

shall maintain, protect or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations or other contrivances.

Sec. 3. And be it further enacted, That it shall not be lawful for any corporation or association for religious or charitable purposes, to acquire or hold real estate in any Territory of the United States during the existence of the territorial government, of a greater value than \$50,000, and all real estate acquired or held by such corporations or associations contrary to the provisions of this act be forfeited and escheat to the United States; Provided, That existing vested rights in real estate shall not be impaired by the provisions of this section.

Approved July 1, 1862.

Whether the second section of the above act unqualifiedly disapproves the act of incorporation is perhaps questionable. The courts of Utah have held that for purposes of criminal prosecution, as where property of the Church had been stolen, it still had an existence. This decision probably rests on the provision relating to property rights. The judicial decision has obtained in a civil case because of the difficulty arising under the statutes as to what officer was the proper one to institute proceedings in this and like cases, the local laws imposing such duty on the attorney-general, and no such office exists.

Repealed or not the fact remains that the trustee-in-trust continues with his assistants to buy and sell and to receive in matters not for purposes of worship.

Joined with this is another and more reprehensible crime. The business of government is under a perfected system continually carried on, and courts not open to all citizens and unknown to Congress, constantly sit with usurped powers like unto those conferred under the act of incorporation, dealing with the affairs of men not only spiritual but temporal. Notwithstanding the third section of the law of Congress of 1862, declaring "that it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate of a greater value than \$50,000 within any Territory," this corporation or association, according to the last United States census, possessed property within one county to the amount of \$2,500,000. This law is nullified by placing the title to property of the church in the names of different trustees, presidents of stakes, bishops and other authorized agents. What amount of property is thus unlawfully held throughout the counties of the Territory I cannot with certainty estimate, and it was found impossible so to estimate by the agents of the United States in the last census.

Notwithstanding the law of 1862 denounced bigamy as a crime, and the adjudication of the Supreme Court, I find that it has been defiantly taught and practised, and continues to be so taught and practised. In this successful and long-continued conspiracy to defeat the execution of this law, I find that the agencies of the government of Utah, deriving their power from Congress, notably the Legislature, which not only derives its power from Congress but is paid out of the treasury of the United States, joins in and leads in this nullification. In support of this assertion, I beg to make that part of my message to the twenty-fifth Legislature in 1892, which is under the head of "Political Situation," "Exercise of Church Authority in Temporal Affairs," "Assessments and Tithing," "Polygamy," and "Government Action," and the action of the Council thereon, and in response, a part of this report. It is too voluminous to incorporate, but it is to be found in the House and Council journals of the session of 1892. The former is in the House journals and the latter in the Council journals. An appeal to the Legislature by the Governor to enact laws in accordance with the laws of Congress and the Supreme Court decision, was, in part, answered as follows:

"The great majority of Utah's people believed then as they believe now, the act of 1862 to be not only special and unreasonable, but also unconstitutional, in that it 'prohibits' the 'free exercise of a part of their religion,' but they do not fail to recognize the power of Congress, under pressure, to enact as an expedient that or similar laws; they can, however, only view them, in the light of history and experience, as improvident, mischievous and dangerous."

This deliverance of the Council in Utah as to the Congress and Supreme Court may be "sharp and biting," but perhaps to them not conclusive.

Another act, incorporating the

Perpetual Emigration Fund Company, was passed in 1850 and amended and confirmed by the Legislature of Utah January 12th, 1853. It provides that the general business of the company shall be devoted, under the direction of the First Presidency of said Church, to promote, facilitate and accomplish the immigration of the poor.

By this act the whole system of immigration was handed over by the Legislature to a corporation under the control of the Church. No other system has been by law authorized or permitted in Utah, and this rich corporation continues as part of the "church and state" machinery to gather converts from all parts of the world.

Section 14 of the act provided as follows:

The Islands of Great Salt Lake known as Stansbury Island and Antelope Island are hereby reserved and appropriated for the use and benefit of said company (emigration), and said islands shall be under the exclusive control of President Brigham Young.

Here is a primary disposal of the soil of the United States by a Territorial Legislature, not to an individual, but to a church and the head of the church, its president; certainly a law respecting the establishment of religion. One fact is conclusive, that by Territorial legislative enactment the church was formally declared the sovereign in Utah, and that is, that all escheats were by law turned over to the Church Emigration Company by the probate judge of each county, who was "empowered and required to take possession of all property left by any deceased or absconded person when there is no legal claimant known or sufficiently near to see to it in season." See section 560, Compiled Laws of Utah, published by authority in 1876. Were these not laws respecting an establishment of religion?

By Act approved December 9, 1856, it was ordained that Brigham Young have the sole control of City Creek and canyon, and that he pay into the public treasury \$500 therefor. Similar acts, and without consideration, were granted at different times to Heber O. Kimball, Ezra T. Benson, and other leaders in the church. An Act approved January 17, 1853, granted to Daniel H. Wells the right to erect ferries across Green River. Among other requirements, Section 4 provided that he should pay or cause to be paid 10 per cent. of all the proceeds arising from the privileges herein granted into the treasury of the "Perpetual Emigration Fund Company." Daniel H. Wells was, and it is still claimed for him, the Lieutenant-General commanding the Nauvoo Legion, beside his official rank in the church.

While the foregoing acts were not a primary disposal of the soil they were more. By them there was a disposal of water and timber, property of the United States, without which the soil has no value whatever. A common school system prevails under the law. In every instance known to me the schools are established under the same roof or in adjoining rooms to the church ward meeting houses. The whole system is under the control of and taught by elders of the church, and thousands who are taxed for their support do not, and of necessity can receive no benefit in sending their children, and do not send them.

In a veto of an act making appropriations for general purposes, among others, was an appropriation for the erection of a new building for Deseret University. I placed among my objections the one "That in all appropriations of public money received from taxes upon all classes of citizens for educational purposes they should be made with an unqualified provision that no doctrinal, sectarian tenets should be taught or allowed to be taught, or any particular belief required of any teacher or officer thereof." I sincerely regret the Legislature and the Governor could not in their conferences have agreed upon some plan by which non-sectarian educational work should have been allowed to progress.

In a report of this character I fear I may not prolong it in further demonstrating the establishment of a system of government in Utah, by a subversion of the Congressional enactment organizing it into a Territory. That the government, which being too fearful of an inflicting upon religious belief has permitted agencies deriving their power from the Government, to make laws in the past that were, and some of them still are, laws, all of which were intended as far as possible to establish a religion.

The system continues in force

with the added growth of thirty years. That while the Government has permitted an unlawful government to exist there under usurped powers in part and this practical establishment of religion, it has, I regret to say, allowed its laws to be trampled upon and nullified from year to year. A Government making laws should see that they are enforced or repeal them. As long as the agencies of the Government remain as they now are misgovernment must exist and nullification or worse must, I fear, as a sequence, follow in the future. The trouble is organic.

I therefore conclude in the hope that Congress and the country may not further follow the argument as to the right of religious belief, but rather consider how a great crime against the flag, against the plain provisions of the Constitution declaring there shall be no establishment of religion, including as it does polygamy, a corner-stone, which is a crime under the law, a shame to humanity, and a by-word and reproach to our land among the nations of the civilized world, may be quickly and effectually arrested and punished.

Two bodies cannot occupy the same space at the same time. If to-day every act of Congress were repealed, there would be left in Utah an ecclesiastical government intended to meet all requirements as to the temporal affairs of man in his dealing with his fellowmen. For over thirty years such a government has existed there and intended to be so established that "it may not legally be questioned."

I beg to warn you, Mr. Secretary, and through you the country, of dangers that threaten and troubles that will surely come, and to ask that action that will adjust the wrongs so long committed in Utah.

Half-way measures will not answer, and delay is dangerous. Innocent blood of Mormon and American will eventually be shed in establishing good government in Utah and the vast adjoining territory of the West being occupied by this power.

Time will not and can not prove the remedy.

I now ask that all laws passed by Congress be repealed, and that if it be the purpose to overlook crime against the flag and the lesser crime against the law, polygamy, that it should be officially determined and announced, in order that the people of this great region may know what to expect and how to arrange their family and business affairs.

If, on the other hand, the country proposes to see that its laws are executed and its authority recognized, by all alike and everywhere, then I respectfully suggest the following:

Under the Edmunds law the Utah Commission has returned a monogamous Legislature which meets in January next. If that Legislature fail to appeal in full all laws passed by former Legislatures respecting an establishment of religion, to repeal all statutes under which laws of Congress have been nullified, and fail to pass laws forbidding polygamy and punishing any person who solemnizes what is termed plural marriage, to provide for neglected and deserving wives, and fail (as other Legislatures have refused to do) to bestow the right of dower or its equivalent, and fail to recognize in their labors the authority of the United States as the absolute sovereign political power, then that Congress shall repeal that section of the Organic Act establishing such a body and assume control in the government here. This it has beyond question the right to do, and this I believe to be its duty to do without a delay beyond the ending of the next Territorial Legislature.

THE REMEDY.

It cannot reasonably be expected that Congress at so great a distance, and with the wants of a great country to care for, can know in detail the wants of a Territory so well as men interested in its business and who live in the Territory. A pilot in the light-house off Sandy Hook cannot guide a vessel across the Atlantic Ocean. The pilot must be on board ship. So I take it Congress must establish another agency in Utah, one familiar with the wants and requirements of the Territory, familiar with its localities, and bound up in its welfare with their lives and fortunes, and who bear honest allegiance to the government of the United States. If it be true that the government for over thirty years has had an unfaithful agent in Utah, is it not right that it should dispense with such service and establish a faithful agent there? Is it

right that the government should do less than an intelligent, careful business man would do under like circumstances?

In order to keep this side of what might properly be termed the heroic remedy, I present in hope and confidence my former recommendation. Intelligent observation and experience confirm me in the necessity and wisdom of that course.

In lieu of the Legislature as now provided for in section 4 of the organic act (and which I may add has been and is practically appointed by the president of the Mormon church), constitute a Legislative Council say of three or five, or if necessary thirteen or more, they to be appointed by the President and confirmed by the Senate, who shall write a code of laws in union with civilization, the Constitution, and the laws of Congress, and which will prove a government not only "for the people," but by the people.

The principle involved in this action is right, and the precedents for it are abundant, older than our Constitution, and occurring in our National history as events warranted from time to time down to the present. By the statutes of 1787 the Territory of the Northwest was formed. In this the Governor and three judges were constituted a legislative council. By our Louisiana purchase the government became the possessor of a territory from the mouth of the Mississippi to the British possessions in the North. The Territory of Orleans presents not only the principle but the almost exact statute recommended by me. There a council of thirteen was constituted, good and true men of that Territory and were also appointed by the President. While the government of the District of Columbia does not present so exact a case as that of Louisiana, for the reason that Congress can and does enact laws for its government more in detail, the District of Columbia, as Utah, was granted by Congress a Territorial form of government with a Governor and Legislature. For well-known reasons, deemed sufficient, Congress deprived the citizens there of a Legislature and constituted a Commission for its government. However convincing the arguments have been made in that case they are not so conclusive as those presentable for a change in the government of Utah.

As good citizens of the District of Columbia demanded the abolition of their legislature and the appointment of the Commission, so good citizens of Utah appeal for that or similar relief. I hear no complaint of misgovernment in the District of Columbia, under the commission. So, under the government recommended by me for Utah, I confidently believe such action by Congress, and a council composed of men loyal to the Constitution and the laws, there would come that adjustment of wrongs and termination of contentions so earnestly prayed for by those in Utah who possess the intelligence and one-third the wealth of the Territory, and who, while bearing allegiance to the United States, and paying in large part the taxes of the Territory, have no voice in its government. Further legislation is essential, and any law short of the one suggested will prove beneficial.

The honorable Commissioners under the Edmunds law have faithfully, and I think effectually carried out its provisions, disfranchising polygamists.

The conduct of elections under their rulings and careful supervision has been creditable to them and fair to all entitled to the franchise.

The law is a step in the right direction, and to the honorable the Senator and Congress, and the President and the Commissioners who executed it, I beg to acknowledge with gratitude whatever good results have or may come from it.

Other matters, Mr. Secretary, might have been presented to you on this question and matters of less interest in the government and business affairs of the Territory.

I can only say, with this adjustment and relief that will follow, Utah, so great in resources and attractions will outstep the Utah of the past with its burdens, and add more largely, even than now, to the material wealth of our common country.

I have the honor to be, Mr. Secretary, your obedient servant,
ELI H. MURRAY,
Governor.

THE SECRETARY OF THE INTERIOR

"Utah and Its People," for sale at the "Deseret News Office." 25 Cents a Copy.

IT CONTINUES TO GROW.

At a meeting of the directors of Zion's Benefit Building Society, held last evening, the subject of giving stockholders ample time within which to pay their monthly dues and other obligations, thus rendering them less liable, on account of omissions, to fines under the by-laws, was discussed. The result was the unanimous adoption of the following:

Resolved, That the Secretaries of Zion's Benefit Building Society are hereby instructed to open the books of the Society, for receipt of monthly dues and interest, on the first day of each month, and that said books shall remain open until 8 p. m. of the second Wednesday of each month, after which time they shall be closed for the current month. And be it further

Resolved, That all dues and interest remaining unpaid after 8 p. m. of the second Wednesday of each month shall be deemed delinquent, and fines shall be assessed as provided in Article eleven of the by-laws of the Society.

Hitherto quite a number of the stockholders had rendered themselves liable to fines by a simple oversight in not making their payments within the time stipulated. The measure adopted last night will, however, give a scope of from eight to fourteen days, according as the dates occur, during which current obligations can be met.

The society is making excellent progress. Considering that it has only existed six months it has probably prospered as well as any institution of similar proportions ever started in the community, to whom it is a substantial benefit. Through it about 250 persons are systematically saving money, many of whom would probably not have thought of accumulating by any other process. Including last month's income, something over \$8,000 has been loaned to stockholders and is drawing interest, the applications of fourteen borrowers having been satisfied. With this means mortgages have been lifted and new dwellings erected, in pursuance of the object of the Society—"the procuring, retaining and improving of homes."

The way is still open for persons desiring to do so to subscribe for stock in the first series, in accordance with conditions recently arranged by the directors. It is an institution whose beneficent influence will be strongly felt in the community in comparison with its growth. It is essentially a workingmen's movement.

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"Mt. Gilead, Ohio, June 26, 1882. COUGHS. "I have used AYER'S CHERRY PECTORAL this spring for a severe cough and lung trouble with good effect, and I am pleased to recommend it to any one similarly affected.

HARVEY BAUGHMAN, Proprietor Globe Hotel."

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