

THE UTAH BARBARISM.

It is remarkable that while free-love doctrines of marriage were never more prevalent, the law of marriage is receiving its most conspicuous vindication in the very citadel of Mormonism itself. The novel attempt is now making under the laws and authority of the United States to punish bigamy and polygamy in Utah Territory. Will Brigham Young, now indicted in Salt Lake City, be actually punished?

Polygamy is a peculiar and local institution, as slavery was. It is nowhere condemned by the Constitution of the United States. But by the common and statute law of all civilized countries it is a crime, though it was not in the days and country of Abraham. In a Territory the government is responsible for the execution of the common penal laws. But here is an instance where the general government has long egregiously failed of its duty, and a certain condition of society has in consequence arisen. Does the government owe no consideration for the victims?

Let it be supposed that the people of a State were to establish and maintain polygamy. Under what clause of the Constitution could Congress interfere to punish them?

The old Democratic doctrine was that as an inchoate State a Territory is entitled to as completely unobstructed local government, as far as its home institutions are concerned, as a State. On this ground Congressional interference with Slavery in the Territories was resisted to the extent of rebellion. On the same principle Congress would now have no right to interfere with the peculiar institution in Utah—of course with the difference that there was claimed a personal right to carry slaves to the Territories, while there is no corresponding claim of citizens of polygamic States to take their seraglios to Utah. Yet something like this notion of the inviolability of local government and the claim of Mormonism to tolerance as a religion, have led to the licence of polygamy and its present resulting strength and fruits.

It is recognized as unjust to punish an act by making it penal after its commission. But, suppose that a law is allowed to fall into desuetude. Suppose that this is permitted to such an extent as to create the moral effect of its repeal in the case of a whole commonwealth. Suppose that, by an executive or judicial act, that virtually dead law is re-kindled into vital law, and made to punish acts long past. This is not in form the enactment of an *ex post facto* law. But is it not in effect morally the equivalent of such an enactment? Is it not something like the injustice of an *ex post facto* law? It occurs to us that with the exceptional marriages of Utah the law should now deal exceptionally. The children of these marriages in the past should not be disgraced.—*Missouri Republican*.

In the San Francisco *Golden Era* we find the following just observations—

A dangerous tendency shows itself in some partisan journals, to make a man's religion a test for fitness for office. No principle is more foreign to our institutions, and none is pregnant with such peril to the Republic. The Federal Constitution wisely leaves religion to each man's conscience, assuming that each sect or creed may furnish men as worthy as any other. All religious sects are thus equal before the law.

Yes, the Federal Constitution, especially in an amendment thereto, "wisely leaves religion to each man's conscience." But some of the representatives of the Federal Government in Utah, considering themselves immeasurably "wise above that which is written" in the Constitution, will not leave religion to each man's conscience, but will assume, in the face of incontrovertible facts to the contrary, that it is utterly impossible for the religious system known as "Mormonism" to "furnish men as worthy as any other" religious system can. In Utah these presumptuous representatives of Federal authority, these official ignorers of the Constitution, do not consider that "all religious sects are thus equal before the law," but, on the contrary, they manifest most palpably not only the "dangerous tendency" "to make a man's religion a test for fitness for office," but the far more dangerous tendency to make a man's religion a test of his fitness for claiming the rights and the privileges of citizenship, and indeed the very title of citizen. Of this line of policy, or rather impolicy,

it may with startling propriety be declared, in the words of the *Era*, that "no principle is more foreign to our institutions, and none is pregnant with such peril to the Republic." Why so pregnant with peril? Because, if a "Mormon" can with impunity be denied the rights, privileges, and even the status of a citizen, solely because of his religion, as we declare, in words of soberness and unimpeachable truth, is the case in Utah this very day, Oct. 18, Anno Domini, 1871, then a Methodist can be denied those rights and privileges because of his religion, then a Jew, a Roman Catholic, a Universalist, a Presbyterian, a Baptist, an Episcopalian, or a member of any other religious establishment can with equal propriety be denied those rights and privileges because, and solely because, of his religion. We may reasonably go still further and say that if a man can be thus denied rights and privileges because of his religion, he may be equally denied because of his politics, for, it can be well urged that a man's politics may be presumed to be more dangerous to the peace and welfare of the country than his religion can possibly be. Such is the nature of usurpation that, when permitted to have free course, it will grow, it will increase, it will spread, it will go on from strength to strength, and although it may begin by unconstitutionally domineering over and proscribing an unpopular and feeble people like the Latter-day Saints, it will by no means end with them—other and more numerous religious societies will feel the dire hand of proscription, until religious and civil liberty will be banished from the whole Union.

Such is the nature of the "dangerous tendency" of the proscription for religion's sake which has been inaugurated in Utah. This tendency is so exceedingly dangerous, so threatening to the welfare and the continuance of the Republic, that every wise citizen will raise his voice uncompromisingly against giving this "dangerous tendency" an inch of foothold in any portion of the Republic, and will instantly and determinedly and inflexibly exert himself to the utmost to stamp it out from any State or Territory wherein it may be found to venture. Proscriptions is not a legitimate weapon with which to fight any religion. If "Mormonism" can be extinguished only by proscription, if it can be subdued only by unconstitutional means, then let the Constitution live and triumph, then let "Mormonism" live and triumph by the side and under the broad protecting ægis of the Constitution, and let the land have peace and rest and liberty and the full prosperity which will inevitably follow.

"PERILS OF THE TOWN."

A walk through certain portions of this city is not a reputable pastime, but it is terribly suggestive. At any hour from seven in the evening until two in the morning can be seen at doors and windows fair young girls from fifteen to twenty years of age who are already in that way of life from which there seems no escape. The heedless passer by regards this phase of Christian civilization as a thing of course, and these unfortunates as fulfilling their destiny. Such there must be, he argues, and he passes on. He does not probably stop to think of these victims as individuals—the mass constitute a class. He does not ask how they came to be what they are. Perhaps he carries his indifference so far as to assume that they are almost a different race of beings from pure women—that they were born destitute of woman's modesty, purity and love. But if he will take the trouble to ascertain facts he will discover his error. While many women of this class are nearly insensible to moral degradation, there is a very large proportion who are by nature as free from guile as the average of their sex. Many fall through vanity, indolence, love and broken vows, but more through the insidious example, counsel and teachings of persons of both sexes into whose association they are thrown by circumstances. It is very rare that girls who have a home and kind parents are led astray, but thousands are tossed from place to place, with no one exercising over them legal authority and no one interested in giving them good advice, and it is from these homeless creatures that the ranks of vice are recruited. Once in a while the community is startled by the discovery of a band of schemers of both sexes, who derive a luxurious and apparently respectable living by enticing young unprotected girls to ruin. We naturally ask ourselves why the law does not put a stop to these practices. The answer is that no law is violated. The young inexperienced creatures are simply dazzled by a view of a luxurious life, exposed to temptation and allowed to choose their own course. If they choose to remain pure, work hard, live frugally with want ever at the door, they are permitted to do so. But

with examples of successful vice on one hand and pictures of poverty on the other, how many withstand the temptation? Some do withstand it and it is from such that we obtain possession of the details of the infamous schemes which are concocted and carried out in our midst. Some of the daily papers have made mention of a rumor to the effect that there is an organized band of males and females in the Southern part of the city whose business is the entrapping and sale of young girls. Such a band we are assured exists, and we deem it but just and proper that the method of its operations should be known.—S. F. *Golden Era*.

LICENSING CRIME—A BAD EXAMPLE.

Not long since, says the *Bulletin*, the authorities of St. Louis convinced themselves that the social evil would be less an evil if under the protection of law, and so they passed an ordinance to license the immoral haunts of that city. Well pleased with the notoriety which their action brought upon St. Louis, these same authorities are now deliberately considering whether licenses shall be issued authorizing the perpetration of that species of theft known as gambling. According to the nomenclature in vogue in that city, this crime is also designated a necessary evil, because the penal statutes now enforced against it do not operate to absolutely put a stop to it. In that sense, burglary, highway robbery and murder, are also necessary evils—for neither do the statutes against these crimes prevent their being committed.

When the Legislature made appropriations for a penitentiary, and passed laws prescribing the mode of executing murderers, they must have expected that there would be burglary, robbery and murder, despite the penal statutes. But because of the penalties, these crimes are less frequently perpetrated than they otherwise would be, and no reasonable man could have expected that more could be accomplished. So long as human depravity lasts, crime will be committed, but so long as the laws are enforced, they will thus operate to protect the community by way of deterring the evil-disposed and putting the guilty under restraint.

Were stealing as common as gambling, I doubt whether any one would have the temerity to advocate the remission of the penalties, and the licensing of thieves. Yet it would require nicer powers of discrimination than are possessed by any man of healthy moral perceptions, to distinguish the moral turpitude of gaming from that of theft. The statement that the law against gambling is inoperative against crime; argues but a wanton disregard of duty on the part of the officers of the law. When the offense becomes so notorious as to lead to propositions for its recognition and license, it cannot be difficult for the police to ferret out and arrest offenders. That there are many of them is but a reason for the greater vigilance, that crime may as far as possible be repressed. Without doubt gamblers would be less numerous were they sent to prison as fast as they could be caught—and not a few would emerge therefrom, after serving out their sentences, sufficiently disciplined to control their propensity to repeat the offense. It is because of the neglect of public officers to do their duty, and of this sloppy moralizing on the impossibility of wholly suppressing the crime of gambling, that it has attained such magnitude.

In this St. Louis is not peculiar. There is not a city in the country that is not infested with professional gamblers, known to the police authorities, whose haunts are notorious, and whose daily occupation is to plunder the young, the unwary and those ambitious to "see life," as well as the vicious. They do quite as much to demoralize young men and to recruit the ranks of crime as any other agency in society. Yet we seriously question whether in a single large city any resolute, energetic effort is made by the authorities to bring them to justice.

When all the power of the law is exhausted in the efforts to suppress this crime, it will be time enough to discuss the expediency of licensing it, and till then what is required at the hands of those intrusted with power to make laws for the protection of society, is to see that the laws now in the statute book be enforced—that the officers charged with that duty, perform it without stopping to argue that no good would result therefrom.

These arguments may not effect much good in St. Louis, and perhaps will never be heard there. But as there is just now a disposition in San Francisco and several other cities to pattern after St. Louis in the treatment of certain crimes, it is timely to inquire what such a policy would lead to. When we commence licensing crime, it will be found difficult to find a stopping place.—*San Francisco Pioneer*.

The following is an extract of a letter from Dr. Brotherton, dated Philadelphia, Sep. 19, to the *Pacific Churchman*—

The second morning found us at Corinne, in Utah, having crossed the State of Nevada in the night. The Bear River Valley begins to show signs of

the wonderful material prosperity of this land of Mormonism. The view of the Lake in the early morning was very beautiful indeed. The quiet little homesteads, with all the evidences of a thrifty population; the towns nestling under the shadows of the Wasatch mountains; the pearly little streams which meandered along either side of the railroad track, all lent a charm to the scene and kept the attention awake; and this through miles of territory, extending north and south on the line of travel. And still more wonderful, all this in a land as barren, as desolate, as utterly useless a few years ago as that we had just passed over. The desert, indeed, had been converted into a flower garden blooming as a rose. And what is the secret of this change? Simply concentration of effort—unity of action under the leadership of one man, who, for executive ability and organizing power, will rank with the great leaders of the world. The power of Brigham Young has been used for the material prosperity of the people under his charge. In mere material things the condition of Utah is a proud monument to his power and its use. Who does not at times compare this man with the first sons of the Church, and their empires, small things with great, with each other; the material prosperity of each, owing to the wonderful sagacity of its ruler. Was the moral life of Napoleon better than that of Brigham? Were the morals of Christian France superior to those of Mormon Utah?

I have seen, since my arrival here, that the District Judge of the U. S. has severely admonished upon and called the attention of the Grand Jury to the system of polygamy. How it is to be dealt with is a serious question. The action of Bishop Tuttle, in answering the question, was a wise one. The wisest and best men in the nation sustain him. He saw the injury, the obloquy, the shame and wrong any forcible attempt to interfere with the existing relations of these men and their wives would entail on hundreds of innocent beings, and he signed a petition to Congress asking that no such interference should be had.

SAN FRANCISCO MEDICOS AND THE SOCIAL EVIL.

The San Francisco Medical Association consumed the entire evening of Tuesday, of the present week, in the discussion of D. Holland's Social Evil Bill. It is gratifying to notice that this monstrosity did not find any favor with only two members present. Those were Drs. Morse and Haine. Dr. Gibbons said that the Board of Supervisors might just as well license abortionists, because they ministered to crime which seemed, like prostitution, to be irrepressible. The Bill looked like a scheme to provide fat places for particular favorites. He moved to appoint a committee to attend the session of the committee of Health and Police and represent the feeling of the Society. Dr. Morse defended the Bill and vindicated the motives of its author, Dr. Holland.

On Tuesday evening, Dr. Holland met the Health and Police Committee of the Board of Supervisors, consisting of Messrs. Cummins, Kelly and Kenney, and explained its provisions. The moral aspects of the Bill were discussed somewhat by Judge Thompson, on behalf of the Rescue Mission. Dr. Holland insisted that the Bill was prepared and presented only in the special interest of the public health. The Social Evil was an existing and established fact, and as a Health Officer he proposed to deal with it as such. The nice distinctions of morality formed no part of his profession. But Dr. Holland well knows that vaccinating women only, would be but a very meagre protection against the ravages of the small-pox. The Committee, however, did not realize that there was any necessity for regulating the action of only one of the genders to this institution. Those sage overseers of the public morals and the public health seemed only to realize the important fact that the masculine wing of society, of which they are distinguished members, must be allowed the enjoyment of its pleasures, beastly though they be, and that it was their imperative duty to protect, as far as practicable, the health of those lustful but honorable masculines, who practically sustain and uphold the "Social Evil."—*San Francisco Pioneer*, October 12.

BEEES! BEEES! BEEES!

A FEW STANDS OF ITALIAN BEES FOR sale at \$20 a Stand, in Patent Hives, by Robert L. Campbell, Historian's Office, Salt Lake City.