its romances and epithets amount to nothing on the main question; which is, shall those guilty of sexual crimes which the courts here say are left to the police to prosecute, be punished for their bestiality, which the *Tribune* apologizes for as "one of the common vices of humanity?"

THE UTAH PENITENTIARY.

A FEW OF THE HORRORS OF THE UTAH "BRIDEWELL" PORTRAYED, AND SOME OF THE CROOKEDNESS OF ITS MANAGERS SHOWN UP.

In the *Omaha Herald* of Nov. 25th, we find the following, under the head of special correspondence to that paper dated Utah Penitentiary, Nov. 17, and entitled "A Voice from a Utah Dungeon—Outrages perpetrated on Convicts—Donations to Carpet-bag Officials:"

Last night was a cold one for many

of the prisoners incarcerated in this "Bridewell," which Judge Powers says is not fit to herd cattle in. Our cells are cold and comfortable. Two men sleep together. A straw mattress and two pairs of thin, flimsy blankets form the bed and clothing. One pair over and the other under them. Many of the blankets are worn threadbare, having been in use for many years and they are never washed. No pillows are furnished. Coats and pants are used for pillows. Some of the men sleep with their scanty clothes on, to keep warm, and numbers of them say they suffer from cold night and day, from fall till spring. They are seldom warm.

Cell No. 1, is a trying place to sleep in, a veritable "Black Hole." The nocturnal exhalations from the sixty odd prisoners and the stench from the miserably ventilated privy located in the northwest corner of the cell is stifling and dazing in the morning. The great wonder is that great numbers don't die outright under the miasmatic poisons. The cell affords but about 95 cubic feet of room to the man and the ventilation is not more than a tithe of what it should be, especially when the four small windows are closed to keep the snow, rain and cold from those that sleep against them. These matters should be investigated and remedies speedily applied. As it is, men are cursing almost every wakeful hour about the cruel treatment, and I marvel that the attempts to break away from the place are not more numerous. The greatest sufferers are those who have no personal resources and no friends in the country to pity and befriend them, being strangers in Utah. About 130 men occupy the three cells, which are all alike, from 7 p. m. till 6 a. m. Smoking in the cells is against the rules, but from the time the convicts enter, the cells are filled with smoke, and with the basest vulgarity and profanity ever heard from the lips of men. This is winked at by the warden, who, however, imposes severe punishment for the most trifling infractions of the rules, which he and the marshal make at will. While all these officers are carpet-bag republicans, the democratic party—now in power—is charged up with the baneful fruitage of their misdeeds and cruelties.

There are many matters respecting the management of this institution which should have light thrown on them. I have wished that some one would explain why Marshal Ireland and Warden Dow should discriminate in favor of a few of the federal officials of Utah by supplying their tables only, with edibles from the penitentiary ranch (produced solely by convict labor) all summer and fall, and not extend the fruitage of prison labor to all the F. O. I.'s? For instance, by consulting my memoranda, I find that rarely a day passed during the summer and fall months but Mr. Dow would send to Judge Zane, Marshal Ireland, Attorneys Dickson, Varian, et al., all republican appointees, parcels of the various products from the government 160-acre farm on which the penitentiary stands. My memoranda, made daily on the spot, run after this fashion:

Bread, milk, onions, melons, cucumbers, etc.; peaches and sundry vegetables; bread, tomatoes, onions and milk; milk, peaches, tomatoes and corn; two bushels best potatoes, milk, bread and onions; eighteen picked chickens, milk, melons and corn; bread, corn, milk, etc.; onions, cucumbers, beets, melons, carrots, tomatoes; peaches, melons, picked chickens, etc.

This was kept up during the entire season. Some days double wagonbox loads of kindling wood are sent in, also feather, sacks and other supplies too numerous to itemize. These represent gifts daily bestowed upon the officials named, and the aggregate value of the season's output must amount to thousands of dollars. Are they given as subsidies? If not, what are the inspiring impulses which prompt such great generosity in Marshal Ireland and his brother-in-law, Warden Dow, both of whom are known to be parsimonious? And why were they not sent to Governor E. H. Murray, Judges Boreman and Powers, Commissioner McKay and other leading government officers, is the query that bothers me? Has Judge Zane's immediate approval of Marshal Ireland's accounts anything to do in the premises, or are there no wheels within wheels comprehended in these transactions? As they cost the marshal and warden nothing to produce them, do they get pay for them in any direct or indirect manner?

Messrs. Ireland and Dow have some mines in Neff's cañon, a few miles southeast of this "pen," and every year they send up convicts to work them. I question if there is any accounting to the Government or Territory for the labor thus performed.

If the government has any desire to unearth interesting data respecting the acts of its Utah representatives alluded to, let an investigation be made at once, and summon the trustees, the guards, and some of the "inside" convicts to testify.

TRUSTY.

RELIGIOUS "THRALL"DOM.

THANKSGIVING DAY is generally celebrated in a spirit of kindness, charity and toleration. In the presence of the Great Father of all, and with gratitude swelling the heart while praise and prayer express the thanks which are due for the bounties of Providence, stripes of all kinds are shut out from the souls of sincere worshipers, and

the distinctions of creed, the projects of party and the differences of race, society and opinion, for the time being are banished, especially from the places of public thanksgiving. But it was not so in this city, in the Baptist Church, on Thursday, Nov. 26th, 1885.

There was, however, a certain amount of unity and of lip-service. Several so-called "Christian" sects united for the occasion to worship under the same roof. Also to vent the spleen of their diminutive souls against the religious body which has within its fold the majority of the people of this Territory. Rev. J. B. Thrall, the Congregationalist preacher, delivered the discourse, and its nature may be judged from the fact that on motion of Messrs. Sells and Hollister it was given for publication.

With the platitudes and namby-pamby general thanksgiving remarks, we will not tire the patience of our readers, but will come to the marrow of the speech which gave the most satisfaction to the malignant anti-"Mormons" who were present. Quite a number of thrusts were made at the "Mormons" in a manner which all understood without naming the object of the attacks, and slurs cast upon the Territory without particularizing, and then casting aside reserve, the speaker openly launched his darts against this Territory and this people. Speaking of the inalienable rights of man, he said:

"These rights are God-given. But if they refuse to obey the law of the land; if they refuse to regard the Constitution; if they give their first allegiance, not to the Constitution and the country as a whole, but to some part thereof; if they flock together and follow their file-leaders like sheep, instead of standing up and asserting themselves under the Constitution and under the laws like free men—then have they forfeited their rights under the Constitution and under the laws; they are no longer national subjects, but local slaves, unfit to be intrusted with the freeman's right of suffrage. 'Take, therefore, the talent from them.'"

"A Legislative Commission for such a Territorial or municipal state of things as that which I have here pictured would not be un-American. It would be the execution of a law of universal application. The misused privilege is always forfeited, self-alienated, and should be taken away. If we are to enjoy the benefits of our institutions and the protection of the Constitution, we must obey the laws of the land. And if obedience to the laws and loyalty to the Government as supreme above all other authority, civil or religious, cannot be brought about in this unhappy Territory by any other means, then, much as brave, loyal and free men would regret the necessity, it is just and right, and it is time that we cease to be a Territory with the usual Territorial privileges, and for one I should say, when the experiment of enforcing the national laws has been fully and fairly, but unsuccessfully tried, then let the Territorial franchise be removed, and let the Legislative Commission come, whatever the consequences. Let the Government take the misused talent of self-government from us and give it to him that hath ten talents."

There are a good many ifs in this tirade, but those who are acquainted with the false charges that are made against the people of Utah by the rascals who are plotting for the end which this "Christian" was advocating on Thanksgiving day to please them, can readily understand how the "ifs" and "buts" were inserted in sheer pretense.

Let us examine a little the law, logic and religion in the above extract from a "Christian" thanksgiving sermon. It is admitted that the comparative number of the people of this Territory who can be accused of breaking "the law of the land" is very small. That the large majority of them, while believing that the law which forms the bone of contention ought not to have been passed, have not broken it by any overt act. Also, that only overt acts can be punished by the civil law. Why, then, should the whole Territory be made to suffer for the acts of a small part of its population?

There are but two charges implied in the Thrall's attack, one of non-obedience to a certain law, the other of people "following their file-leaders like a flock of sheep." The charges are not true, but we are not going to dispute them now. Let us take them as they stand. The Thrall argument is that for these alleged wrongs, the whole people of Utah, the offenders and the non-offenders, shall be deprived of all their political rights. The innocent are to suffer with those who are called guilty. The congregation assembled for thanksgiving, the preacher teaching them his kind of piety, those who are opposed to the prevailing system in the Territory as well as those who are attached to it, should all be made political serfs and become subject to an oligarchy irresponsible to the people whose lives, liberty and property would be under that despotic control!

The bare statement of his position is enough. There is no need of argument to show its stupidity or its villainy. We doubt much whether any one living in this Territory who endorses the scheme, except the plotters who are expecting to profit by it personally, have the least idea what such a change would involve to them as well as to the "Mormon" people. But leaving that, let us examine the reasons of the Thrall for advocating this monstrosity. He says this scheme "would not be

un-American;" that it is of "universal application;" that the "misused privilege is always forfeited."

Now, we deny these assertions emphatically. We challenge the speaker to cite us any instance of the application of that which he says is "universal." When, in the history of American politics, has a community endowed with the rights and privileges of local self-government, and a Legislature endowed with power over "all rightful subjects of legislation" been stripped of these privileges, rights and powers and placed under the absolute control of nine or thirteen persons, in whose elevation to such authority the people to be governed had neither voice nor vote? It has never been done, and if it ever should be done it would be both unprecedented and un-American for it would violate the fundamental principle of American politics, that "all governments derive their just powers from the consent of the governed."

He says "the misused privilege is always forfeited." Do the Republican club members or the followers of the Tammany chiefs forfeit their right to the franchise when they "follow their file-leaders like a flock of sheep?" When was the right to vote in this country taken from any one because he voted as some file-leader in religion or politics directed? If such rule was established in any State of the Union how many voters would be left to either the Republican or the Democratic party? The man babbles like a booby, and men with some sense and less discretion want his drivelpence, because it suits the plot they favor.

The American plan is to try men who are accused of breaking the law before an impartial jury of their peers and punish them if convicted, not to include the innocent in a general scheme of vengeance. It is true many criminals escape the law's penalties in this country, but that is not a part of the system. And the American plan is to use all fair means to change the opinions of men who are supposed to be led wrong in politics, but not to disfranchise them because they vote the wrong way—the wrong way of course being always different from the way of the objector.

And these rights which he would have taken from the people of the Territory he says are "God-given." That being true, by what right are they to be taken away by any one but Deity? Oh! but this singular expounder of theology and politics says, "the Government is supreme above all other authority, civil or religious." No wonder that an infidel should want this printed. Here is a professed minister of the Gospel setting the Government above God! What God gives, the Government may take away, for even the laws and gifts of Deity, and religion as well as civil authority must bend to an earthly government, which is "supreme!" This Thrall would have sent Peter to prison and deprived his followers of all political rights, for he, with the other Apostles, when brought to the test on this very question said, "We ought to obey God rather than men" (Acts v. 29). Also by the same logic all the disciples of Jesus of Nazareth should have been equally disfranchised, for He said "my sheep hear my voice and they follow me."

There is no religion without duty to God. If God is not considered first and foremost, supreme above all created things, religion vanishes. Anything that does not embrace the idea of the complete supremacy of the Deity is not religion. On this rule Mr. Thrall has no religion, for he places what he calls his religion and his Deity beneath the authority of civil government. There is no escape from the conclusion; all his pretended religion with the authority he exercises under it is a sham. It is man-made, not God-given. It is lower than a human institution to regulate temporal things, and like himself is nothing but a Thrall.

According to his view of the supremacy of earthly governments, his own denomination should have been swept away, long ago, for its pre-existence is due to a revolt against the supremacy of the British government over religious affairs. If the leaders of the movement that has secured to that denomination the freedom they enjoy had acted upon his theory, they would not have been non-conformists and he would never have been a Congregationalist minister, for there would not and could not have been any such sect as the Congregationalists to have a minister. Any man professing to be a minister of the Gospel who acknowledges that his pretended divine authority is subordinate to the civil authority, is an impostor and a humbug.

And the conflict now going on against the Latter-day Saints which he is supporting is waged for the very reason that we are "asserting ourselves under the Constitution like free men," giving our allegiance "to the Constitution as a whole" and not to a mere "part thereof." There is not a clause in the Constitution that we reject. But it evidently rejects the first amendment for he would place religion under the control of the Government. Thus he would bring religion into earthly Thralldom. And by the Legislative Commission, which he advocates, he would make a Thrall or slave of every citizen of the Territory, simply cause a few of them are practicing "asserting themselves under the Constitution like free men," a course which, with the most fatuous inconsistency, he strongly recommends by veiling against an opposite course. It is difficult to decide whether the Thrall is deserving more of pity than of contempt.