

States under the Federal Constitution, still the provisions are important, as manifested in the most solemn manner, in a disposition on the part of the Mormons in Utah to recede from polygamous practices.

The Legislative Assembly of the Territory of Utah, at its session in 1888-89, resolved that it was "in favor of a just, humane and impartial enforcement of the laws" against sexual offenses "in the same manner that other criminal laws are enforced under the Constitution and laws of our country to the end that such offenses may be effectually prevented." At the same session the Assembly passed a law "regulating marriages," elaborately devised and bristling with penalties against any inroad by polygamy.

In 1890 ecclesiastics and laymen of the Mormon Church, resident in Utah, assembled in imposing numbers at the Mormon Tabernacle in Salt Lake City, and there, through President Wilford Woodruff, as the head of the Mormon Church, deliberately avowed their dissent to future plural marriages and their purpose to obey the laws prohibiting them.

And, as affecting the question of dictation by the head of the Mormon Church in political affairs, it may be said that in the recent general election, several of the prominent dignitaries of the Church were defeated at the polls by lay members of it.

Early in the present year (1891) the Mormon electors, composing the "People's Party," declined to make nominations for public office, and, disbanding the party, united, according to their inclinations, with the Democrats or Republicans succeeding from the Liberal party, in organizing distinctive Democratic and Republican parties in the Territory. The Liberal party alone, of former political organizations in the Territory, survives. These facts, while marking the dissolution of the People's party, and the rise of new parties, also forecast the early dissolution of the Liberal party as an event inevitable in the order of progress.

Thus the Territory, under new conditions, is about to leave behind the bitter feuds that so long embroiled its people and retarded their homogeneity and pacifications. Thus the Territory has at length arrived at a point promising permanent deliverance from the tolls of bigotry and factions, upon the higher plane of concert with the National parties upon the lines of their competing issues, and for the common welfare. This advance has been attended with more delicacy and difficulty than some times falls to the lot of an armed array, for, in one case, the tardy persuasion of law and reason was the only resource; whereas, in the other, the sword is the ready and direct resort.

Reverting to the election returns, it will be seen that the Democratic and Republican parties respectively were generally stronger in the rural districts than the Liberal party; that the Liberal party lost the city of Ogden—a railroad center, and formerly one of its strongholds—but maintained its numerical superiority, particularly in Salt Lake and Summit counties—the capital of the former being a commercial center; the capital of the latter being a mining center. It also appears that the whole number of votes cast in

the strenuous contest for members for the Legislative Council was 27,039, of which it appears the Democrats cast 13,809, the distinctive Republicans 6785, the Liberals 7396, scattering 47.

Now, premising these figures, and assuming that the body of the Liberals had consistently, as professed Republicans, united with the distinctive Republicans, and that a number of Republican Mormons had done the same who did not, lest by so doing they should indirectly promote Liberal success and, consequently, their own disfranchisement; premising these conditions as real, or hypothetically reasonable, would not the election as between the Republicans and Democrats have been at least doubtful? Well-informed Republicans and Democrats in the Territory have said so. Certainly, as a fact, the total of the vote cast by distinctive Republicans and Liberals exceeds by 370 the total votes cast by Democrats for councilors.

The official evidence of the decrease of plural marriages since the 1st day of September, 1890, comes through the District judges in the Territory.

Justice Blackburn reports that there has been but one conviction had in that time for polygamy in the District court held at the city of Provo.

Justice Miller reports only one such conviction had in the District Court in the city of Ogden.

Justice Zane reports one conviction had for polygamy in the District Court held at Salt Lake City, and that the conviction was not of a Mormon.

Justice Anderson reports one conviction had for that offense in the District Court held at Beaver City.

These comprise all the districts in the Territory. The greatest number of convictions had for any sexual offense in the time stated, has probably been for unlawful cohabitation—that offense being in many, if not in most cases, a relic of polygamy made punishable under the statute when lapse of time had interposed a bar to the punishment of the offender as a polygamist, and in a number of such cases conviction and punishment followed confession of guilt as satisfying the law and promising future obedience to it.

True, I have not here adverted to the fact that the number of indictments found exceed the number of convictions had, for neither do indictments nor the extra official accusations of registrars or the proceedings of examining magistrates import guilt or a presumption of it. A different rule, holding an accusation equivalent to conviction, would be subversive to personal security, and civil liberty. It would license malice to do its worst. In fact, a number of the indictments here referred to were actually dismissed, while upon others, the persons accused were, on trial, acquitted.

These proofs of social reformation are due to various causes—to the school, the press, to tillage, mining, the arts, trade, and not in the least to the laws whose inspiration and aim, as happily interpreted by the President, was and is to consecrate the one wife as the uncrowned queen of the home.

Again, the reformation is an evolution of progress. The Mormons have emerged from the condition of fugitives secluded in the fastnesses of a

foreign land from the touch and movement of the general world. Many if not most of the earliest colonists are dead, while their children have succeeded under the flag of the United States, to their places. The new generation, reinforced by non-Mormon immigrants, form a common hold which has spread far and wide over the valleys of Utah, naturally dry and arid, and by painstaking toil have irrigated and tilled them to fruitfulness and luxuriance. More, this host has utilized the rugged mountains as pastures of grazing kine, or as quarries of gray and red granite and sandstone, or has pierced them with the pick and drill for their treasures of gold, silver, copper and lead, iron and coal. Yet, even with all this, something more needs to be done to assure the material welfare of the people of the Territory and generally of the intermountain region. The waters of the rivers, lakes, canyons and other mountain streams should be made tributary to capacious and durable reservoirs for regulated distribution for all useful purposes. Therefore I think it would be wise that Congress should sanction by law the recommendation of the President that the unreserved and unappropriated lands of the United States lying in the naturally arid States and Territories should be ceded to them under proper stipulations in aid of those purposes.

DISFRANCHISEMENT.

My deduction from all the premises is that it would not be either just or politic to extend by law the range of existing civil disabilities indiscriminately to all of the Mormons. That would be to punish the innocent with the guilty without judicial inquiry and sentence, to substitute the legislative for the judicial authority, contrary to the principle and spirit of the Anglo-Saxon and American institutions. Practically it would leave the Mormons and their posterity, professing the same religious belief, subject to taxation and military service without a voice upon the question of taxation or of war. It would degrade them as a class. This would be an anomaly in a popular government. In like cases another step downward has ended in servitude. All along the line of such descent lurks the spirit of revenge awaiting its opportunity. The proscription of classes is the rock upon which famous republics of the past struck and perished.

Disfranchisement as a precedent opens the way to disfranchisement as a rule. If the Legislature may disfranchise part of the community may it not disfranchise the whole of it and become imperial? A historic statesman of England said in words echoing down the years, that it was not competent to any political or civil authority to condemn and punish collectively any body of people.

What then is the need? Only "to let well enough alone." Punish the individual by a due process for his criminal acts, but for his belief or opinion, never. This is the distinction of right and reason. A distinction divine. Upon it hang alike social and civil order, and the empire of thought and genius. It is the rampart of the State, of the man, and of the citizen.

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[As the Commission did not furnish