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OUR DELEGATE'S POSITION.

In another column will be found an account of an interview of a Washington *Post* reporter with Hon. George Q. Cannon, Delegate to Congress from Utah. It is a difficult matter, generally, in reading press accounts of "interviews," to distinguish between the utterance of the interviewed and the ingenious imaginings of the interviewer. In this instance the friends and acquaintances of our Delegate will readily separate his actual replies from the touched up and tinted items interpolated by the reporter. Our Cannon may have fired some hot shot into the camp of the enemy but "kicking" is not to be associated with that kind of ordnance even by implication.

The explanation in regard to the phonetic characters on the People's Ticket at one of our elections, is probably reported correctly, with the exception of the statement that such characters are now placed inside the ticket, which is incorrect, no peculiar mark being used at all. Mr. Cannon probably said that while he deprecated the printing of those characters outside of the ticket, he would not have objected to their appearance inside. It is well known here that whenever an opposition ticket is made up, its supporters endeavor as closely as possible to imitate the People's Ticket, for the liberal, noble, republican and anti-Mormon purpose of deception, and to make a showing by the entrapping of the unwary, which they could not effect by honorable competition. Yesterday's election furnished another instance of this fact.

There is one point in this report to which we desire to call special attention. It has been frequently asserted that our Delegate had denied in Washington his practice of plural marriage; and that he had publicly and privately repudiated all his wives but one. It will be perceived that he takes no such dishonorable ground. Neither has he done so at any time. He has simply denied the falsehoods sworn to by certain adventurers, who have attempted to deprive him of the seat in Congress to which he was elected by an immense majority of the people of Utah, and to obtain by fraud that which they had not the ghost of a chance to secure by popular suffrage.

Our Delegate is well known in Congress and in private circles in Washington to be a practical polygamist, but is nevertheless in a position to defy all the attempts of his enemies to injure him on legal grounds, for he is certainly not living with several wives "in open and wilful violation of the act of Congress of 1862," which was the charge preferred against him by the impudent clique who tried to cheat him out of his position and the people of this Territory out of a Delegate in Congress.

There is one strong evidence to the "Mormon" people of the truth of their principles and the rightfulness of their position. That is, those who oppose them never fail to resort to misrepresentation. If a fair statement of facts, and legitimate deductions from a correct relation of our tenets would damage our cause, our enemies would certainly avail themselves of such weapons. But this never happens. Falsehood is their only available means of attack and they are not at all sparing in the use of it. Yet the sequel will show that "Truth is mighty and it must prevail."

Our Welsh friends should read the call, in another column, for help to be extended to their suffering countrymen. Now is the time to prepare for the coming emigration season. Delay may be death to some of the unfortunates who are waiting for deliverance and looking or help to come out of Zion.

LEGISLATION WANTED.

THE Supreme Court of this Territory has rendered a remarkable decision in a case appealed from the Third District Court, involving the powers of municipal corporations. The history of the case is as follows: A man in Ogden City named Julius Kiesel was arrested and fined for an assault which was a clear case and to which he pleaded guilty. However he refused to pay the fine, and was imprisoned under the provisions of the city ordinance in relation to crimes and punishments. The marshal of the city—Moroni Brown, and a policeman—Robert Snadden, who assisted the marshal, were indicted by the Grand Jury, for an assault on Kiesel in making the arrest and enforcing the imprisonment. They were arrested by deputy marshals and one of them, Mr. Snadden, was incarcerated several hours in the penitentiary. They were fined for the alleged offence, in the Third District Court, and appealed the case to the Supreme Court.

It was not denied that they were the legal officers of Ogden City, nor that Kiesel was arrested for an offence against the ordinances of the city. But the authority of the City Council to make any such ordinance against the crime of assault and battery was disputed. The opinion of the Supreme Court is as follows, delivered by Associate Justice Boreman:

"The principal point is as to the validity of the ordinance under which said Keisel was arrested. No express authority is given in the charter of Ogden city to pass such an ordinance; but it is urged that it is implied to exist under the general welfare clause 'to regulate the police.'

"An implied power is such as is necessary in order to carry into effect those expressly granted, and where personal rights and liberty are involved, the charter powers of every municipal corporation are to be strictly construed. The power to punish for an act of the character referred to does not seem to be necessary in order to carry into effect the general welfare clause, and under a fair construction such power does not therefore exist, and cannot exist except by express words to that effect. Indeed, if under simply a general welfare clause a city can pass ordinances against assaults and batteries, it is difficult to conceive to what extent a city government might not go under such a clause. We deem the ordinance unauthorized and void.

This point being decisive of the case, it is not necessary to refer to any of the points raised.

The judgment of the district court is therefore affirmed, with costs.

According to this ruling, no municipality in Utah has the right to pass any ordinance for the punishment of a person who commits an assault, or for any other purpose that is not specially expressed in its charter. The decisions of our Federal courts in this Territory are frequently remarkable and astonishing, and this is one calculated to cause much wonderment, and many queries as to the reasons why those higher courts should appear so averse to the exercise of any jurisdiction at all by the lower.

The Ogden City Charter provides that:

Section 13.—"The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace."

Section 69.—"All officers of this city created conservators of the peace by this Act shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace. * * and shall have and exercise such other powers as conservators of the peace as the City Council may prescribe.

In section 58, the City Council is empowered

"To make, ordain, establish and execute all such ordinances. * * as they deem necessary for carrying into effect the powers specified in this Act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof."

Further, an act amending the charters of Incorporated Cities, approved Feb. 15, 1872, provides that—

"Sec. 3. The City Council of any city shall have power to provide by ordinance for imprisonment and forfeiture in cases of violation of city ordinance. Provided that Justices of the Peace within and for the respective cities shall have exclusive jurisdiction in all cases of fines for crimes and misdemeanors arising under the ordinances of the city where the fine does not exceed one hundred dollars or imprisonment not exceeding six months or both fine and imprisonment."

To ordinary minds it would appear that, for the peace, good order, safety and happiness of the inhabitants of a city, regulations must be made, covering just such crimes as Kiesel was fined for committing. If so, the charter of Ogden City gives the City Council authority to make and execute ordinances for the punishment of such offenders, and this power is confirmed and extended by the amendment to the city charter quoted above. It is evident from the wording of the charters and their conferring upon Mayors and Alderman the authority of Justices of the Peace, that the intent of the Legislature was to give City Councils power by ordinance to punish all kinds of petty offences against the peace, good order, safety, and general welfare of the citizens, and that city magistrates should possess similar power to that exercised in various cities outside of this Territory.

But since, according to the ruling of the Supreme Court of Utah, a policeman cannot legally arrest a lawless brute who assaults and beats a citizen, and city Justices have no power to fine or imprison criminals of that character, it is time the Legislative Assembly took the matter under consideration and specified the powers of City Councils and local magistrates, in such a manner that excessively technical courts can find no flaw by means of which they can break the authority of lesser courts, deprive the police of power to protect citizens from violence, and put the peaceable public at the mercy of the ruffian and the desperado.

LAW AND POLYGAMY.

THE report of the Housecommittee to whom was referred that portion of the Governor's message relating to polygamy, will be found in the minutes of yesterday's proceedings of the Legislature. It will be endorsed by the great majority of the people of Utah.

The ground taken is, that marriage is essentially a religious ordinance; that scriptural matrimony includes both the monogamic and polygamic relations; that the constitution forbids any legislative action upon religious matters; and, therefore, that polygamy is not a rightful subject for the action of the Assembly.

The whole question of the power to punish polygamy hinges upon the point of the nature of the marriage covenant and ceremony. Congress could claim no right to pass any law upon this matter except upon the plea that marriage is merely a civil contract. This position is assumed by those who support legislation on this subject. But it is only assumption. There is nothing in the Constitution or laws of the United States nor of this Territory which defines marriage to be simply a civil contract.

The bulk of the people of Utah are members of the Church of Jesu Christ of Latter-day Saints, and that Church holds marriage to be a sacrament. No ceremony of marriage uniting any of its members is considered valid unless administered by one having divine authority. This Church is not singular in this regard. The Roman Catholic Church, with its numerous institutions in every "Christian" government, holds the same view of the question. The Episcopal Church, while rejecting marriage as a sacrament, declares it to be of divine origin and to be properly administered only by one in "holy orders." It was not until very late years that any of the "Christian" sects departed from this position in relation to matrimony and considered it in the light of a civil contract. In this departure they stray from the old path marked out in the Bible, which they all profess to take as a guide. The scriptures declare that "marriage is ordained of God;" and "what God hath joined together, let not man put asunder;" also that "forbidding to marry" is a "doctrine of devils."

As marriage was entirely a church ordinance for hundreds of years, so divorce was also a subject for the ecclesiastical courts. Modern law may presume to attach to matrimony the legal consequences of a civil contract, but it cannot deprive it of its sacred character. It is essentially "an establishment of religion," it has been so from the days of our first parents, and as such any legislation concerning it is barred by the Constitution of the United States.

The laxity of public morals, which is an outgrowth of modern civilization, is one of the evil effects of tearing away from marriage the sanctifying safeguards thrown around it by the rules of the Church. Regarded in the light of a mere civil agreement, marriage is treated lightly and as something easy to be dissolved, and thus society is injured and its foundation sapped and weakened and corruption eats into its vital parts.

Plural marriage, commonly called polygamy, as practised by the Latter-day Saints is not a civil contract in any sense. It is not governed by the civil law of the Territory, for that is silent on the subject. It is believed in, accepted, and practised by all parties to the union as a sacred and binding family compact, divine in its nature and solemnized under divine direction and authority. It claims no recognition from the civil law, it repudiates any interference by it. Not that the Church defies the State, nor that its leaders inculcate lawlessness. On the contrary its published book of doctrines contains this commandment:

Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land. *Doc. and Cov.* new edition, p. 202.

But, it may be asked, as there is a law of Congress against polygamy, how can you reconcile your faith and your practice? The explanation is given by quoting from the same book, page 312.

"Therefore, I the Lord justify you and your brethren of my church in befriending that law which is the constitutional law of the land; and as pertaining to the law of man, whatsoever is more or less than these cometh of evil.

Plural marriage was practiced by the Latter-day Saints many years before the anti-polygamy law was enacted by Congress. And as it was framed specially against a portion of their religious creed it was unconstitutional and therefore they are justified, under the divine law, in resisting it. So far as the civil law is concerned, they have to trust in God to preserve them from the evil which He declared to them was the consequence of unconstitutional enactments, twenty-nine years before that anti-religious law was passed. And in practising an essential tenet of their faith, while they must consider which is the more binding upon them, a commandment of God or an unconstitutional statute, they would be very foolish to forge any fetters for their own feet, or pass any civil laws to regulate matters that do not belong to the State but are solely within the purview of ecclesiastical administration. The committee's report is sound from our standpoint and they have faithfully discharged their duty.

THE WOOL TARIFF.

THE wool interests of this Territory are much more extensive than is generally understood. At the recent convention of wool growers in this city it was shown that the wool clip of Utah would in all probability reach this year from 1,500,000 to 2,000,000 pounds. There are 45,000 sheep in Castle Valley alone. Still this business is yet in its infancy, and if it receives proper protection and encouragement it will grow into a very important branch of home industry and become one of our chief sources of revenue from abroad.

The annual capacity of the woolen mills of Utah was estimated at that meeting at from 800,000 to 900,000 pounds of wool. This, from the calculated clip for 1878, will leave not far from a million pounds for export from the Territory.

The United States at present do not produce enough wool for home consumption. An immense quantity is still imported. The tariff has encouraged home production and it is steadily increasing. The market for American wool has been kept firm and profitable, and sheep raising in consequence has been greatly extended, while woolen manufacture has also been proportionately assisted. The two industries afford support to each other, and they are mutually affected favorably by the protective policy as they would be unfavorably by the removal of the tariff.

A great many arguments can be made in favor of free trade on, general principles. And on the other hand, the protectionists can produce facts and figures in support of their position which are very difficult to overturn. But it appears to us that while the home demand is greater than the home supply of any article, sufficient of which can be produced if proper time and encouragement are afforded, a duty imposed upon the foreign product is a wise protection of native industry that should be maintained until the home market is fully supplied from home producers.

And this is how the wool question stands. Reduce or abolish the tariff on foreign wool and a growing industry will be checked and discouraged. It will not be disputed that it is better for the country to raise and manufacture what it needs for home consumption, if the surrounding circumstances are favorable to the production of the needful articles, than to send its money abroad to purchase them. But farmers will not engage in sheep raising, nor capitalists engage in cloth manufacture just from a patriotic desire to clothe their fellow citizens in home made cloth from home grown wool. They work for a profit. If the wool growers and cloth-makers of this country cannot compete with foreign markets they will abandon their business, and the country will sustain the loss of the circulation of a considerable amount of money, which will have to be sent abroad instead of being disbursed at home.

Protect native industry by a judicious tariff until sufficient can be raised at home for home requirements, and as that industry increases with age, experience and improved opportunities, the necessity for the tariff will vanish in a corresponding degree. And when that industry is sufficiently vigorous, let it stand on equal ground with its fellows of other nations and fight the battle of free competition. But do not kill the native child by exposing it in its youth to an unequal struggle with foreign giants.

This is a subject that affects Utah in a great degree. Our wool product is of considerable value. It will increase very rapidly if it continues to be profitable. With the protection and encouragement afforded by the present tariff it will become a source of great revenue. Other breeds of sheep will also be introduced for the production of better grades of wool. The finest wools used in American manufactures are now brought from abroad. The best broadcloth at the Centennial Exhibition was made in Maine, but the wool was obtained from Silesia. The finest qualities of wool can be produced in America, but considerable money and time must be expended in the production in necessary quantities, and protection is needed until the best kinds can be raised with profit, enough to supply the home demand. American blankets, flannels, cashmeres, delaines, &c., are better than those manufactured abroad, and if this branch of industry continues to receive the encouragement of the protective policy, we shall soon be in a position to compete with all the world in the manufacture of every kind of cloth.

The Utah movement in relation to this matter is in harmony with a general arousing throughout the country. The principal meeting in favor of protection was held at Pittsburg on the 9th inst., when from 12,000 to 15,000 men walked in procession with banners and mottoes expressive of the popular sentiment on the subject, and powerful speeches and arguments were made in support of this policy at a mass meeting in the Exposition