AS FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Dec. 15, 1883 Baturday. REVIEW OF GOVERNOR MUR

RAY'S REPORT.

In to-day's supplement we publish in full the report of Governor Eli H. terior. We do so that the people of Utah may be fully informed as to commendations officially made by that we may direct attention to his misrepresentations, sophistries, and and a vors to do them injury. In an interview given to a representative of the New York Herald, Mr. Mur ray repeated the main points of his report, and the account published in that Journal has formed the basis of articles in many prominent news papers. We ask them to give attantion to wosa we have to say con cerning this report, that they may. if they will, be undeceived on sev eral important points, and be place in a position to discourse truthfull. and intelligently on the "Mormon" ques ion.

The Governor commences by combatting the idea entertained by con servative and rational people, that time and pacific measures will right such wrongs as exist in Utah. This is done in order to prepare the way for the suggestion that military forc be employed in executing civil proces in this Territory. He argues that "times come in the history all States when military of and is necessary to support civil at thor ty," and the militia of the Territy using not available, it therefor. only remains that the military force of the United States be used "fo the execution of process out of the courts of the United States." No resson is given for this extraord nary conclusion. It is not claimed by the Governor that there has been any foreible resistance to the process of the courts. He cannot point to a single lastance of the kind. It h not shown that the Marshal or his deputies have ever met with cny difficulty in the discharge of their luty. As a matter of fact, the off cers of the law here have been ab a to serve papers upon the highest dignataries of the "Mormon" Church as well as upon its hum-Liest members, without let or hindrance. And the spectacle of twelve thousand persons, including the most respected and influential men and women among the "Mormon" people quietly submitting to disfranchisement and exclusion from office, under the workings of a law and regulations made by its administrators, regarded as in violation of the plain wording of the national Constitution, ought to be enough of itself to dissipate the idea that milicivil anthority in Utah. The Governor's next assertion is that "since 1852 there has at no time been a lawful Territorial government;" of course he means in Utah, although he does not say so To substantiate this absurd and unwarranted statement, he quotes from the Organic Act a provision in regard to the manner in which cortain officers not named in the Act were to receive their appoint ment, and proceeds to endeavor to make it appear that because h' rendering of that provisiou has not been carried out, the Logialature has been engaged in "nullifying" the laws of Congress and has been carrying on an unlawful govern ment. The facts are these: There was a division of opinion between the Ligialative Assembly and former Gevernors as to the proper meth ed of filling cartain territorial offices created by acts of the Legislature and purely local in their character. vote of the Assembly, in pursuance of territorial law. But subsequently the law was changed, and those offices were filled by popular vote The Acts of the Legislature making this change were signed by the re spective Governors holding author !the time of their passage, and the Sapreme Court of the United States has sustained the action the Assembly in two different in stances involving the same princicase, on appeal to that Court, it was argued that the Territorial Marshall of Utah, who summoned the jurors to try the case in the lower court, was elected by the Legislature and not appointed by the Governor, and that therefore his acts were void. The Supreme Court of the United States in rendering its decision that the acts of the Marshal were vaild, said in regard to the law providing

EVENING NEWS

The principle involved in the cases of the Marshal and Attorney Gen-

Territorial Auditor, Treasurer, Superintendent of District Schools. etc. They are elected by the peothe statements, arguments and re- Legislature signed by the Executives the Executive of the Territory, and the Supreme Court of the United Congress, and the rest of the Act is educational institution entirely "Mormons" who may obtain a full States-approved by Congress, And really made and constituted an Act non-sectarian. No religious creed it is because Governor Murray has of Congress, on the principle enun ple, and because the very small m nority-which he representshave not been able to gain possession of the ireasury of the Territory, that he now makes the untrathful and nonsens cal statement to the Sec-

will be seen at once when the nature of the offices is considered which he so anxiously desires to fill by appointment. They are not part if the government of the Territory, but sabordinate offices created by the erritorial government as aids and uxillaries to the conduct of public usiness. Bo that if these position were filed improperly, the integrity of the territoral government would oe in no wise affected. And in view of the rulings we have quoted, the sharge of . "nullification? which Bovernor Murray uses so freely, but formed person aware that other he meaning of which he evidently loes not understand, applies as much to the Supreme Court of the United States and to Congress Itself as to the Legislative Assembly of the Cerritory of Utah.

His next charge of "nullification" is in regard to the workings of the Hoar Amendment, which simply raity in the Bishop or priest or some provided for the tamporary filling by local church dignitary for the use the Governor of offices made vacant through the failure of the election district or locality. Apply the same

basis for its support to establish the conclusion that there is no necessary conflict batween the Organic Act and the Territorial laws. The Or-ganic Act is supported by a generate from struction that will avoid such con-flict. And that construction is supported by long usage in this and other Territorial Act valid. In any event no great inconvenience can srize, be-more the certific means of the confirms that Act or or dinance of Incorporation, excent no great inconvenience can srize, be-cause the entire mather is subject to the control and regulation of Conthe act contains no sentence or ex- lot or part of a lot, and be owned each And now what is the real object pression that can be fairly construed by its proper possessor. The records of the long and disingenuous report into any reference to polygamy. For in our respective counties contain of Governor Murray? It is disclosed eral is the same as in those of the the right of the Church to solem- the proofs that the Governor's in- in his intimation that "It cannot be nize marriages is only recognized as sinuations on this point are couspic- reasonably expected that Congress a "constitutional and original right uously inexact. The District Schools as so great a distance can know in Murray to the Secretary of the In- Sealer of Weights and Measures, in common with all civil and rell. are not denominational or sectarian, detail the wants of a Territory," and gious communities," no less and no and are open to the children of all so "Congress must establish another ole in pursuance of acts of the more. But even supposing that any people, irrespective of creed or party, agency in Utah, one familiar with Legislature signed by the Executives countenance is given to polygamy and no tenets are taught therein. and-according to the doctrine of in that Act, it is so far repealed by The Deseret University is an Eli H. Murray and a few other anti-

> enters into its course of instrucnot been able to appoint some of his clated by the Supreme Court of the tion. It is an establishment favorites to fill these places which United States as quoted above, and under territorial law, receiving are properly in the gift of the peo- by specific scano wledgment of the support from the territorial treasury, validity of all the Act except that The people's elected legislators, at gamy!" has rung through the land, part which relates to polygamy.

> the meaning of the clause in the he could not have the appointment rationally cuts no figure in the poliretary of the Interior, that "since Constitution, Congress is guilty of of its regents and other officers. 1853 there has been at no time a the charge of violating that instru- They were elected according to law. invite this been at no times ment, and it will be found on in-The incorrectness of this assertion quiry that scarcely a State in the spend their own money in promot against the "Mormons," and we have shown, the absurdity of it Union is free from the same offence. ing secular education, because of the form another pretext to forward For religious bodies and societies ambition of Governor Ell H. Mur the schemes of those who wish have been incorporated all over the United States for similar purposes to those specified in the Utah Act of Incorporation, so that property may be lawfully held and the title there- this is in the Journals of the Legis as distinct from the State as in other to be legally vested. Governer Mur- lature for 1882. We will not take up parts of the country, unless the fact ray's bit of special pleading is un space to show how in numerous in- of a man being a "Mormon" minisworthy of a commonly intelligent stances the Governor has himself ter makes his exercise of the ordi schoolboy. It is the same with his "nullified" the laws as we could, if nary rights of citizenship a union of stempt to make capital out of the necessary, but will briefly consider Church and State. Neither is there

> > manner in which Church property has recommendations. is held in this Territory. Does he not know, and is not every inshurches hold their property in exactly the same manner as described in the Governor's report and actualy denounced by him as a crime? The Catholic Church, as a whole, owns far more real estate in either

of the Territories than to the value of \$50,000. But it is vested in zeveand benefit of the members in the

opportunity to rule a rich Territory cording to their own sweet will, if appointed as a Complission for that purpose.

For a long time the cry of "polythe session of 1882, made an appro and that feature of "Mormon" social If, then, the passage of this incor-poration Act is law "respecting an establishment of religion" within Governor Murray vetced it because out of the Union. Now that it tical situation, the bugbear of "Church and State" is held up to ray, and-to use his own pet phrase to make political capital out of the -because of his nullification of the "Mormon" question, and others who laws which he was under oath to hope to ride on it inte place and au support and execute. The proof of therity. But in Utah the Church is any hostility to the National Gov-

He says, "I now ask that all laws ernment in the "Mormon" Church passed by Congress be repealed." or our territorial system. Obedi-Very modest is it not? What he ence to the laws of the land is means, no doubt, is that Congress taught as a religious tenet and obrepeal all its laws relating to Utah. served in popular practice, the only But if this is not done, he wants the exception being those enactments Utah Legislature to be required to bearing on that part of their religion do certain things under the threat relating to plural marriage. The of dissolution and the establishment report of Governor Murray is thereof a despotism in its place. Among fore founded on misrepresentation. these requirements they are to "re and is not to be relied upon either peal in full all laws passed by former as a presentation of facte, an exposi-Legislatures respecting an establish- tion of the status of the "Mormon" ment of religion," and those "under question or a recommendation of been nullified," and to rass laws sued. If it were not in the form of accompanied with the Cash, three sued. If it were not in the form of bushes of selected first-clash, three highers are impressible because there there are impressible because there are impressible to an are impressible because there are impressible to an aready to which the laws of Congress have the policy which ought te be purof August 1882. The actual vacan- rule to the Episcopal, Presbyterian or been nullified," and to pass laws sued. If it were not in the form of eles occurring from that cause were Methodist church that the Governor against polygamy. Two of these an official document it would not be



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and of a certain term, but also "un- and they would all be guilty of the to repeal. And the other thing has til their successors were elected and great "crime" of having more been done by Congress, making it a but undertook to fill, in addition to some territorial offices, all the local offices in the countles and precincts of the Territory, some of which would not in any event be vacant for from one to two years rrespective of the hold-oven clause The dispute over this matter was referred to the courts, and the "ftechnicalities and delays of law conse

clares, "made the law a nullity." L not this remarkable doctrine? What comedy has an individual or a community against usurpation and excess of official authority except recourse to judicial tribunals? What are the civil courts established for but to settle questions of law and equity? As the outcome of his ardelays, are nullification, he reach executed." That is, the people of Utah lawfully contested his acts of usurpation, and therefore Congress should authorize the use of the military against them. Governor Murray, with his usual disingent jusness fails to state that the whole matter was sattled by the election of 1883. held under the suspices of the Ed munds law Commissioners.

is in reference to Church and State, in which the Governor pronounces his own doctrine "so in amous as to deserve the condemnation of all men." Of course he did not mean lingual blunder and his inaccuracies in attempting to relate the history of the "Mormons," we come to the incorporation by local isw, of the Church of Jesus Christ of Lattertion is given in full, in his report, and a careful reading of it will com-

very few, most of the incumbents attempts to impose on the Church things are impossible because there worthy of either public or private uolding their offices not only to the of Jesus Christ of Latter-day Baints, are no such laws in our statute books consideration.

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