EDITORIALS.

"AT ISSUE ON PRINCIPLE."

THE attitude of the "Mormons" toward the Government is magnified into a very important question by small statesmen and superficial writers. A community of a hundred and fifty thousand people is talked of as "hostile to the United States," and in a manner as though the whole fifty millions of the country's population ought to be awakened to a sense of imminent danger. Measures are called for to suppress the "growing power of the Mormons." And if a few of them happen to cross the line of this Territory to make farms on the public domain where they can have more land and room for their maturing families, a tremendous din is the consequence, and one not acquainted with the simple facts might imagine from the uproar that the "Mormons" were a mighty host, marching forth to conquer and establish hostile dominion in all the regions round about.

This is really ludicrous, considering our numbers when compared with the population of the United States, and our unarmed and unmartial condition in contrast with the power and forces of the Government; and still more so when it is seen that there are no more peaceable, quiet, mind-their-own-business and law-abiding people in the country than these same "rebellious," "seditious" and "terrible Mormons."

As we have repeatedly shown, there is no law of the United but one that can be cited by our traducers to give color of consistency to their charges of "Mormon" resistance to the laws. The simple truth is that the Latter-day Saints believe in the divinely-revealed doctrine of celestial marriage, which includes the plurality of wives, and that some of them put their faith into practice. Also that for some years past there has been a law on the statute books of the United States making plural marriage an offense punishable by fine and imprisonment. What then? Does this form any reason for the fuss and feathers that fill the air every now and then, and the invocation of the whole power of the Government to put down "Mormonism?" It is one of the silliest popular outcries that was ever taken advantage of by needy politicians or seedy adventurers.

The matter lies in a very small compass. The law of '62 has been pronounced by the Supreme Court valid and constitutional. But the "Mormons" do not announce their assent to this ruling. As a matter of fact they are not convinced of its rightfulness, either from a moral of a legal standpoint. What is to be done about it? Will all the force and fury that editorial incendiaries seek to invoke alter the position? Not at all. You cannot change opinions by bayonets, nor convictions by artillery. Neither persecution nor prosecution will make any difference in our faith or our reasonings. And then we have a perfect right to our conclusions. Even the ruling of the Supreme Court on this matter left us this right, one indeed that no power on earth or in hell can deprive us of. That decision declared and affirmed our liberty to believe what seemed right to us on this subject. Well, we firmly believe that the Supreme Court was wrong. Is that "treason?" Is that "rebellion?" Does that call for national vengeance? Some of the reasonings of the highest judicial body in the land on this question were to us arrant nonsense. They had not the remotest logical bearing on the main point in dispute. We consider we have good cause for our dissent against the conclusions arrived at. And whether we have or not, the right remains to us to reject the ruling as a matter of belief.

But it will here be urged, "although you may think as you please about the ruling you must not violate the law." Well, supposing that some of those persons who are not converted by the ruling do break the law, what then? The answer is, the law must take its course and the infractor must be punished as the law prescribes. Very good, we find no fault with that. We merely say, suspend punishment until after conviction, and do not convict except upon adequate proof. Let this law be enforced as other laws are enforced. There is no need for any special excitement about it, no reason why the usual rules of evidence should be set aside, no justification for twisting or ignoring one law in an intemperate desire to execute another.

We notice that some papers are anxious to get the "Mormons" to make some declaration as to their standing on this subject. The Cleveland *Herald*, for instance, asks: "That one law having been decided constitutional, will the "Mormons" continue at issue with it on principle?" That is a question for each "Mormon" to decide for himself or herself. So far as we are individually concerned we can say that "on principle" we are "at issue" with the decision, and shall remain so until some more valid and tenable arguments than were offered by the Court are advanced in its support. For instance, we cannot see that because the Government has a right to suppress the suttee, it follows that it has the right to suppress plural marriage. In one case the fundamental right to life is invaded; in the other, no human right is touched. We fail to see the logic of the Supreme Court's conclusion, that because it is legally wrong to take life, it is legally wrong to produce or evolve life. This is only one point in the ruling, but it illustrates our position. We think that the Constitution protects us in the free exercise of "an establishment of our religion" which does not interfere with the rights of any one, and only affects the parties interested and assenting. There are a great many people who hold the same opinion, not a few outside of our Church, as well as a large number inside.

But we know well enough what the *Herald* and other querists want us to do. They would like us to give them a pretext for their outcries. They wish us to say unequivocally whether or not we intend to break the law of 1862. As to that we are not authorized to speak for any one else. That is a matter for every person to decide on his own convictions. How can we tell the intentions of others unless they tell them themselves? Further, our personal intentions are nobody's business but our own. It is only overt acts that the law can take cognizance of. The subject then is simple. We have the full and perfect legal right to believe anything for or against plural marriage that commends itself to our judgment and conscience. If we believe the doctrine right and proceed notwithstanding the law to "show our faith by our works," we must risk the consequences and stand ready to endure the penalties. But neither law, nor morality, nor religion, nor common sense requires us to help those who are authorized and paid to enforce and execute the law against us.

All the clamor and furore and foolishness that elevate this question into the dignity of a national danger, will not alter the simplicity and really small proportions of the supposed "problem" that some "wise men" are so much puzzled over. And suppose some zealous "Mormon" marries two wives, loves, supports and cares for them, educates their children, and obeys all other laws but the one in question, how is the Government, "or any other man," going to be injured by it, if the pluralist does not happen to be convicted and punished for his practical "issue with the law on principle?"

EIGHT TO ONE.

FROM a dispatch to the Cincinnati *Times-Star* it appears that ex-Governor Emery has been visiting New York, and that he has been talking to a newspaper reporter about Utah. There is nothing important to the public either in the *ex-Governor's* travels or the fact that he has been interviewed. Indeed the gentleman is not of any particular importance since his retirement from office. But we are a little interested in what he is reported to have said concerning Utah and its institutions. Part of the conversation is given to the press as follows:

"How about the present law on the Statute books, prohibiting polygamous marriages?"

"It is not enforced."

"Why?"

"The law needs to be modified. Utah requires a general marriage law, to which all must conform. One reason why we cannot enforce the present law is the difficulty in proving these polygamous marriages. The juries are so made up that the Mormons outnumber the Gentiles eight to one."

It is quite likely that Mr. Emery is incorrectly reported. Interviewers are not over particular with either the language or the ideas that they attribute to their victims; but if the gentleman gave any such statement concerning the make-up of juries in Utah he uttered a gross fabrication. He was not mistaken; he knows better. He was here too long and was too familiar with the laws, local and national, concerning this Territory, to be deceived. He is well aware that the truth is, the jury system of this Territory is not of "Mormon" arrangement, but is prescribed by Congress. Also that any such disproportion as that declared to exist is next to impossible. And further, that in many instances "Gentiles" outnumber "Mormons" on juries, and in some cases, through the peculiar rulings of the Courts, juries are composed entirely of "Gentiles," all "Mormons" being excluded; a case of this kind exists this very day in the Third District Court.

We refer to this point in the alleged remarks of Mr. Emery, in order that people not acquainted with the facts may not be led astray by the frequent mistakes of the press on this subject. By the provisions of the law of Congress, commonly called the Poland Bill, the jury lists in Utah are each composed of two hundred names; one hundred selected by the Clerk of the District Court and taken from the "Gentile" population, the other hundred selected by the Probate Judge and taken from the "Mormon" population. Thus, although the "Mormons" outnumber the "Gentiles" about eight to one, the latter have eqnal representation on the jury lists.

The list and the box into which the names are put, the drawing, and the whole management of the empaneling of a jury, are in the hands of "Gentile" officials. The prosecuting officers, the judges, the marshal and his deputies are "Gentiles." So that the "Gentile" element controls almost the entire business of the courts, and it is the grossest kind of misrepresentation to intimate that "Mormon" influence has anything to do with the conduct of Utah jurisprudence.

Particularly is this so in regard to trials for polygamy. At the Miles case—*the latest* on record, and there have only been one or two others—every "Mormon" was excluded from the jury. What then can be thought of Mr. Emery's statement in this connection, showing the difficulty of enforcing the anti-polygamy law, that on juries the "Mormons" outnumber the "Gentiles" eight to one? It is possible that he put the relative number of "Mormons" to "Gentiles" as eight to one, and it was naturally supposed by the interviewer that the same proportion would exist on the juries. He has either been misunderstood by the reporter, or he has fallen into the same course of positive falsehood as his would-be illustrious successor.

RETURNING TO FIRST PRINCIPLES.

THERE have been a few most excellent social parties in this city during the present winter, in which both old and young could participate, and where ladies and gentlemen not possessed of a superabundance of this world's goods, nor willing if able to attire themselves in fashionable raiment, could mingle in the happy throng, and, to sweet and merry music, join in the old-fashioned dances that are not placed under the ban by the best people of the times.

This has been a return to first principles very gratifying to those who delight in order combined with liberty, and recreation regulated by decorum. Real enjoyment has been obtained without excess, and genuine pleasure free from anything that tends to after sadness. The dance has ended at midnight, and the whirling, embracing, violent saltatory exercise, with its many objectionable features, has been conspicuous by its absence.

More of such parties, to the exclusion of the rowdyish and boisterous hoe-downs that have been too common, would be a beneficial change. We do not, however, wish to encourage dancing of any kind to an unreasonable extent. A ball should be but an occasional relaxation. Local theatricals, lectures, readings, and similar entertainments contain more of the elements of instruction, and tend more to refinement and general improvement than moving gracefully to musical strains, and should be enjoyed in moderation everywhere among our people.

The idea has been suggested of a grand ball, conducted after the genuine old "Mormon" fashion, in which plain people can meet and enjoy a plain dance and social converse, in the theatre of this city. We think it would be well patronized and be very enjoyable. If the project is to be carried out, it is time that some arrangement should be made. The prospects are good for an early spring, and when that fairly opens, dancing times will be over for the working folks, unless it be the young and sprightly who can work all day and dance all night without feeling, or at least acknowledging, great fatigue. We shall take pleasure in announcing the old fashioned ball in the Theatre and in noting the progress of the movement backward — which is really progress after all—to the simple, pleasant, joyful and orderly reunions of *auld lang syne*.

DAYLIGHT ON THE GOVERNOR'S DARKNESS.

THERE is one point in Governor Murray's published decision on the certificate case which has not been specially noticed and replied to. We refer to it now just because some people, not fuliy posted, may be deceived by it, not because it will have any bearing on the case when tested on its merits. We quote from the document which was published in full in our daily issue of Jan. 10th:

"The act of Congress passed September 9th, 1850, establishing the Territory of Utah, in referring to the election of Delegate to Congress, says, 'The person having the greatest number of votes shall be declared, by the Governor duly elected, and a certificate thereof shall be given accordingly.'

The act of Congress, approved June 8, 1872, enacts that the qualifications of voters and of holding office shall be such as the Legislatures of Territories hereafter to be organized as well as those already organized, may prescribe, subject, nevertheless, to the following restrictions *namely: 1st.* 'The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath before a competent court of record their intention to become such, and have taken an oath to support the Constitution of the United States,' etc.

Congress therein explicitly determines that "person," as used in the act of 1850, means a "citizen." Under this law the Legislature of Utah has restricted the right of voting and of holding office to citizens of the United States, excluding those who have merely declared their intentions to become such."

The Governor here, following the example of the attorney for the minority candidate, mixes and mingles two statutes which have no proper connection, in order to confuse and mystify, and does it for the purpose of construing the word "person" to signify "citizen." The Governor argues, or rather asserts, that the Act of 1872 determines that the word "person" in the Act of 1850 means "citizen." Reference to the statutes shows that the latter law has no allusion to the former. The older—the Organic Act, which requires the Governor to declare the "person" having the greatest number of votes duly elected, refers to the election of a Delegate to the Congress of the United States; the later law refers to the election of territorial officers, and has no bearing upon the qualifications of a United States officer. In the later law it is specified that the qualifications for holding office shall be prescribed by the Legislative Assembly, subject only to the conditions quoted, while in the other case the qualifications are to be such as are prescribed by Congress. This is proof positive that one law has no bearing upon the other, and therefore it does not "explicitly determine" that the word "person" means "citizen," neither does it refer to it in the remotest manner or degree.

Further In the same law which makes the provision about territorial officers, but in a later paragraph, the office of Delegate is specially provided for and the duty of the Governor is specially pointed out. The paragraph which the Governor quotes is in Section 1860 Revised Statutes of the United States. But Section 1862 of the same Statute says:

"Every Territory shall have the right to send a delegate to the House of Representatives of the United States to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof. The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly. Every such delegate shall have a seat in the House of Representatives, with the right of debating but not of voting."

This section is later than that from which the Governor attempts to draw his inference, or which he rashly asserts "explictly determines" the point. And it will be observed that the word "person" in the Organic Act is here used again, not the word "citizen." By this later enactment than the Organic Act of this Territory, the Governor is commanded by Congress to declare the "person having the greatest number of votes, duly elected." So far then from the law "*explicitly* determining" what the Governor wanted to establish, it makes no reference to it, but on the contrary, the inference is directly against his proposition.

The question may here be put, "Do you mean to say that a person not a citizen can be a Delegate in Congress?" We do not say anything of the kind. But we do state, without fear of successful contradiction, that the Governor of a Territory has no jurisdiction of the question, and that by the wording of this mandatory law, the Congress placed it beyond the power of the Governor to determine, or even entertain the question of citizenship in reference to a candidate for the office of Delegate. This power has been reserved in the Constitution to the House of Representatives and therefore cannot vest in a Governor. And the law is so worded that no man who understands the commonly used words of the English language could possibly mistake this point; that is, that the "person"—*without* any reference to his citizenship or other qualifications for the office—who has the greatest *number of votes* shall be declared by the Governor duly elected, etc."

In taking this course into which he was deluded—or influenced by means yet to be developed—the Governor plainly and openly defied and violated the law of the United States—the only one framed to govern him in the premises, and he stands to-day a criminal before the Government and the country, having taken an oath before the District Court to do that *which he has* refused to do, and, in effect, not to do that which he has done.

But supposing that by some legal or sophistical *hocus pocus* the act providing for the qualifications of territorial officers can be construed, after the Governor's fashion, to apply to the law in relation to a United States officer, where does the Governor find his law constituting him a judge of the qualifications of any person, a candidate for any office local or national? It is not in the books. There is not a law nor a section of a law, nor a sentence of a section, nor a phrase of a sentence in the laws of the United States or of the Territory, which gives him even the shadow or color of such authority. Even if his own baseless argument or rather transparent subterfuge were admitted to be sound—that "person" means "citizen," he is still barred out of all right and authority to pass on the question of citizenship, not only of a Delegate to Congress or a territorial, county or precinct officer, but of any person whatever, male or female, native-born or naturalized, old or young. His opinion on the subject is only that of a private individual; his office confers upon him no power to touch the matter in any shape or form.

We have not attempted to reply to any of the assertions or false reasonings about the main question of Delegate Cannon's citizenship, except to say that he has been duly naturalized according to all the forms of law; this has already been determined by the body having the legal and constitutional right to investigate the matter, and at the proper time it will perhaps be fairly reinvestigated. We have not enlarged on this subject, because it does not approach the point at issue, which is, the right of a Territorial Governor to determine a question of citizenship. And on that, we defy Mr. Murray's would-be defenders to quote any law, or passage of a law, which places it within the sphere of the Governor's office to sit in judgment upon the citizenship of any person on the face of the earth.