

phet, and that as their prophet he established it among them as a religious right? Were the whole Mormon brotherhood called to testify, they would with one accord proclaim polygamy a part of their religion. By whom else shall it be proven? Shall we take a Jew to prove the Christian religion, a Catholic to prove the Protestant religion, or *vice versa*; a Methodist to prove the Presbyterian, or a Presbyterian to prove the Baptist religion, or *vice versa*? Would the members of those churches like to have their religion proven by their adversaries? Would they submit to it? Who ever heard of such a thing? Adopting the universal rule of allowing the members of the church to prove its faith by its published writings and declarations of leading men, and polygamy is clearly established as a part of the Mormon religion. Mr. Speaker, do we not know as a matter of fact that the very reason why Mormonism has been so obnoxious to our people is because that they make polygamy a part of their religion? I repeat "their religion," and would call the attention of the members of this House to the difference between the "Mormon religion" and the "Christian religion;" and between a "true" and "false" religion. I am not here to prove what the Christian religion is; nor am I here to prove that the Mormon religion is the Christian religion, or that the Mormon religion is a true or false religion. My inquiry is, and all I am proposing to show is, that polygamy is a part of the Mormon system of religion.

Now, then, sir, in connection with these remarks, I propose to read in full section one, article nine of the treaty between Mexico and the United States, (a part of which has already been noticed.) I quote:

"SECTION 1. That Mexicans who fail to elect to continue citizens of the Mexican Government shall be incorporated into the Union, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, without restriction."

[United States Statutes-at-Large, page 930.]

Mr. Speaker, is there a member of this House who is not in faith a Mormon, but will say at once that the Mormon religion is a false religion; that it is a delusion? Did not the men representing the United States and Mexico in signing that treaty believe the same thing; and did they not know when they signed it that all religious and non-religious people in the United States outside Mormonism had long previous thereto branded it as false? And yet, in the face of that fact, they bound this Government by solemn treaty obligation to secure to that people the free exercise of their religion. Whether Jew, Christian, Mohammedan, Pagan, Turk, Hindoo, or Swedenborgian, true or false, we are bound to protect them in the free exercise thereof.

The question now arises as to when that protection ceases. Sir, with the section which I have read before me I unhesitatingly affirm that we are bound by that treaty to protect them until they are received into this Union as a State. What means this language in that section:

"Shall be incorporated into the Union and be admitted at the proper time (to be judged of by Congress) to the enjoyment of all rights," &c.

1. I hold "shall be incorporated into the Union" must be held to mean that at the end of the year from the date of the treaty they were to become citizens of the Union or United States.

2. That the language "and be admitted at the proper time (to be judged of by Congress) to the enjoyment of all rights," &c., must be held to mean admission into the Union as a State.

Now, sir, permit me to again call the attention of the House to the latter part of that section and immediately following the portion already recited. It reads:

"And in the mean time shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion," &c.

"And in the meantime." What time is meant? Is it not the time intervening between the time they should become citizens of the United States and the time when they should be admitted as a State into the Union? There can be no other rational or intelligent interpretation of that section.

Now, then, Mr. Speaker, permit me to read a portion of article six of the Constitution of the United States. I quote:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

If treaty obligations, constitutional provisions, and justice prevail, we can not, we dare not, lay a heavy hand upon polygamy until that people are admitted into this Union as a State, and when admitted, we are bound by the law of nations to hold it valid as to the past. The only escape from this is for the enemies of polygamy to maintain that polygamy is not part of the Mormon religion.

But with all my prejudice against the obnoxious system, and while I would strike it down at one blow, I must say that in my opinion we can as truthfully assert that the revelation to Noah about the flood; to Abraham and Sarah that unto them a child should be born which should be heir of a world; to Zacharias that Elizabeth should bear a son to be called John; to Mary that she should bear a son to be called Jesus; and the book of the New Testament, called Revelations, are no part of the Christian religion, as to assert that the pretended revelations to Joseph Smith, the recognized prophet of that people, and the founder of their religion concerning polygamous marriages as contained in the Book of Covenants, which I hold in my hand, is no part of the system of the Mormon religion; as well contend that the Book of Mormon is no part of their religion, as to assert that polygamy is no part thereof.

Faith in Joseph Smith as a prophet of God is the rock upon which Mormonism stands. Accepting him by faith as a prophet, how can they do otherwise than accept the revelations of polygamy to him? If they accept them, do not they at once become a part of their religion? Sir, polygamy must then from the very nature of their system be held to be a part of the Mormon religion. But why argue the question further? Have we not for near thirty years been persecuting them because they do make it a part of their religion? By our own act, then, we are estopped from saying it is not a part of their religion.

Sir, if my position be correct then it follows that the law against bigamy in the Territories, passed by Congress July 1, 1862, is inoperative as to polygamy among the Mormons; nor can the Territorial Legislature abolish it, no more than Congress, against the will of that people. By the treaty and the Constitution it stands above all law until Utah is admitted as a State.

One other point upon the treaty: I contend that, regardless of the laws of Mexico in regard to polygamy, the treaty binds us to recognize it as existing at the date thereof. Both Governments, knowing at the time that polygamy existed among the Mormons, and not providing against it by treaty stipulations, must be presumed to acquiesce therein; and we are forever estopped from interfering with it until the time specified in the treaty. But I may be asked, "why pass your bill if it be already legal?" I answer, "to put the question beyond dispute," and to stop United States officers and judges who, alikely ignoring plain treaty stipulations, and disregarding the great key of legal interpretation, are guilty of proceedings in Utah unparalleled in the history of criminal jurisprudence in prosecuting Mormons for polygamy, etc., under laws passed by themselves, and which to them are harmless, and with their view of polygamy inapplicable to them.

Mr. Speaker, England, as remarked, at home is monogamous, while in India she is polygamous. Were she to attempt so unreasonable, unnatural, unjust, and cruel an act, so gross an outrage upon criminal jurisprudence, and the long-established rule of legal interpretation, as to enforce her law of bigamy, adultery, and lewd and lascivious conduct as applicable to a single marriage in England, against polygamous marriages in India, she would bring down upon her head the condemnation of a civilized and Christian world. That which monarchical England would scorn to do is now being done and sought to be done in republican America, in Utah, by United States officers and judges.

Bigamy to a government tolerating monogamous marriages only is not bigamy to a government allowing polygamous; and I have been startled to hear eminent lawyers and jurists assert that bigamy and polygamy are synonymous. An expression so characteristic of carelessness of thought and mature reflection upon so important a subject, is inexcusable and unpardonable. Bigamy is simply a marriage by one already married in excess of what the law permits.

The bigamy of England is not the bigamy of India; the bigamy of our State and United States governments, is not the bigamy of the Mormons. Nor is the bigamy of one polygamous government necessarily the bigamy of another polygamous government. For instance, the Mormons recognize polygamous marriage as a religious rite, which must be celebrated according to the rules of their church. A plurality of marriages in Utah under civil law would be bigamy to the Mormons; while in another polygamous government, allowing polygamous marriages by the civil law only, a plurality of marriages by the church or ecclesiastical law would be bigamous. Sir, if gentlemen would lay aside prejudice and be governed by principle they could not fall into such an error.

My argument upon this point is equally applicable to adultery and what is turned "lewdly and lasciviously associating and cohabiting together" under the territorial law of Utah. In England, a man marrying a second wife, the first living, and undivorced, would be guilty of bigamy; in India he would not be. And so in regard to adultery and lewd and lascivious conduct. In England, a man living with two women at the same time would be guilty of lewd and lascivious conduct; while in India he would not be, unless it were with others than his polygamous wives.

Mr. Speaker, the courts and officers of the United States in that Territory not only refuse to see and recognize this plain and glaring distinction, but in their eagerness to "hunt down heresy" and willingness to cater to a morbid Gentile anti-Mormon feeling have ignored and trampled under foot one of the plainest and most prominent elementary principles of legal interpretation.

Blackstone says:

"The fairest and most rational method to interpret the will of the legislator is by exploring his intentions at the time; I repeat, 'at the time' when the law was made."

Adopting this rule; can any one fail to see the interpretation which our courts must give to the laws of that Territory, passed by that polygamous people, and which, by an unnatural and unwarranted interpretation, are now being enforced against the Mormon people? Blackstone illustrates the principle on this wise. He says:

"Thus the law of Edward III forbids all ecclesiastical persons to purchase provisions at Rome it might seem to prohibit the buying of grain and other victuals; but when we consider that the statute was made to repress the usurpations of the papal see, and that the nominations to benefices by the Pope were called 'provisions,' we shall see that the restraint is intended to be laid on such provisions only."

Now, sir, applying this most reasonable, natural, and just rule of interpretation to the territorial laws of Utah, and who can not see that the adultery, lewd and lascivious conduct of our people and our laws is not the adultery, lewd and lascivious conduct of the Mormons or Mormon laws? That it is the correct rule of interpretation and applicable to the Mormon people see 2 Merivale, English Reports, 156. And yet a law passed by the Mormons themselves against what they consider adultery, and not what we consider adultery, and against what they consider lewd and lascivious conduct, and not what we consider lewd and lascivious conduct, is to be perverted, twisted, and tortured into an engine of persecution and oppression against themselves.

Sir, it is to stop such flagrant and palpable injustice, and so unparalleled an outrage, that my bill was introduced. Let it be enforced against Gentiles if they will, but against the Mormon people never, as long as that treaty is the supreme law of the land, or the rule of legal interpretation is adhered to.

But suppose that I am in error in regard to facts and the law as well as in my arguments and my conclusions, and conceding that the Mormons are not protected by treaty, the law of Congress, of nations, or conquest, or of marriage, and then, sir, upon the ground of "public policy" do I appeal to members of this House to pass the bill.

If the greater good will result from its passage, and the greater evil from its non-passage, then sir, public policy, as well as the best interests of society, demands its passage, and it would be worse than criminal to refuse it.

Mr. Speaker, do we refuse this, then prosecution against that people will be urged with all the bitterness of Gentile hatred? Men and women heretofore regarded as honorable, chaste, and virtuous will be changed into felons and criminals. Men and women heretofore regarded as respectable will be treated with scorn and contempt. Young ladies and young gentlemen heretofore regarded as exemplars and ornaments in society and church are to be dishonored, degraded, branded as bastards, and turned loose upon society as monuments of the prejudice and folly of American statesmanship. A land now blessed with peace, prosperity, and happiness is to be filled with lamentations and mournings, and not less than twenty-five thousand men and women sent to the penitentiary for living in a state of marriage which their church and system of religion has recognized as right in the sight of God for nearly thirty years. A hundred thousand men and women, husbands and wives, parents and children, to be dishonored and disgraced forever, and Utah turned into an American Babel.

Where is there a man whose heart responds to the cries of suffering humanity that would not revolt at even the contemplation of such a scene, much less its sad reality? Philanthropists, remember that that people are bone of your bone and flesh of your flesh. A common humanity forbids us bringing upon that people such a sad calamity.

Christians, here is a work for you; save that people from so much distress. Are you told that they are adulterers and adulteresses? Remember that your Lord and Master once said to such a character, who was about to be stoned to death, "Go; and sin no more."

If he could show one such lenity who

was willfully guilty, what may you and I and others say to those who are innocently guilty, if guilty at all? Mr. Speaker, it is useless to portray the good to flow from the passage of the bill, or the evils resulting from its non-passage. They are apparent to all. The evils consequent upon its passage are not a tithe in comparison to the good that will result therefrom. That people, knowing the prejudices of our people against polygamy, passed a bill through their territorial Legislature a few weeks ago calling a convention to adopt a constitution in harmony with our views of marriage, that they may apply for admittance into the Union as a State, and thus forever settle this vexed question; but here again they are met by the veto of an over-scrupulous Governor, upon the ground that Congress has not passed a law authorizing it. Ignorant of the fact that the power that can authorize in advance can ratify after the act has been performed; and ignorant of the fact that eight States, to wit, Vermont, Tennessee, Maine, Arkansas, Michigan, Florida, Texas and Iowa, were admitted into the Union without enabling acts previously passed, he casts another obstacle in the way of settling the troubles in Utah.

Sir, shall that people continue to be thus persecuted, or will this Congress pass this act and give them immediate relief? No member upon this floor has a constituency more strongly prejudiced against that people and polygamy than my own; yet before I will suffer one hundred thousand men, women, and children to be turned into adulterers, adulteresses, and bastards, I will take the responsibility to vote for the passage of the bill, and appeal to the magnanimity, generosity, and exalted sense of justice of my constituents for a vindication of my act.

I believe that could the people of the United States but be brought to see the subject in its true light, not a day would pass but their prayers, through petitions, would be heard in this Hall for the passage of this or a similar measure of validation and oblivion.

Mr. Speaker, marriage being regulated by civil as well as ecclesiastical and natural law, there can be no impropriety in asking Congress to pass this bill, as it has unquestioned power to legislate over the Territories. That Congress may validate illegal and void marriages, I refer to the British Parliament. The most notable cases of which were legalizing the marriages celebrated before justices of the peace in England during the commonwealth; also in India, Lower Canada, and Nova Scotia. (Shelford on marriage, 45, 55, 61, 62; also by the Legislature of Prince Edward Island, (Ibid 64); also by Maine, 2 Maine, 28; also by Connecticut, 4 Connecticut, 209. That the power is generally conceded (1 K., 10 Ed., 512.) That such acts are not retrospective or unconstitutional, (see 2 Peter, 380; 8 Peter, 88; 10 Peter, 291; 11 Peter, 420; 10 Howard, 395; 17 Howard, 456; 4 Wall, 172.)

In conclusion, Mr. Speaker, permit me to read what David O. Allen, the celebrated Christian missionary of twenty-five years in India, has to say upon the subject of polygamous marriages in his book published as late as 1856. That devoted man of God says:

Supposing now that any Hindoo, or Mohammedan, or Jew who has several wives to whom he has been legally married, should give evidence of piety and wish to make a public profession of Christianity, what shall be done in respect to his polygamy? In contracting these marriages he violates no laws of the country and no laws of God, as he understood them, any more than Jacob or Ekanah did in marrying two wives, or than David did in marrying a yet larger number.

"This man cannot divorce any of his wives, if he would; and it would be great injustice and cruelty to them and to their children if he should. He cannot annul his legal obligations to provide for them. He is bound, morally and legally, to support them and to protect them, while professing Hindoo, Mohammedan, or Jewish religion; and his having become a Christian, and embraced a purer faith, will not release him from these obligations, in view of the English Government and courts, or of the native population. Should he put them away, or all but one, they will still be legally his wives, and cannot be married to any other man. And further, they have done nothing to deserve such unkindness, cruelty, and disgrace at his hands."—Page 521.

Mr. Speaker, if polygamy is contrary to the Christian religion, and it is the only true religion, as we understand it, then polygamous peoples must be deprived of Gospel grace, or subjected to the results so graphically pictured by Mr. Allen. I have done.—Congressional Globe, Feb. 18.

UTAH AFFAIRS.—If we were to judge solely by telegraphic dispatches from Salt Lake we should suppose that the State movement was a total failure; but while the telegraphic operators are daily slaughtering the State movement the daily papers from that city are acknowledging a very different condition. The speeches of Judge Haydon in opposition to a State organization, and of Fitch in favor, both appear in full in the Utah journals. According to the dispatches, Haydon completely used up Tom Fitch, but the printed speech don't show it, though Haydon made a good argument. All readers of dispatches from Salt Lake should bear in mind that the news sent from that quarter is of little value, being forwarded by an agency unreliable, unscrupulous, and wholly devoted to the interests of the official ring. This has been notorious for a year and a half.—Curson State Register.