

# NORTH AMERICAN REVIEW.

No. CCCV.

APRIL, 1882.

## THE CRISIS IN UTAH.

For many years the country has been hushed into silence by the idea, systematically disseminated by adroit polygamous leaders, through their agents and apologists, that "time will solve the Mormon problem." This idea was readily accepted by superficial minds, by those who think little of and care less for sound government, and by those who fail to appreciate the fact that childhood can have right training, and youth can attain true manhood and true womanhood only in the monogamic family. The tricks of trade in business between the East and Utah tend to the misleading of the Mormon people now as did the bad advice of designing politicians in Illinois in 1840-45.

Impelled by an overweening desire to gather political strength for their peculiar government, which, they profess to believe, is soon to supplant all governments that are not of the "Saints"; profiting nothing by their sad experiences among "the wicked people" of the East; not wise enough to resist, nor patriotic enough to bury out of sight and forever, in the graves with Moses and Abraham and Joe Smith, their dream of polygamic empire, they now, as then, nourish within their bosom this fatal hope — a serpent which, when warmed, will now, as then, sting with destructive fangs.

The question of religion does not in any proper sense enter, at this day, into a legitimate discussion of the Mormon question.

VOL. CXXXIV.—NO. 305.

22

As the Presbyterians are entitled to their belief in the teachings of John Calvin, or the Methodists in the teachings of John Wesley, so the Mormons are entitled to their belief that Joe Smith was a prophet. In this they have greatly the advantage of the world at large, who do not know this fact as they do, and they may draw from that belief all the comfort it is calculated to afford. The fact that a large body of "Mormons," disciples of Joe Smith, the head of which is his son, exists in the United States to-day, with churches of their own; that these people live in good neighborhood with the communities whence the Brigham Young Mormons were expelled; that they are good citizens, and believe that the "revelation" as to polygamy was the work of the devil, and that the exercise of temporal power by church authority is wrong, indicates the line of demarkation between the "free exercise" of religious belief guaranteed by the Constitution, and the abuse of it, to usurp political power, and to set up a government to which the saints are required to yield an allegiance above and beyond the flag, and the Constitution and laws it represents.

The act of 1862, condemning polygamy as a crime, which, in the test case of Reynolds, was declared constitutional by the Supreme Court of the United States, put forever at rest, and out of any legitimate argument, the religious aspect of the question. This act of Congress met with violent denunciation from the Brigham Young Mormons who possessed Utah, and who were tied to a defense of polygamy by the chain of "plural wife" slavery. Notwithstanding the decision of the Supreme Court of the United States sustaining the act, the polygamous leaders here in Utah still proclaim it to be "unconstitutional" and, as before its passage, still persist themselves, and teach their people to persist, in the beastly practice. Here in Utah we see them defiantly nullifying the righteous act, in spite of Congress and in contempt of the solemn adjudication of the Supreme Court; elsewhere we see them explaining and apologizing, and attempting to excuse defiant crime by specious argument and special pleas, presenting the question to the people of this country with mysterious cant, and to Congress as a grave problem—a Gordian knot, which Governmental action cannot solve. Congress, with the passage of the act, failed to provide the means for its execution. Polygamous marriages are entered into secretly and without registration, so far as we know or can know,

from record evidence or from the law-defying lips of those who perform the rites within the bolted doors of endowment houses. The rules of evidence are inadequate. Unwilling witnesses, like trembling hares, placed upon the stand, add perjury to their crime of conspiracy to nullify the laws. The system by which juries are summoned is faulty.

A poor man in the mountains, who raises a scanty crop of tobacco or corn, and sets up a manufactory for his tobacco, or a still for his corn, is soon visited by officers, who break open the unlawful establishment, forfeit the premises, and arrest the offender and all who are employed by him. To prevent crime and arrest criminals, a search-warrant authorizes the officer of the law to break into the dwelling-house of a citizen. An attachment will authorize an officer in a matter of mere debt to enter a citizen's home and seize his property.

Why should a writ be withheld, that would authorize an officer to enter an endowment house, within whose precincts the laws are in defiance broken, and where first and only lawful wives are required to give place to other and unlawful "so-called" wives? Why may not the law stop this bringing into the world of innocent children, upon whose forehead civilization must place the burning brand of illegitimacy? An aroused public sentiment, now so fully expressed, but for so long cruelly withheld, attracted by the sobs of virtuous and insulted womanhood, turns to lift up the shielding law so long trampled in the dust, in this inter-mountain land.

Inattention by Congressmen will be regarded by their home circles as inexcusable, and their action as criminal, and odium will clothe the man as with a garment who attempts to rob an effective measure of its power. The way is clear, free from any legal or constitutional obstacles; the power rests absolutely in the hands of Congress. The President has spoken in no uncertain tone. It has been forcibly stated that "Utah is not a Mormon reservation, but an organized Territory of the United States," purchased by the blood and treasure of the country expended in the war with Mexico, and ceded by the treaty of peace signed at Guadalupe Hidalgo. It belonged to the flag of this country then, and it belongs to that flag now. About the time of the inception of that war, the Mormon people, with exceeding bitterness in their hearts, resulting from quarrels with their neighbors in Illinois, and their conflict with the Govern-

ment of that State, turned their faces to California, which was then Mexican territory, and their backs to the United States.

The "oneness" of the Mormons, their dream of empire, and their greed for unwarranted political power and unnecessary polygamous wives, is the fruitful source of all their trouble. Without going farther back, it is necessary for anything like an intelligent understanding of the question to review their Illinois history. Expelled from Missouri, the people of Illinois gave them hospitable welcome. It will be seen that of all people the Mormon leaders have the happiest faculty of taking to their bosoms designing men and bad advisers, of absorbing and acting upon false ideas of their civil and political rights, and of attributing to the protecting power of God any failure or delay in applying to them the self-same principles of government, and enforcing among them the same laws, that govern other communities in the United States. They utterly fail to understand or appreciate that the Government, its representatives, or its citizens, may differ with them, and honestly desire to apply law to the guilty and to break their usurped political power, and yet not be unfriendly to the individual. Their leaders industriously teach the people to regard as enemies all who differ, with active force of word or action, with them in the exercise of their ecclesiastical or political power. This is a sad mistake for the body of the Mormon people. In Utah, it has served a purpose in the past. It remains to be seen how much longer power can be retained by this means.

The fierce political contests of 1840-44, between the Whig and Democratic parties, are historic. The introduction of so large a body of voters into Illinois at that time was a matter of great moment to the political parties. The grant of power under a charter to the Mormons for Nauvoo, and subsequent acts, together with the manner of their passage, stand as a mockery of intelligent and honest legislation. As such must be considered the acts, yielded by both Whigs and Democrats to the demands of this peculiar people.

Of the charter and subsequent acts granted by the legislature of Illinois, the governor (Ford), a Democrat, in his history says: "They were unheard-of and anti-republican in many particulars, and capable of infinite abuse by a people disposed to abuse them." Driven from the Democratic State of Missouri by a Democratic governor, they had appealed to President Van Buren, a Democrat, for redress of the wrongs they alleged had been in-

flicted upon them. Mr. Van Buren declined to act upon or entertain their request, for want of constitutional power to interfere with domestic affairs within a sovereign State. Mr. Clay, then in the Senate, and Mr. Stuart, of Illinois, both Whigs, countenanced and introduced before Congress their memorials. Voting with the Democrats always in Missouri, coming to Illinois, they first voted the Whig ticket.

Dr. Bennett, a man of some talent, said on good authority to have been "the greatest scamp" in the then western country of Illinois, possessing, however, the confidence of the Mormons, presented himself, as their agent, to the Legislature at Springfield. Flattering both political parties with the promise of the Mormon vote, he asked a charter for the city of Nauvoo. He found the state of political parties favorable for his purposes. The charter, through the efforts of Mr. Little, a Whig senator from their district, and Mr. Douglas, at the time Secretary of State, passed the Senate without the ayes and noes, and passed the lower house, "where it was never read except by its title." This anti-American grant of unheard-of power carried with it to the Mormons' home, trouble and woe and death. Independent of State laws, under this charter was established a mayor's court, with exclusive jurisdiction, and a municipal court, composed of the mayor as chief-justice, and four aldermen as associates, and to this court was given the power, among others, to issue writs of *habeas corpus* in all cases arising under this grant of power, which, it will be remembered, was independent of State laws. Under this charter the "Nauvoo Legion" was organized, entirely independent of the military organization of the State, except that the Governor, as of necessity he must be, was the commander-in-chief. The powers granted and those assumed are without precedent, and a higher rank was given their commanding general than any officer of the United States army at that time held. In 1841 these fatal powers were organized,—an *imperium in imperio* the result.

"Now call we our high court of parliament,  
And let us choose such limbs of noble counsel,  
That the great body of our State may go  
In equal rank with the best governed of nations."

Joseph Smith, the prophet and head of the church, was made mayor, presiding officer of the "parliament," and judge of the mayor's court. Joseph Smith, the prophet, and head of the

332      *THE NORTH AMERICAN REVIEW.*

church, was made chief-justice of the municipal court, and Joseph Smith, prophet and head of the church, was made lieutenant-general and commander-in-chief of the divisions, brigades, cohorts, regiments, battalions, and companies comprising the Nauvoo Legion. Thus he was at once mayor, chief-justice, and lieutenant-general, as well as prophet, priest, and king. Joseph Smith traced his descent from Joseph, the son of Jacob, and it must have been at this time that he conceived the idea of establishing himself a temporal prince, as well as a spiritual leader, with certain of his priesthood as the nobility. The body of guards known as the "Danites," formed some time after this, was organized to protect the person of the sovereign, and "to obey his orders as the orders of God Himself."

In the meantime, two or three requisitions from the Governor of Missouri were made upon the Governor of Illinois for the arrest of Joseph Smith as a fugitive from justice, charged with the gravest crimes known to the law. Upon one of these, the first, he was arrested, and, by writ of *habeas corpus*, taken before Judge Douglas and released on technical grounds. On another writ, he is said to have been either rescued by his friends or released by the municipal court of Nauvoo, whose government had passed an ordinance declaring, in effect, that "the municipal court should have jurisdiction in all cases of arrests made in the city by any process whatever."

This ordinance was the fruitful source of dire calamity. In the winter of 1842, another requisition from Missouri was made for him, and upon the warrant based on this particular requisition, he expressed the desire to have it brought before the United States Court, and, under advice, went to Springfield and surrendered himself. By writ of *habeas corpus*, he was taken before Judge Pope, of the United States District Court, and discharged. During all this time the Mormons had received and accepted more bad advice from men of both political parties, as to their political rights, than can well be imagined by those unacquainted with electioneering devices. The release of the prophet on *habeas corpus* by Judge Douglas, a Democrat, had made Smith and all of his people, for the time being, Democrats. Now that he had been released by a Whig Federal judge, the Whigs confidently expected their votes, and governed themselves accordingly. In these instances it was a fact patent to all

others, except the Mormons themselves, that the discharges had been granted, not because Judge Douglas, as a Democrat, or Judge Pope, as a Whig, were serving their respective parties, but by virtue of the shielding technicalities of *habeas corpus*.

In the spring of 1843, another requisition from Missouri was followed by another warrant for Smith's arrest. A constable of Hancock County, accompanied by the agent of Missouri, arrested him at a place other than Nauvoo, where he happened to be. The prisoner was turned over to Missouri's agent, and was being taken to that State, when the whole party was captured by a body of armed Mormons, and taken in the direction of Nauvoo. On the way they "were met by hundreds of Mormons coming to the rescue of their prophet, who conducted them in triumph to his own city." A writ of *habeas corpus* from the all-powerful municipal court was issued; Cyrus Walker, Whig candidate for Congress, was sent for, and in a labored argument of three hours, he succeeded in assuring that court that its power was complete to issue the writ, and Smith was again released. Not to be outdone, Mr. Hoge, the Democratic opponent of Mr. Walker, soon appeared in Nauvoo, and both he and Mr. Walker, the day following, in a public assembly, gave their solemn opinion in favor of the power of the court to protect their prophet, by this ancient writ. As Walker and Hoge, to gain votes, deceived a deluded people as to their rights, so since, and now, such men, for their own profit, are making to these people promises to the ear, and breaking them to the hope.

It would seem that no further assumption of power was possible. Smith had been released, under the ordinance usurping jurisdiction "in all cases of arrests made in the city by any process whatever." No further demand had been made by Missouri for him, but great bitterness of feeling was exhibited toward the Mormons, and they returned the compliment. Crimes were laid at their doors, and crimination and recrimination followed. In the winter of 1843-4, a further enactment of the council of Nauvoo provided that "no writ issued from any other place than Nauvoo, for the arrest of any person in it, should be executed in the city without an approval endorsed thereon by the Mayor (Smith); that if any public officer, by virtue of any foreign writ, should attempt to make an arrest in the city without such approval of his process, he should be subject to imprisonment for life, and that the Governor of the State should

*not have the power of pardoning without the consent of the Mayor."* Need more be written? Could arrogance and defiance be more complete? At this time they petitioned Congress to establish for them a territorial government, within the bounds of Illinois, of which Nauvoo should be the center. Joseph Smith announced himself as a candidate for president of the United States, and at once sent thousands of missionaries throughout the country to electioneer for their prophet, and preach the gospel.

While this was going on, emboldened by his triumph over the process of the law, and feeling secure within Nauvoo as a city of refuge, his people "openly denounced the Government of the United States as utterly corrupt, and as being about to pass away, to be replaced by the Government of God, to be administered by his servant Joseph"; and about this time the "celestial wife system" began to be indulged in, in a quiet way.

The attempt of Smith to make the wife of one of his chief disciples, William Law, a spiritual wife to himself, excited indignation and rebellion upon the part of Law and his brother, who was a major-general of the Nauvoo Legion, and their indignation was shared by a number of other leaders. To enlighten the brethren, the Law party established a newspaper, and issued one edition—its last. Without notice of trial, witnesses, or jury, in an *ex parte* proceeding,—"partly civil and partly ecclesiastical,"—the press was condemned as a nuisance, and its owners proclaimed to be bad citizens, and expelled from the church. By order of Mayor Smith, the city marshal, aided by a detail of the Nauvoo Legion, destroyed the press and scattered the type and other material. The constitutional guarantee of freedom of speech and of the press may have existed in the United States, but that article of the Constitution was clearly "unconstitutional" in Nauvoo. The owners of the press left Nauvoo, secured warrants for the arrest of the mayor and members of the council and others, and caused the arrest of some of them, but the prisoners were immediately released on a writ of *habeas corpus*, issued from the municipal court.

Great indignation pervaded the people of all the region lying about this the city of their refuge,—all manner of crime being charged against them, and they regarding all Babylon with bitterness, and complaining of having been driven from Missouri on account of their religious belief. Governor Ford writes: "Upon the whole, if half of these reports had been true, the

Mormon community must have been the most intolerable collection of rogues ever assembled; or if one-half of them were false, they were the most maligned and abused." He says: "There were many known truths which gave countenance to some of these accusations," and recites many instances of felonies and misdemeanors. In justice to the Mormons, he says: "The charges against them of promiscuous stealing appeared to be exaggerated." It is true, and for the purpose of this article enough, "that the municipal court, of which Joe Smith was the chief-justice, by writs of *habeas corpus*, had frequently discharged individuals accused of high crimes and misdemeanors against the laws of the State, and on one occasion had discharged a person accused of swindling the Government, and who had been arrested by process of the Federal court."

The end was near at hand. The excited people of the neighboring counties became a mob. The militia of different localities was under arms, clamoring for the order to march on Nauvoo. Joe Smith, as lieutenant-general of the Legion, had declared martial law, and the city was a military camp. The Governor of the State arrived at Carthage, the county seat, to enforce the execution of the laws by the military arm. Smith revoked his order declaring martial law, and the Governor, instead of marching on Nauvoo, sent a constable to arrest Smith and others. They agreed to surrender and proceed to Carthage the following morning at 8 o'clock. At 8 o'clock sharp, Smith and the persons for whom he had warrants not appearing, the constable at once departed, and reported that he had information that the offenders had fled. Smith, his brother Hyrum, and those who had been demanded, followed soon after and surrendered. All were discharged on their recognizance to answer the charge of riot, except the Smiths, who were held in confinement on the charge of treason. Captain Singleton, now a member of Congress, at the request of the Smiths, was sent to Nauvoo to guard the town, and, by the direction of the Governor, took command of the Legion. He reported that, upon two hours' notice for inspection, two thousand assembled, all armed, and this after the arms belonging to the State had been taken away from them.

The Governor, leaving a picked guard from the militia, who seem to have been a howling mob, having given strict instructions for the safe keeping of the prisoners, and having a promise that their duty should be performed, left for a hasty

visit to Nauvoo to restore order, and to provide for the further execution of the law. The guard, recreant to their duty, false and faithless to their trust, in concert with a mob, consisting of a part of the militia, broke into the jail, or allowed it to be broken into, and, as has too often been the case in our country, the prisoners were taken from the hands of the law by the hands of a lawless mob. Returning the fire of the mob, Hyrum Smith was killed, John Taylor, the present head of the church, who at the time was in the jail with the Smiths, was seriously wounded, and Joe Smith, the prophet, jumped from a window, and was shot dead in his attempt to escape from death within. This was the unlawful ending of the career of Joe Smith. He had forfeited his life by an act of treason against the State of Illinois, but he should have died, after a fair trial, by the hands of the law. To the mob of Illinois must be charged the blood of Joe Smith, which was regarded then, and is now regarded by devout Mormons, as the blood of a martyr. The chapter ended with the entire disruption of the Nauvoo power, and the expulsion of the Mormon people from another State. A kinsman of the writer, an officer of the State of Illinois, afterward killed in the war with Mexico, under the authority of the Governor of Illinois, did much in adjusting matters of difference between the Mormons and the people, and in their preparation to leave Nauvoo. The Mormons who remained in Illinois proved to be good citizens, living in friendship with their neighbors, and have always enjoyed the full blessing of protection in their religious belief, because they make no attempt to exercise unlawful, and therefore fatal, political power.

In tears, in poverty, and in suffering, the others, under Brigham Young, who made himself the successor of Joe Smith, turned their faces to the far West, then belonging to Mexico, with farewells to the United States, carrying with them bitterness and hate from the conflict with their neighbors and the State, and a thirst for vengeance that could only be allayed by the blood of their enemies. They profited nothing by their experience, but blindly persevered in their purpose to establish a theocratic government on this continent.

The war with Mexico had been declared. Under the call for troops, thousands were denied admission into the army. The response was far beyond the call. An agent of the Mormon people visited Washington, and his request that they be allowed

*THE CRISIS IN UTAH.*

337

to furnish an organization was granted, and by this means money was procured to help the Mormon emigrants across the plains toward California, their destination. It is not a fact, as so persistently told, and believed now by Mormons generally, that the Government demanded their young men, in order to expose their families to the attacks of Indians on the plains. The reverse is true.

The Mormon pioneers, numbering one hundred and forty-three men, entered Salt Lake Valley on July 24, 1847, having left the Missouri River on April 14th. The beautiful valley was all that pioneers seeking homes could ask. The prospect was inviting, and gave assurance that the soil would make quick response to the touch of cultivation. Five days later, a portion of the "Mormon Battalion" enlisted under the call for troops for Mexico, numbering about one hundred and fifty men, under Captain Brown, arrived, accompanied by a party of emigrants from the State of Mississippi. Hundreds of emigrants had before this passed into and through what is now Utah. Colonel Bonneville, of the United States Army, fifteen years before, had explored all this country. From his "Journal of an Expedition to the Rocky Mountains," Washington Irving wrote his interesting book of Western life. Jim Bridger had made it no longer "terra incognita." Fremont came in sight of the great Salt Lake on September 6, 1843. It is said that his "investigations effected important rectifications in our geographical knowledge of this portion of the continent, and had subsequently a powerful influence in promoting the settlement of Utah and of the Pacific States." From the Fremont surveys, and other reports, the roads were well defined, the latitude, longitude, and altitude of different points, including Salt Lake, were well known. Fifteen years after Bonneville's expedition, and four years after Fremont's accurate reports had been published, Brigham Young, guided by this information, laid out Salt Lake City, and made preparations for a permanent habitation. Returning to the Missouri River, he started back the following spring with nineteen hundred men, women, and children, from what was known as Winter Quarters, arriving at Salt Lake City in September, 1848.

Pioneer life, from the landing of the Pilgrims, through the settlements of Ohio, Kentucky, and all the great West, was filled with romance, danger, and suffering. The pioneers of Salt Lake

had their share of them, and as pioneers they are entitled to all the honor that pertains to early settlement.

During the winter of 1848-9, preparations were made for State organization, and on March 8, 1849, a memorial was sent to Congress asking for a State government. The same insane greed for sovereign power which characterized the Mormons at Nauvoo is seen in this unheard-of and extraordinary request. As the possession of power proved fatal to them then, it would have proved fatal to them in this instance.

Not content with the custom followed from the foundation of the Government,—not willing, like Michigan, Illinois, Missouri, Alabama, Oregon, and other Territories with sparse populations, now prosperous States, to have a grant of territorial organization, in which to pass an infantile age,—Brigham Young at once organized the State of Deseret, which embraced a territory in which now exist half a dozen States and Territories, and made himself governor, with officers, from chief-justice down, chosen from the officers of the church, and a legislature of like character. In fact, history fails to record an instance of a scheme of government so elaborate, so rapidly formed, in a territory so vast, and with so few people, as is shown in the history of the State of Deseret.

Why they failed to obtain a grant of State sovereignty, with all the term implies, is an enigma that puzzles the student of Mormon history, when he considers the success which has attended all their other intrigues and machinations, whether at Springfield or at Washington. Why it was not granted, in deference to their peculiar religious views, and on the principle that the world belongs to the "Saints," or with a view to conciliation for political purposes, will, in the light of subsequent action within and out of Congress, forever remain one of the mysteries of the political history of the United States during the last half of its first hundred years.

The custom, however, that had prevailed from the organization of the thirteen original States was happily not overridden, but the best that could be given by the Government was readily granted. On September 9th, 1850, by act of Congress, Utah was organized as a Territory, and Brigham Young, "the Prophet, Seer, and Revelator," was appointed governor. This anticipated action of the Government had been announced a few months before by an earthquake shock, the first ever known

in the State of Deseret. The exercise of power and the organization of Deseret were continued long after Congress had provided for them a generous territorial organization. The immense emigration to the gold-fields of California made Salt Lake City the half-way house, and every pound of grain, potatoes, beans, buckwheat, turnips, etc. that was raised brought fabulous prices from the passing emigrants. Surely the lines of this people "had fallen in pleasant places." Settlements in other counties were made, cities of immense area were laid out; polygamy, that heretofore had been denied either as a revelation, a tenet of the church, or a practice of its people, was indulged in to a degree limited only by supply; exaltation in the great beyond was attainable only over the crushed hearts of first wives, and by uncomplaining servitude on the part of the others. It has been claimed that the appointment of Brigham Young as governor, first by President Fillmore and secondly by President Pierce, gave a moral support, on the part of the Government, to the practice of polygamy. This is not a just criticism in one sense, as at that time it was not generally known, and at Washington and elsewhere it was denied, as either a doctrine or a practice. Therefore it was the appointment, simply, of the head of a church in a remote Territory.

It is true, however, that the effect of this action was to give, if possible, added power to the autocratic and arrogant head of a theocratic government, and to enable him the more completely to govern with a mailed hand a deluded and helpless people. There is much, very much, in the history of Utah during these and after years, that may not be told without harrowed feelings, and which always has, and always will, follow unrestrained power when joined with either avarice, lust, ambition, or fanaticism. Communities, like individuals, accept and act upon false ideas, oftentimes honestly entertained, and upon these, after they have become inveterate, the light of truth falls without effect. Falsehoods, oft repeated, set aside and take the place of truth in history. So with Utah; its history is often made to suit the times and men to whom it is told, without regard to historic precision. The proclamation of Brigham Young, as governor and commander-in-chief of the militia, upon the approach of the army of the United States, under General Albert Sidney Johnston, in which, among other things, he forbade the soldiers of the army of the United States to enter the Territory of Utah, and

marshaled the people of the Territory in war against them, is without question the most arrogant treason ever perpetrated in a small way. Nothing Joe Smith ever did can compare with it. For this Brigham Young forfeited his life, and the humane Government of the United States is, perhaps, the only one on this earth that could have forgiven the crime, and that could afterward, with a view to conciliate this peculiar people, send distinguished citizens as commissioners of peace, to treat with them as with a foreign power. The Utah question should have been settled at the time General Johnston's expedition reached Utah, not with force, unless required, but by such Congressional action as would have insured thorough recognition, by the Utah government and its people, of the absolute supremacy of the flag.

The result of this expedition, however, made it appear to them that the Government and its representatives were secondary in importance and power to Brigham Young. Sentimentality, timidity, and technicality at Washington gave a new lease of power, and systematic exaction of the fruits of honest labor continued; "rapacity preyed upon industry" with renewed vigor, and all the time children were born into the world with the brand of illegitimacy upon their innocent foreheads. When the troops were called away, and Camp Floyd, which had been established fifty miles distant from Salt Lake City, was broken up, in order to conciliate Brigham Young, the sale of horses, wagons, supplies, etc. for a mere song was a source of great profit to the Mormon people, adding largely to their facilities for trade among themselves and with the great bodies of emigrants that continued to cross the plains. During the civil war, which soon followed, Brigham Young contemplated the conflict with satisfaction, hoping that in the wreck of matter he might extend his kingdom.

In 1862, General Conner established Fort Douglas, near Salt Lake City, and in that year Congress passed the act condemning polygamy as a crime. The establishment of Camp Douglas was regarded by Brigham Young as an infringement upon his rights, and the anti-polygamy act was denounced by him as unconstitutional. In the meantime "rapacity preyed upon industry," plural wives multiplied, and illegitimate children were born.

It has been charged, among other things, that with the coming of the Gentiles, entered intemperance and prostitution. The facts do not warrant the assertion. A distinguished visitor,

on being told that Utah was the only place on earth where the Jews are all Gentiles, facetiously remarked, "And where, perhaps, saints are all sinners." The completion of the Great Pacific Railway, in 1869, may be regarded as the date of the coming of the Gentiles, although there was a goodly number prior to this. The discovery of gold and silver in large quantities brought a great number in this and the next two or three years.

Brigham Young was unfriendly to this industry, and the Legislature, later, sought to put an end to it by imposing an enormous tax on the proceeds of mines, which was properly vetoed by the Governor.

There are in Utah, as in the rest of the world, two classes of people,—good people and bad people. There are good Mormons and bad Mormons, good Gentiles and bad Gentiles. The Gentiles are not, and do not claim to be, faultless. The great body of them, however, are men of intelligence and wealth, of thrift and industry. With increasing population, virtue increases and vice increases in Utah as in the rest of the world.

The record of distilled spirits and of bonded goods in the collector's office for the district of Utah shows that thirty-seven distilleries were started in Utah between September, 1862, the time when the United States internal revenue system went into effect, and December, 1869, when the railroad reached Salt Lake, bringing in the Gentiles. No distillery has been operated in Utah since 1870. All of these distilleries were owned by Mormons. Brigham Young here, as Joe Smith in Nauvoo, was largely interested in the business. Three of these distilleries were run by city corporations, the mayors of which were high officers in the church, and among the corporations interested in the distillation of spirits was that of Salt Lake City. On August 14th, 1877, the city of Salt Lake paid \$12,051.76 tax on whisky made ten years previously, and on which the tax appeared, by comparison of the city's books with the books of the Government in the collector's office, to have been evaded when it should have been paid. For this the mayor, who managed the business, was never prosecuted criminally, as he certainly would have been in other parts of the country. The city kept a liquor store, rectifying, wholesale and retail, from the time it commenced distilling in 1862 until the coming of the Gentiles, turning into the city treasury in this time more than one hundred

thousand dollars profit on account of it, besides the stealings. The population of Utah, men, women, and children, in 1870, was 87,000. Number of distilleries started from 1862 to 1869, thirty-seven.

The Auditor's report for the year 1881 shows the taxable property of Utah to be \$25,579,234. In this are included all the railroads, which, with one exception, are owned exclusively by Gentiles, and of that exception a very large majority of the stock is owned by Gentiles; also the large mercantile and manufacturing interests owned by Gentiles, as well as the farming and other industries owned exclusively by Mormons. The products of mines, not taxed, shipped from Salt Lake for the last year, was nine million dollars; of this, say six millions was the income of the producing mines of Utah for a single year, not counting the non-producing mines. It will at once be seen that the wealth of this Territory is largely in the hands of the Gentiles. The grade of intelligence is unquestionably higher on the Gentile side; and yet this minority have no voice in the legislative assembly nor in the application of their taxes under the law.

If it be true in the science of government that intelligence and wealth will in the end control, it remains to be seen how much longer the reverse of this doctrine will continue in Utah.

The Mormon church is an incorporation under a law of the State of Deseret, passed five months after the act of Congress establishing Utah, and continued by virtue of an act of the Legislature of Utah. That act is a remarkable grant of power, and is interesting reading, and stands as a legislative voucher that the principles and practices of the Mormon church are not repugnant to the Constitution of the United States, and are founded in the revelation of the Lord. Connected with this corporation are secular attachments, which are and have been exacting monopolies, enriching the few at the expense of the many to an unprecedented extent.

Polygamic slavery, debasing and debauching in many respects beyond African slavery, a crime under the statute, flaunts its defiance in the face of the Government, and denounces every effort to pass effective laws as oppression, and every officer who attempts to see the laws faithfully executed, as an enemy. The sovereignty of the church is supreme in Utah. This constitutes the great crime against government in Utah. In the present

## THE CRISIS IN UTAH.

343

Legislature, during the discussion of an insulting report, unanimously adopted, upon that part of the Governor's message referring to this sovereignty of the church over the United States, the old flag that floats over the Legislative Hall rent itself free and fell from its high and accustomed place. Its folds, crimson with the blush of shame, fell for the right that was being outraged, the dignity of its representative that was being insulted, and Liberty that was being throttled. The people of Iowa, of Missouri, of California, and other States, suffered the hardships of pioneer settlement with the purpose of bettering their condition, of making homes for their families, and with the high resolve of constituting themselves States loyal to the flag of this country, free from allegiance to any prince or power. It is a matter of regret that the polygamous leaders of Utah failed to be inspired in their younger years with this patriotic purpose and high resolve, and chose rather to set up a despotic church-government, which debases manhood, dishonors woman, and brands their children with the mark of illegitimacy.

An officer of high rank in the diplomatic service of the Hawaiian Government told the writer of this article that he had read the correspondence between Brigham Young and his king, a few years ago, in which Young proposed to come with his people, to populate the kingdom, and would promise to keep him safely on his throne, if in return he would guarantee to them the free exercise of their religious belief, unimpaired in any of its rites. The offer was declined with thanks. These people, then as now ignorant of the traffic Young would make of them and their citizenship, are alike ignorant of their relations and duties to this Government, and are kept so by the fallacious arguments of designing men. Within the parallels of latitude in which Utah lies, twenty-one of the thirty-eight States of the Union are embraced in whole or in part. It forms the intermountain gate-way of the continent, and yet it is the missing link of the chain of States between the seas. Older in settlement than many of the States, greater in area and population than many, she stands without the door of Liberty's temple, considered unworthy of the companionship of the sisterhood of States within. Congress is asked to enfranchise American citizens, to free this people, to strike the shackles from their too willing but weary limbs, to break the seals that bind the lips of young Utah, to make every well-disposed person secure in happy, law-abiding

VOL. CXXXIV.—NO. 305.

23

homes; in short, only to break the exercise of unlawful political power by law-defying polygamous leaders who, for thirty years, have declined to yield an honest, unequivocal allegiance to the United States. The right of Congress to govern this Territory in its own way is unquestioned, and yet it has turned a deaf ear to the petitions of patriotic people, for years. It has spent millions of dollars denying the demands of justice by technicality, of liberty by timidity, and the demands of humanity by sentimentality, allowing its laws to be trampled upon and its dignity to be insulted, in the vain hope that time would bring the remedy, and that conciliation would prove to be the best policy. But the right first, and then conciliation. Allegiance to the flag and obedience to law, and with that equal and exact justice, followed with the broadest and tenderest humanity. This the country at last demands of Congress, and this the country will have, peaceably if it can, forcibly if it must. The remedy is plain, and within easy reach.

The Territories of the United States are the property of the United States. No vestige of sovereignty attaches to them. Every public officer is but an agent, direct or indirect, of the Government. If these officers fail to execute the laws of Congress, or fail to enact and execute laws in unison with and in support of the laws of Congress, or if the appointing power, within the Territory, persists in naming men to place who do not yield an honest and unreserved allegiance to the Government, simply dispose of the agency, dismiss the unfaithful agents, and name others that will carry on the business of the Territory in accordance with the expressed wish of Congress. Name those who do yield honest allegiance, those who do not question the constitutionality of an act of Congress, who, until it is declared unconstitutional, obey it as patriots always do, and who, when the Supreme Court declares an act constitutional, obey it, defend it, and, if necessary, fight for it. This is the kind of agents the Government should have to attend to its business in every precinct of its Territories.

The bill of Mr. Willets, of Michigan, now before Congress, may be regarded as the effective and, possibly, only peaceable solution of the Mormon question. All others fall short of provisions that may not and cannot be evaded. That bill provides for a legislative council, to be appointed by the President and confirmed by the Senate, that shall write a code of laws for Utah.

Selected with care, as it would be, composed of patriotic, discreet, and honest men, the council would enact such laws as from time to time the emergencies of the situation and the business requirements of the Territory might suggest.

If the capital of the United States was situated in Utah, Congress could and would, as it now does for the District of Columbia, enact the necessary laws. But it would be as well to attempt to pilot a ship across the Atlantic Ocean from a station at Sandy Hook, as to sit in Washington and attempt to give the necessary legislation for Utah. The present legislature of Utah, as always in the past, is composed entirely of Mormons, a great majority of whom are polygamists, and is paid out of the Treasury of the United States. Would it be possible for such a legislature to be allowed for thirty years to assemble in the District of Columbia, pass laws for the government of the city of Washington, and regularly draw their pay from the Treasury?

Is it possible that an endowment house, in which the laws of Congress were persistently violated and civilization shocked, could long remain in Jackson Square, within sight of the White House? Would officers of any like organization, who were also judges and legislators, be long permitted to walk out in full view of the President and the people, and step into the Treasury and receive their quarter's salary? Would violators of the law that condemns polygamy as a crime, be allowed many days to walk out of this endowment house in the broad glare of day, before the eyes of the President, our representatives and the people, with their endowment robes on one arm and a third wife on the other? If not, why should they be permitted to do so before the eyes of the governor and representatives and people of Salt Lake City?

The same ignorance of civil and religious rights exists to-day as formerly. The same insane greed for political power exists, and the same dream of polygamic empire dazzles the leaders of these people. As Joe Smith declared martial law in Nauvoo, and issued illegal writs of *habeas corpus* to shield "fugitives from justice"; as Brigham Young declared martial law and put the Nauvoo Legion under arms to shoot the soldiers of the United States who put their feet on the soil of Utah; so John Taylor, their successor, speaking, two or three Sundays ago, of the proposed measures before Congress relating to Utah, and of the public meetings throughout the land, demanding action by

Congress, made the following speech : "Meetings are being held all over the country, at which all kinds of resolutions are passed about us. Our potatoes, corn, and wheat grow all the same, only they must keep hands off."

And this, too, from the head of an organization that extols crime as a virtue, that appoints to place those who are conspicuous by their law-breaking and law-defying qualities, and whose representative has sat, and who seeks to sit again, in an American Congress. And this is the organization that, after thirty years, must be further conciliated, because they are a peculiar people. In the meantime, children continue to be born into the world with brands upon their foreheads. It is not the body of the Mormon people that are to blame. It is the polygamous leaders, with their designing schemes, fighting for prolonged power. It is the rich, smart Mormon who does not believe in polygamy, and yet supports it, and who continually says to members of Congress and the country, that it is dying out. It is the man who revolts at the purposes and practices of Mormonism, and yet for the balance of trade apologizes for it, compromises with crime, and sees "virtues in this community that others do not possess." What does the writer or the country care as to the belief of those who regard Joe Smith as a prophet? Those who believe so are entitled to their belief. Their right to that belief, the writer and the country would defend, if necessary, but obedience to law is required, and the exercise of temporal power by ecclesiastical authority, in the least degree, will no longer be tolerated.

ELI H. MURRAY.