

REPORT ON A PORTION OF THE GOVERNOR'S MESSAGE.

THOSE portions of the Governor's message to the Legislative Assembly relating to "Political Situation," "Polygamy" and "Governmental Action" having been referred by the Council to the committees on Judiciary and Education, the two committees jointly considered the subject named, and on Friday last, by Councilors Wells and Thatcher, presented a report, which was read and ordered printed for the further consideration of the Council:

Your committee, to whom was referred so much of the Governor's message as relates to the "Political Situation," "Polygamy" and "Governmental Action," beg leave to submit the following report:

Were we not impelled by a sense of duty, in justice to ourselves, our constituents, and all upright men, to notice this part of the message, we would gladly pursue that most excellent and efficient policy of our honorable and intelligent predecessors, who have usually borne with great patience and forbearance, treating with silent indifference the slanderous harangues on these subjects usually given at the opening of our Legislative Assemblies. But the seemingly united persistence in forcing upon Congress and a too credulous public, just now, false and calumniating misrepresentations in regard to the matters treated upon in His Excellency's "Political Situation," must be our apology for deviating in the present instance from those wise and perhaps more dignified examples of the past.

"To assimilate the Territory of Utah, in so far as laws and business are concerned, with the country of which it is and must forever be, an important part," is a recommendation we would gladly carry into effect. We believe it always has been done, so far as the labors of this body could accomplish it. The first laws of the Territory were chiefly copied from the statute books of older and more experienced states and territories, being simply adapted and made applicable to the wants, circumstances and location of our people; and since then our laws have been largely drawn from the revisions of the States of New York, California and other states and territories which command the greatest legal acumen and ability that the country affords.

As to business, where there is any lack or obstruction, we maintain on the best possible authority, it is not through the desire or practice of the permanent and representative citizens of our Territory, but arises from the treacherous reports of a turbulent and unscrupulous transitional element who seek continually to misrepresent the people of the Territory, to increase and exasperate the public prejudice against them, in order to obtain inimical legislation from Congress, and otherwise disturb the general tranquility. Capital is sensitive, and seldom seeks investment in the midst of turmoil, forced or otherwise; your committee are aware that official threatenings and the invidious mutterings of self-constituted political missionaries have made foreign capital timid, and regret it quite as much as His Excellency can. These are the obstructions to business and the only ones that your committee are conscious of. If it were in the power of the Legislative Assembly to effect the abolishment of such characters or to correct by legal enactment those vicious misrepresentations, they would doubtless most cordially co-operate with the Executive in doing so, with the confident belief that such enactment, as stated by His Excellency, "would open wide the gates to capital and thrift, to peaceable and enlarged industries and would gladden the homes of the entire resident population of the Territory," but your committee are fearful that legislative powers in this respect are curtailed.

The next point in the "Political Situation" is the recommendation "to secure the full blessings of American citizenship under the Constitution and its benign laws." How gladly would we and our one hundred and fifty thousand constituents secure unto ourselves this highest and most precious heritage of our illustrious forefathers, who made it the proudest thing in life to be freemen of the glorious Republic, they, under the favor of God, established! But sad and unrepentant as it may be, this blessing is

denied us. We have sought to be thus endowed, trying by our loyalty, industry and patience to deserve it, and have offered our prayers to those who have the power to bestow it in freedom's name, in the name of those who made political freedom a possibility, but we have been unanswered. Let His Excellency indicate how these retentions may be rendered more effective and we will join with him in another effort to be heard.

In regard to accepting religious freedom from the Supreme Court, the divinely inspired Constitution of the United States guarantees the rights of conscience, and we suppose the various religious establishments and denominations in the Territory of Utah accept their religious beliefs from the throne of God surrounded by the courts of heaven, and we know of no earthly tribunal, potentate or power that can rightfully declare what is or is not, or dictate what shall or shall not be, men's religious belief.

Upon the supremacy of the Constitution, we were agreeably impressed with the beautiful rhetorical figure the Executive employs to express our relationship to the Constitution and laws. He says: "As the sun controls the solar system, so must the Constitution and laws of the United States control your actions and mine." Acknowledging the force of this simile, we cordially acquiesce in the principle it embodies, but would suggest to the honorable members of the Assembly that, for obvious reasons, having a national reputation, they contemplate themselves, operating in the paths of any of the planets of the system, even the obscure ellipses of the Asteroids, rather than encroach upon the path so peculiarly appropriate to His Excellency—the orbit of Venus.

Your committee would be gratified if His Excellency's assertion, that it will ever be his "most earnest endeavor to promote the best interests of Utah's people," came with greater assurance. But this fair promise is hampered with such singularly contradictory conduct that to express it mildly, we are dumbfounded. It does not appear to your committee that the effort of His Excellency to deprive the people of Utah of their votes cast for the gentleman of their choice to represent them in the halls of Congress and to foist upon that honorable body a comparatively unknown person, purporting to be their representative, is consistent with the expression of interest for their welfare, couched so eloquently in his message to this body. He has exhibited either lamentable ignorance as to the value of suffrage, as one of the best interests of Utah's people, or is hopelessly lost to a sense of justice in attempting to pervert their expressed will. In either case, whether in assuming to know better than the people themselves do, what their desire is in the matter of representation, or in ignoring and despising their votes, we find nothing to inspire them with confidence in his professed friendship. Furthermore, and in harmony with this flagrant attempt to nullify the people's votes, current reports, widely circulated and not denied, indicate that the Governor in his recent eastern tour has reiterated and sanctioned the infamous proposition to deprive the people of Utah of even the degree of American citizenship and freedom they now enjoy; to destroy the Legislative Assembly to whom his message is addressed, and to create in its stead an appointed commission more in keeping with the tyrannical governments of effete monarchies than with the enlightened civilization of our country. If the rumor prove true, that Governor Murray has so far forgotten the first principles of political liberty—so dear to every American heart—as to in any way countenance the above suggestion, we have no hesitation in denouncing him as a traitor to the best interests of Utah's people, whom he professes to serve. But we would rather believe this report to be a fabrication; indeed from the patriotism His Excellency so freely expresses in his message, we can scarcely entertain the thought that one who knows the honesty, fidelity, industry and peaceable character of Utah's people, can be depraved enough to sanction so enormous and outrageous an usurpation of their dearest rights.

Your committee repudiate the insinuation of His Excellency that this Legislative Assembly is not representative of the people. We have not come here as representatives of any church, creed or religious establishment, and would deplore as

much as any one, or any body of people, the ascendancy of priestcraft or the dominion of priestly and ecclesiastical influence predominating over the minds of legislators, or the civil authority of the government. We have already suffered too much, and are laboring under too much oppression from similar causes, not to be keenly alive to all such pernicious influences. On the contrary, we have come from the people of the Territory as their political representatives, chosen freely and fairly by a republican ballot. Our constituents are a progressive people, who have thrown off the dogmas, egotism, bigotry and superstition of the past, so characteristic of the self-appointed worldlings who assume to lord it over God's heritage for filthy lucre's sake, and hireling priests who divine for money and preach for hire, making merchandise of men's souls, and who combine together to destroy the innocent and try to dictate to others what they shall or shall not believe or practice. Had your committee the assurance that the Governor is as free from such influences as are the representatives now assembled, and Utah's people, whose representatives they are, we would experience less regret in reporting upon this part of his message. His Excellency can, however, rest assured that in our opinion, in no sense, should the church be placed by law over the State or other civil government; although the influence of God's religion on the mind of man stimulates him to good deeds, to love his neighbor, to ennoble his nature, to cause him to observe and keep his official oaths and solemn obligations, and better qualifies him to obey and administer the law.

Your committee are confident that the Legislative Assembly of Utah will not pass a law concerning any church or establishment of religion of any kind, name or nature, for it would be an unconstitutional law if they should, and an examination of the statutes of the Territory will disclose no law of that character; unless authority for chartering religious, charitable, educational and benevolent institutions can be so construed. Therefore it follows that the assertion of the governor: "That political power is wielded by church authority throughout Utah is" not "a fact."

It may be conceded "that the officers of the Church exercise authority in temporal affairs," but not in the sense in which His Excellency wishes to be understood. What officer of any church does not exercise authority in temporal affairs? Is it not temporal to build houses of worship, to officiate at weddings and funerals, to preach and travel from place to place, to collect money for charitable, missionary or benevolent purposes; temporal to print and circulate tracts, bibles and other religious publications, to own and operate large and extensive book concerns? In these respects officers of churches in Utah as elsewhere exercise temporal authority in temporal affairs, but that "the sovereignty of the church is supreme and its practices followed, the laws and courts to the contrary," whatever that means, is not a fact; and for the best of all reasons, namely, because there are no laws nor courts contrary to the church, neither indeed, can there be, for anything of that kind would be unconstitutional, consequently null and void.

If we understand the political sentiment of Utah's people, they are only too glad for the United States government to rule supreme, exercising its undoubted right and sovereignty within its constitutional limits and authority, for there are no people within the broad boundary of its proud domain, who honor, love and respect it more, or who have more need of the exercise of its protecting care, in all of its great humanity than its citizens inhabiting these mountain valleys, who appeal for its protection against the wicked schemes and machinations of such as are combined and actively operating for their overthrow and destruction.

Referring to that portion of His Excellency's message regarding "assessments and tithing," your committee beg to report that they are not aware that "assessments for political or other purposes" are exacted "by or from persons holding public office under the authority of the Territory."

And, while "voluntary contributions in aid of church or charity, and in aid of political parties," may, as stated, be commendable yet we can but feel that it might justly be

deemed presumption on the part of the Legislature to attempt "civil service reform" by enacting laws forbidding assessments for political purposes "by or from" our general Government officials. However much we may deplore the annoying effects of the system under which this is accomplished, or, however much we may sympathize with those who are subjected, by reason of their appointment by the General Government to office in this Territory, to such assessed exactions, we respectfully submit that it is not our prerogative, nor is it in our power to correct the evils of a party system over which as legislators of a Territory, we have no control whatever. We, therefore, can only express our regret that such "assessments for political purposes" are not, as intimated by His Excellency's message, entirely voluntary.

Notwithstanding the insinuations of His Excellency to the contrary, your committee are not aware that "exactions of tithing for political or other purposes" are made by any "public office" or officers, "or by any corporation or its agents organized under the laws of the Territory." We are, however, as individuals and not as law makers, aware that many of our constituents being members of a religious body known as the Church of Jesus Christ of Latter-day Saints, do, from religious motives, voluntarily contribute for church and charitable purposes, tithing and other donations. Would His Excellency, after having commended such voluntary contributions, have the Territorial Legislature enact laws forbidding the same in the Territory of Utah? The payment of tithing, like contributions for missionary, charitable and other church purposes by the members of other religious bodies, is clearly an ecclesiastical matter with which, as law makers, we have nothing whatever to do so long as the "free exercise" thereof does not interfere with the rights and liberties of others. Tithing is not, as we understand it, a new doctrine, for as a religious privilege and duty, Abraham paid tithes to Melchisedec about 4,000 years ago. We are not aware, however, that "exactions" of tithing are made in this Territory, even by ecclesiastical authority; but supposing they were, there is no law by which payment can be enforced, nor is it likely there ever will be, for it is a matter not within the constitutional province of legislative enactment. If any citizen in the Territory feels aggrieved by reason of the payment of tithes or other church donations, he holds the remedy in his own hands by simply renouncing connection with any religious body requiring such donations.

Your committee heartily endorse the just sentiment so pathetically expressed by His Excellency, that "the poor man who earns a dollar by the sweat of his brow is entitled to that dollar." Previous Legislatures of the Territory of Utah have not only recognized this right, but the passage of "An act to provide for a mechanics' and laborers' lien," approved February 18th, 1869, had in view the most approved method known to them of enabling the laboring man to collect his dollar when he had "earned it by the sweat of his brow." If His Excellency will in any future communication inform us of a single instance wherein in this Territory, "public officers, whether precinct, county or territorial," have sought to oppress exactions "to dispossess him of any part of it in any other manner than in payment of a legal obligation," then will we join with the Governor in pronouncing all such not only "unfaithful servants of the people they serve," but unworthy of the confidence and support of those who elected them to positions of honor and trust. The laws of the Territory not only provide the means by which the poor man may collect "his dollar" when earned, but they also exempt it from execution after he has earned and collected it. Your committee note this fact for the information of those who may not have been previously aware of it.

Regarding that part of His Excellency's message referring "to polygamy," your committee beg respectfully to say that they are ignorant of the fact, if it is a fact, that "the system of plural wives" had been "properly defined in the common law as polygamy," for we had supposed the word to refer to a plurality of husbands as well. We were, however, not ignorant that Congress in 1862 had, by special enactment, made bigamy or polygamy a crime in the Territories, but were

not then able to understand, nor have we since been able to see, how marrying from religious motives, more than one wife with the free consent of all parties concerned could be, by our national law-makers, confounded and classed with bigamy, the very essence of the crime of which consists in the deceit practised upon, and the consequent injury done to, the husband or wife without the previous knowledge or assent of the aggrieved party. By any known laws of reason or logic your committee utterly fail to perceive any analogy between the honorable, upright and noble keeping of sacred marital vows and the dishonest, treacherous breaking of them. 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 imprudent, mischievous, and dangerous. The great statesman and patriot, George Washington, in his farewell address to the American people, foreseeing perhaps the danger of such expedients, was burdened with apprehension while contemplating the future of our great nation. He says: "One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection." Experience—ever a hard master—has taught the people of Utah how painfully true these wise sayings of the great statesman have proven. While patiently, almost uncomplainingly, enduring the thralldom of Territorial government, aggravated by unscrupulous officials, they have been calumniated, accused of disloyalty, and otherwise vilely misrepresented without stint, and that too, by those who have been sent by our general government to rule the people, foster the interest of the Territory and administer justice and equity without bigotry or bias. Invested with almost unlimited power many of them have used it as despots, tyrannizing over citizens whose hearts beat for freedom, and who are more loyal to their country, their country's flag, and their country's Constitution than oppressors know how to be.

In speaking of the innovations which might be made under specious pretexts upon the principles of the Constitution, Washington further says: "One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown."

If in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any transient benefit which the use can at any time yield." The great charter of American liberty and law declares among other things that "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." But notwithstanding this positive prohibition and notwithstanding the inspirational warning of the father of his country, Congress did, in the year of our Lord one thousand eight hundred and sixty-two enact a law prohibiting, under penalties of fine and imprisonment, the free exercise of the religion of more than a hundred thousand peaceful, loyal citizens, many of whom are the descendants of revolutionary sires. The highest tribunal of the land having pronounced the act constitutional we bow to the authority of supreme National adjudication. But while patiently submitting to the results, whatever they may be, we know that the rights of conscience have been invaded, and our religious privileges, the practice of which has never encroached upon the rights nor in-