

"LEGAL ASPECTS OF THE MORMON PROBLEM."

THE January number of the *Century Magazine*, published by Scribner & Co., New York, and formerly bearing the name of *Scribner's*, is of unusual interest to the people of Utah, because it contains an article in relation to the "problem" which just now is exciting much public attention. It is entitled, "Legal Aspects of the Mormon Problem," and is contributed by Arthur G. Sedgwick. The writer exhibits a much better acquaintance with his subject than is shown by most persons who undertake to deal upon it. He is familiar with the laws that have been enacted in Congress designed for the extermination of polygamy, and also with their actual and possible effects upon the "problem" which certain persons are so anxious to have solved.

The writer commences by stating truthfully that the magnitude of the "Mormon Problem" has been "greatly exaggerated in the minds of most persons," and shows that it is rather a local disturbance—"a nuisance" he calls it—than a "national difficulty," and that the questions presented by it are "mainly legal and constitutional," because the only weapons that can now be resorted to against it are those furnished by Judge, jury and sheriff. But after treating of the subject very ably from this legal standpoint, his conclusion, it appears to us, is rather at variance with his proposition. For, proceeding to explain the reasons for the failure to execute the law against polygamy, he not only argues against the practicability of punishing polygamists with a party "Mormon" jury, but admits the unfairness of an attempt to do so with a jury from which polygamists would be excluded, because that would be necessarily a packed jury, and says:

"No plainer demonstration could be made of the impossibility of effecting by any change of the jury laws, the enforcement of the statute against bigamy."

What then can be done? Here is the closing sentence of the article, in reply to this question:

"Under these circumstances, there is nothing to be done with the Mormons but to let them alone. Persecution has been tried, and has only served to strengthen and increase them. Law has been tried, and has proved of no use, because it has not been enforced. From the circumstances of the case, it cannot be."

In view of this, how can it be consistently claimed that the questions arising from the "Mormon Problem" are "mainly legal and constitutional"? Are they not more properly of a philosophical and political character? But it must not be thought from the author's conclusions that he considers the "Mormon" system must necessarily prevail in Utah. On the contrary he thinks that left to itself it is bound to give way and disappear, or at least to part with its most objectionable feature. He says:

"The operation of natural causes is certain, in the long run, to sap the foundations of polygamy. The railroad has already brought the Territory into communication with the rest of the country, and the development of the country must ultimately bring in a large Gentile population—almost entirely male. A strong tendency in the direction of marriage between Gentile parents and daughters of Mormon parents must spring up. Indeed, this is said to show itself already. There is no surplus of women in the West from which to recruit polygamy. It holds the births of the two sexes are always very nearly equal and the Mormon population is no longer being rapidly increased from abroad, as it was in the times of the early persecution of the Church."

The whole article, which is not lengthy, is well worth reading, and we have no doubt will make a good impression upon the thoughtful minds. There is nothing rabid or intemperate in it. The usual anti-"Mormon" bitterness is pleasantly conspicuous by its absence. Anti-"Mormon" legislation is reviewed and commented on with fairness and precision. It is shown that the statute providing that real estate held by any religious association in the Territories of greater value than fifty thousand dollars shall be forfeited to the United States, does not affect the Church property acquired previous to the passage of that law, and that

"The experience of history shows that the properties of religious corporations cannot be broken up under law by any means short of confiscation, and confiscation under this act was expressly prohibited."

The anti-polygamy law of '62 and the decision of the Supreme Court of the United States concerning it are explained, and also the Reynolds case, which led to the Supreme Court ruling. But the writer argues that in considering the passage of such laws the sentiments and feelings of the community in which they are designed to operate should be considered, as well as the thing to be put down, and draws a clear distinction between the easy enforcement of laws against bigamy in the States, where the sentiment is opposed to polygamy, where the lawful wife and children have a strong motive to supply the evidence necessary, and the reverse condition in Utah, where, he says:

"No member of the polygamous family has an adequate motive to come forward and furnish the evidence which would lead to the conviction necessary to secure a conviction. It is not merely that they all regard polygamy as the normal married state, but as appears from the Reynolds case, they regard it as a religious duty, and a violation of this duty as entailing religious penalties much more serious than any possible inconvenience or discomfort which might arise from a continuance of their existing family system."

Such facts as these, clearly presented in the *Century* article are usually ignored in the legal aspects of the question, but they are important features of the case, and statesmen and lawyers must duly consider them or their efforts will continue to be vain. The author concludes on this point that

"The law has not been and never will be enforced, for reasons which grow out of the condition of society in Utah, and which are beyond the reach of ordinary legal machinery."

He errs, very naturally, however, not knowing the exact sentiments of the "Mormons" on the subject, in this statement of the legal situation:

"The objection mentioned (the packing of juries) brings us face to face with this fundamental difficulty in dealing with polygamy by legal methods—that no Utah jury, unless it were packed, would ever convict a 'Mormon' of the crime."

This is a mistake. A "Mormon" jury would consider himself bound by his oath to find according to the evidence presented. His religious belief in the rightfulness of plural marriage would have no bearing upon his duties as a juror sworn to act in consonance with the law. As an illustration of this, in the Reynolds case several "Mormons" were on the jury and the defendant was convicted and imprisoned.

We regard the article in the *Century* as evidence of a more rational and dignified spirit in the consideration of "Mormon" affairs than has hitherto prevailed to any great extent. Sensible people are beginning to perceive that the outrageous stories told about the "Mormons" are inconsistent with known facts, and that the rash measures suggested by hot-headed and fanatical "reformers" are as unlikely to accomplish any good effect as the mobbing and drivings of Missouri and Illinois. Investigation will follow, and in that we have nothing to fear. Let the whole subject be scanned without passion and weighed without prejudice, and the "Mormon Problem" will be found very different from the horrible monstrosity which has been held up under that name before a startled public.

The January number of the *Century* has many other well written articles besides that which we have briefly reviewed—prominent among which is "The Increase of Divorce," by Washington Gladden; the frontispiece is a fine portrait of Thiers; the illustrations are superb; the light reading is unexceptionable, and the whole magazine is entertaining and of first-class merit.

BY TELEGRAPH.

AMERICAN.

Tripple Murder.
CHATTANOOGA, 25.—A family row at Helenwood, this afternoon, resulted in the shooting of six men three of whom are dead. Helenwood is a mining town off from the railroad, and its citizens cannot be taken into account.

Failure.
READING, Pa., 25.—Frederick Laney, a well-known brewer, chairman of the agitation committee of the brewers' congress of the United States, failed to-day. Assets, \$300,000; liabilities about \$250,000.

Warehouse Burned.
NEW YORK, 25.—The bonded warehouse of Covert, Acker & Co., 71 to 75 South Street, stowed with silk, tobacco and spirits, was burned this evening. The loss, it is said, will probably be in the neighborhood of \$500,000, though by some parties it is estimated still higher. It is believed to be covered for the most part by insurance. Several explosions occurred.

Another Report of the Big Fire in New York.

The *Tribune* has the following details: Toward 1 o'clock a general alarm was sent out for all aid possible to be given. The fire had been burning for some time in the five-story brick warehouse next to the granite one and owned by the same firm. The firemen worked, animated by a desire to keep the fire in the street, and the smoke was too dense above for them to enter the first floor. The iron shutters of the brick warehouse soon became blacked out, and the fire burst out with renewed fierceness. At a quarter past one the fire was spreading rapidly, and it seemed impossible to save the lower buildings at the corner of Maiden Lane, which was surrounded on two sides by the burning warehouses. The addition tending to Maiden Lane was soon entirely at the mercy of the flames, and the hope of saving it was abandoned. There were grave fears expressed about the supply of water falling, as there were two other fires in the city. Geo. T. Patton, secretary of the Cotton Fire Insurance Company, said about two o'clock this morning that he estimated the loss at fully \$3,000,000, on account of the extraordinary valuable articles stored in the building, such as India shawls, raw silk and wines.

Stevens on the Canal.
The *Tribune's* Washington correspondent interviewed Alexander H. Stevens, who said on the subject of the inter-oceanic canal: The subject of the inter-oceanic canal is one of the very highest national and international consequences, and it will undoubtedly engage the attention of Congress to a great extent. It is of paramount importance that we should not allow Great Britain, France or any other European power to acquire the ascendancy over any part of this continent. I think it would be wise for Congress at once to charter the Nicaragua Canal Co., the one in which Gen. Grant is interested.

Judge Cox.
NEW YORK, 27.—The *Tribune's* Washington says: Judge Cox, said to-day, I am aware of my position, has been severely criticized, but I feel that it would not be proper for me to say anything in reply. When the right time comes, I shall be heard. It is charged that you have been too lenient with Guitierrez; that he has been allowed to have his own way too much, said the reporter.

The last is true. It is the most remarkable case I ever heard of, but it would not be right for me to seek a vindication through the newspapers. I think in the end, however, that every one will be satisfied that there has been a most difficult case to handle. Cox seemed to be fully aware of the general feeling of discontent at his treatment of the assassin, but intimidated by the threats of the trial must furnish his vindication.

\$25,000 Fire.
CHICAGO, 26.—The residence of Augustus Ryman, on Michigan Avenue, was partly destroyed by fire this morning. Loss \$25,000; fully insured. The house was valued at \$75,000.

Death by Fire.
PETERSBURG, Va., 25.—Last night the store of J. H. and J. B. Prince

at Greenpland, was burned, and two clerks, named respectively Glover and Murrely, perished in the flames.

\$415,000 in Australian Gold.

SAN FRANCISCO, 27.—The Australian steamer brings about \$415,000 in gold coin and bullion, which goes to the mint. She brought a still greater amount consigned to the Comptoir d'Escompte de Paris.

Guitierrez' Trial, Continued.

WASHINGTON, 27.—The court was densely packed. Up on reaching his seat Guitierrez looked around smilingly and said: "I had a nice Christmas dinner, and hoped to see some of my friends here to-day. I had lots of fruit, flowers and lady visitors, and a good time generally."

Dr. A. E. McDonald, superintendent of Ward's Island Insane Hospital, testified that during his practice he had 6,000 cases of insanity. He had given special attention to the study of insanity. Witness stated the difference between "delusions" and "insane delusions," one being subject to correction by judgment and the senses, and the latter not being correctable and for that reason denominated "insane delusions." There are also illusions and hallucinations, giving illustrations from his own experience that a feeble old man had gathered a load of sticks, and was carrying it home. He became very tired on the road, and flinging down his burden, he cried out: "O, Angel of Death, deliver me from this misery!" At that instant, the Angel of Death, in obedience to his summons, appeared before him and asked him what he wanted. On seeing the frightful figure, the old man, trembling, replied: "O, friend, be pleased to assist me, that I may lift once more this burden upon my shoulder; for this purpose only have I called you."

"Their actions and behavior would indicate it as well as their assertions. To illustrate it, a person claiming to be Jesus Christ, and acting under an inspiration, clothed himself like the Savior, gave away property, slept out of doors because the Savior 'had not where to lay his head.'"

Witness was asked if such persons would feel any apprehension of bodily injury or would take any precaution to guard against danger. He replied: "Inspiration always."

Husted Bank Principal Owner Arrested.

ST. LOUIS, 26.—The *Republican's* Hillsboro Illinois, dispatch says: Haskell & Harris, bankers, closed their doors to-day. They made assignment to Judge E. Lane. Liabilities reported at over \$100,000; assets about \$40,000. W. A. Young, the largest owner of the bank was arrested to-night at Litchfield, Illinois, while on the west bound train and taken back to Hillsboro.

FOREIGN.

Serious Rioting at Warsaw.

WARSAW, 26.—Very serious rioting ensued last Sunday after the parade. Most of the Jewish liquor shops and many Jewish houses were sacked. The police were powerless. In several cases the policemen assisted in plundering the drams shops. There were 600 arrests.

Increase of German Emigrants.

BERLIN, 26.—The emigration from Germany in '82 promises to become more colossal than in '81. Fourteen thousand tickets have already been taken for transportation by leaving Bremen for America in the spring. Almost an equal number of emigrants will go from Hamburg.

Agrarianism.

DUBLIN, 26.—Catholic priests are circulating in Ireland copies of Bishop Nulty's letter to the priests in his diocese (Meath) stating that the land is the common property of all.

Dead.

LONDON, 27.—Viscount Helmley, conservative member of Parliament for the North Riding of Yorkshire, is dead.

Family Reunion.

The following account of a family party held at the residence of Hon. W. Jennings was handed in this morning:

Much of the charm of modern Christmas consists in the opportunities which it gives for social and especially for family reunions. This fact has been home very forcibly at such times that little one has become a thousand, and the small one a strong nation. Where for 25 years this annual celebration has been a practice, every day of the year, on the other hand, there is very much to interest and to give food for reflection.

Of this character was the one of last evening, at the commodious residence of Wm. Jennings, Esq., a social party of nearly a strictly family meeting, yet but one no doubt of many similar ones honored all through our growing Utah. To the festive supper, a quarter of a century has been productive of much change. Some have passed to "the other side," others have settled in distant localities, some have unhinged on matrimony and many have families of their own springing up around their feet, but there are some so moulded that they never grow old, they are the same, and even according to the promise, Father Wm. Paul, our respected townswoman, from seniority was awarded the position of honor by son-in-law, and when after a grand supper, and a most enjoyable evening, then Father Paul, H. W. Naisbitt, and Wm. Paul, Jun., followed, each expressing the warmest feelings of affection and respect, and doing worthy honor to the host while privileged to entertain from time to time the highest dignitaries of this land many eminent visitors from far off nations, has never yet forgotten or failed to gather together at convenient seasons those who in less prosperous (and even in times of hardship and poverty) were his ever welcome guests. This is a characteristic which is everywhere worthy of emulation and a practice which certainly possesses the spirit of the first Christmas day, when the angels sang the song of "Peace on earth and good will to man."

The Small-pox Scare.—A. C., of Brigham City, furnishes us with the following particulars about the late small-pox scare in the north:

For a period of about six weeks a violent and exceedingly contagious disease has been desolating a household in Mantua, within the corporate limits of Brigham City. To its effects three young men have already succumbed after much suffering. The disease seems also to have affected other families in some degree in the same place.

A rumor was spread here that it was small-pox, and that it had been brought to the place by a young man who had returned from Butte City, Montana. On the evening of the 20th inst., a physician visited the afflicted family and others at the residence and gave a condemnatory report of the rumor to Mayor Smith. On the following morning every precaution was taken, and quarantine was rigorously enforced, and the spread of the disease was prevented.

Dr. Allen, of Ogden, was telegraphed for to aid us in a more critical examination for establishing the nature of the disease. The doctor arrived in the morning and proceeded to Mantua, within a few miles east of here. He pronounced the disease to be typhoid fever. The patients broke out on their bodies a new rash resembling small-pox, but the eruption is not so regular.

Snowville.—A Goodlife writes from Snowville, Box Elder County: "Snowville is growing, snow about one inch deep. The health of the people is good, and they enjoy their religion. A good wagon road has been made from Brigham City to this place. Much credit is due to Brother H. J. Hansen for his energy as road supervisor on this end of the road, and thanks to the county officials who appropriated money to defray the expenses. The people of this place have turned out quite liberally to benefit the roads, and now those traveling to Casola County, Idaho, and other parts, will find it to their advantage to come by way of Snowville."

Summoned to Washington.—It is rumored that Governor Murray is to appear in Washington, and that the message has been received by him with some misgivings.

THE ANGEL OF DEATH NOT WANTED.—To people who in their moments of themselves dead come this parable, to show them that if taken at their word, they would soon retract and plead for life. A certain feeble old man had gathered a load of sticks, and was carrying it home. He became very tired on the road, and flinging down his burden, he cried out: "O, Angel of Death, deliver me from this misery!" At that instant, the Angel of Death, in obedience to his summons, appeared before him and asked him what he wanted. On seeing the frightful figure, the old man, trembling, replied: "O, friend, be pleased to assist me, that I may lift once more this burden upon my shoulder; for this purpose only have I called you."

WHOLESALE PRODUCE LIST.
List of Buying Prices of Produce in the Salt Lake Market, corrected Semi-Weekly for the *Deseret Evening News*, by Z. C. M. I. and others.

| | |
|------------------|---------------------------|
| Wheat | 30 @ 35 cts bushel. |
| Oats | 12 @ 15 cts " |
| Barley | 14 @ 15 cts " |
| Shelled Corn | 14 @ 15 cts " |
| Flour, XXX | 27 @ 28 cts " |
| " XX | 25 @ 26 cts " |
| " X | 23 @ 24 cts " |
| Brans | 12 @ 13 cts " |
| Shorts | 11 @ 12 cts " |
| Butter | 23 @ 24 cts pound |
| Eggs | 21 @ 22 cts " |
| Beef on foot | 8 @ 9 cts " |
| Mutton, dressed | 10 @ 11 cts " |
| Pork | 9 @ 10 cts " |
| Wool | 15 to 16 cts " |
| Hides, Dry Flats | 10 to 12 cts " |
| " Skin | 2 to 3 cts " |
| Green | 4 to 5 cts " |

SPECIAL BUSINESS NOTICES.

HOLIDAY GOODS.
Go to Barnes & Davis for your Christmas and New Year goods. They offer a large choice stock to select from. Give them a call before you make your purchases. They have some of the square cheese that is doing the talking in the East, which they are offering to their patrons.

Special inducement to the holiday trade. The immense stock of Men's and Boy's Clothing, and Boots and Shoes, at greatly reduced prices, to suit the holiday trade. **STEARNS, 120, Main Street.**

When a friend of eminent physicians and chemists announced the discovery that by combining some well known valuable remedies, the most wonderful medicine was produced, which would cure such a wide range of diseases that none of the other remedies could be dispensed with, many were sceptical, but proof of its merits by actual trial has dispelled all doubt, and today the discoverers of that great medicine, Hop Bitters, are honored and blessed by all as benefactors.

SHILOH'S VITALIZER is what you need for Constipation, Loss of Appetite, Dizziness and all symptoms of Dyspepsia. Price 10 and 25 cents per bottle. Sold by Moore, Allen & Co.

CROUP, WHOOPING COUGH and Bronchitis immediately relieved by Shiloh's Cure. Sold by Moore, Allen & Co.

Special Sale of HATS at Goldberg's, Wauatch Building.

DIED.
At Nephi, Juno County, Utah, Dec. 26th, 1881, Mrs. EMILY A. SAUNDERS, wife of George Wm. aged 42 years, 6 months and 21 days.

She was born at Woolwich, Kent, England; emigrated to Utah in 1862. She leaves her husband and one daughter, Mary, aged 14 years, and one son, John, aged 10 years. She died a faithful Lady of the Saint. *Millennial Star*, please copy.

At Payson, U. T., December 21, 1881, of heart disease, HANNAH SOPHIA, daughter of Hannah and Barry Wride, aged 10 years, 4 months and 20 days.

She was a bright and lovely child, beloved by all who knew her. Her respect was manifested by the Primary Association, following the remains in procession to the cemetery. *Millennial Star* please copy.

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