

## EDITORIALS.

## RELIGION AS A DEFENCE.

THUS says the Springfield (Mass.) Republican—

"The decision of Chief Justice White of Utah that religious belief is no defense to the crime of bigamy is both law and common sense. It has been appealed to the Supreme Court of the United States, but the principle is already a matter of so little question that Judge Strong did not hesitate to use, in his recent lectures before the Union Theological Seminary, Mormon polygamy as an illustration of it. It is, in short, that 'civil law controls external conduct, though not articles of faith,' and renders every man amenable for his acts, to the legal penalties, despite church or creed. Thus the civil law cannot meddle with the organization of the Mormon church, but must punish polygamy, and 'it would be idle,' he says, 'for a Mormon indicted for polygamy to plead that his second marriage was recognized as lawful by his church and sanctioned by his own convictions.' Of course Judge Strong would not have spoken thus decidedly on a matter not unlikely to come before him, if there was the slightest question of the principle involved. 'Although there can be no expectation of convicting the Saints of bigamy in droves, it will yet be a very important matter to establish an ineradicable legal stigma on the practice of polygamy, and its repressive effect will be very apparent at the end of a few years.'"

We see neither the law nor the common sense in that part of the decision.

We do not believe religious plural marriage is a crime under the Constitution. We think religion is a perfect defence in this matter, and that it should be allowed.

Of course the civil law controls external conduct. It cannot control anything else. But a number of people, learned and unlearned, seem to be making the grand mistake of asserting that civil law controls all external conduct, which, under the Constitution of the U.S., the civil law cannot do. Another grand mistake in this connection is made in asserting that the constitutional guarantee of freedom in the exercise of religion does not include actions, which is entirely wrong, as exercise means action and nothing else. There are a great many acts which are integral portions of the religion of different citizens, and the constitutional guarantee covers all these religious acts, and insures freedom in the exercise thereof, so far as they do not conflict with any person's constitutional rights and privileges. In these things, and within the limit named, the civil law has no control over external conduct. If it were otherwise, there would be no religious freedom under the Constitution, and that hackneyed expression would be merely a spread-eagle myth, a high-sounding, hollow mockery, instead of a grand and glorious reality.

Certainly every man is amenable for his acts to legal penalties. What we maintain is that there can be no constitutionally legal penalty for religious acts, only so far as they overstep the limits of the constitutional guarantee of freedom, which religious marriage does not, any more than religious baptism does.

Therefore we earnestly maintain that religious polygamy cannot be constitutionally punished. Whether judges can so far overcome their powerful prejudices as to give the Constitution its plain meaning in their decisions upon this interesting subject, is another thing altogether. They are but human.

As to a legal stigma, that amounts to little when cast upon the practices of persons acting from sober religious conviction, under a plain constitutional guarantee, as in this case.

## NOT A GENERAL DENOUNCER.

The Omaha Herald of Jan. 4 says—

"We are noting what, and all, the Utah papers are saying upon our recent appeal to the Mormon people to put away polygamy. They are not easily answered in their pleas

for the principle of religious liberty which they make, but we think we have already answered them as completely as they can be answered otherwise than by general denunciations, with which one of these papers charges us, but which we have carefully avoided."

So far as are aware, the Omaha Herald, while earnestly opposed to the "Mormon" institution named, is one of the few newspapers which has not indulged in general denunciations against the "Mormon" people, and we do not think that any reputable Utah newspaper has charged the Herald with anything of that kind. Certainly the NEWS has not. We are sorry to say, however, that there are papers, published in this locality, which are reckless enough to make the most unfounded charges, and to give currency to the foulest calumnies.

## IT DOESN'T PAY.

It appears that honesty is at a discount in the great State of California, judging by the following passages from the S. F. Chronicle of Jan. 5, upon the recent death of Mr. James Anthony, formerly of the Sacramento Union—

"There is no name which has ever been connected with journalism on the Pacific Coast more widely or favorably known than that of James Anthony, who died on Monday night at his residence on Van Ness Avenue in this city. His name is destined to live in the history of California, in connection with that of the great and influential journal of which, through a long term of eventful years full of exciting episodes and strange vicissitudes, he was the chief 'interior spirit.' We need not undertake to tell old Californians, belonging to the generation now rapidly passing from the stage of action, how large and noble and powerful a field of usefulness was filled by the Sacramento Union during the most momentous and exciting period of our State and national history.

"The ability and candor with which it presented the issues of the day, together with the high character which it had won for honesty and sincerity, gave it an enormous influence at this great crisis and made it the oracle of the interior. Mr. Anthony, though not himself a writer, directed and inspired the utterances of the Union. He had a clear and sagacious judgment of good journalistic work, and was as much the directing and guiding spirit of the Union as Horace Greeley was of the New York Tribune. He was honest, fearless, and inflexible; a man of convictions rather than of opinions; a man whom nothing could swerve from his well considered purposes; a man entirely inaccessible to illegitimate influences.

"No journal published in California was ever more respected than the Union, or wielded a wider or more salutary influence. Though often wrong, it was always honest and sincere. It rendered good service to the State and the country; and it can be said of its proprietors that their sturdy sense of justice and their rigid adherence to their conscientious convictions were the chief causes of the decline in the prosperity of the great journal which they conducted."

## ELECTIONS IN THE TERRITORIES.

The San Francisco Call says—

"The Washington correspondent tells us that a bill will be introduced into Congress, taking the appointment of Territorial officers away from the President, and authorizing their election by the people. This ought to be done. The Executive of the United States has entirely too much patronage, which might be greatly curtailed with benefit to the public service. The people can always be trusted in the selection of their public officers. If they err at one time, the experience acquired serves to guide them the next. Besides, the true republican principle is, to diffuse instead of concentrating power. A question which arises in this connection, however, and which is attracting some attention is, whether the government would be willing

to pay the salaries of the officers which were not under its direct control. We shall expect to hear this point debated when the contemplated bill is put upon its passage."

If the Government is consistent in its acts it will have no objection to paying such officers, because it now appoints certain officers for this Territory, and calls upon the Territory to pay in great part their pecuniary compensation. If the rule will work well one way, why not the other way?

## Local and Other Matters

FROM TUESDAY'S DAILY, JAN. 11.

Putting in the Glass.—The splendid large plates of glass are being placed in position in the front of Z. C. M. I. new building.

Skating.—Droves of skaters daily hie to the Warm Spring Lake and the Adobe Yard, where the ice is strong and smooth, just right for this exhilarating sport.

Deseret National Bank.—At the meeting of stockholders of this substantial banking house to day, the old Board of Directors were re-elected as follows—

W. H. Hooper, Brigham Young William Jennings, John Sharp, H. S. Eldredge, F. Little and L. S. Hills.

At a subsequent meeting held by the directors, the same officers as heretofore were re-elected—W. H. Hooper, President; H. S. Eldredge, Vice President; and Lewis S. Hills, Cashier.

Splendid Sheep.—Recently we were shown a couple of pelts taken from Cotswold sheep, raised by Mr. William Jennings. They were as beautiful as any we have ever seen. The wool was long, soft, fine and glossy, measuring on one of them ten inches in length. Mr. Jennings raised quite a large flock of those sheep, from stock which he imported from Canada. He raised the grandfather of the two whose pelts we saw, and he turned the scales at the extraordinary weight of 421 pounds. The average yield of wool from each of those sheep at a clipping was from thirteen to fourteen pounds. Mr. Jennings recently sold the flock to Bishop Christopher Layton, of Kaysville, who is one of the most extensive sheep raisers in Utah.

Supreme Court—January Term.—The Supreme Court convened yesterday afternoon at 1 o'clock. Present, Chief Justice White, Emerson and Boreman, Associate Justices, Chas. A. Gould, Clerk, and United States Deputy Marshal Smith.

McBride asked leave to have docketed the cases of John Snell, respondent, vs. John Cislser, appellant, on appeal from the Third District Court, and John Yourt, administrator of John Cole, deceased, respondent, vs. Hugh McKee and James Duncan, appellants, on appeal from the Third District Court. Allowed.

Sutherland stated that a cause and a petition for a mandamus, on appeal from the Second District Court, had been delayed getting here, but would be here in the evening, and asked the Court leave to have them placed on the calendar this term.

Williams asked that the case of Joseph M. Cain et al, vs. Brigham Young, be placed on the calendar for re-hearing. Mr. Baskin, counsel for appellants, being absent, action in the case was deferred until the 11th.

Len Wines et al. vs. Benjamin C. Stevens et al. Argued by Whitney, for appellants, and Hemingway for respondents. Submitted.

Adjourned until to-day, at 10 o'clock a.m.

TUESDAY, Jan. 11th. Court met at 10 a.m.

J. G. Hussey et al., respondent, vs. Job Smith et al., appellant. The judges have the decision of last term; papers placed on file; submitted on the petition, by consent of counsel.

James L. Newton et al., respondent, vs. William Brown, appellant; submitted by consent of counsel.

Bolivar Roberts et al., respondent, vs. Robert Wilson et al., appellant; argued and submitted.

Salt Lake City National Bank, respondent, vs. R. J. Golding, appellant; placed at foot of the docket, by consent.

Robert Ziete, respondent, vs. Jacob Houtz, appellant; pending

argument Court adjourned till to-morrow, at 10 o'clock.

## LEGISLATIVE ASSEMBLY.

Monday, January 10, 1876.

## COUNCIL.

Council Chamber, City Hall, Salt Lake City, Utah, Jan. 10, 1876.

The members elect of the Council of the Legislative Assembly of the Territory of Utah, met, pursuant to law, in the Council Chamber of the City Hall.

Council was called to order by Councilor Woodruff, and, Councilor L. Snow was elected President pro tem.

Geo. J. Taylor, Esq., was elected Chief Clerk pro tem.

Councilors E. Snow, John T. Caine and Robert T. Burton were appointed a committee to examine credentials of members elect, and reported the following as entitled to seats—

Erastus Snow, Washington and Kane counties.

Jesse N. Smith, Beaver, Iron and Piute counties.

Jacob G. Bigler, Juab and Millard counties.

Warren S. Snow, Sanpete and Sevier counties.

Abraham O. Smoot and Leonard E. Harrington, Utah and Wasatch counties.

Wilford Woodruff, Robt. T. Burton, John T. Caine, Wm. W. Cluff, Salt Lake, Tooele and Summit counties.

John W. Hess, Davis and Morgan counties.

Lorenzo Snow, Box Elder and Weber counties.

Moses Thatcher, Cache and Rich counties.

The roll was called. All present except Councilor Thatcher.

Secretary Black administered the usual oath to members elect.

A permanent organization was effected, as follows—

Lorenzo Snow, President of the Council.

Geo. J. Taylor, Chief Clerk.

Chas. W. Stayner, Assistant Clerk.

Miss Mary Campbell, Enrolling Clerk.

R. V. Morris, Engrossing Clerk.

John D. T. McAllister, Sergeant-at-Arms.

Wm. Bell, Doorkeeper.

David P. Woodruff, Messenger.

Arza E. Hinckley, Watchman.

Joseph Young, sen., Chaplain.

The Hon. Secretary administered the oath to those officers who were present.

The Chaplain elect not being present, Elder Z. Coltrin was invited to engage in prayer.

On motion of Councilor Woodruff, the House was notified of the organization of the Council.

A committee of two, Councilors Bigler and Caine, was appointed to act with a like committee from the House to notify His Excellency the Governor that the Assembly had organized.

The following communications were received and read—

Representatives' Hall, City Hall, Salt Lake City, Jan. 10, 1876.

Hon. L. Snow, President, and Members of the Council:

Gentlemen.—The House of Representatives has organized. The following officers have been elected:

Hon. Orson Pratt, Speaker.

Arthur Stayner, Chief Clerk.

Gus M. Clark, Assistant Clerk.

Joan M. Campbell, Enrolling Clerk.

W. D. Johnson, Engrossing Clerk.

John Smith, Sergeant-at-arms.

John W. Taylor, Messenger.

Franklin Merrill, Doorkeeper.

Milando Pratt, Watchman.

Samuel H. B. Smith, Chaplain.

Very Respectfully,

ORSON PRATT, SEN., Speaker.

Representatives' Hall, City Hall, Salt Lake City, Jan. 10, 1876.

Hon. Lorenzo Snow, President, and Members of the Council:

Gentlemen.—The House has appointed Messrs. A. K. Thurber and John Sharp, a committee, to act in conjunction with a like committee from the Council, to wait upon His Excellency the Governor, and inform him of the organization of the Assembly, and of the readiness to receive any communication he may have to make.

Respectfully,

ORSON PRATT, SEN., Speaker.

Councilor Bigler reported that the committee appointed to wait on His Excellency the Governor had visited him, and that he would be prepared to communicate with the Assembly to-morrow, at 2 p.m.

On motion of Councilor Caine the House was notified that the Council would be pleased to meet with them in joint session to-morrow at 1.30 p.m.

The following was received from the House and read—

Representatives' Hall, City Hall, Salt Lake City, Jan. 10, 1876.

Hon. Lorenzo Snow, President, and Members of the Council.

Gentlemen.—The House desires to meet in joint session to-morrow at 1.30 p.m., with the Council, in the Representatives' Hall.

Respectfully,

ORSON PRATT, SEN., Speaker.

The Sergeant-at-arms was instructed to hoist the national flag on the City Hall during the sessions of the Legislative Assembly.

Adjourned till to-morrow at one p.m.

## HOUSE.

The members elect of the House convened at 2 o'clock, and were called to order by Hon. A. P. Rockwood, and Hon. Orson Pratt was elected speaker pro tem.

Arthur Stayner was elected chief clerk pro tem, and John Smith sergeant-at-arms pro tem.

The roll was called from a certified list of members furnished by the Secretary of the Territory, and a quorum was found to be present.

Messrs. A. K. Thurber and A. P. Rockwood were appointed a committee on credentials who returned the following report:

From Beaver and Piute counties, J. R. Murdock.

Box Elder, J. C. Wright.

Cache and Rich, W. B. Preston and B. Young, Jr.

Davis and Morgan, Anson Call and W. G. Smith.

Iron, Silas S. Smith.

Juab, Joel Grover.

Kane and Washington, L. W. Roundy.

Millard, F. M. Lyman.

Salt Lake, Orson Pratt, John Taylor, Albert Carrington, A. P. Rockwood, Thos. Taylor and John Sharp.

Sanpete and Sevier, A. K. Thurber and Canute Peterson.

Summit, Ward E. Pack.

Tooele, E. S. Foote.

Utah, John Brown, W. B. Pace, and Wm. Bringham.

Wasatch, Abram Hatch.

Weber, Lorin Farr, and C. W. Penrose.

Mr. Thurber reported that papers contesting the seat of E. S. Foote, from Tooele county, were placed in his hands for presentation to the house by George Atkins, who claimed that he was elected as representative from said county.

The members present, excepting the member from Tooele, were then sworn in by Hon. Secretary Black, who administered the regular "Ironclad" oath. The House then effected a permanent organization, by the election of the following officers:

Orson Pratt, speaker; Arthur Stayner chief clerk; Gus M. Clarke, assistant clerk; Joan M. Campbell, enrolling clerk; W. D. Johnson, engrossing clerk; John Smith, sergeant-at-arms; Franklin Merrill, door keeper; John W. Taylor, messenger; Milando Pratt, watchman; S. H. B. Smith, chaplain; and the Council was informed accordingly.

On motion, the Speaker appointed Messrs. Thurber and Sharp a committee on the part of the House to notify the governor of the organization of the Legislative Assembly.

On motion the sergeant-at-arms was requested to provide a table for reporters of newspapers, who were to be assigned seats at said table by the Speaker on application being made to him.

The committee appointed to wait on the Governor returned and reported that his Excellency would meet the assembly to-morrow at 2 o'clock, p. m.

On motion the Council was requested to meet the House in joint session to-morrow at 1.30 p.m.

The House adjourned till to-morrow at 1 o'clock—

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d265