HAS UTAH A REPUBLICAN FORM OF GOVERNMENT?

It has been generally supposed that, aside from the custom of plural marriage prevailing among the Mormons, there was little to distinguish them from other religious communities. It is quite as generally believed that if means could be devised to suppress the practice of polygamy in Utah, no other evil of such magnitude as to require special attention from Congress or the people of the United States would remain to be corrected. A very cursory examination of the Mormon system will show that polygamy is only one of a series of evils, attracting attention by its prominence rather than its preëminence over its fellows. About thirty bills, more or less elaborate in character, have been introduced into the national Congress within the last six years, designed to cure the evils prevailing in Utah, and while most of them contained provisions intended to uproot polygamy, nearly all presented conclusive evidence that their authors had found other evils of the most vital character requiring treatment.

It is, indeed, somewhat remarkable, in view of this record in Congress, that any writer should fall into the error of supposing that the hostility of the Gentiles of Utah to the Mormon Church is chiefly on account of polygamy, and that with the extinction of this system, which it is declared will be brought about by natural causes, there would remain nothing serious to be remedied in the political or social organization of the Territory. The historical facts are that Mormonism grew, flourished, and acquired some of its most dangerous features, and brought itself into violent collision with settled principles of the American system of government, before polygamy was grafted on its creed. If the president of the Mormon Church should to-morrow decree by a special "revelation" that the practice of polygamy was no longer necessary to "celestial exaltation," and that all such marriages heretofore contracted (and recorded only in the secret archives of the Church) were null; if the President of the United States should issue his proclamation of amnesty for all past offenses in this regard; if Congress should legitimize the thousands of children born of polygamous parents, and if the territorial legislature should make suitable provision for each discarded plural wife and her offspring out of her husband's estate or the coffers of the Church—if every part of this very improbable combination could be brought about, there would still remain grounds as strong as those removed for the hostility of the Gentiles of Utah to the Mormon Church, and reasons as powerful for Congressional legislation before Utah could safely be placed in the line of progress toward American statehood.

The facts are that the Territory of Utah has never been organized in accordance with the genius and spirit of American institutions. There exists there to-day a government within a government, an *imperium in imperio* almost as dangerous to the future of the West as the slave oligarchy of the South was to the peace of the nation thirty years ago; moreover, the peculiar institutions of Mormonism are defended, as was slavery, with an ominous similarity of phrase and logic, as being merely "domestic concerns," with which other States and Territories have no right to interfere, and which "only ask to be let alone." The gravity of the situation must not be underestimated, and it must not be supposed that Mormonism is confined to Utah alone. It holds the balance of power in Idaho, and wields an important influence in Wyoming, Arizona, Colorado, and Nevada. Its organization rests upon principles hostile to those upon which the Government of the United States is founded and its teachings are everywhere subversive of freedom, morality, and progress.

The condition of affairs in Utah is this: Outside of the handful of Federal officials, whose authority is generally held in contempt by the Mormons, and whose reputations are invariably, and often successfully, traduced just in proportion as they prove unyielding to the demands of the Mormon leaders, all power is virtually lodged in the ecclesiastical organization commonly known as the Mormon Church, but self-styled "The Church of Jesus Christ of Latter-Day Saints." This body is primarily controlled by a president and twelve apostles, whose authority is recognized by their devotees as absolute and supreme. Unquestioning "obedience to counsel" is demanded from every member of the Church, and so complete is the surveillance established that it is seldom this obedience is refused, and never without serious consequences. If the control thus exercised were confined to religious matters there would be no just cause of complaint.

But it enters into trade, politics, and all the other secular business of life.

Prior to 1850, when Congress gave to Utah a territorial government similar to that of the other Territories, the handful of Mormons resident there framed a State government, calling it the government of the "State of Deseret," and this unauthorized organization, with Brigham Young (President of the Mormon Church) as governor, with its officers, legislative, executive, and judicial, was persistently maintained by the Mormons for many years after the establishment of the legal territorial government. Brigham Young took the oath of office as Governor of Utah Territory before the Chief-Justice of this "State of Deseret," and, as late as 1872, Albert Carrington, one of the twelve apostles, declared, in a sermon preached in the Salt Lake Tabernacle, in the presence of the three Federal judges of the Supreme Court and an audience of thousands of people, "that the territorial government of Utah was a gross usurpation, totally unconstitutional, null and void."

The legislative power of the Territory is vested by the organic act in the Governor and a legislative assembly supposed to be chosen by the people. As this last-named body was in harmony with the executive for the first eight years of its existence, the spirit of Mormonism will be fully shown by a brief reference to the legislation of those years. The first act, in date Oct. 4, 1851, is found in the compiled laws of 1870. It is a grant to Brigham Young of all the waters of City Creek and all the timber of the City Creek cañon, for a consideration of five hundred dollars. The grantee in this act was the Governor, whose approval was required to give it the semblance of validity. City Creek furnished the water-supply for Salt Lake City and vicinity, and the cañon was the resort of the inhabitants for building-timber and fuel. Under authority of this grant, for twenty years Brigham Young exacted one-third of all the timber taken out of the cañon, and distributed the water to whomsoever he pleased. During the same session of the legislature, all the timber in the cañons of the Big Cottonwood and Mill creeks, and the "next cañon north of Mill Creek," was granted to Brigham Young's first counselor, and to one of the twelve apostles, while the control of all the timber in the cañons on the east side of the "next mountain" was given to George A. Smith, another of the twelve. On the same day, the control of all the waters of Twin Springs, and all the timber in the cañons on the west side of the Oquirrh Mountains, was granted to Ezra T. Benson, another apostle. By these half-dozen acts, all the water and all the timber in the two counties of Salt Lake and Tooelle, now having a population of forty thousand people, were placed under the control of five persons. The same legislature granted to Brigham Young, in proprietorship, the two islands in Salt Lake, called Stansberry and Antelope islands, containing over thirty thousand acres of land. Suffice it to say that, up to 1870, the majority in number and bulk of the Utah statutes was composed of special acts making grants of land, timber, water privileges, charters for bridges, ferries, and roads to individuals; and charters for cities and towns to private societies and associations.

The laws of a general nature were equally objectionable. The Probate Court judges elected by the people of the different counties were declared to possess jurisdiction in all cases, civil and criminal, at common law and in chancery, and the spectacle of a Mormon bishop, who knew nothing about law, trying a defendant for a felony or on a capital charge was of common occurrence till the act of Congress known as the Poland Bill, passed June 23, 1874, put an end to these exhibitions. These probate courts even usurped the right to release, under writs of *habeas corpus*, persons charged with crimes and duly committed by the Federal judges.

With the double purpose of withdrawing large tracts of arable land from settlement by non-Mormons, and of placing all municipal legislation in the hands of Mormon city councils, and thus evading the veto of the Governor, large numbers of towns and cities were incorporated, and municipal courts were created, with wide powers, for the trial of both civil and criminal causes. Thirty-seven towns and cities were thus created, and though most of them were, and still are, mere hamlets, their corporate limits range all the way from fifteen to fifty square miles in extent each. A sample of this scheme for preventing settlements on the public lands is found in the charters granted to the towns and cities of Câche Valley. Beginning with a village situated in the southern end of the valley, a series of eight incorporated towns and cities was created, to include the entire valley, nearly forty miles in extent, while there are to this day wide intervals without a single habitation. One farm, called the "Church Farm," containing seven thousand acres of the finest lands in the Territory, lies in this valley, and was thus withheld from settlement until squatters, under the direction of Brigham Young, secured the title from the United States, which they immediately conveyed to the Mormon prophet.

When Gentile prospectors began the development of the vast mineral wealth of Utah, repeated efforts were made by the Mormon legislature to tax the mines out of existence—efforts which were only defeated by the absolute veto of the Governor. As recent instances of this attempted legislation, reference is made to Governor Emery's veto of the bill to suppress smelters in the Territory (Journal of Legislature, 1876, page 261), and also to the Governor's veto of the bill levying a tax on the mines and a double tax on their products (Journal of Legislature, 1878, page 321).

Jurors, even in criminal cases, were not required to be citizens of the United States but the officer was directed "to summon twelve judicious men" (chapter 30, January 21, 1853, section 9). The same act (section 24) provided "that the property of a person accused of an offense shall be held depending the execution of the judgment." The oppression of seizing the property of a person simply accused of an offense has probably not been felt anywhere else in modern times.

The election laws were such that the proceedings were a farce. The act prescribing the qualifications of voters was passed January 21, 1859, more than eight years after the organization of the Territory, and the reason for this is made apparent by the fifth section, which excluded soldiers and officers of the United States from the privilege of voting. The army of General Johnstone, after subduing the Mormon rebellion, was then in quarters at Camp Floyd, and, it was feared, might lighten its military duties by an attempt on the ballot-box. The act "regulating elections" was passed January 3, 1853, but contained not a syllable defining the qualifications of voters, and had not the advance of the army made it necessary to exclude non-Mormons, the subsequent law of 1859 would never have seen the light. Under the earlier statute, which was unchanged until 1878, every ballot was numbered and the name of the voter written on it, so that by no possibility could a vote be cast which the Mormon priesthood could not examine. After the passage of the act of February 12, 1870, giving every woman of the age of twenty-one years, "or who is the wife, widow, or the daughter of a native-born or naturalized citizen of the United States," the right "to vote at any election" in the Territory, the elections have been a most unseemly mockery. Polygamous wives, foreign-born, without the pretense of having been naturalized, minors who were the daughters of citizens, and many persons who claimed to have been naturalized by proceedings in the probate courts which were utterly void, have assumed the right to deposit their votes in the ballot-box. Even the act of 1878, providing ostensibly for a secret ballot, only prohibits the marking of the envelope containing the ballot. The marking of the ballots is no more prohibited now than before. The restraints upon male voting under this law are such as virtually to disfranchise the anti-Mormon population, and this is conclusively shown by the diminished anti-Mormon vote. Out of a voting capacity of at least three thousand in the county of Salt Lake alone, the last election disclosed an aggregate of about one-tenth of that number.

The law of taxation is equally open to criticism and the charge of favoritism and discrimination. Under it, while the cooking-stoves and sewing-machines of the poor were being seized for the payment of taxes, the county courts were "remitting" the taxes of the president of the Church and of Mormon railroad corporations to large amounts.*

Nominally a school system was established, but in practice it is a scheme to compel the erection of Mormon "meeting-houses" at the expense of the public. All the abominable doctrines of the Mormon Church are taught in such schools, and the non-Mormon is thus forced to support by his purse the system he detests, and meanwhile to provide private schools for his children.

While this objectionable legislation has been the rule, and not the exception, the failure to provide wholesome laws has been conspicuous. Until 1874, there was no statute of frauds, or conveyances, or for the record of deeds, etc. The result is needless insecurity and difficulty where titles, coming directly from the Government, should be of the simplest kind. There is no statute on the subject of the relations of the sexes, except a divorce act so notoriously infamous that it was recently amended. There is no law on the subject of marriage; no one is authorized to celebrate it; no witnesses are required, and no record is made of it. By the act of February 15, 1872, the wife is deprived of right of dower and all property rights in her husband's estate, and by the act of March 4, 1852, in force until 1878, she was made liable to imprisonment for five years if she even trod upon the grass in her husband's door-yard against his command (secs. 44, 45, and 46). The brutal language of the statute is:

"The preceding sections severally extend to a *married woman* who commits either of the offenses herein described, though the property may belong wholly or in part to her husband."

* Act of Jan. 20, 1864, sec. 14.

Is it any wonder that women obey implicitly the masters who hold them by such chains in their hopeless bondage—that suffrage placed in such hands drives from the polls in utter disgust the free-born American citizen who looks upon this right as a sacred trust and the palladium of his liberty?

In 1878, the Mormon legislature repealed all statutes against seduction, lascivious cohabitation, and incest. A man may marry his own sister without coming within any statutory restraint, and adultery and fornication have no penalty under the law. Instances of the marriage of a man to his brother or sister's children are by no means uncommon, and when, a few years since, a Mormon bishop was removed from the position of postmaster because he had committed matrimony with two of his brother's daughters, the whole priesthood protested against it as a gross persecution on account of his religion.

Further instances of Mormon misrule might be multiplied indefinitely. Those presented sufficiently show that the body committing or permitting such outrages is unfitted to exercise legislative power. Of the thirty-six members of the legislative assembly now in session in Utah, thirty-two are officers of the Mormon Church, twenty-eight are living in polygamy, though it is a felony under the act of Congress, and all are Mormons. They meet simply to do the bidding of the Church, but their mileage and *per diem* compensation are paid by the United States.

On the 15th of February, 1873, Senator Frelinghuysen, now Secretary of State, reported from the Judiciary Committee Senate Bill 1540 —"a bill in aid of the execution of the laws in the Territory of Utah, and for other purposes," which showed a thorough knowledge of affairs in Utah, and went far toward providing means of redress. It proposed to repeal and annul many obnoxious laws, provided remedies for many evils of the elective system, and afforded protection to a large class where it did not provide for redress. The bill was bitterly antagonized by Senator Sargent of California, and resulted in a measure which finally passed Congress June 23, 1874, which, while equipping the courts with jurors so drawn as to make a trial in which the Mormon Church or its leaders were interested result in inevitable disagreement, still gave to non-Mormons a chance for justice. Priestly cunning has, since its passage, been engaged in circumventing its operations, and its inadequacy is admitted. The impulse given by this legislation to the study of the difficulties of enforcing the law in Utah has resulted in wide discussion, and the late President Garfield, after giving the subject thorough consideration, declared his views in his inaugural in the following forcible language:

> "In my judgment, it is the duty of Congress, while respecting to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order. *Nor can any ecclesiastical organization be safely permitted to usurp, in the smallest degree, the functions and powers of the national Government.*"

In consultation with Mr. Willits, a leading member of the Judiciary Committee of the House of Representatives from the State of Michigan, during the past summer, President Garfield strongly advocated the adoption of a measure which has since been introduced into the present Congress by Mr. Willits. This bill is in principle the same as the act of Congress passed at its first session under the Constitution, providing for the government of the territory north-west of the Ohio. Instead of the legislative power being vested in the Governor and the judges, as in that act, a council of nine citizens of the Territory who are qualified voters is, upon the appointment of the President and confirmation by the Senate, authorized to exercise the law-making power over all rightful subjects of legislation, subject to the approval of the Governor, the power to annul and disapprove of its acts being reserved by Congress. The present government of the District of Columbia, with a population of one hundred and eighty thousand, is more arbitrary than the scheme provided in this bill. The abuses in the District of Columbia, which led Congress to abolish its territorial government, were trifles compared with the long series of wrongs which have disgraced the governmental history of Utah.

The Utah question is in no just sense a "problem." It involves the simple question of enforcing the laws of the United States in Utah as they are enforced elsewhere. The execution of the law against theft and murder is no longer regarded as a "problem" requiring very grave deliberation or extraordinary statesmanship. The execution of the laws in Utah involves only the adaptation of simple means to the end proposed, and resistance to their firm and fair execution will cease when the determination to execute them is backed by the means. We are told by optimists and superficial observers that the immigration of non-Mormons, intercourse with the world, schools and the printing-press, will in time cure the evils of which the non-Mormons complain. If this be so, why is it that the laws which forbade and punished seduction, adultery, lascivious cohabitation, and incest have all

recently been repealed, and these social crimes purged from the criminal catalogue of the Territory? Why is it that, while the railroad and the telegraph and the press are exposing the evils of polygamy to the gaze of the nation, polygamous marriages are being contracted at a greater rate than heretofore? The truth is that the friends of good government are increasing in Utah, but the Mormon Church power is relatively gaining still more rapidly. Wealth, intelligence, and enterprise shun a region governed by such influences. Some are driven out by Church oppression. Many refuse to abide where liberty is but a name, civil government a farce, and a fanaticism that palsies enterprise and pollutes the hearth-stone reigns unchecked. While the philosopher is waiting for public opinion and schools and commerce to revolutionize Utah, the hardy immigrant who, in looking to the valleys of the Rocky Mountains for a home for himself and his family, arrives in Utah, surveys the prospect, and with disgust that such a condition of things is tolerated under the flag of the country, moves on to Montana, Idaho, or Washington Territory. Year by year this stream flows steadily into Utah, and as steadily out of and beyond it. This will go on until the proper remedy is applied, and this cancer in the breast of the nation shall be cured.

BRYANT AND LONGFELLOW.

IN THE forthcoming biography of Mr. Bryant, a pleasant glimpse is given us of the early relations of Bryant and Longfellow (relations, we may add, continued to the end), of which the biographer furnishes us a brief sketch. It seems that, long ago as 1826, when Mr. Bryant was acting as editor of the "New York Review," he had occasion to notice the "United States Literary Gazette," a Boston periodical, of which he said:

"Of all the numerous English periodical works, we do not know any one that has furnished within the same time as much really beautiful poetry. We might cite, in proof of this, the 'April Day,' the 'Hymn of the Moravian Nuns,' and the 'Sunrise on the Hills,' by H. W. L. (we know not who he is), or more particularly those exquisite *morceaux* 'True Greatness,' 'The Soul of Song,' 'The Grave of the Patriots,' and 'The Desolate City,' by P., whom it would be affectation not to recognize as Dr. Percival."

The H. W. L. of whom the critic knew nothing was an under-graduate of Bowdoin College, who since has come to be known everywhere as Henry W. Longfellow.

Mr. Bryant and Mr. Longfellow did not meet till some time in 1835, when they came together at Heidelberg, where, we may suppose, they took many a walk in the solemn shades of the pine-forests, or had many a laugh over the trout breakfasts of the Wolfbrünnen. A great deal of what they talked about no doubt got into "Hyperion," which Mr. Longfellow published shortly after his return home, and which Mr. Bryant hailed as a work of great merit. Indeed, as each successive poem or book of the younger poet appeared, it found a ready admirer in him who was already a veteran in the service of the Muse.

When, in 1845–6, the illustrated edition of Longfellow's poems came out in Philadelphia, from the press of Carey & Hart, Mr. Bryant wrote to its author as follows:

"NEW YORK, January 31, 1846.

"MY DEAR SIR: I have been looking over the collection of your poems recently published by Carey & Hart, with Huntington's illustrations. They appear to me more beautiful than on former readings, much as I then admired them. The exquisite music of your verse dwells more agreeably than ever in my ear, and more than ever am I affected by their depth of feeling, and their spirituality, and the creative power with which they set before us passages from the great drama of life.

"I had been reading aloud to my wife some of your poems that pleased me most, and she would not be content until I had written to express to you some of the admiration which I could not help manifesting as I read them. I am not one of those who believe that a true poet is insensible to the excellence of his writings, and know that you can afford to dispense with such slight corroboration as the general judgment in your favor could derive from any opinion of mine. You must allow me, however, to add my voice to the many which make up the sum of poetic fame.

"Yours very truly,

"W. C. BRYANT."

To this the younger poet replied with frankness and becoming gratitude:

"CAMBRIDGE, Feb. 5, 1846.

"MY DEAR SIR: I am very much obliged to you for your friendly letter, which has given me, I assure you, the sincerest pleasure. Your expressions of praise and sympathy are very valuable to me; and I heartily thank Mrs. Bryant for prompting your busy hand to write.

"In return, let me say what a staunch friend and admirer of yours I have been from the beginning, and acknowledge how much I owe to you, not only of delight but of culture. When I look back upon my earlier verses, I cannot but smile to see how much in them is really yours. It was an involuntary imitation which I most readily confess, and say, as Dante says to Virgil:

'Tu se' lo mio maestro, e 'l mio autore.'

"With kind remembrance to your wife, to Julia, and to the Godwins,

"Faithfully yours,

"HENRY W. LONGFELLOW."

Again, on the publication of "Evangeline,"