

EDITORIALS.

CIVIL VERSUS MILITARY AUTHORITY.

OUR readers will remember the correspondence between the Justice of the Peace at Beaver and the Commandant of the military post, Camp Cameron, in which the latter disputed the right of the former to attach a sewing machine, under process of law, within the military reservation, and maintained his own right to prevent a soldier under his command to answer a summons of the Justices Court. Justice Tyler clearly proved his side of the question to be right, but the commanding officer held on to his supposed military authority in the premises, and so he matter came up at length before the War Department, when the Justice was fully sustained. The following documents set the subject at rest, and show that under the laws of our country there is no conflict between civil and military authority, and that the former cannot legitimately be obstructed by the latter. The points established sustain the authority of Territorial Courts will be received with satisfaction by all who have studied this subject, and are of great importance to the courts and the public.

BEAVER, U. T.,
22nd June, 1875.

Editors Desert News:

I beg herewith to place at your disposal the final correspondence between Col. Douglas, commander of post at Fort Cameron and myself, on the subject of civil and military jurisdiction.

"HOUSE OF REPRESENTATIVES,
Washington, D. C.,
June 13, 1878.

Dear Brother:

It gives me great satisfaction to send you the enclosed document. You will find your position fully vindicated by the Judge Advocate-General. I do not think you will have any more trouble about the jurisdiction of the civil authority.

With kind regards,

I am your brother,
GEO. Q. CANNON."

DANIEL TYLER, Esq.,
Beaver, Utah.

GENERAL ORDERS, }
No 30. }

HEADQUARTERS OF THE
ARMY,

ADJUTANT GENERAL'S OFFICE,
Washington, May 27, 1878

The following opinion of the Judge Advocate General has been approved by the Secretary of War, by whose direction it is published for the information and guidance of officers of the army:

BUREAU OF MILITARY JUSTICE,
May 9, 1878.

Respectfully returned to the Advocate General:

The judicial power of a Territory is vested in courts established directly by Congress, or indirectly, by its authority, through the territorial legislature, and no doubt is entertained that the local courts of a Territory are fully empowered to cite officers or soldiers of the army, stationed within the Territory, to appear before them as defendants in civil actions, as well as to attach or take, in replevin or execution in such actions, personal property held by such officers or soldiers and not specially exempted from attachment, etc. Nor can it, in my opinion, affect the exercise of this power that the defendant is quartered, or the property is held, upon a military reservation.

In VII Opinions, 574-5, Attorney General Cushing says: "What is a military reservation? Simply an act of the President under authority of law, withdrawing so many acres of the public domain from the immediate administration of the Commissioner of Public Lands—that is, from sale at public auction, and by pre-emption or general private entry—and appropriating it for the time being to some special use of the government." And in another opinion, in the same volume, p. 583-4, he holds in substance that

the fact that a crime is committed upon a military reservation established in a Territory does not give to the Federal Courts jurisdiction of such crime, but that the same remains within the jurisdiction of the Territorial Courts; and the same rule would appear to apply with even more force to civil proceedings of the nature of those described in the papers.

In the present case, therefore, I am clearly of the opinion that the territorial Justice's Court had jurisdiction of the action instituted to try the title of personal property (a sewing machine) mentioned, as also authority to cite the soldier directly before it, in the usual manner, as a defendant in said action, and to issue its writ for the caption of the property, upon a judgment against the defendant. Further, that the commanding officer of the post, though it would have been no more than courtesy to have advised him of the proceedings, and invited his co-operation—he was not authorized to resist or obstruct, in any manner the execution of the summons or process of the court. He should, in my judgment, upon the soldier being cited to appear as within specified, have caused or allowed him to be excused from duty for the purpose, and upon the service, by the sheriff, of the writ requiring him to take the property, should not have assumed to exercise any control whatever over the same, or otherwise to interfere with the due course of law.

WM. M. DUNN,
Judge Advocate General.
By command of General Sherman.
E. D. TOWNSEND,
Adjutant General.

Official:
Assistant Adjutant General."
Respectfully,
DANIEL TYLER.

COLFAX AND "MORMON" DOCTRINES.

WE promised, on Monday last, to devote some attention to certain remarks made by Mr. Colfax, at the Institute, on the previous Saturday evening. We do so now.

In his anxiety to say something about the people who wrested this Territory from desolation and sterility, that gentleman dwelt upon their hostility to the mining interest. But in subsequent sentences, he contrasted the facilities of Utah for mineral development, with those of the surrounding regions, much in the favor of the former. Said he:

"You have many conditions here, too, favorable to mineral development. In Colorado, Montana, Nevada, the Black Hills, etc., the mineral development preceded the agricultural development, rendering mining more difficult and more expensive. Here, however, the conditions are otherwise. The early settlers were inspired by their leaders to devote themselves to agriculture rather than to mining."

Thus it appears that the people of Utah did the wisest thing, after all, in developing the agricultural resources of the Territory, previous to attempting to unlock the everlasting hills, to seek for the treasures hidden therein. This was not hostility to mining, either in action or intent. It was for the true interest of every department of industry necessary to the growth and permanent prosperity of the Territory. If there had been a general uncovering of the precious metals in the days of our early settlement, the probability is that Utah would to-day be comparatively destitute of fruit, flowers and vegetables, and be importing a great portion of its bread-stuff, while its people, without manufactures, or any other of the home industries which are necessary to the advancement of such a community as this, would be in a far different condition from their present peaceful, contented, progressive state, with their farms and gardens, school-houses and churches, their pastoral life and purity, and their devotion to the principles which induced them to gather here from various parts of the world.

Their leaders desired to postpone the general discovery of mineral deposits, known by some to exist, until a permanent agricultural basis was first laid, and an advancement effected in those branches of manufactures which are of the

utmost importance to a people whose numbers so rapidly increase, by family process and by immigration from the centres of industry abroad. So much for "hostility to mining," an interest which all persons are as free to follow in this Territory as elsewhere, but which the "Mormons" have been advised to let alone, for good and sufficient reasons, which the vast majority of them appreciate and perceive to be for their temporal and spiritual good.

Mr. Colfax boasted of a piece of ignorance and impertinence of which he was guilty at a former visit: Here it is:

"And to Brigham Young himself, when returning at his house the call he had made our party, I told him frankly that, as the Mormon Bible, which he claimed was a revelation from God and the Book of Covenants and Discipline, both prohibited polygamy, the fullness of time had arrived, I thought, when he should have another revelation stopping any more polygamy, and restoring his church to its primal doctrine upon that subject. And, at my second visit in 1869, I felt it a duty, to another large audience in front of the Townsend House, to reiterate more at length the same views and to indicate the true doctrine of religious liberty, but to point out also the act that the Mormon Bible was as mandatory against polygamy as the national law itself, and that special revelations defying that law were inconsistent with our national institutions."

The above ungrammatical, coarse and foolish tirade was not uttered in the heat of an argument or the haste of an extemporaneous address, but was read from a written paper, carefully prepared, as the speaker himself announced.

Now, the gentleman is so ignorant of the subject on which he dilates that he does not even know the names of the books to which he makes reference. By the "Mormon Bible," we suppose he alludes to the Book of Mormon, and by the "Book of Covenants and Discipline" we presume he refers to the Doctrine and Covenants. The only Bible used by the "Mormons" is that in general use in Christendom. Joseph Smith the Prophet made a new translation, or rather revision of the Old and New Testaments, but it was never completed by him so as to be ready for publication. The Book of Mormon contains one reference to polygamy, and that is a special commandment to the Nephites not to have more wives than one; with a proviso which reads as follows:

"For if I will, saith the Lord of Hosts, raise up seed unto me, I will command my people; otherwise they shall hearken unto these things."

The gentleman has probably never looked into the book which he misnames and pretends to quote, and the same may be said in relation to the other work, which contains nothing hostile to plurality of wives, and cannot be so construed except by implication, and needs but slight explanation to show its perfect harmony with the revelation on celestial marriage.

His voluntary advice to a gentleman, while paying him a visit of courtesy, to "have another revelation" in opposition to one announced as divine, was simply a piece of low impudence, to which no person of any refinement or sense of common decency would descend, and which could only be expected from a "statesman" of the modern "Christian," Credit Mobilier species.

He speaks of "special revelations defying the national law" which he says are "inconsistent," etc. In this he still further exhibits his utter ignorance of his subject. That which he denominates "special revelation," was given to Joseph Smith in 1843. It was not publicly proclaimed to the world, though known and practised in the Church, until 1852. But the Act of Congress against bigamy and polygamy in the Territories was not passed until 1862. How then could the revelation defy that law? The fact is, that the law was passed "in defiance" of the revelation. It was specially aimed against it. It was framed with the expressed intention of putting down and stamping out an institution that formed an integral part of the religion of the Latter-day Saints. Here comes in the "inconsistency." The statute of '62, enacted in this spirit and for this purpose, is "inconsistent" with the Constitution,

which forbids any such legislation, and Mr. Colfax was "inconsistent" with the facts and with sound argument when he uttered such nonsense.

We have another word with the ex politician for which we have not sufficient space to-day. We hope he will on receipt of this, "read, mark, learn and inwardly digest" it and when he next has an address written for him about the "Mormons," we advise him to find a speech-constructor who knows something of the subject.

A PARTING WORD.

A parting word with Schuyler Colfax. That gentleman, in his prophetic and denunciatory attack on the "Mormons," to which we have already made allusion, after disclaiming that the hostility against us was not on account of our religion, uttered the following, with a great deal of vim and much better emphasis than marked other portions of his lecture:

"The people of this country have enshrined the doctrine of religious liberty in our national constitution. But civil and religious liberty, and law-defying license, are wide as the poles asunder. You worship God or not, as your conscience and your judgment impel. Jew or Gentile, Christian or Chinese, Catholic or unbeliever, find here the truest and fullest toleration. You can pray with your face towards Jerusalem, or you can pray not at all. You can attend the church of your choice, or you can stay at home from January to January. But, if you proclaim that some revelation to you authorizes you to take my wife because you are the strongest—if you declare that a revelation justifies you as a religious duty, in throwing your children into an American Ganges—if you insist that a revelation gives you the right to sacrifice your son on some American Moriah—if you say that a revelation justifies you in assassinating some ruler for putting down a rebellion—if you claim that you can commit bigamy in insulting defiance of the national law because of some vision some one else received—this is not religious liberty, but a wilful violation of American law, which is binding on all of us until declared unconstitutional by the courts."

We showed, yesterday, that plural marriage is a part of the religion of the Latter day Saints, which had been practised as such for many years before the Congress of the United States passed an unconstitutional law, framed for the purpose of prohibiting the free exercise of that tenet. Now, the gentleman, by linking together a number of offenses against the person, and then attaching to the chain the open question of plural marriage, attempts to throw the same odium upon the debatable matter as belongs to the admitted list of undeniable crimes.

No one disputes the right of a nation to make laws for the protection of life and property. No person, whether under a plea of divine direction or otherwise, can lawfully destroy human life or infringe upon human rights. Taking another man's wife; throwing a child into a river; offering a son as a burnt offering; killing a ruler or a subject without process of law; are all offences against the person and contrary to the principle recognized in our system of government, which secures to all the right to "life, liberty and the pursuit of happiness."

But the marriage question, whether monogamous or polygamous, does not belong to this category. If a man marries a wife, and desires to espouse another, and the first gives her consent, and the second is willing, all the parties believing in the righteousness of the union and its validity in the sight of God, the Church of which they are all members recognizing it as binding, and its priesthood administering the ceremony, whose rights are infringed upon? And how can such a marriage, even though it be contrary to the views of propriety and the religious prejudices of others, be classed among the crimes to which Mr. Colfax very cunningly but very inconsistently attaches it?

Bigamy, according to the common acceptance of the term, is a

violation of human rights. A man who commits that offence forsakes his wife, and by deception induces another woman to marry with him. He deprives one woman of her marital position, breaks his contract to support and cherish her, and by falsehood puts the second in a place to which she is not entitled, and which she cannot maintain when the fraud is discovered. This is altogether different to plural marriage, as taught and practiced by the Latter-day Saints as a part of their religious system.

And we would like to ask Mr. Colfax how he proposes to test the unconstitutionality of a law when there is no infraction of it? If everybody obeys it, which he declares to be a binding duty upon all, how is the test to be applied? It has been declared by the best legal minds of the country that an unconstitutional law is void on its face. Shall we, who believe a certain institution of our Church to have been established by divine command, turn away from it, trample it under foot, and treat it with contempt, because, after its practice for many years, a law is passed against it by a body whom we consider had no right to make such an enactment? Should we be justified by divine law, public opinion or common sense in taking such a course? Or will not consistency say, if the law is not unconstitutional, and therefore void and powerless, let those whose duty it is to enforce the law demonstrate its validity if they can, and not expect those who have no faith in its integrity to prove a negative.

We now bid the extinguished statesman and unfortunate orator farewell, with the hope that, for his own sake, when he next addresses a public audience he will choose a subject on which he can discourse with greater success than "Utah and the Mormons."

ADVENT PREDICTERS.

A LEWISTON, Maine, Adventist has positively fixed the day when the world is to come to an end. This time it is set down for the year 1890. We are not sure about the day and the month, but it does not signify, because the whole prediction is speculative, and founded upon the same kind of basis as the false prophecies in relation to this matter which have deceived so many people, and produced the extreme of utter disbelief in the minds of those who were led astray.

"No man knoweth the day nor the hour when the Son of Man cometh," is as true to-day as when spoken by the Savior. But "the wise" may learn something concerning the period, and, by giving attention to the signs of the times, take such a course that the day of the Lord may not overtake them as "a thief in the night." They may also obtain enough positive knowledge on this subject to enable them to detect the errors of those frequent prognosticators, who obtain the data from which to make up their conclusions from Biblical times and half times, heads, horns, images and beasts.

One thing is very certain to those who have learned of the Lord, and that is that the "Second Advent" will not take place by the year 1890, because there are certain unfulfilled events to transpire and specified works, yet unfinished, to be accomplished before the Lord will come.

One of the chief things spoken of as a precursor of "the end," is found in the answer of Jesus to the question of his disciples, "When shall these things be? and what shall be the sign of thy coming? and of the end of the world?" It is in Matthew xxiv. 14: "And this gospel shall be preached in all the world for a witness unto all nations; and then shall the end come." Here is a sign to all people. The gospel must be preached "for a witness" of this event, and it must be preached as such to all nations in all the world. The Latter-day Saints understand this, having a dispensation of the gospel for this special purpose, as well as the "gathering of the elect from the four winds" (that is from the east and the west, the north and the