

WHAT THE SPOILERS WANT.

A MELANGE OF MOCK PHILANTHROPY AND UNMITIGATED VILLAINY.

The following is understood to have been secretly adopted by the "Loyal League of Utah" as the base of the demands to be made of Congress by Messrs. Baskin and Bennett:

To the Senate and House of Representatives, in Congress Assembled:

With profound respect we represent: Is the Mormon problem understood? We think not. What is it? The Mormon Church is made up of people who firmly believe that Joseph Smith was a prophet, that Brigham Young was his successor, and that the priesthood of the Church, for the time being, "hold the keys of the Kingdom," are divinely commissioned, receive direct from the Almighty His will and teach it to them under Divine inspiration. This priesthood is a thoroughly organized body of men, as a rule of great tact and shrewdness, not liberally educated, unpaid, moving in ordinary walks of life—in fact, of the people, like the carpenters and fishermen of Galilee. The people are simple minded, impressionable, ignorant, and, in rude form, deeply religious. There are in Utah and neighboring Territories, say, one hundred and fifty thousand old and young, probably one hundred and thirty thousand of them in Utah. Of these (priests and people) it is no doubt safe to say that eight-tenths of the adults are foreign born. They have come mainly from Norway, Sweden, Denmark, England and Wales. The Scandinavians are mostly of the peasant class. The English and Welsh are mostly from manufacturing towns, the poorest classes of the great cities, the mining sections, and obscure farming regions. With few exceptions they are uneducated, unintelligent, common people. They are just such people as religious fanaticism has lodged with throughout all the ages. Having received this new religion, they cherish it as the very will of God. They as religiously believe that Smith was a prophet, and that what he and the priesthood promulgate as revelations are true and must be obeyed, as does the good Christian that Jesus is the Savior of mankind, and that the teachings of the Christian priesthood are aids to salvation. As a rule the priests firmly believe the same thing. It need hardly be said that with these ignorant people these beliefs engender fanatical zeal. In their view all the world is wrong. They alone are right. According to their creed and polity the priesthood largely controls the temporal as well as the spiritual affairs of the members of the Church; it is a sort of patriarchal affair, reaching from the "cradle to the grave" and into the hereafter.

Starting now with the proposition that the priests and people are conscientious believers in these things, that very few of them know anything of the principles of our government (except that the greatest religious liberty is guaranteed by the Constitution), and the question, what shall we do with, or for them, is a problem indeed. Of course they must be made to obey the laws, or if they will persist in disobeying them, they must be punished according to law. But this does not solve the problem. They believe polygamy ordained—aye, commanded by the Almighty. The person charged with and convicted of polygamy, in their view, therefore, suffers for their religion. If he is steadfast in the faith, he glories in his punishment, and the body of the faithful glorify him. The stigma usually attaching to persons convicted of and punished for crime does not attach to him, either in his own consciousness or in the minds of his fellow churchmen. Thus the principal object of punishment fails in these cases. True, imprisonment is one thing and to be avoided, if by concealment of facts, or stealthy indulgence in the crime, it is possible. The enforcement of the law against polygamy, therefore, tends in some degree to repress the open practice of that crime, but does not reform the people or eradicate the spirit which leads to the commission of the crime. It is like the physician medicating the symptoms instead of striving to remove the cause of disease. If while the government is properly legislating against polygamy and punishing offenders it could devise some wise and effective measures for the education and enlightenment of the Mormon people so that they would respect the laws, the problem would be solved.

The Mormons for the most part are small farmers, with the usual number of merchants, mechanics, etc., in the towns. They are industrious and frugal, but not thrifty or enterprising. Looking to their bone and sinew, and habits of industry, they are good stock for producing American citizens as the years roll on. Many, perhaps most, of the adults who have been here long enough have been naturalized. Most of them, therefore, and certainly their children are ours—are fellow-citizens with us. While, therefore, the government should exact from them obedience to the laws, it owes to them corresponding duties of protection, education and all fostering care which may tend to attach them to itself and make good citizens of them. Now they are almost without exception un-American. Worse, they are hostile to the government and wrapped up in their fanaticism.

Let us see what has been done, and

what is proposed looking to the solution of this problem.

The Mormons (then a handful) settled in Utah in 1840. [Should be 1847.] They practiced polygamy from the first. No law making polygamy a crime was passed till 1862. That law was never enforced, except spasmodically in a few cases. Never till 1882 did the government undertake in earnest to punish polygamists. It may therefore be truthfully said that the system was permitted to grow strong by the lapses of the government. This fact should now induce firm, but at the same time humane, measures for the correction of the evils and for the greatest benefit of the Mormon people. While the crime of polygamy is most offensive, perhaps the fact that the priesthood absolutely dictates the political action of the Mormon masses is, according to our ideas of free government, the most serious and threatening. Therefore the severance of Church from State is most important.

The law of 1882 (Edmunds law) provided punishment for the crimes of polygamy and cohabitation with more than one woman. These provisions are ample, and are being enforced as well as the resources at the command of the government officials in Utah will permit. By that law, provision is made for the appointment of Commissioners for registration of voters and of election officers, and that no polygamist may vote or hold office. These provisions were designed to strike at the political power of the Church; but the blow was a very weak one and the mode was puerile. For instance, the law provides for five Commissioners, appointed by the President, by and with the advice and consent of the Senate, whose duty it is to appoint registration officers and judges of election, and canvass the votes cast for members of the Territorial Legislature. Each Commissioner receives a salary of \$5,000 per annum and all expenses. Numerous clerks are employed, and altogether the expense of this Commission amounts to nearly, if not quite, \$70,000 per annum—all simply to prevent a few polygamists from voting. Such only are prevented as the registration officers know to be polygamists, as the law does not even empower the Commissioners or the registration officers to administer any test oath or adopt any effective measures to ascertain the status of parties offering themselves for registration. At present the Commissioners are all non-residents of the Territory, and consequently know few of the people and cannot be very conversant with the Mormon system.

It is right to disfranchise polygamists and to register the voters; but why this expensive and impotent Commission? Why not give the Registration Commission ample power, and then, instead of sending strangers as commissioners, at great salaries and expense, empower, say the Secretary of the Territory, the Clerk of the Supreme Court and the Prosecuting Attorney as commissioners, giving each, say, \$1,000 per annum in addition to his present salary, and clerk hire and expenses, not more than, say, \$3,000 per annum. Or let the complete expense of such a commission be (not to exceed) \$10,000 per annum. Thus you save, say, \$60,000 which could be more profitably expended in aiding the officers of the law in prosecuting offenders.

The foregoing embraces substantially all that has been done by Congress for the solution of our problem. The total results may be summed up thus—100 polygamists have been convicted mostly of the crime of unlawfully cohabiting with their polygamous wives, two to three thousand polygamists have been refused registration, and the Mormon people have concluded in their blind fanaticism that the government is despotic and have renewed their allegiance to the Church. Undoubtedly these prosecutions have a tendency toward ultimate good, as they demonstrate the power of the government.

Senator Edmunds has introduced a bill at this session of Congress which has been reported favorably to the Senate from the Judiciary Committee, providing:

First—That the lawful wife of a man charged with the crime of polygamy may be compelled to testify against her husband as to all matters except confidential communications made by him to her.

Second—That witnesses may be attached with or without subpoena, and required to recognize with sureties for attendance as witnesses in any prosecution for polygamy or unlawful cohabitation.

Third—That such prosecutions may be commenced at any time within five years after the commission of the offense.

Fourth—That all marriages shall be certified by the person solemnizing the same, whether lawful or polygamous, which certificate shall be recorded, and certified copies thereof shall be evidence, with penalties against officiating officers for failure to comply with the law as to certifying or recording.

Fifth—Taking the elective franchise away from women.

Sixth—Prohibiting the numbering of ballots cast at any election.

Seventh—Restricting the jurisdiction of the Probate Courts to probate and guardianship matters.

Eighth—That illegitimate children shall not inherit any portion of the father's estate.

Ninth—Repealing the law of the Territory which provides that no prosecution for adultery shall be brought, except on complaint of the husband or wife aggrieved.

Tenth—Authorizing fourteen trustees to be appointed by the President, by and with the advice and consent of the Senate, to take possession and control of the property and affairs of the corporation of the Mormon Church and wind up its affairs.

Eleventh—Authorizing the Attorney-General to sue for and escheat to the Government all property of the Mormon Church corporation in excess of \$50,000 in value of real property, except buildings used exclusively for purposes of religious worship, and devoting the funds realized to common school purposes.

Twelfth—Disincorporating the Mormon "Perpetual Emigrating Fund Society," winding up its affairs and devoting its funds to common school purposes.

Thirteenth—Redistricting and re-apportioning representation in the Territory.

Fourteenth—Continuing the Registration Commission of the law of 1882.

Fifteenth—Defining the crimes of adultery and fornication and providing for their punishment.

Sixteenth—Defining powers of court commissioners and marshals and authorizing the Supreme Court of the Territory to appoint a Superintendent of Schools, with certain powers.

Seventeenth—Giving widows dower.

This is the latest proposition looking to the solution of our problem. It embraces some good and some bad provisions but no beneficial features. The first provision is both unwise and cruel. In prosecuting polygamists our aim should be to conserve the sacredness of wedlock between one man and one woman—to protect monogamous households. The lawful marriage of a polygamist establishes such a household. His lawful wife is the queen of that household. The common—the sacred law of that household is that neither member shall be compelled to testify against the other, and thus introduce discord into that sacred precinct. But by this provision it is proposed to remove this protection, to invade that lawful home, which is the very thing we so much wish to protect. It is cruel because, deny it as they may, lawful wives of polygamists are wronged, heart-broken women. I will tell you with all the religious enthusiasm, that they believe in polygamy, that it is their cross, which they must bear as the price of eternal exaltation. Could a woman's heart more emphatically proclaim that her woman's instincts were violated? Yet under this provision she must come into a public place and tell of her own misery and help convict the man to whom she plighted her troth.

The second and third provisions are well enough.

The fourth provision is well, but will be ineffectual as to polygamous marriages, as they are always secret.

The fifth provision is good. As long as we refuse the elective franchise to the cultivated women of the country there is no reason why we should accord it to the ignorant foreigners of Utah, who cannot exercise it intelligently, and do and will exercise it wholly at the bidding of the priesthood.

The sixth provision is good, as it tends to secure secrecy in balloting.

The seventh provision is well and usual.

The eighth provision is unwise, for that it arrays the young of polygamous households against reform, causes them to despise the government which wrongs them, and punishes the offspring of polygamous marriages, who have done no wrong.

The ninth provision is well.

The tenth provision seems absurd. Why should the government run a religious corporation? If the corporation is illegal or has performed acts for which its charter should be forfeited, let the law officers proceed to wind up its affairs. It is oppressive and favors of interference with the exercise of religious freedom. It will be expensive and will have no tendency to solve the problem.

The eleventh provision, if necessary, is well enough. The act of 1862, provides that the church shall not hold real property exceeding \$50,000 in value. If it has more it may be escheated to the government, and it is proper that the law officers of the government should institute legal inquiry touching the matter. But it is of doubtful policy.

The twelfth provision will be simply no effect. The aim is to discourage the immigration of Mormons from foreign lands. It is supposed the Mormons will fail to find means to immigrate their converts even though the "Perpetual Immigration Fund Society" should be blotted out? It is worse than inefficacious. Every Mormon, no doubt, has contributed to this fund, even as the widow contributed her mite, and quite as religiously, and if the government confiscates this fund it only intensifies the people's ill will against it. If this immigration should be stopped, it should be by international negotiation and agreement or government prohibition.

The thirteenth provision is well enough.

The fourteenth is subject to the criticism hereinbefore made as to the registration commission.

The fifteenth, sixteenth and seventeenth provisions are well.

Now, what have we in all this? Nothing looking to the education of the Mormon people, either morally, intellectually or politically, except provisions for endowing schools by confiscation of (we will say) Church property and funds. Nothing looking to the matter of making them good cit-

izens of the Republic, except indirectly by punishing offenders more vigorously. Nothing recognizing the fact that the people are misguided fanatics and conscientious believers in the religion which has been taught them. It only suggests vengeance, and does not breathe of charity or true reform.

We are aware that it is much easier to criticize than to construct, and it will be asked, What would you have done? We assume that Utah cannot be qualified for statehood for a decade, and perhaps not for a quarter of a century, certainly not until the power of the priesthood has waned and the people have become prepared to maintain a republican form of government. Until such time the Territory must be governed by or under the supervision of Congress. Congress should vigorously then undertake the task of governing her in such a way that in time her people may be safely trusted to organize and maintain a free State. We cannot neglect her, as we have already too long done. We cannot organize a gigantic "St. Bartholomew's Eve," and slay these heretics and fanatics, nor yet a "Spanish inquisition." The Territory is ours. The people are ours. Our methods must be wise; not hasty, but effective.

1st.—Congress must govern Utah direct, and not by delegated authority.

2d.—Each house of Congress should have a standing committee on "Utah."

3d.—Delegate in Congress should be appointed by Governor and Judges of the Supreme Court.

4th.—Local legislature may be given power to enact laws for the government of county, township, precinct and municipal affairs, subject to disapproval by Congress.

5th.—A commission under congressional authority should codify all congressional and Territorial acts, and suggest additional legislation for Utah.

Under the head
"NEW LEGISLATION"

We suggest:

(A) A test oath, to be administered to all applying for registration as voters, should be prescribed, to the effect that the person is not a bigamist or polygamist, or living in the practice of unlawful cohabitation, and does not belong to any association or organization which teaches, advises or counsels the commission of those crimes.

(B) Punishment for unlawful cohabitation shall not exceed five years, in the discretion of the court, and fine—

(C) Women knowingly entering into polygamous marriages, shall be deemed guilty of polygamy and punished by imprisonment and fine same as men.

(D) Women knowingly cohabiting with polygamists shall be deemed guilty of unlawful cohabitation, and punished by not to exceed — years imprisonment, and fine—

(E) Any one who shall, by public or private advice, or by spoken, written or printed matter, incite another, or the public generally, to commit the crimes of bigamy or polygamy, or unlawful cohabitation, shall be deemed guilty of a felony, and be punished by imprisonment for the term of — years, and fine not less than — dollars.

(F) Congress should establish a free common school system for Utah. To maintain it the school land in the Territory, if possible, should be placed in market and the funds realized from sales thereof devoted to this purpose. Least these funds should prove insufficient, the act should provide for moderate taxation for the purpose. Nothing sectarian should be taught in these schools, and attendance of children of defined ages for certain terms, should be made compulsory.

(G) The people must obey the law. If they do not they must be punished. To this end Congress should provide more liberally officers and money for prosecuting offenders. Civil litigation in the courts of Utah is very large, and with the numerous prosecution of polygamists the judges are overworked and civil business suffers. There should be two more judges, and on appeals to the Supreme Court the judge who tried the case below should not sit. The salaries of the judges should be \$5,000 instead of \$3,000 per annum. The appropriations for judicial expenses, secret service, paying witnesses, etc., should be largely increased, so that efficient work could be done in discovering offenders and bringing them to trial. The Government should construct a wholesome and commodious penitentiary and a good building at Salt Lake City (the capital) for the accommodation of the post office, supreme court, and various officials, and should establish a government assay office for the benefit of the mining industry.

The Government must establish itself here, and demonstrate to the Mormons that it is here to stay, and that it will require obedience to the law, and the enforcement of republican ideas instead of mock-religious mummery.

Summarizing the situation we say:

(1) Give us Congressional rule with restricted local legislation (as experimental political education.)

(2) Sharp punishments directed against all law breakers.

(3) With rigorous measures give us beneficent legislation, as to education, amnesty, encouragement of industries, facilities for acquiring lands by actual settlers, etc., etc., all under strict government supervision.

(4) No confiscation of society property, but prohibition of all Church ex-

actions by way of tithing or church rates of any kind.

(5) Exact regulations for registry of marriages, births and deaths, with provisions for examination of all records of same, and for proof, by certified copies of such registry.

Respectfully,

OGDEN DEPARTMENT.

DISTRICT COURT PROCEEDINGS.

After the usual opening Monday morning, the Court announced that the sentencing of those who had been recently convicted would be deferred till 2 p. m. Still further time was asked in the case of Susan Parry and was taken under advisement by the Court. George Chandler was then arraigned on a charge of unlawful cohabitation, and was granted till Tuesday morning to plead. Subsequently John Stoddard appeared in Court and was sentenced. In reply to the Court as to why sentence should not be pronounced on him, he said he came to this country 46 years ago; was a member of the "Mormon" Church, and desired to so live that he could claim all the blessings of the Church. He married his first wife when 19 years old; she is now dead—his third wife when 38, and subsequently two others. They have borne him 25 children in all; they bear his name; he has provided for and educated them; he married all his wives in good faith; he is loved and is dearly beloved by them all; they are bound by ties that cannot be severed; he cannot now cast them adrift; he will not divorce or separate from them. Were he to do so he

OUGHT TO BE IMPRISONED

and punished for it. He had no promise to make for the future, but was ready to receive judgment. He was then sentenced to be imprisoned in the penitentiary for six months, to pay a fine of \$300 and costs, and stand committed until the fine and costs are paid.

The case of the United States vs. F. A. Brown, charged again with unlawful cohabitation, was taken up. There are four counts in the indictment, all charging the offense as being committed during the present year. Below will be found the names of the jury impaneled to try the case. These twelve "good men and true" were catechized by Mr. Dickson. He asked if they are or ever had been members of the "Mormon" Church; if they ever did, or do now believe it right to have more than one woman in the marriage relation, etc.

J. L. Rawlins, F. S. Richards and C. C. Richards, Esquires, appeared for the defense; Messrs. Dickson and Hiles prosecuted. Mr. Rawlins also examined the jury. After the first peremptory challenge, Mr. Rawlins objected to any more jurors being drawn from the clerk's list; objection overruled. The panel then stood as follows: J. R. Fowler, John Germer, John Standing, Fred Fay, Jesse Vanderhoof, James Goodwin, John Allen, A. J. Stone, Temple Short, E. A. E. Klund, Charles Fay, Mark Fletcher.

The indictment was then read to them. It charged cohabitation with Harriet Canfield Brown and Martha Anderson Brown.

MRS. SAMUEL GELSEY

was the first witness. She knew the defendant. Had seen him once; thought she had seen him at Martha A. Brown's. Witness went there on the 7th of May last for milk; thought it was the defendant she saw there; she was not sure, she only just glanced at him once. She saw some one at the table—suspected it was him and told her suspicions to her husband. That was all.

Martha A. Brown was next called. Knew defendant, was related to him by marriage; was married to him 30 years since. She had eaten once at the house of the legal wife since the 1st of May. Defendant had not been to her (witness') house since that date. That was all. Hereupon the Court instructed the jury to find a verdict of

NOT GUILTY,

and this they did without leaving the jury box. No arguments were made, but the case was submitted by both parties. The verdict was received with much silent satisfaction by the large audience that witnessed the proceedings. It was the shortest trial on record in the district. At 12:30 Mr. Brown, accompanied by his friends, left the room, and the court took recess till 2 p. m.

At the hour named the case of the United States vs. Thomas B. Helm was called; defendant was arraigned, received a copy of the indictment charging him with cohabitation, and took two days to plead.

Mr. Jas. N. Kimball then entered a motion for a new trial in the case of the People vs. C. W. Branson, convicted of grand larceny. The court overruled the motion, and the defendant was ordered to stand up, which he did. After stating that the evidence by which he was convicted was conclusive, his honor asked if Branson was defendant's true name. He said "No," his true name is Charles Penty, but he had passed by the name of Geo. Melcain. The court asked a number of questions relative to his past career, and from the answers given it proved to have been a very crooked one. After considerable more remarks on defendant's course he sentenced him to