

THE MORMON QUESTION.

WASHINGTON, March 1.

The contradictions of fact and the variety of opinion expressed in and out of Congress on the legislation (which has passed the Senate) relative to the real condition of affairs in Utah have induced your correspondent to solicit the views of the Representatives of Utah here in the person of her delegate-elect and her present delegate, with the following result:

Correspondent.—I have desired this interview, Mr. Delegate Hooper, that I might be able to lay before the readers of *The World* some information concerning the condition of affairs in Utah from your standpoint. There are all kinds of reports through despatches and correspondence from there, and the public are led to believe that a state of things but little short of anarchy prevails there.

Mr. Hooper.—I shall be pleased to give you any information in my power about Utah and her affairs, for there is a side to this question of which the public rarely get any knowledge. The people of Utah are grossly misrepresented by the reports which have been put in circulation about them. The President of the United States has been persuaded to believe them, and has issued a message to Congress on the subject. He intimates that the administration of the law in Utah has been taken out of the hands of the judges which he has appointed, and that their action has been interfered with. These are grave charges to make against a community. If they were true Congress would be justified in taking the matter in hand. But the President has been misinformed, and an investigation into the affairs of the Territory will prove that facts have been strangely perverted.

Cor.—The widespread impression concerning Utah is that Brigham Young and the local Legislature have constituted themselves a power higher than the President and the Congress of the United States. They have enacted laws, it is said, which place the selection of juries in the hands of men who take good care that no jury is empanelled that will convict a Mormon, and they virtually say to the Federal judges and officers: "You cannot enforce your laws, and we set you at defiance."

Mr. H.—I know these statements are made, but they are untrue. The mode of selecting juries in Utah is the same as that pursued in many parts of the country. The county court of each county, at its first session in each year, selects from the assessment rolls fifty names of persons eligible as jurors. These names are written on slips of paper and deposited in a box, the box is shaken up, and the jury panel drawn therefrom promiscuously. These juries have indicted and convicted Mormons and non-Mormons alike of crimes whenever the evidence has been sufficient, and until now they have been credited with fairness in deciding cases in which Mormons and non-Mormons have been parties to the suit. A case in point occurs to me now. A young man, a Mormon, assailed a non-Mormon for some offence, real or imaginary, and killed him. He was arrested, tried, and executed therefor. His being a Mormon did not save him from justice.

C.—Do not your authorities contrive to exclude the Gentile element from the juries?

Mr. H.—They do not. If the jury list of the past few years be examined, it will be found that non-Mormons have been selected as jurors. They have not been as numerous as the Mormons, for the latter outnumber the others nine to one; but they have had a larger proportionate representation on juries. Many of the non-Mormons do not pay taxes, being transients, and the selection for jurors is from the tax-payers.

C.—It is argued, however, that while the selection of juries is left to your local authorities, it is useless to make any effort to enforce such laws of the United States as do not accord with public sentiment there. Polygamy, for instance, is practised there. General Grant in his message refers particularly to that system. How can it be reached when the men who largely compose the juries may be polygamists or believers that polygamy is not a crime?

Mr. H.—You may not know—I know it is not generally understood—that there has never been an attempt made to prosecute for poly-

gamy under the law of 1862. In the attempt to convict Brigham Young and others in the fall of 1871, a territorial statute against lascivious cohabitation was used by the Judge. This became law through Brigham's own signature when he was Federal Governor of Utah, and was no more intended to apply to plural marriage than to single marriage. It is said Mormon juries will not convict; but is it fair to say so, and to ask for a different mode of selecting juries, when they have never been tried?

C.—Do you mean to say that they would indict and find verdicts against polygamists?

Mr. H.—Of course I cannot say what they would do. The prevalent opinion in Utah is that the law of 1862 is unconstitutional. The Mormons claim that they were commanded of God to practice plural marriage, not to gratify licentiousness, but to save women and to raise a righteous offspring. It was a part of their religion in 1862, and had been for many years. They claim, therefore, that the passage of a law making it criminal was in violation of the first amendment of the Constitution, which says that Congress shall make no law prohibiting the free exercise of religion.

C.—Well, but suppose that a colony of Thugs were to practice their system of murder in the United States, should we not punish them because they would claim that it was their religion, and that under the Constitution they had a right to its free exercise? Or suppose that the burning of widows were to be attempted here as formerly practised in Hindostan, would we have to permit it because it should be called religion?

Mr. H.—My people claim that there is a wide distinction between these practices and that of polygamy. The one destroys life, the other perpetuates it. One is *malum in se*, or an act which is in and of itself a crime, and the other is *malum prohibitum*, an act which is made crime by law. The Bible, which Christendom receives as authority and on the moral teachings of which its laws are based, declares murder to be a crime, it declares adultery to be a crime, but it nowhere prohibits the marriage of more than one woman to one man. This, however, is trenching on theology, with which I do not profess to have much familiarity.

C.—The dispatches from Utah report great excitement and alarm among the people there. I see it stated also that the Mormon leaders are trying to obtain some foothold in Mexico or the Sandwich Islands to which to flee in case the law is enforced against them. Do you think if Congressional action were had they would desert Utah?

Mr. H.—No, sir. To what place could they go and be less exposed than in Utah? If they were to go to Mexico, with their industry, temperance, and thrift they would soon accumulate wealth. In such a country they would make their homes a paradise, and the cry would be raised against them then, as it now is, to excite prejudice, under cover of which they could be robbed. As to the Sandwich Islands, though there is a plantation on Oahu owned by some of my constituents at which the native Mormons are gathered and taught habits of industry, yet the removal of the people to that quarter has never been contemplated.

C.—The scheme of settling an island or group of islands in the Pacific it has been thought would suit Brigham Young. By such a move he would escape collision with the government or its laws, would secure a place where he could erect a government to suit himself and to which he could gather converts with ease; and with his administrative talents and the peoples' union and industry, lay the foundation of an important and wealthy power. In view of the complications and difficulties that are likely to arise at any time I should think that such a plan might have fascinations for him. With the mines and other advantages which Utah now possesses Brigham and his people might be able to sell to advantage.

Mr. H.—Apart from the great obstacles in the way of a wholesale emigration of a people as numerous as the Mormons in Utah, there is an insuperable objection to such a plan. The Mormon belief forbids the idea of their leaving the continent. They love America as the ancient Jews did Canaan. They have come from all quarters of the earth to be here. It is to them the promised land, the land of Zion. They are attached to republican institutions, and value the Constitution of the United States as a sacred instrument which its framers were inspired to write and

colonies to accept. They have been persecuted in counties and States; but that was mobocracy. Under the Government they have enjoyed their liberty, and while properly administered they always will have all the rights and freedom they desire. No, sir; Utah, they think, is the best spot on earth for them at present, and there they intend to remain. Let the Mormons leave Utah and she would soon resume her ancient fertility and be valueless. Their removal is not the end those who are making the present outcry desire. They want to get the government of the Territory, of the counties and cities into their hands. By suitable legislation on the part of Congress they hope to do this. With it they have an idea they could hang, imprison, or scare off Brigham Young and other leading Mormons. They never saw such opportunities for making money as there are in Utah, if they could only have their way. The cities, counties and Territory are free from debt. The taxes are light. One per cent. is the combined county and Territorial tax. Outside of Salt Lake there is scarcely any city tax, and there it is trifling. The ring of persons who are crying for legislation would, if they could handle the funds, test the capacity of the various branches of the Government to carry one or two millions of bonds.

C.—This may be so; but it is difficult to make the country believe that the accusations against the people of Utah of being disloyal, of disregarding the laws, of interfering with strangers, of embarrassing the action of the United States officials who have been sent there, are entirely without foundation. Utah is attracting attention. The value of her mines and her commanding position are being recognized. The rights of citizens must be ascertained there, and how can Congress avoid legislation upon the subject?

Mr. H.—From whom do these accusations come? Do you hear of men of capital who have invested in the Territory urging legislation? Are not the prime movers in this matter men who expect to derive advantages from it? The United States Supreme Court early last summer checked the usurpations of a Federal judge in Utah. Then it was determined by him and his set that there must be Congressional legislation to enable him to do with law what he had tried to do without it. He refused last September to issue an order for the empanelling of a grand jury, though asked to do so by the United States Attorney. The object of this was plain. If a grand jury was summoned, and they should indict persons accused of crime, as they always did when evidence was presented to them, it could not be said that the enforcement of the law is impeded and the Federal courts are powerless in Utah. Where, then, would be the necessity for legislation?

C.—You, then, are opposed to legislation by Congress?

Mr. H.—Yes, sir. I deem it unnecessary. The legislators of Utah have shown an honest desire to shape and enlarge the laws to accommodate the new conditions. At the last session but one of the Legislature, seeing the necessity for a civil code, they passed one of 605 sections, framed on the basis of the New York code. At the last session they partly prepared a criminal code, which only failed to become a law because there was not time to pass in the forty days provided by the organic act of the Territory.

C.—You deem legislation unnecessary; but will the country be satisfied without something being done?

Mr. H.—If not, then let a commission of reliable, wise and impartial men be sent to Utah to thoroughly examine both sides of the question there. Then if legislation must be enacted, let it be based upon a knowledge of what is required.

C.—Would such a commission be satisfactory to all classes?

Mr. H.—It is what the great majority of people there, regardless of sect, want, if there must be action of some kind. Members of both Houses are receiving dispatches from influential constituents urging the appointment of a commission.

C.—Your probate courts are greatly complained of. It is said they interfere with the administration of justice by the Federal courts; that they take the administration of the law out of their hands. When the Federal courts have committed persons accused of crime, it is charged that they are released on habeas corpus by the probate courts; that, in fact, the latter are judiciary independent of the Federal courts.

Mr. H.—That this charge is not correct is plain from the fact that the right of appeal from the probate to the district court is accorded and freely exercised. Under the laws of Utah the power of the Federal court over inferior courts is almost absolute. It is true that the probate courts of Utah have enlarged powers. There has been a good reason why they should have them. Until quite recently all the Federal judges have resided in one district—at Salt Lake City. In the other districts years have sometimes elapsed without courts being held. Even now they are held but rarely. The Legislature had the choice between giving the probate courts criminal jurisdiction, or leaving the people to form their own courts or go without any. There is but one instance in the history of Utah of a probate court issuing a writ of habeas corpus to release a prisoner from the custody of a Federal officer. It was in the case of Brigham Young. He had been in confinement for several months. The action of the court which imprisoned him was, by the decision of the United States Supreme Court, declared in effect illegal. For days after that decision was rendered, and when its tenor was notorious to the entire country, he was still kept in custody and his release was refused. He then applied to the probate court for a writ of habeas corpus and got one and his freedom. I related the circumstance at the time to a high functionary here. His reply was that he guessed that the probate court had as much right to release as the United States Marshal had to hold him.

Cor.—It is a cause of regret to many persons that Brigham Young does not get a revelation to abolish polygamy. It is generally admitted that apart from this the people of Utah would be valuable citizens. They are said to be frugal, industrious, and enterprising; but by clinging to polygamy they give their enemies advantages over them. Where it is known that such an obnoxious feature is engrafted on their social polity, it is not difficult to spread slanders about them. There is a determination to put polygamy down. It is felt that sooner or later that system must be crushed out; and there are advocates of strong law, and, if need be, stronger repressive measures.

Mr. H.—I am aware that such methods of reaching it are sometimes advocated; but are they the best? What people were ever converted by such means? Every attempt at legislation against them and their religion they accept as an evidence of its divinity. If it were not of God, say they, would 40,000,000 of people, with all the advanced agencies of the age—the pulpit, the press, the railroad, the telegraph, and un-

bounded wealth—at their command, give themselves any concern about the religion of 130,000 of their fellow-citizens who are being hemmed in and surrounded by their civilization? They would view legislation by Congress as a confession of doubt as to the power of modern systems and ideas, an admission that by might only, with all the odds against it, could Mormons be put down. You can imagine what effect this would have. I have reflected much upon this subject. The true way to deal with this question is to avoid legislating upon it. Railroads are being built in Utah, mines are being opened, emigration is flowing in. The two systems are brought face to face. My constituents do not shrink from the contact. Comparatively poor, not mighty in numbers, not profoundly learned, they have everything to lose and nothing to gain, unless indeed the system, as they believe, be true. The Mormons may be in error, but it required such religious fervor as theirs to make the Utah of to-day possible, to open up the great Western Territories to settlement, and to prepare the way for the completion of the great trans-continental railway a quarter of a century before it could have been built had they not settled Utah when they did. The Mormons may be wrong; but they have done their share in extending our empire, in discovering the best method of redeeming and making fruitful the sterile deserts of the Great Basin, and in showing the world what great results can be accomplished by co-operative industry.—Correspondent *New York World*.

SPECIAL TO THE DESERET NEWS.]

By Telegraph.

PER WESTERN UNION TELEGRAPH LINE.

EASTERN.

WASHINGTON, 10.—The Senate to-day, confirmed the following Southern claims commissioners: A. O. Oldes, of Vermont, Jas. B. Howell, of Iowa, and Organe Ferris, of New York.

The diplomatic corps, to-day, waited upon the President and congratulated him upon the beginning of his second term.

The Democratic Senators, in caucus to-day, refused to acquiesce in the action of the Republican Senators in allowing them only one representative on a committee.

The President nominated George J. Lammon for United States marshal of Nevada, and the following postmasters: Jno. A. Post, Boise City, Idaho; C. H. Crouse, Helena, Montana; H. P. Lennett, Denver.

The Senate confirmed Phillip Emerson as associate justice of Utah, and the postmasters above mentioned.

In accordance with the usual custom, the members of the diplomatic corps in Washington called in a body on the President at noon to-day, to pay their respects and to congratulate him on the beginning of his second term of office. Many of the members of the corps were accompanied by their wives. The President with Mrs. Grant on his arm, and followed by the members of his Cabinet with their wives, led the way to the east room, where they were joined by the diplomatic corps, headed by their Dean, the Turkish minister, who shook hands with the President. Blaque Bey read the following address:

"Mr. President:—I have the honor to offer the congratulations of the diplomatic corps on this occasion of your inauguration. I feel both pleased and flattered that the duty has devolved upon me, to express to you the sincere wish of my colleagues and myself for the preservation of your life and the consequent success of your administration."

The President replied as follows:

"Mr. Dean:—I receive with sensibility the congratulations which you offer in behalf of yourself and colleagues accredited to this government. My intercourse with you all has heretofore been agreeable, and I trust that it may so continue. It is my wish, and shall be my purpose in the future as it has been in the past, to keep up, with the countries which you represent, those cordial and friendly relations which are essential to our general prosperity and happiness."

The Democratic Senators held a caucus to-day and voted to notify the Republican caucus that the action of the latter, in allowing a minority representation of only one on the most important committees, is not satisfactory, and the Democrats will not acquiesce in it by designating any one to fill the vacancies so left for them by the Republican caucus. The Democrats claim that as they number nineteen and the liberals number five in the Senate, the minority should be allowed a representation of two members on each committee. In consequence of this disagreement the list will be revised, and the committees cannot be presented to the Senate before to-morrow.

BALTIMORE.—This morning in the annual conference of the Methodist Episcopal Church of the South, the committee in the case

of the Rev. J. F. Clark, of White Sulphur Springs, West Virginia, reported that the charge of immorality was sustained, and Clark was expelled from the church.

The committee in the case of Dr. Huston are taking testimony.

PORTSMOUTH, N. H.—A shirt stained with blood has been taken from the vault of the house of Mr. Johnson, of this city, and identified as belonging to Wagner, who boarded there.

CHICAGO.—The *Post's* Washington special gives a report of an interview with the Assistant Secretary of the Treasury, Richardson, who it is said will certainly be appointed Secretary of the Treasury if Boutwell is elected senator. It appears from the expression of views by Richardson that while he will not introduce any violent change in the financial policy to produce that result, he is strongly in favor of a speedy return to specie payment.

The *Journal's* special says that ex-Senator Yates, who was an applicant for the Mexican mission, has been appointed Government Director of the U. P. R. R.

Dr. Newman, chaplain of the Senate, starts to-day on a journey round the world.

Foster, chairman of the Indiana Republican State committee, it is said, is certain of being appointed minister to Mexico.

Mrs. General Logan left last night for Utah, to accompany to Illinois the remains of her father, who died at Provo city on Saturday.

WASHINGTON.—The Republican Senatorial caucus met after the adjournment of the Senate this afternoon to consider the demands of the Democrats for increased minority representation on the committees, and after some discussion the matter was referred to a sub-committee of five, to report at the adjourned meeting to-morrow. The sub-committee consists of Stewart, Conkling, Scott, Wright and West. The caucus considered Saturday's vote regarding the case of Patterson, and decided not to take it up for consideration in the Senate, no action being possible for the reason that Patterson is no longer a member of that body.

SALISBURY, Md.—The body of the man who threw himself under a freight train on Saturday evening has been identified as that of Geo. W. Hall, the murderer of Miss Shockley.

ALBANY.—The *Argus* will publish a table to-morrow, showing that of 37 counties holding town meetings the Democrats and Liberals carried 20 against 5 last year, making a net gain on their side of 83 towns.

COLUMBUS, O.—James M. Hawkins, a bigamist, was confronted by two wives at the police court; he confessed and was held to answer in \$1,000 bail.

ST. LOUIS.—The jail library, gathered by Linda Gilbert, was dedicated this evening. Speeches were made by leading clergymen and officials.

PHILADELPHIA.—The counterfeiters arrested on Saturday were before the U. S. Commissioners to-day. Reinhardt was committed in default of \$18,000, and Abrahams and Weisner each in \$7,000 bail, Andrew Moulton waived hearing and was required to give bail.

The extensive ship house, of Wood, Diatogue & Co's ship yard, Raighus Point, New Jersey, was blown down this morning during a heavy gale. Twenty-five men were employed on a vessel in the lower part of the house, but the wind was so strong that it carried the wreck away from them and the vessel. None of the men were injured. Loss \$15,000.

NEW YORK.—The *Post* denies that George William Curtis is dangerously ill. He is confined to his room, the result of over work, but he will be out in a few days when he will probably take a respite from all labor for some months.

Rumor says that Commodore Vanderbilt intends to convert the Harlem road into a freight adjunct to the Hudson River road instead of double tracking the latter.

WASHINGTON.—The Third Auditor has arranged to have the Montana Indian war claims taken up for examination at once. The Secretary of War will detail the army paymaster to pay them by check as fast as they are audited.

At a convention of colored men held to-night, including representatives from various parts of the country, George T. Downing presiding, an address was adopted claiming the full measure of civil rights,