EDITORIALS.

THE UTAH PROBLEM.

THE March number of the Princeton *Review* contains an article on "The Utah Problem" by Henry Randall Waite of Washington D.C. It is well written and will doubtless be received as a candid statement of facts and a rational view of the Utah situation, whatever may be thought of the policy recommended. But like all opponents of the "Mormon" system the author falls into error in relation to it, and therefore his arguments and suggestions are of little value.

Writers on Utah affairs seem to think it of small consequence to be sure of their facts. They take too many current notions for granted, and as rumor is all the time busy in circulating nonsense about the "Mormons," their creed and their doings, much of the anti-"Mormon" literature of the period is worthless. It is doubly a failure. When intended to convince the "Mormons" of their supposed errors, it only confirms them in their faith, and when prepared as a solution to the problem or a means of its destruction, it accomplishes next to nothing because it is based on egregious mistakes.

Mr. Waite is incorrect in starting out with the idea that the "Mormons" came to Utah to "place themselves beyond the reach of the statutes with which their faith was in conflict," and that this land "became subject to the United States while they were journeying to it." The conflict was not with any statutes of the country. It was of an unorthodox religion with intolerance; and the exodus of the Saints beyond the borders of "Christian" civilization was not for the purpose of getting away from the operation of national laws, but to find a resting place where mobocracy and "Christian" bigotry could not penetrate. The fleeing "Mormons" sought an asylum within the United States by application to every State in the Union, but in vain. Neither did this land become subject to the United States until the "Mormons" had settled upon it, for it was part of the domain of Mexico and the "Mormon" battalion was, at the time of our settlement here, engaged with the army of the United States in carrying the war into Mexico, while here the "Mormon" leaders were unfurling the stars and stripes to the free air of the mountains, preferring to be counted as citizens of the United States, ratner than to be connected with any other nation.

In finding fault with the Government for its policy toward the "Mormons" in the beginning of Utah's settlement, he points to a people seeking a refuge where they would be free "to transgress the laws of the government to which they owed allegiance." Wrong again. It could not then be even alleged that the "Mormons sought to transgress national laws." The only law which it is now claimed that they violate or disregard is the anti-polygamy law, which was not enacted till 1862, fifteen years after the "Mormons" settled in this part of the republic.

As to the character of the people who came to this then desert waste, his own quotation from Josiah Quincy's writings, which he endorses, refutes the idea of their lawlessness. He says, "he credits them with qualities such as temperance, industry and thrift which are among the most important essential to good citizenship." And he takes the ground that if this community had been allowed to remain at Nauvoo free to develop their theories the "Mormon" problem would have become a matter of little concern, because the "common sense of the people" and "a hostile public sentiment humanely exercised" would have forced it into conformity with public opinion, instead of causing it to take "deeper root by persecution and free growth by exile."

Mr. Waite says many true and kind things in regard to the masses of the people who have wrought such a change in this formerly sterile region, and his dispassionate remarks are calculated to make thoughtful people who read them pause before condemning this community after the usual method of indiscriminate censure. But when he comes again to stating facts he tumbles once more into error.

Referring to present conditions in Utah, he states that we have here a system of public schools "which, in violation of a fundamental principle of our government are used for the propagation of religious tenets." Also "a power entrenched which assumes to administrate the judicial laws upon the territorial statute book, but which uses the trust to abuse it by the substitution of religious tribunals which if not secret, are open only to the audience of the faithful. All this is grossly incorrect.

The district schools of Utah are not "used for the propagation of religious tenets." They are secular schools. Mr. Waite has adopted the popular notion about them, which has been formed through falsehoods wilfully told by sectarian preachers and others who hate the Latter-day Saints with a perfect hatred. The same text books are used in our public schools as in other parts of the United States, and none of them are devoted to religious tenets "Mormon" or otherwise. Then the tribunals to which he alludes and information about which he claims to have obtained from President John Taylor, are not used for the administration of secular law, whether in the territorial statute book or otherwise. They are for the administration of ecclesiastical laws. And these, not judicial statutes, are applied in the adjustment of difficulties between Church members, the trial of transgressors, or the settlement of errors in doctrine and discipline. They do not interfere with the legitimate business of judicial courts, either civil or criminal, unless it would be contended that preventing vexatious litigation by peace-making may be construed into such interference.

The recommendations of policy to be adopted by the Government, offered by Mr. Waite, are founded upon misconceptions such as we have pointed out, and are therefore of no value, and need not be discussed. From the general tenor of his article, we judge that he desires to be fair, and has no intention to mislead. Much of what he says is rational and all of it is temperate, and the article makes very pleasant reading for every one who is interested in the subject.

A CRIME NOT PUNISHABLE IN OHIO.

AN item appears in several papers to the effect that two young girls in Cincinnati were recently enticed by two villains from a ball which they were attending, and taken to a hotel, where their ruin was accomplished. The scoundrels were arrested, and when brought to trial had to be turned loose because the laws of Ohio do not provide any penalty for such an offense, and it is stated that Judge Higby advised summary vengeance by the fathers and brothers of the girls.

We shall not dwell upon the spectacle of a Judge, sworn to administer the law, advising the violation of one law because of the imperfection or absence of another, but direct attention to the fact that Ohio, whose editors have frequently pretended to be horrified about the supposed lack of laws against sexual crimes in Utah, has itself no law for the punishment of seducers. Ohio, the home of model statesmen, the breeding-ground for pious Presidents, the nursery of anti-polygamy moralists, actually without a law against seduction!

Now, Utah has had laws upon her statute books ever since she had the right to enact them, against unchastity, immorality and indecency. From 1852 to 1876 the Act in relation to crimes and punishments included penalties against rape, adultery, seduction, lascivious cohabitation, prostitution, and lewdness of different kinds. Fault being found with that act, and the courts and bar of the Territory desiring a more perfect penal code, the California code was taken as the basis for a new law, which, after being duly examined, corrected and approved by eminent legal minds, "Gentile" as well as "Mormon," including at least one Federal Judge, was enacted by the Legislature, and approved by the Governor who consulted with competent non-"Mormon" advisers before attaching his signature.

In the new code penalties against most of the sexual crimes formerly punishable by statute were retained, and only those omitted of which undue advantage had been taken for the purpose of entrapping polygamists who had violated no law of Congress, or whose offence had been barred by the statute of limitations, or who could not be prosecuted by fair and honorable methods under the United States statutes. The section of the old law against "lewd and lascivious cohabitation," for instance, was not incorporated in the new law, for the reason that we have named and because it was not part of the code taken as the groundwork of the new enactment.

It is in consequence of these omissions that the enemies of Utah have created the impression abroad that we have no laws in this Territory to punish those offences against morality which are punishable in most of the States. The truth is that crimes against chastity and good morals occupy eleven chapters of Title IX of the Utah penal code, and their are some of the States where a great fuss is made over Utah morality which might copy her laws against chastity and decency with profit.

There is no need for Utah to legislate on the polygamy question, even if she were so inclined. Congress has taken that matter in hand, and it would be presumptuous on her part to attempt to take the business from a body claiming "exclusive jurisdiction" and "absolute authority" over her affairs, powers to which her own elected Legislature does not pretend. Besides, the plural marriage believed in by the majority of her citizens is not unchaste or immoral, but one of the strongest safeguards against sexual crimes and those unvirtuous acts which Ohio cannot punish except by the club or the shot-gun.

If the occurrence which justly excited the indignation of the Ohio Judge who could not punish the offenders, had occurred in Utah, the press of the country would at once have launched torrents of invective against a Territory with no laws against seduction, and against a social system which they would have assailed as the source and cause of the crime. Will they please inquire and find out what is the root of which the unpunishable but not uncommon Ohio crime is "the legitimate outgrowth?"

HIS FIRST BILL.

IN the House of Representatives, on the 26th of February, Hon. John T. Caine, Delegate from Utah, introduced the following bill, which was read twice, referred to the Committee on the Judiciary, and ordered to be printed:

"A bill providing for the election of certain officers of the Territory of Utah:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That at the election to be held in the Territory of Utah, on the first Monday in August, 1883, the qualified electors of said Territory may vote, not only for members of the legislative assembly and other officers whose election falls upon that day, but for all Territorial, county and precinct officers in the same way and with the same effect as they might have done on the first Monday in August last, if the commissioners appointed under the act of March 22, 1882, had not failed to appoint registration and election officers; *Provided*, That their terms of office shall expire at the same time they would have done had they been elected on said first Monday in August, 1882; and in the meantime the duties of said offices shall continue to be performed by the persons now holding said offices agreeably to existing laws."

The object of this bill was to prevent any further difficulties as the consequence of the failure of the last August election, which did not take place because of the vacancies in the registration and election offices of the Territory under the operation of the Edmunds bill, no appointments to fill them having been made by the Commissioners. The Hoar Amendment was intended to cure the evils supposed to have grown out of the lapse of the election. But in consequence of the utter lack of understanding in Congress of the real situation of Utah affairs, that hasty piece of peculiar legislation only tended to create the troubles which it was designed to avoid.

Mr. Caine's bill, having been introduced so late in the session—as early, however, as was possible under the circumstances—did not become a law. But there will be no difficulty, unless some turbulent persons seek to stir up strife, in regard to the offices which were not re-filled at the last August election. The incumbents whose successors should then have been elected will simply hold over until August, 1884, and the public business can be transacted without any legal obstacles in the way. The passage of Mr. Caine's bill would have settled all controversy, but it is only factious opposition which can make any disturbance of the present peaceable condition of our local affairs.

A BLACK MARK AGAINST WHITE.

MR. B. F. WHITE who, is not unknown in Utah but who now resides in Montana, attempted to make a little political capital for himself in his new place of abode, by introducing an anti-"Mormon" bill in the Council of that Territory. Here is the document which, it will be readily seen, is but a poor re-hash of the Act of Congress that bears the name of Senator Edmunds, and with which some day he will wish heartily he had never been connected. The bill has been ingloriously defeated, so there is no need to discuss its demerits, or say anything further about it. We merely place it on record as a black mark against Mr. White:

Sec. 1. If any person or persons within this Territory, being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, or any person who shall within this Territory cohabit with, recognize and maintain the marital relations with any woman whether under the name of "celestial marriage," "plural marriage," or by any other name or designation, such person having at the time a husband or wife living, the person so offending shall, upon conviction thereof, be punished by a fine not exceeding $1,000, and by imprisonment in the penitentiary not less than one year, nor more than five years. Upon the trial of any person for a violation of any of the provisions of this section, it shall not be necessary to prove any marriage by record evidence, but the same may be proved by the acts and admissions of any of the parties to such marriage, marital relation, cohabitation, celestial marriage or plural marriage; and any party to such marriage, marital relation, cohabitation, celestial marriage, or plural marriage, shall be a competent witness upon such trial; and when such second marriage shall have taken place without this Territory, after such second marriage shall be deemed the commission of the crime of polygamy. Nothing herein contained shall extend to any person or persons, whose husband or wife shall have been continually absent from such person or persons for the period of five years together prior to such marriage, and he or she not knowing such husband or wife to be living within that time. Also nothing herein contained shall extend to any person who is, or shall be at the time of said second marriage, divorced by lawful authority from the bond of such former marriage, or to any person when the former marriage of such person has been by lawful authority declared void.

Sec. 2. That if any male person within this Territory hereafter cohabits with more than one woman, he shall be guilty of a felony, and on conviction thereof shall be punished by a fine of not more than one thousand dollars, and by imprisonment not more than one year.

Sec. 3. That counts for any or all of the offenses named in sections one and two of this act may be joined in one indictment.

Sec. 4. Upon the trial of any person for violation of any of the provisions of this act, it shall be sufficient cause of challenge to any person drawn as juryman or talesman.

First—That he is or has been living in the practice of bigamy, or unlawful cohabitation with more than one woman, or that he has been guilty of an offense punishable by either of the foregoing sections, or

Second—That he believes it right for a man to have more than one living or undivorced wife at the same time, or to live in the practice of cohabitation with more than one woman.

And any person appearing or offered as a juror or talesman and is challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge and other evidence may be introduced bearing upon the question raised by such challenge, and this question shall be tried by the court, but as to the first grounds of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself, and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offence named in sections one and two of this act.

TURBULENCE IS ANTI-"MORMON."

THE responsibilities of parents are very clearly defined in the revelations of God to the Latter-day Saints. They are required to teach their children to "walk uprightly before the Lord." Instruction in all useful knowledge is enjoined, and in addition to seeing that their offspring are educated, as that term is generally used, parents are commanded to teach their children the doctrines of faith, repentance, baptism, etc., and how to pray, avoid evil manners, idleness and vice, and live in righteousness and truth before God.

When any of our young people go astray, fall into bad habits, become disobedient to parental authority or violate law, some persons, who are on the watch for iniquity, actually rejoice over the evil, and jump to the unjust conclusion that it is the result of "Mormon" teachings and "Mormon" influence. Nothing could be more unfair and untrue. If a "Mormon" boy goes to the bad or a "Mormon" girl becomes unvirtuous, it does not follow that either has been improperly trained, and even if the parents have been remiss in duty, it does not argue that the creed or system with which they are connected is at fault. The logic which leads to such conclusions as those reached in reference to "Mormonism" is too sweeping, and when applied in other directions will surely not recommend itself to the rational. If the evil deeds of a "Mormon" boy or girl prove "Mormonism" evil, then the wickedness of a Methodist child demonstrates the evil of Methodism, and by the same rule every creed in Christendom may be proven vile and no system or belief in the world will escape the same condemnation.

The sacred books of the "Mormons" all inculcate virtue and integrity of character in old and young, and in the direct revelations to the Church through Joseph Smith, the training of children in the way they should go is forcibly directed. This is not only done in general terms, but negligence of this duty is pointed out and reprimanded, the leaders of the Church, including the Prophet himself, being rebuked for their remissness. (See Doc. & Cov. section xciii. 40-50; lxiii. 25—32.) The public and private teachings of the Elders have always been in the same direction, and if children grow up in idleness, profanity, skepticism and vice the fault, even if it can be laid to the parents, certainly cannot be attributed to the Church, its doctrine or influence.

"Train up a child in the way he should go and when he is old he will not depart from it," is true as a rule. But there have been and will be exceptions to it. The evil traits of remote ancestry often crop out in the children of parents who are good both in precept and example, and it is not always just to attribute the wrong-doings of youth to the father or mother, their teachings or supposed lack of discipline. Still, in most cases where the influence and example of the parents are on the side of virtue, order and right the offspring will walk in the narrow path that leads unto life.

There are many of the boys and girls, raised in this mountain region who are restive under proper restraint. The free air and the surroundings in this altitude are not favorable to repression of any kind, and without judicious watchcare the rising generation are apt to be a little wild. Yet the "Mormon" youth are not wicked. Instances, however, occur of turbulence and lawlessness, calling for the strong arm of the law, and this should be brought to bear without hesitation when persuasion and gentler treatment fail. This is an orderly community. The religious faith of the majority of the people tends to the preservation of order and the promotion of peace. But when disorder cannot be repressed by ordinary means, forcible measures are justifiable, for law and order must be maintained.

We had occasion not long since to refer to a case of tumult and rowdyism at Tooele, which was exceedingly disgraceful to the parties engaged in it. Some young men who were not invited to a school party, intruded themselves and, with faces blackened, attempted to engage in a performance not desired, and when invited to leave the house, became belligerent, defied those in charge of the party and attempted to "clean it out," after the style of border ruffianism. An inoffensive young man had his jaw broken by one of the rowdies, and another drew a knife when efforts were made for their ejection. The consequence was that a melee ensued in which the school boys were successful in casting out the hoodlums, two of them being pretty badly beaten. Some reflections were cast upon the managers of the party and those who aided in the ejectment. But investigation into the matter shows that they were perfectly justified in using physical force, for the reason that it was a choice between being shamefully abused without cause and striking out for order and peace.

The young men who committed this shameful breach of law and propriety are sons of men well known in that settlement. This makes no difference to their culpability except to aggravate it, for the presumption is that they had been taught better behaviour, and therefore knew that they were in the wrong. They escaped the penalties of the law by taking advantage of technicalities. But they are none the less worthy of punishment, and such violations of law and decency