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the past. Counsel may pretend that that was not so decided, but it is so decided in the case of Cummings. Justice Field, or advise any person or persons to words as applying to some other one in his opinion there, says, that that whole act is subject to the animadver-sion that he pronounced upon it, al-though the provision of the first amendment to the Consti-tution is not a restriction up-

ton as the Idaho test oath. It has two extraordinary features expressed in the last element. Before that I want to, call attention to a paragraph: "That I do not either publicly or privately teach, counsel, or encoursed or advise any

with great force, striking him on the head. This skull was fractured in three places. Surgical attendance was procured, and hoped are entertained of the man's recovery.

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THE WILCOX IRON HARROW,

In two, three, four, five or six sections. Is the boss Harrow, never rot out, and will last a farmer's lifetime, and do better work than any other.

the case of cummings. Justice Field, in his opinion there, says, that that whole act is subject to the animadver-sion that he pronounced upon it, al-though the provision of the first amendment to the Constitution of the State, and therefore it was not of the State, and therefore it was not supreme Court measured it by the other standard, which are limitations, that no State shall pass an *ex post facto* law or a bull of attainder. The ques-tion which we are discussing here was not involved in the case; but I say Field, did decide, and the Supreme Court in Missouri held that his lan guage was broad enough to cover the point that the whole act was void, that he contracts what is known as a "celes tial marriage." Now, it may be a sys JAMES THOMPSON. ten that recognizes plural marriage; may be "celestial fnarriage" with the first wife or with the second wife; but dering him incapable of following his vocation such as minister and the that part which relates to eternity is necessarily of a religious nature, and That is about what they seek to do it precludes the idea that because a man forms a union that that will go on here. He could not exercise his pro-fession as a minister. The constitution of Missouri attempted to prohibit in eternity. That is what "celestial it. The Supreme Court said that such marriage" means, as I understand it. Now this is a matter that is supposed a law was ex post facto and a bill of attainder. That is what they endeavor to to be known to the legislature and to tainder. That is what they endeavoir to do here. They say that a man must not associate. But I pass that by, be-cause I don't regard that decision as bearing directly upon that question, as the provisions of the Constitution which we rely upon were not involved in that case. The cause I don't regard that necessary is a set of the court. I bring the matter to the judiclal knowledge of the court, that this act would reach just such a per-son who contracted a marriage with one woman only, but upon the suppo-sition that it reached beyond this life. But the two features to which I now call your attention are embedded in the the court. I bring the matter to the judicial knowledge of the court, that call your attention are embodied in th Then, when we consider that no leg-islature since the organization of our government has attempted to make such a test at this (or where they have last element of the oath. "That I regard the Constitution of the United States and the laws thereof such a test at this (or where they have attempted to do it, even in the mildest way, as in the Michigan case, it has been pronounced as exceeding legisla-tive authority), if there were nothing else, and the Legislature here has only power to legislate upon "rightful sub-jects of legislation," I say that that is a restriction upon them, by reason of which they cannot do that. A sover-eign legislative authority might do things which are upjust, but a dependent, subordinate one cannot exclude an entire peo-ple by reason of party or religious affiliation. That is not a rightful sub-ject of legislation. It is not only ridand of this Territory, as interpreted by the courts, as the supreme law of the hand, and that I will support and up-hold the same, the teachings of any order, sect or organization to the contrary notwithstanding, so help m God." That contains two extraordinary cle ments. First, the Constitution of the United States expressly declares-did not leave it to implication-that the Constitution and the laws made in pur suance thereof should be the supreme law of the land. This requires a per-son to swear not only that the Constiject of legislation. It is not only ridtution and the laws made in purrect of legislation. It is not only rid-ing over men's consciences and ideas of justice, but it is in opposition to the express provisions of the Constitution of the United States. I won't elaborate, your honor, upon the proposition which was so ably ar gued by my associate, that Congress had entered upon the performance of what it has regarded as its political duty, of doing what is necessary for the subversion of an obnoxious prac-tice in the Territories. I know full well that under the Organic Act, origrods, 2nd South, 15th Ward. \$1050 A house of & rooms, pouch front and back, lot 5x20, a good stable, etc., on Fourth West and Fourth North sts. States—and the laws of the Territory must be subordinate. Just for that very reason are officers of the State as well as the United States required to swear or affirm that they will sup-port the Constitution as supreme. Now, to say that the Constitution and taxe \$1350 New brick house of 4 rooms, good pantry and closets, good flowing well, stable, etc., lot 3290 on Third West. \$1600 Adone house of 5 rooms, well fin-ished, with closets, sto., lot 3x10, Second South, close to D. & E. G. depol. well that under the Organic Act, originally, express authority was given to the legislature to prescribe the qualifi-cations of voters, except that they could not make persons who are not citizens, voters, and the lew exceptions there voters, and the lew exceptions there \$600 Frame house of 4 rooms, adabe lined, los Sails Sonth Temple street, \$300 down, isslance on the instalment plan. a laws of the Territory are also supreme, in the same locality, is to-deny su-e premacy of either, but to assert that both are co-ordinate, and that the Constitution is no higher than an act of the Legislature; I say that this de-tracts from the just right of the Con-stitution. It requires a party to as-sume an attitude which is treasonable in its tenderer towards the pational \$950 Adobe house of 2 rooms and kitch-en, lot 5 20 rods, full of good iruit trees one-and half blocks west of gas works on South Temple street.

tations of voters, scopit that they sould not make persons who are not cilizens, stated. As was well said by my said first be exercised by the legislature, if the same locality, is to-deny su-prime of either, but to assert that both are co-ordinate, and that the construction is no higher than an actor might be exercised by the legislature, inclaiment and the structure and proper-my extent hat the endbaution of my extent that the endbaution of my extent hat is be to don't any extent hat is be to don't my extent in the endbaution of my extent in a said of the synch importance that deal with it. Twill provide a system of expressed provisions, which, together with that effectual for the eradication of the opportunity in the Territores ite of polyghuy in the Territores ite of a system if expressed provisions, which, together with the trans and the my the effectual for the eradication of this ought to be done. Now J isoro in this sought to be done, how J isoro the delives on the construction be heard of this ought to be done. Now J isoro the delives on the construction be heard of the opportunity of being heard? I hink that the in the trans there are contained by makeit all one system is not enaction to this dogit to be done. Now J isoro of the interpretation to the monor the construction by reason of the sought to be done. Now J isoro this dogit to be done, how J isoro this docision the construction to this and there generation to this docision the construction by reason of the souther the same the construction to this docision the construction to the souther the same the construction by reason of the delives an additional infin-ter the \$2000 A No 1 business corner, near the D, and G, depot, 5x55 rods. Tals is very cheep and must be sold. \$2000 flonse of six rooms and store, lot 5x10, near the depot. \$700 Adobe house of 4 rooms, lot 4x16 rods, fenced, stable etc., 5th gard. \$850 A new adobe honse of 3 rooms and summer kitchen, lot 3x10 rods. \$400 Frame house of two rooms, lot 21/x7 rods, Seventh West Street.

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\$850 40 acres of bench land under canad, with or without 15 shares water right, at \$10 per share. A good stand of la-cara on 10 acres; Hunter Precinct, 10 miles from city. from city.

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