

Thursday, May 2, 1872.

THE MORNING

The zealous crusade against the institution of polygamy in Utah which the judicial branch of the United States Government set on foot some months ago with a great flourish of trumpets, has come to an inglorious end; and the Saints of the Latter Day have won another victory over the power which so long ago as 1890 solemnly consecrated its energies to the task of extirpating from the land "those twin relics of barbarism, slavery and polygamy." We would not say that the beginning of this crusade, that this new persecution of the Saints was the work of "a Ring" which had been formed in Washington for the purpose of driving the Mormons out of Utah, and of obtaining possession of their lands. Evil fortunes have befallen many of the American "Ring" of late; and this combination of Federal office-holders against the Mormons shared in this ill-luck. They began their operations with vigor; the United States Judge at Salt Lake City was one of their number; the Mormon leaders were indicted for all manner of crimes, ranging from murder down to theft; bills were introduced in Congress for the purpose of driving the Mormons out of Utah, and of obtaining possession of their lands. But for reasons and by means which are not yet explained, all the machinery set in motion against the Mormons has come to a stand; the indictments against the leaders are thrown aside as so much waste paper. Brigham Young walks the streets of his city unmolested; and so far are his followers from preparing for an exodus to Mexico or the Sandwich Islands, that under his direction they have lately been holding a Convention, at which they have framed and adopted a Constitution under which they ask admission to the Union as a separate and sovereign State.

One of the most curious peculiarities of the American Union is, that under the Federal Constitution that which may be punishable as a crime in a Territory, may be perfectly legal in a State. For example, the State Legislature of New York may to-morrow enact that each citizen of that Commonwealth may have as many wives as he can support, and the Federal Government would be powerless to interfere. The Federal Government has never enacted any laws regarding marriage; and when it undertakes to suppress polygamy by legal means in Utah, it could not prosecute the Mormon saints for bigamy, but only for lascivious conduct and immorality, against which offence there happens to be a Federal law applicable to the Territories. The Territories, unlike the States, are subject to the control of the Federal Government in everything, but this control must be exercised under the existing laws and not by the mere caprice of the Executive. When a Territory becomes a State, this absolute control ceases; and the new State is clothed with the power of regulating its own domestic affairs. It is admitted as a State, its people must have framed and adopted a constitution which must be approved by Congress; but when once admitted, its people may change this constitution as they please if these changes do not violate any of the provisions of the Federal Constitution. The people of Virginia could not now re-establish slavery, for an amendment to the Federal Constitution prohibits slavery; but they could establish polygamy, or amend all their laws punishing bigamy, because the Federal Constitution contains no provision against these changes. The Mormons, in framing and adopting the Constitution which they are about to submit to Congress, have not been ignorant of all this. They know that it would be useless to ask Congress to erect Utah into a State with a Constitution legalizing polygamy; but they know also that, when once admitted as a State, they can do as they please in the passage of laws which shall secure this institution. One of their leaders expressed their convictions when he urged the Convention to remember that there was no safety for them without a State Government, and that there could be no State Government for them unless they made some concessions, for the moment, to the bigotry of the people at Washington. The Constitution which they have framed is not devoid of these "concessions." It provides that the new State Government shall protect the workmen engaged in the coal mines, and levy no tax upon mining; that women shall be voters; that a system of cumulative voting shall be adopted, in order to secure representation for the "Gentile" minority; that freedom of religion shall be guaranteed; and that all men, whether Gentiles or Mormons, shall be equally taxed. And, above all, it provides that the practice of polygamy shall continue. Every one knows that this provision is made to be evaded, not in the letter, perhaps, but by the neglect to enforce or the refusal to enact laws inflicting penalties on those who indulge in the luxury or submit to the penance of having more than one wife at a time. If Congress accept the Constitution, and Utah becomes invested with the rights of a State in the Union, its citizens can snap their fingers at the monogamists; for no further attack upon their peculiar institution could be made, unless, indeed, three-fourths of the States should vote for a Constitutional amendment abolishing polygamy. The Convention which has framed this Constitution decreed that the question of its adoption should be submitted to a plebiscite; and as the Territorial Legislature some time ago had conferred the suffrage upon women, they came to the polls in great numbers. It was an edifying sight, it is said; for the patriots went to the polls alone; while their numerous wives, in families of a dozen or a score, came afterwards and deposited their ballots. That harmony of opinion prevails among the Saints cannot be doubted, as all the votes were for the new Constitution; and as the voting was by ballot, the men and women voted separately, there could scarcely have been any coercion, although there may possibly have been some instances of corruption. It is not at all unlikely that Congress will accept the Constitution thus framed and ratified, and that Utah will soon become the 35th State of the American Union. —*Edinburgh Scotsman, April 21.*

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C. P. R. R. February 8th, 1872.

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