

# DISCOURSE BY APOSTLE ERASTUS SNOW.

DELIVERED

In the Tabernacle, Provo, on Sunday Morning, May 31st (Quarterly Conference) 1885.

[Continued from last week.]

REPORTED BY JOHN IRVINE.

THE great furore in the Christian world or at least throughout the Christian denominations of America three years ago urging upon Congress the passage of the Edmunds law was on the ground of the immorality and licentiousness of the Mormons and a desire to repress it. But now the federal representatives in their efforts to enforce it in our country have found themselves under the necessity of throwing the mask off themselves and off the country—off the priests and religious people. I believe some of you in Provo had something to do in bringing this about and rendering it necessary for them to lay off the mask. I believe Commissioner Smoot was called upon to investigate a case of an outsider seducing his wife's sister, and a child was the result; and he felt called upon under the law to hold him to answer before the grand jury for unlawful cohabitation. The assistant prosecuting attorney unwillingly allowed the thing to go on until the man was committed for this offence; intimating at the same time that he thought this was pushing the Edmunds law a little too far and beyond what was the spirit and intent of the law. If this case should be carried to its legitimate end, and the man should be sent to prison and fined for unlawful cohabitation, then the door would be thrown wide open for many others to follow for the same offence. Hence such a construction was considered an element of danger to themselves, to the representatives of the federal government and their aiders and abettors in this country; that such a construction of the Edmunds law as had been the popular construction and the understanding of the masses, and as was the professed understanding of the Christian world—for they urged its passage to repress immorality and sexual crime—that if this construction was allowed to prevail in Utah and the surrounding Territories, and the District of Columbia, and other places where the United States exercise jurisdiction, it would operate very hard on a great many who would not be so well prepared to bear it as the Latter-day Saints. Hence it seemed very desirable that their feet should be slipped out of the trap and ours left in. Accordingly their wits were brought to bear in this direction, and on the occasion of the trial of President Angus M. Cannon on the charge of unlawful cohabitation a plan was concocted and carried out, with all the leading attorneys of the land and the Chief Justice upon the bench, to discuss this question and decide upon it. In this connection the representative of the government boldly came to the front and threw off the mask and proclaimed at the outset of this trial that he knew he could not prove sexual intercourse between the parties at bar, and that he should not attempt it. Furthermore he stated that he did not consider sexual intercourse any element of crime; that the Edmunds law, so called, was a blow aimed at the status of the Mormon system of marriage alone, and that the third section of that law relating to unlawful cohabitation had no reference to sexual sins; that it was not designed to repress adultery, fornication, lust, or any form of sexual sin; that that was left to local legislation; that the legislation of Congress in the third section of the Edmunds law, as well as all other legislation upon that subject was aimed directly at the status of the marriage alone. In this regard, therefore, he took precisely the ground that Governor Murray did when he first issued his oath for notaries public, and which was afterwards adopted by the board of Utah Commissioners and incorporated in their test oath for registration, referring to cohabitation with more than one woman in the marriage relation. Mr. Dickson took this view, that Murray was right; that the Utah Commissioners were right; that this was the sense of the country; that this was the design of Congress; that the Edmunds law was a blow aimed at the Mormon system of marriage, or, to use Judge Zane's term, the habit and repute of marriage, or the "holding out," to use another favorite phrase, of two or more women as wives of one husband—that the whole and only object of the third section of the Edmunds law relating to unlawful cohabitation, as well as all other anti-polygamy acts of Congress was against the institution of marriage. Finding, however, it difficult to prove marriages because of the disinclination of people to testify and because of the difficulty of reaching any record evidence of these marriages it was thought necessary to take high grounds and assume this: that the Mormons are known to be a virtuous people, are known to condemn in strong terms and by every influence in their power every form of sexual sin, and that they do not indulge in intercourse with the sexes to any extent only in the marriage relation. This was the well known and established character of the Mormon people, and was the result of their teachings and practice for a generation past. Hence wherever children were found in Mormon families they are the result of marriage. If a woman is found pregnant she must be looked upon as a wife, and the officers are justified in seizing her and bringing her before a commissioner, or a jury or judge and compelling her to give the name of the father of her child, and that is deemed sufficient proof that he is guilty of polygamy, or if two or more women live in close proximity to a man, and he is seen visiting them, and especially if the children call him father it is sufficient proof on which the jury may indict for polygamy or unlawful cohabitation as the case may be. Consequently they have taken this high ground that it is no longer necessary to prove even the first or second marriage, nor is it any longer necessary to prove sexual intercourse in order to establish unlawful cohabitation, but the common habit and repute of marriage and the appearance of marriage is all sufficient. Thus the ordinary rules of evidence are set aside, and the mask of hypocrisy which governed the Christian world when they were urging the passage of this Edmunds law through Congress is thrown aside. A bold and important testimony is given to the world through our persecutors to the morality of the Mormon people being so far in excess of the rest of the world of mankind, and to our integrity to the marriage relation. We wish indeed that all that is said in this respect were strictly true, that there were no irregularities among us. We cannot quite say that, but we do rejoice and thank God for the general good testimony which has been given of us in truth in this behalf. Not long since President Smoot and myself and some others were congratulating ourselves and President Taylor was congratulating himself, and many others of our aged fathers, in having placed themselves in a condition to escape the operation of the third section of the Edmunds law by confining themselves to one woman. I said to some of my brethren in a Priesthood meeting in St. George one time when they were very badly agitated and not knowing whom the lightning—or the Edmunds act would strike next—I said to them, you old grey headed men whose wives have grown old with you and are past bearing children, if you choose now to agree among yourselves that you will live within the third section of the Edmunds law and allow the husband and father to confine himself to one wife, while he cares for the balance and cares for and protects his children, I see not but what you may do this with honor to yourselves and without sacrificing any principles of the law of God or going back upon your covenants providing this be agreeable among yourselves. I was somewhat with others congratulating myself in being able to do this without sacrificing any special principle or going back on our families, but it would seem that these noble, aged sires in Israel were not to be let out quite so easily as this, for I am a little inclined to feel it was a little dishonorable, and yet perhaps not altogether before God. The idea was that they might possibly escape, while their sons and others who might have taken wives and raised families and entered into those sacred relations which are to them dearer than life itself would have to abide the consequences. But it seems that under Judge Zane's ruling it is not these who are raising families that are always liable; for you may raise a family by your sister-in-law if you don't call her your wife, as you understand from the case I have referred to. No sooner had Judge Zane sustained Prosecuting Attorney Dickson's view of the case than this Mr. Aimes was brought before him on *habeas corpus* and discharged, and he (the Judge) fully announced the doctrine that a man could have as many children by sister-in-laws as he pleased; that no matter how much a man might seduce his neighbor's wife, or neighbor's daughter, if he is not in the marriage relation with them it is no offense against the Edmunds' law. But with a Mormon, whether he is raising a family or not, if he is even so unfortunate as to have no children, or if his wives are past bearing children, or he has entirely separated himself so far as bed is concerned, and there is evidence of entire restraint on his part, still, unless he goes back on himself and on his wives and children, he comes under the law. In other words, if he continues to "hold them out" as wives he is guilty of cohabitation. Hence, Brother Smoot and myself and others have been congratulating ourselves a little too soon. You will find that the old men and the young men are all coupled together, their feet still in the trap, while the adulterer, fornicator, whoremonger, harlot and libertine, the trap is open just enough to let their feet out. Now they can vote, they can hold office, they can raise children providing they do not do it in the marriage relation, and they hold out this inducement to you and I. "Become like one of us." "I wish you out there could be like the rest of us." "I wish you would only disown your wives, then do what you will you are secure—that is, you must only own one wife, for this is the popular idea, the sentiment of the age. This is the voice of fifty millions of people. You must listen to it. Congress has said it. If you hesitate, (some go so far as to say) you will be held to answer for treason. Treason against what? Treason against the law. Well, then, of course every thief is guilty of treason. Every man that steals an axe handle he disobeys the law, by the same

parity of reasoning. Again, if you try to avoid the law and we can catch you, why you are doing a terribly wicked thing. Yes; if spotters are hunting down some luckless fellow or his wife, and they slip out at the back door or hide in a haystack, why, you must be held for treason, or some other crime. Now, I have always understood that catching goes before hanging; that it is the duty of the officers to make arrests when indictments are found; and it is equally understood that there is a guarantee in the Constitution of the United States that no man shall be held to answer for any crime except on presentment of an indictment by a grand jury. Furthermore, when indictments are found, the parties against whom they are found are known only to the jury and public prosecutor; the general public are not supposed to know anything about them, and the general maxim of law is that everybody is innocent until they are proven guilty. Consequently, we are not supposed to know that when anybody is going out to the haystack that they are fleeing from an officer, or that every tramp that comes along is a deputy marshal, or if he is that he has a warrant in his pocket for that man, and if he has it is his business to catch him and not ours. Does not the law forbid you to aid in the escape of a criminal? Yes, if he has been found a criminal by a competent jury and under sentence of the law. Then it is public notice to you that he is a criminal, but not otherwise. I merely make mention of this because of the foolish threats that are sometimes made to terrify ignorant people. Because it is well known the world over, so far as anything is known of us, and of the legislation of Congress against us as a religious people, that there is an issue between Congress and the Latter-day Saints, and that issue is of a religious character and relating to the social relations of the Latter-day Saints. The views which we hold are founded upon the revelations of God, both ancient and modern. We have given evidence to the world of our sincerity in this, and yet the world do not seem to accept it. I believe that Mr. Dickson was honest enough to express his conviction of our sincerity in this, and that the Mormon people, as a people, were moral people, and that their teachings and actions showed that they did not indulge in these sexual sins outside of the marriage relation to any great extent; while the great mass of mankind who know us not are not willing to give us this credit. They have raised the hue and cry all over the land for so many years that we were guilty of gross immorality, that it seems as if the Lord intended in the way now being done, to give the world ocular demonstration and a strong testimony of the integrity of this people, of the sincerity of their actions, of the depth and strength of their faith and their devotion to their religious convictions and their integrity in carrying them out. It is a source of gratification and thanksgiving that but few, comparatively speaking, among us have felt to go back on themselves and to throw off allegiance to God and to their families and friends, and to violate their consciences; but few have been found to do this in order to escape fine and imprisonment. How far it will become necessary that this testimony should go forth to the world and how many should suffer so that that their testimony should go abroad to mankind to convince the world and to vindicate God and His people, I am not yet able to say, for I am persuaded that it will be as the Lord will; that whatsoever is necessary we must submit to with the best grace possible. I do not mean to say that every one who may be thought to come under the third section of the Edmunds law shall go and complain on himself, or if complained of by some spotter that he shall go straightway and confess guilt, or if arraigned for trial on an indictment, that he shall plead guilty without a trial; I do not say this. Every man must be left to choose for himself what course he will pursue in relation to those matters; for pleading guilty or not guilty when arraigned before the Court is a mere technical form and a liberty which every prisoner enjoys, that of pleading guilty or not guilty. The plea of guilty, of course, saves the expense of a trial, while a plea of not guilty, means that the prosecutor must prove the charge made in the indictment. I do not say, therefore, that in submitting as best we can to the operation of the law that we shall not avail ourselves of constitutional privileges and the rights accorded to us. We have the right to be tried by a jury of our peers, if we can get one, but we cannot get one under this act. The act was purposely framed to cut off that right. The right of a man to be tried by a jury of his peers—this term originated in Great Britain and was guaranteed in the Magna Charta—means simply a jury of his equals. If a man belonged to the nobility of the land, he was entitled to be tried by a jury of his equals. If he was a plebeian, a common laborer in the humble walks of life, he was entitled to a jury of his equals, his associates, neighbors, those that knew him best and were able to sympathize with him and comprehend his position and circumstances and the motives governing his acts, so that a righteous judgment might be rendered concerning him. This guarantee was incorporated in the American Constitution. The right of a man to be tried by a jury of his peers implied all that was necessary to protect the citizen against malicious prosecutions; but in our special case, under the operation of special laws enacted against the Latter-day Saints, we are compelled to go to trial before a jury of our avowed enemies; indeed, none

are qualified to sit upon juries in our case unless they are pronounced against us; because, as I said before, it is not a sexual crime that is on trial; it is a religious sentiment of the Mormon people; it is this status of their social relations founded upon their religious convictions that is on trial. Hence it is the pronounced opposition to our convictions that is a qualification for a juryman in our case. Well, we were told by the Prophet Joseph Smith, that the United States Government and people would come to this; that they would undermine one principle of the Constitution after another until its whole fabric would be torn away, and that it would become the duty of the Latter-day Saints and those in sympathy with them to rescue it from destruction, and to maintain and sustain the principles of human freedom for which our fathers fought and bled. We look for these things to come in quick succession. When I first heard of the—what shall I call it? the somersault of Judge Zane and Prosecuting Attorney Dickson, the question was asked, Now that the mask is thrown off how will this take throughout the country? Will the hiring priests through the land sustain this action? Will they consent to have this hypocritical mask thrown off then, and will the Supreme Court of the United States and the people of the United States sustain the ruling? I unhesitatingly answer, yes, they will, and if ever it reaches the Supreme Court of the United States they will sustain it; the hypocritical hiring priests will sustain it; the people will sustain it and say, "Crucify them, crucify them, they have no friends." It becomes us, then, to be better Saints, does it not? Yes. It becomes us to be more united than we have ever been before. It becomes us to put away our foolishness; to cease all sin; to observe the words of wisdom; to walk in all humility before God; to be faithful and earnest in our prayers, and to imitate good old Daniel. Never mind the lion's den nor the murderer's Pen, but so live that we can be counted worthy before God, and whatsoever He has designed should come upon us that we may have grace given unto us according to our day, and that the world may record of us in future generations that we were an honest and a noble race, true to our God and to our convictions and worthy of the high calling of God, which is in Christ Jesus our Lord. We should not blame one another for not going to the Penitentiary. We should not find fault with President Taylor, or President Cannon, or President Woodruff because they do not rush into the Penitentiary, or go into court and plead guilty and at once go to prison. Nor need we until the Lord requires it, rise up and say, "build a new Penitentiary and let us all go in together." We are not required to do this, but may claim our rights under the law. We may leave the Government officials to do their duty, and if they will honestly and rightly act according to the rules of evidence within their prescribed jurisdiction it will take them some time to get us all into the Penitentiary, because under the law we can insist upon a trial and upon a jury. Judge Howard was reported to have said that it took very little law and less evidence to convict a Mormon in Arizona. Nevertheless there are certain forms that they have to go through, all of which takes a certain length of time, and a certain amount of labor on the part of the Prosecuting Attorney, and if he gets but \$40 for each indictment, give him the privilege of drawing up the indictment and proving the charge therein. Amen.

## CHICAGO LETTER.

THAT LEHI MALIGNER REVIEWED—WHAT AMERICAN "CHRISTIANITY" HAS ACCOMPLISHED—A FRENCH CRITIC'S OPINION—REV. NOBLE ON "MORMONISM"—HOW APOSTATES ARE ESTEEMED.

CHICAGO, June 6, 1885.

Editor Deseret News:

A "Home Missionary" idiot writing from Lehi to the New York *Sun* indulges in some amusing speculations about the "Mormons." He dwells particularly on the intellectual calibre of this, to him, obnoxious people. He says they can read their Bible and the *Deseret News* and that is all they can do. The literature patronized by his following is of a different type, and we see in his letter the maudlin morality and mock heroism begotten of close research in the volumes of the *Police Gazette* and in the thrilling narratives of "Deadwood Dick" and "Antelope Abe." Such creatures as this fellow are a disgrace to religion and a nuisance to journalism. If he were asked to point out any names today prominent in educational archives he would probably name several. But ask him to name any in American Christianity which are likely to outlive their generation and brazen-faced, hollow-headed, and double-tongued as he is, he could not name one outside of Henry Ward Beecher, and a few others of foreign birth and education. The fact is

## AMERICAN CHRISTIANITY

has produced no names destined to immortality in literature, philosophy or religion. The Church of England can boast of myriads of divines foremost in all walks of intellect from Usher to Swift down to Stanley, French and Farrar. Two-thirds of the

great literary celebrities in English history are the sons or grandsons of clergymen of the Church of England. The American church has not produced a divine to outlive his generation. More often American divines do not survive themselves; that is, the little reputation they once made is lost before reaching senility. Channing was once a power, but it is only the curious in literary research who know anything of him at present. Even the sons of American churchmen, where are they? In the prisons, gambling halls, and "free and easy" saloons. Of course exception must be made in the case of the Rev. Mr. Beecher, whose name alone will help to remove the charge of Boston dullness from the American church.

A French critic tersely summarizes the

THEOLOGICAL TALENT OF AMERICA in the following words:

"The average American ecclesiastic is a man of awful pretension in learning. He seems as conversant with the great names of ancient and modern history, of sacred and profane literature, as the advertising canvasser of a modern newspaper with the business firms of a large city. And it must be confessed his knowledge and intimacy with them is just about as extensive. The canvasser relies on directories, the American divine on cyclopedias. It is difficult to imagine what an American sermon is. In the literal sense of the word *sermon*, it may be classed as such. But when one comes to see that Matthew Arnold and Thomas Carlyle have elected to call their works essays, compared with such the American sermon is not even a 'sandlot oration.' The American preacher talks of Demosthenes and Plato as if he could read them in the original, when the fact is, he cannot read the word 'logos' of the New Testament. He raves idly about Cicero and Tacitus about Paul and Peter to an audience about as well read as himself—an audience whose soul is on pork-punch or molasses monopoly. He generalizes winds up with an apostrophe to woman. This latter is indispensable, whether in a discourse on gambling, on the calamity that befel General Grant the great fire. In an intellectual sense American Christianity is a failure; in a moral sense it is a living lie on religion, and in an educational sense it is an abortion. It has completely destroyed all possibility of national homogeneity in the American people. It has divided them into innumerable sects of senseless, idiotic howling creatures, ready to tear each others eyes or cut each others throats!

THE ANARCHIST AND SOCIALIST find a species of brutal satisfaction in contrasting the opinions and utterances of pulpiteres who style themselves Christian ministers. In Utah is generally supposed that all the violence of the religio-political animal directed against "Mormonism," a study of the news items of any morning or evening paper will disabuse the mind of any such thought. Herewith Dr. Stubbins, of Plymouth, Ohio, as to say of the Administration itself. During the services on Decoration Day he made a speech, and, after denouncing the war of the rebellion all over again, he bitterly denounced the Administration for appointing to a public position "those who had been disgraced and raised armies against the United States." If one were to judge of the philosophizing influence of Christianity by the petty, miserable spirit of such a man as Stubbins, estimate thus formed would be inaccurate; because it is not Christ in Stubbins' preach, but some delirious phantom of their own crazed imaginations.

In Massachusetts an incident transpires also on Decoration Day suggestive of a good deal. Father Cady, of Milford, denounced a number of persons calling themselves "Grand Army of the Republic," who, against his orders, invaded his little church and turned it for the time into a Camp of Campus Martius. He said: "I was Catholics that the Grand Army of the Republic is entirely a know-nothing body, and no respectable Catholic would join the bigoted law-breakers. This utterance doubtless savors of intemperance, but it cannot be denied that it is intemperance on the side of Christianity."

If pomp and circumstance of the should be excluded from the precincts of any place, it surely ought to be those of a religious sanctuary. If not, then what denomination or sect this sanctuary may be devoted to, whether Protestant or Catholic, "Mormon" or Israelite, it is all the same within its walls its priest ought to be supreme, and its decorations and good will and charity. With arms men celebrating a victory which in itself is not calculated to incite either amity or fraternity, within the four walls of a church, is not by any means religion. Fraternal strife is a subject for religion. But the happy settlement of such strife ought to be made a matter of thanksgiving to God, and Federal and Confederate might with propriety joined and thanksgiving that the past is settled, and that the future should be looked for with brotherly feeling.

In extravagance of religious opinion it is reserved for Chicago to take precedence. This is not strange. Chicago is ahead in almost everything, and it is not strange that we should have the most ridiculous parson in America. The name Chicago, itself has already become a puzzle to philologists. Some say that it means thunder, while others