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PRESIDENT TAYLOR IN THE "NORTH AMERICAN REVIEW."

UNDER the title of "Ecclesiastical Control in Utah," the *North American Review* for January, which is just out, contains an article from the pen of President John Taylor followed by one from Governor Eli H. Murray, which is only a repetition, in brief, of the untruths which appeared in his official report already published and refuted in the NEWS. President Taylor was requested by a representative of the *Review* to prepare a statement of the position of the "Mormon" Church in reference to a number of questions now before the public, but was not informed that Governor Murray would also be called upon for a communication. It should be distinctly understood that the article by President Taylor was not written or intended as a reply to Governor Murray's mistatements, but the subject matter of the paper was drawn out by questions from the gentleman who solicited it. We here present the article as nearly complete as permissable. It is a rule of the *Review* not to permit the reprodnction of any article from its columns entire, but permission is given to make copious extracts. The article thus commences:

A report has been spread far and wide through the country that in Utah there exists "a combination to nullify the laws of Congress," to defeat the plain will of that body and of the Executive, and also to thwart the adjudication of the Supreme Court of the United States. This is an error. The simple fact is that the citizens of Utah are contending in a peaceable and legal manner for the same rights, privileges, and immunities that are possessed by their fellow citizens—for these only, and no more.

Some time after the Edmunds bill became law, the commissioners appointed by the President under its provisions came to this Territory and entered upon the discharge of their duties. With regard to the nature and scope of those duties, the commissioners (gentlemen for whom we have much respect) and the vast majority of the people of Utah hold opposite views. One of their first acts was to frame a test oath, which they required every man to take before he would be permitted to vote. By this *coup d'etat* every citizen in Utah—Jew, Gentile, and Mormon—was disfranchised without indictment and without trial; a most summary method of robbing a people of their rights, one that we claim is entirely opposed to both the letter and the spirit of the great charter of human rights, the Constitution of the United States—an instrument for which, be it said, we have the most profound reverence, believing, as we do that those who framed it were inspired of the Almighty.

This unconstitutional exaction, which "at one fell swoop" for the time being disfranchised a whole Territory, amounted to this, that a man must swear that he had never simultaneously lived with more than one woman "in the marriage relation." Those who cohabited with more than one woman in adultery or prostitution were not affected by its provisions. The roue, the libertine, the strumpet, the brothel-keeper, the adulterer and adulteress could all vote; no matter how licentious a man or a woman might be, all were screened and protected by this law. It was not enacted, as has been supposed, to punish licentiousness and debauchery, but was aimed expressly against those who were associated with more than one woman "in the marriage relation." All, indeed, had their franchise protected except the man who had now or ever had had more than one wife, or the woman who had ever been the wife of a polygamist, be she the first, second or other wife. For the commissioners were such broad constructionists that they declared that no man or woman who had ever been a member of a family practising plural marriage should be permitted to vote. This action was *ex post facto* in the extreme. It punished men and women without trial, by robbing them of the franchise for doing acts which, at the time when they were done were not unlawful.

It was, at the same time, a bill of attainder. The first anti-polygamy law of Congress was passed in 1862, and all those who had, previous to that time, from deep religious conviction, received and entered into that order of marriage, but had never broken a law of the United States by so doing, for the simple reason that there was no such law, were, by the commissioners' rulings, equally debarred from voting with those who had married in plurality subsequent to that date. We claim that this ruling is eminently unjust, altogether unprecedented, and in violation of the Constitution. But at the same time, in justice to the commissioners, it must not be forgotten that they had a very difficult and delicate task to perform, so much was expected by the country from them, as the executors of the Edmunds law, the passage of which had been procured by the influence of religious demagogues. They found things, on their arrival, so different from what they anticipated, that it was impossible for them to meet the exorbitant demands of the country and at the same time comply with the requirements of the law. As one of their number expresses it in his communication to Secretary Teller, they "stretched the legal tether to its utmost tension." Yet, on the other hand, as honorable men and representatives of the Government, it was incumbent on them to comply with the plain provisions of the law.

What, then, did the polygamists—men and their wives—do under these circumstances? They voluntarily withdrew, and left the franchise in the hands of those who were unmarried or, if married, had only one wife. Governor Murray has said in his report that we were nullifiers. Was this nullification? What could we do more? The people quietly, peaceably, and unitedly, without exception, bowed to the fiat of the commission. In what stronger manner could they show their loyalty, their respect for Congress, and their deference to the law, than by this course? Not only were they not nullifiers, but they would not act the part of obstructionists; they actually aided the commission to execute the law, even in the extreme construction that body put upon its language. And by reason of this action on their part the elections that have taken place under the rule of the commission have been conducted without hindrance, obstruction, confusion, or annoyance.

The remarkable interpolation in the commissioners' test oath of the words "in the marriage relation," which do not appear in the law, has led to many curious incidents, some of which would be ludicrous if they were not so humiliating. Here is a case in point: A former mayor of Salt Lake City, Mr. Feramorz Little, a very honorable gentleman and highly respected, came to this Territory many years ago, before there was any law of Congress against plural marriage, and espoused two wives. Subsequently, one of these wives died, then the other, and at the time that this incident occurred he had been for years without a wife. He had a son who was appointed registrar for a certain district in this city, and this son had the mortification of being compelled, under the ruling of the commission, to refuse his father permission to register, and consequently deprived him of the right to vote—a privilege which he had a perfect right to exercise, both because of the provision in the Constitution that no *ex post facto* law shall be made, and again by reason of the statute of limitations, which bars all action in any such cases after the expiration of three years. Soon after the refusal of the registrar to place his father's name on the registration list, a well known keeper of a bagnio and her associates presented themselves, and the son had the humiliation of having to permit them to register. These courtesans afterward voted. Another case: A man came to the place of registration, and remarked to the officer that he supposed he could not register, as he had a wife and also kept a mistress. This man might be considered a very straightforward fellow to make so ready an acknowledgment, but I fail to see anything straightforward in such a crooked transaction as the breaking of the marriage vows and in marital infidelity. But the officer knew what was in the oath better than this man, and advised him to read it. He did so. When he came to the words, "in the marriage relation," he immediately said, "Yes, I see. I can go that," and was at once sworn and registered.

So it will be perceived that under the official construction of the law the most depraved, the vilest of mankind, can vote, can use the franchise and enjoy the benefits resulting therefrom, and that this portion of the United States is actually threatened with being governed by such an element. And though we quietly submit for the time being, and though some 10,000 or 12,000 persons have absented themselves from the polls because of the law, yet we are charged with being a menace to the United States, with being inimical to the Constitution and Government, simply because we have undertaken to legitimately and legally test in the courts, as we have the most perfect right to do, the legality and constitutionality of the law and the commissioners' rulings. Could we pursue any wiser course? Should we be unworthy of the *name* of men, much less of freemen, if we permitted these grave encroachments on our rights without one effort in their defense? * * We do this in behalf of our own rights, in behalf of the rights of our children, and in behalf of millions of honorable men in the United States, and of the principles of freedom throughout the world. For if radicalism, imperialism, oligarchy and despotism are to bear rule, and the rights of franchise to be refused to citizens by the dictum of commissioners, without a hearing, without proof and without trial; if test oaths are to take the place of Courts and legal testimony, and one principle of liberty after another nullified; if our Constitution, our laws, and the fundamental principles of our Government are to be trampled under foot, it would seem to be high time that all honorable men should stand up in defense of liberty and the rights of man. It is vain to talk of the freedom of the negro while the white man is sought to be disfranchised, manacled and enslaved. If the course we propose is a menace to good government, what in the name of common sense would those who are offended with our course have us do?

Here let me remark that there is a great deal of misapprehension existing in the minds of the people with regard to our marriage institution. None but the very best of our community—the virtuous, the honest and upright—are permitted to take more than one wife. They must be recommended as worthy by their bishop, and by the president of the stake in which they reside. We are of all people the most strict in our ideas with regard to morality and virtue. If a man who is a member of our church commit adultery, fornication, or bigamy, he is at once cut off from the communion of the Saints, and all fellowship in the Church is withdrawn from him; for we regard those sins as among the most abominable of evils, the most heinous next to the shedding of innocent blood. There is not to-day a more virtuous community in the world, or one where female chastity is more highly regarded or more vigorously protected.

The whole history of the Mormons has shown that they are a religious people. Their early persecutions they endured on account of their peculiar religious views and practices. They came to Utah not, as alleged, to erect an establishment of religion contrary to the Constitution and laws, but to found a State where all sects would have equal rights to worship God according to the dictates of the consciences of their members, which right the Latter-day Saints had been denied in Missouri and Illinois. When they came here, Utah formed a part of Mexico. Five hundred of their co-religionists were then enlisted in the service of the United States, as the "Mormon Battalion," fighting the sister republic. One of the first things done by the Mormon people after their arrival in what is now Utah, was to raise the stars and stripes and establish American institutions and laws as quickly as their isolated position—more than a thousand miles from the western frontier—would permit; they next applied to Congress for a State Government. Ever since that time they have endeavored to attend peaceably to their own affairs, and keep the laws of the land,—as required in the revelations given through the prophet Joseph Smith—notwithstanding the repeated and almost unceasing efforts of political demagogues and sectarian zealots to stir up hatred, malice, confusion and disorder. It is alleged by His Excellency Governor Murray that on a former occasion we were in a state of rebellion. The charges, made by certain Federal officials, of rebellion and disloyalty, and of burning the United States court records and the books in the Territorial Library, which led to the sending of the army under General Johnston to Utah in 1857, were officially reported to be false by Governor Cumming on his arrival. He reported:

> Since my arrival I have been employed in examining the records of the Supreme and District Courts, which I am now prepared to report as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary.
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> I have also examined the Legislative Records and other books belonging to the office of secretary of State, which are in perfect preservation.
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> The condition of the large and valuable Territorial Library has also commanded my attention; and I am pleased in being able to report that Mr. W. C. Staines, the librarian, has kept the books and records in most excellent condition. I will, at an early day, transmit a catalogue of this library and schedules of other public property, with certified copies of the records of the Supreme and District courts, exhibiting the character and amount of the public business last transacted in them."

Thus it appears that the allegations made by Judge Drummond and others were untrue, and that the army was sent out under false representations. In like manner we are able to demonstrate that other charges of supposed weight and moment urged against the people of Utah are equally false and unsubstantial. The most terrible accusation of any particular crime ever brought against the leaders of the Church and the Church generally, is participation in the Mountain Meadow massacre. Some have supposed that the Mormon people never fairly and squarely met this charge, but prevaricated or evaded it. There could not be a greater mistake. The Latter-day Saints abhor murder in every form, and the Church or its leaders had nothing to do with that terrible tragedy in an manner whatever. We wish this denial to be as emphatic as possible. And, furthermore, the leader of the few whites who were engaged with the Indians in that horrible affair never would have been brought to justice but for the assistance rendered the United States officers by President Brigham Young and other leaders of the Church; while the jury that convicted him was largely composed of men of our faith. No denial can be worded too strongly to express our detestation of the shedding of innocent blood; and we hold, further, that all culprits worthy of death—and we believe some crimes can only be atoned for by the life of the guilty party—should be executed by the proper civil officer, not by any exercise of the *lex talionis* or the intervention of ecclesiastical authority. With regard to the Mountain Meadow massacre, the testimony of United States Prosecuting Attorney Sumner Howard—himself no friend to the Mormon people—is valuable. At the trial of John D. Lee for participancy in that crime, Mr. Howard said:

> He had been engaged constantly during the past three months in sifting facts and everything related to or connected with the massacre, and that he had come there for the purpose of trying John D. Lee, because the evidence pointed to him as the main instigator and leader, and he had given the jury unanswerable documentary evidence proving that the authorities of the Mormon Church knew nothing of the butchery till after it was committed; and that Lee, in his letter to Brigham Young, a few weeks after, had knowingly misrepresented the actual facts relative to the massacre, seeking to keep him still in the dark and in ignorance. He had all the assistance any United States official could ask on earth in any case; nothing had been kept back, and he was determined to clear the calendar; but he did not intend to prosecute any one lured to the Meadows at the time, some of whom were only boys, and knew nothing of the vile plan which Lee originated and carried out for the destruction of the emigrants.

There is another point that is misunderstood by the people generally; it is with regard to the illegality of plural marriage. Many persons suppose that there is some provision in the United States Constitution touching this subject. This is an error. The Constitution leaves all matters relating to marriage to be regulated by the people of the various States; and hence it is that so many diversified marriage and divorce codes exist throughout the country. Congress claims the power to regulate these matters in the Territories. We do not admit that this right belongs to the General Government, but claim that in matters of local concern the Territorial Legislative Assemblies are manifestly the proper parties to act in the premises. It is provided in the organic act of Utah "That the Legislative power of said Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act." It is evident, according to the *spirit* and genius of American institutions, that Congress should not interfere with matters in the Territories that in States are left to the States; nor should Congress pass laws for a Territory that a State Legislature cannot pass for its State. But of late Congress has frequently overstepped these bounds, and to that extent are the liberties of American citizens in the Territories imperilled and abridged. Congress, without making grave mistakes, cannot legislate on local subjects for the whole country. As an instance, take the Timber act, which may be a very valuable enactment for Maine or Michigan, but is entirely inconsistent with the conditions of the Rocky Mountain region; there it degenerates into a farce and an annoyance. It has been argued in Congress that the British nation considered that it had authority to regulate social affairs in its foreign possessions, and that in the exercise of this right it put an end to the practice of the suttee; and that because the British did this, therefore it was proper for Congress to do away with the practice of polygamy. Do those who argue thus ever reflect that while the suttee brought about the destruction of life, polygamy means the propagation and the perpetuation of the human species? and furthermore, did it never occur to them that while Great Britain suppressed the suttee, it has not only tolerated but legislated to protect in their institutions upward of 240,000,000 of *its polygamic subjects* in India?

President Taylor here gives a brief account of the abolition of the militia of the Territory by the arbitrary order of Governor Shaeffer, in violation of the Constitution, and mentions the efficiency of the militia as a bulwark against Indian raids, and in the service of the General Government.

Complaint is made that in Utah an "unlawful Territorial government, which for over thirty years has existed in the face of Congress and the country, exists to-day." This is unequivocally false. The government of the Territory is established upon laws sanctioned by the United States Congress, and at all times subject to repeal by the National Legislature. Reference probably is intended to the nomination, by Governor Murray, of the members of the Board of Regents of the University of Deseret, whom he assumed to appoint under a clause in the organic act that provided, in the first place, for the Governor to appoint certain officers, and the Legislative Assembly to confirm them. But subsequently the Territory enacted statutes for the election of these officers,—some by the votes of the people, and some by the joint vote of the two houses of the Legislative Assembly,—which laws having been approved by the various governors; and never having been disapproved by Congress, are in force to-day, as truly as the rest of the laws of the Territory, for they all stand on the same footing. So, instead of their being an unlawful Territorial government, it is strictly lawful; whilst the Governor assumes the right to annul our statutes, and override and trample under foot all of our laws which do not suit his convenience or his purposes—though some of these enactments have been in force almost as long as Utah has been a Territory.