

THE PREAMBLE AND RESOLUTION.

THE preamble and resolution adopted by a large body of Latter-day Saints, assembled in Conference, in this city, yesterday, May 8, will be heartily endorsed by an overwhelming majority of the people of Utah. They will also receive a harmonious response in the breast of every lover of freedom whose attention may be called to them in every other part of the country. It would certainly be the case to an extensive degree were information as wide as it should be in relation to the outrages that are being perpetrated in the sacred name of liberty upon the majority of the people of this Territory. The laws that have been enacted against them during the last few years are bad enough in all conscience, but when they are stretched outside their purpose and intention the wrong is intensified beyond endurance.

The Edmunds law has been held by some of the best jurists of the nineteenth century to be *ex post facto* and therefore unconstitutional. The successor or rather twin brother to that infamous measure—the Edmunds-Tucker act—is, however, made by the courts in this Territory, to do service—by unwarrantable construction—in the other direction as well. If the punishment of people for conduct prior to the passage of the act inflicting it is only fit to be denounced as unconstitutional and subversive of the rights of the people, what can be said of the action of courts that give the statutes a forward operation, depriving the people of privileges to which they are entitled both by their past and present obedience to the law? Take, for instance, the deprivation of a certain class of citizens of the right to serve as jurors because they declined to subscribe to an oath said by Mr. Bennett to have been formulated by local "political authorities." That oath hypothecates a fictitious future contingency—some thing that has not and never had existence—and because the citizen declines to state what he would do in case it should arise he is deprived of a privilege which is plainly guaranteed to him under the law. Thus is the domain of conscience entered and a requirement placed upon the individual that no person can correctly answer in any other way than by conjecture.

When laws are made to apply to other than actions they are foolish, as it is beyond the province of human enactment to control the conscience. That is a domain which may not be entered. What the law properly deals with are the manifestations—in the form of deeds—of the mind or conscience. When it is interpreted to apply to suppositional acts whose future existence is a mere matter of presumption, devoid of the slightest basis in fact, the height of human folly and tyranny are exhibited.

The extreme phase of this judicial anomaly was reached by Judge Henderson in his examination of applicants for naturalization. The interrogatories stretched into the matter of the membership of the applicant in the particular Church to which he belonged and gradually reached the culminating point—his belief in revelation from God. It appeared that the applicant did believe that he might receive a revelation from God. From what could be learned from the account of the proceeding it appeared that the sole ground for the application being denied was that, believing that a revelation from God might come to him individually, he did not know how he would act in case the divine communication was given. He did not know whether he would be prepared to reject a divine behest, and for that reason—notwithstanding that his past conduct showed him to be well disposed toward the Constitution of the United States and the laws thereof, and his intention was to obey the laws—he was denied naturalization. This is the case as we understand it, and if there be no misapprehension of it, it exhibits, in our opinion one of the most striking instances of intolerance, bigotry and extra-judicial interference with the rights of conscience that the nineteenth century has produced.

We esteem the preamble and resolution adopted by the people in conference assembled yesterday afternoon, as fitting and proper. More than this, when the institutions of our country are imperilled, the principles and safeguards of the Constitution disregarded and defiled and the people robbed of their dearest rights and privileges, no occasion for protesting against such outrages should be allowed to slip past unused. It should also be remembered that the right of petition and to represent facts where true statements will do the most good, are still within the grasp of a wronged and abused people, of whom a nest of conspirators are anxious to make a prey for the sake of spoliation. All these conditions and the legitimate actions of the people in reference to them, strengthen the latter in the attitude of supporters of the Constitution and sturdy and unyielding advocates of human liberty. Eventually the truly patriotic, as the lines become more sharply defined, will come to their aid. Truth and right will triumph in the end.

INVADING THE DOMAIN OF MIND AND CONSCIENCE.

We have no disposition to be in the slightest degree unjust to any class of men, no matter how widely we may differ from them upon any subject whatever. This disposition to truth and justice admits of no unfair discrimination. It applies even to those we regard as enemies of justice and equal rights—those who, in our opinion, are the most bigoted obstructionists in the pathway of human freedom and progress, and who may, in our view, trail the robe of office in the dust by overstepping the constitutional limits of their authority.

We have taken occasion to point out what we cannot but view with unqualified detestation in the course pursued by certain judicial incumbents in Utah—the obstructive tactics they have adopted in relation to the prevention of applicants for naturalization from attaining the privilege and dignity of citizenship. The extraordinary and what we esteem extrajudicial course of Judge Henderson in this direction has been recently conspicuous before the public. That there may be no room for question regarding his position on the subject we have selected one instance of application—that of Robert Sherwood—and present the proceeding in full, as obtained from the official reporter of the court.

A perusal of the statement elucidates this fact, beyond question—that the application was not denied upon any ground that had any relation to past or present conduct. It was founded exclusively upon the religious belief of the applicant and what, on account of that belief, he might possibly do under hypothetical circumstances that the court held might arise on account of the theological theory which obtains in the mind of Mr. Sherwood. He was willing to take an oath that he would uphold the Constitution of the United States and obey the laws of the land. He could not, however, conscientiously swear that he would not obey a revelation from God at some future time should he be favored with a divine communication. As Mr. Sherwood himself very aptly expressed it, he could not say what he would do ten years from date, information in that regard being beyond his reach.

We lay it down as an incontrovertible proposition that the court asked the applicant to do something that no human being apart from a superhuman power of foreknowledge could do truthfully or consistently. Robert Sherwood could swear with as much consistency that he would not obey a revelation from God as could the Court. Judge Henderson can no more swear what he will do a year or ten years from now than can the applicant for citizenship, for the future is a sealed book to him. When courts undertake to impose such conditions upon those who come before them as applicants for privileges to which they appear to be justly entitled, they, from our stand point, hold out a bid for the commission of an offense which is akin to perjury, if it does not amount to that crime. This may not be done intentionally, but the temptation to perpetrate it is presented nevertheless. Our position in this regard is sustained by the principles of mental philosophy and sound law, which is synonymous with common sense.

Let the proceedings given in to-day's issue be scrutinized from beginning to end, and it will be observed that the only element of the applicant dealt with by the court is his mind—his belief and conscience. Any government or power which seeks to control the operations of the mind perpetrates a glaring absurdity, because it attempts what is an eternal impossibility. And such an attempt is at utter variance with the genius and institutions of this Republic. It does not matter what the object in view may be in the breasts of those who make the attempt. It is totally and unmitigatedly inexcusable. No end can possibly justify such illogical and what we deem tyrannical means.

The questioning of the Judge in regard to what the applicant would do providing he should receive an appointment from some higher official of the Church to go to Kaysville to preach in favor of the doctrine of polygamy, forces us to draw the inference that in the opinion of the Court he would have no legal or constitutional right to act upon it. Such a view is, to say the least, in the nineteenth century, and held by an official of a popular government, amazing. The right of free speech is one of the dearest under our system, yet it would appear from the contracted position of which we complain that it would be eminently proper to close the mouths of the "Mormon" people in regard to their religious doctrines. It may be taken that Judge Henderson holds that it would be contrary to law for a person to make an abstract proposition in reference to polygamy as a religious doctrine and reason upon it, providing the arguments adduced were in favor of its being a correct theological principle. This shows, to our way of thinking, that the gentleman has concluded that, so far as the treatment of Latter-day Saints is concerned, the element of reason and the permission of the freedom guaranteed by the Constitution should be abolished. While it may not be deemed prudent or necessary to preach to any extent in favor of polygamy as a cor-

rect doctrine at present—that is the view we now hold—the right to do so under the Constitution or any existing law of this country is assured and may not be surrendered. Though the active exercise of a right may be suspended in the option of him who holds it, it still remains as a precious possession.

It is a well established fact that the Bible—the foundation of Christian theology—sanctions, sustains and in some instances shows enjoyment of polygamy. It would seem from Judge Henderson's remarks that if two gentlemen were to undertake a public discussion upon a proposition to that effect, the one who upheld the affirmative side of the subject would be in conflict with the government and laws of the United States.

Since the foregoing was written a brief statement concerning an application for naturalization before Chief Justice Zane has come in. It is refreshing to note that that functionary did not take the absurd position assumed by Associate Justice Henderson. This is to his credit, and it gives us pleasure to say so. Although we have had many occasions to except to his official conduct, we have never denied that he is in many respects a capable jurist. This fact has been frequently exhibited outside of matters where his strong prejudices, which appear to run away with his judgment, are awakened. He has both sufficient discernment and information, however, to be able to see clearly that to take a similar course to that of Judge Henderson in the matter in question would place him in an unenviable light and damage his reputation as a lawyer.

The statement of the proceeding before Judge Henderson will do to place in juxtaposition with some of the judicial transactions of history that were conducted in the dark ages, to whose methods some modern jurists appear to be rapidly returning.

THE AMERICAN EXHIBITION.

If anything were needed to show that all talk of war about fisheries or anything else between the United States and Great Britain is for the present sound and fury signifying nothing, it is supplied by the great American Exhibition which opened in London yesterday. Thus are the customs, the products, the denizens and to some extent the flora and fauna of this country transplanted for the time being to the land beyond the sea, and thus are the friendly—we might say maternal—feelings of Albion made more maternal by reason of the association. The fact that the enterprise was conceived and practically started upon there would seem to indicate that speculation rather than information was the object aimed at, and this to some extent may be the case, since promoters of affairs of the kind, they being costly luxuries, expect to have enormous receipts to reimburse themselves and a little over; but it is not exclusively an English nor entirely an American affair, except as it relates to the exhibits; it is a joint proceeding of representative men of the two nations.

The question was lately asked one of the managers why it was that if the exhibition was to be so exclusively national in its features, the assistance of the United States government has not been invoked, to which the reply was given: "Because the United States government could not with propriety initiate or control such an undertaking in a foreign country, without an invitation from the government of that country; and principally because it was determined at the outset that, having the necessary means, this should be an enterprise conducted by practical business men on strictly business principles. The offices of the association in Boston, New York, Philadelphia, and London are models of a system in which every department works with each other like so many wheels in a well-regulated machine, and with as little friction. As regards the question of distance, that is a mere bagatelle. Steam has obliterated the difficulties of transportation, and the cable enables us to communicate with our officials on the Exhibition grounds as readily as a merchant here can talk to his partner in Chicago."

The News has from time to time published letters from a correspondent in London, in which appeared items regarding the progress and prospects of the gigantic enterprise. The opening was under most auspicious circumstances, and the prospects for its success in every respect are certainly as promising as the management could desire.

THROUGH IN 100 HOURS.

THERE is renewed talk of a fast through train from New York to San Francisco. The time is to be limited to 100 hours—or four days between the points named, where it now consumes about seven. This service is to be put on, if commenced at all, for the benefit of the traffic between Europe and China, and by this it is proposed that the entire distance between London and the Chinese port may be accomplished in four weeks. If this time be

possible—and it can hardly be doubted—then there is much room for improvement on the two Pacific railroads. There is but little time lost in the trip between New York and Chicago. It is improbable that there can be much greater speed attained, since the distance—about 800 miles—is now daily accomplished in 25 hours. This leaves the saving of three days as possible between Chicago and San Francisco, and it seems almost incredible in this expeditious age that the possibilities for time saving should so long have been neglected. The failure, however, to prevent this loss of time, heretofore, is due to the absence of competition. It is singular how that one word, when it embodies active and earnest opposition, inspires railroad management with a great regard for public weal and a saving of time. There was, some years ago, talk of reducing the through time between New York and San Francisco 24 hours, but because of obstacles put in the way of the plan by the Pacific railroads, the saving of time was never attempted. Now that Charles Francis Adams, President of the Union Pacific, talks of reducing the time at least three days, there is wonder why the former proposal of reducing the through period one-seventh—should have been so effectually opposed.

UNFAIR OPPOSITION.

IT is regrettable that in the intellectual warfare which newspapers wage against what they deem abuses, they seldom have the candor to state fairly the position of an opponent. The policy is to place an antagonist in a ridiculous or untenable position, with yet enough truth to keep one from saying it is all untrue, and with so much falsehood that it cannot be called true, and then vigorously assail him. Henry George, at a recent meeting in New York, referring to an alleged treaty between the United States and Russia, stated that, as between the Czar and the Nihilists, his sympathy was with the latter. On this the newspapers that do not like Mr. George's theories aver that he is a sympathizer with assassination. It is unfair and untrue to put Mr. George in this position and then assail him. Such a view, if it were held by any man, admits of no defense; and even if Henry George were so disposed, it is improbable that one whose interests lie in an entirely different direction, would be half so foolish as to injure his cause by proclaiming himself the friend and sympathizer of assassins.

The newspapers in question do not need to be told that one may sympathize with the cause for which Nihilists contend without excusing or encouraging the means they adopt to accomplish the aim in view. The very journals in question lament the practical serfdom which the principle of government enforces in Russia. That the Nihilists are striving for emancipation from wrongs no one questions, though the methods employed may excite condemnation. Does it follow that all who desire liberal and enlightened government in Russia, thereby sympathize with the assassination sentiments of many Nihilists? If so, there is not a journal in the country which now condemns Henry George that is not guilty of the offense charged against him; and if the journals be free from sympathy with murder, then is Henry George free also.

It is simply an unworthy means, an unmanly advantage taken to injure a man in public esteem because his doctrines in other regards are unpopular. Such are not the ways in which popular educators should walk to enlighten the world. No good can come from taking unfair advantage of an opponent. If he cannot be fairly quoted, his position honorably assailed—if it is impossible to belittle him without deliberately putting him in a false light—he is strong indeed. These attempts to injure Henry George, while they may work temporary harm to him, will ultimately prove to his advantage, when the unfairness with which he is assailed becomes known. He can be taken to task by honest means, and they only will succeed in the long run.

A PROTECTIVE POLICY.

SOMETHING over a week ago an article appeared in the News over the caption—Land and Liberty. It treated upon the tremendous effort that was being made in most of the leading localities of the Territory to work up a real estate boom. The object for which the pioneers endured untold hardships in the arduous journey to this intermountain region and rendering it fit for human habitation was pointed out. The purpose was to found a community in which the principles of truth and freedom would prevail and through whom they would be perpetuated to posterity. The danger of frustrating this noble design by the solid settlers selling out their homes to those whose sentiments and aims are antagonistic to the genius which inspired the founders of the commonwealth existing here, was commented upon, as the movement in relation to active and numerous transfers of real estate has a deep and broad significance in that connection. But it is unnecessary

here to repeat what has already been enunciated.

In connection with the real estate furor, the city of Ogden was named as an instance. The allusion was doubtless unfortunate, although it was based on the evidences of the "boom" excitement, which were exceedingly conspicuous, together with statements from persons who claimed to be familiar with the facts, to the effect that transfers of real estate were more or less numerous among some who are presumed to be in sympathy with the genius of this intermountain community in the preservation of political integrity and the maintenance of those principles of liberty of which a mighty effort is being made to deprive us. We are more than pleased to learn, from a source that is undoubtedly correct, that our information in relation to the position of Ogden in respect to this subject was not correct. This is all the more gratifying on account of the interest we have always felt in the enterprising citizens of that town, which has at various times been shown through the medium of these columns, and which is by them doubtless duly appreciated. With our brethren there we are working in a noble cause—the maintenance of truth and freedom—and with them we expect to go on in the good work shoulder to shoulder.

With regard to the principle permeating the article on Land and Liberty we have not one jot nor tittle to recede from, because we conceive it to be correct. If we make mistakes in anything we would prefer it to be in matters of fact rather than principle, because the former class of errors is much less injurious than the latter, and much easier of correction. In this instance the reference to Ogden was simply made by way of illustration. The principle had no local, but a general application.

Exceptions are, as a matter of course, taken by interested parties to the policy we have advocated in relation to real estate transfers. We have advised the people to hold on to their homes. We have no apology to offer for this advocacy of a sound economic and political policy. This advice has reference only to Latter-day Saints. It is for them to take it or do otherwise but when it involves their welfare it shall be tendered without reference to who may object. There is not a sensible, straightforward non-"Mormon" but would, in taking an unprejudiced view of the subject, admit that the position is practically sound. That a ruthless clique of political tricksters are resorting to every possible device to rob the Latter-day Saints of their political rights and reduce them to abject bondage is a notorious fact. If the proposed victims of this unscrupulous gang sell out their realties to those who are not in sympathy with the preservation of their liberty they are giving direct aid to the movement operated for their own enslavement.

It is asserted on the other hand, and with a large degree of truth, that there are many non-"Mormons" who are opposed to the nefarious designs and doings of the self-seekers who are keeping the community in a continuous state of turbulence. This is true. From information we possess it may not be denied. But how few among them have the manhood to act in accordance with their convictions. So soon as they exhibit the slightest disapproval of the operations of the black conspirators, and sympathetic interest in the abused and maltreated "Mormons," the anathemas, denunciations and abuse of the anti-"Mormon" press, whose villainy is bounded by no code of morals known to man are hurled at them. They are dubbed with that most feared of all appellations—"Jack Mormon." The result, nineteen times out of twenty, is that the hapless individual loses his backbone, surrenders to the enemy, and having thus lost his own self respect, joins in with the howling horde, who remind one of a pack of hungry wolves pursuing their prey. This being the case the wise man among those who belongs to the community of supposed prospective victims will be careful to give no aid to a movement seeking his own injury and that of the commonwealth with which his interests are associated.

In this community, however, are non-"Mormons" who have resided for years in this city and other parts of Utah whose course has been noble and consistent. They have taken a deep interest in the material affairs of the Territory, and attended strictly to their own business without interfering with that of others. They have had no sympathy with the religious views of the Latter-day Saints, but their hearts have been moved by a species of sympathy that salmates the heart of every true man for his kind. They have supported most of the good, unsectarian and unpartisan movements that have been instituted, and disregarded the snarls and snaps of the bigoted anti-"Mormon" fanatics, who have finally left them to pursue the even tenor of their way. Such men are worthy of respect, because of their kindly instincts and honorable course. Would there were more of them. They are exceedingly scarce. But men who tower, head and shoulders above their fellows by the possession of the higher constituents of manhood never were very numerous. When matters assume another shape to that which now obtains, many such honorable men of the earth will mingle among the Saints.