DESERET EVENING NEWS: FRIDAY, JANUARY 19, 1900.



(Continued.)

Mr. Roberts-During all this time the " people were not hiding their faith with reference to this der a bushel, by any means. conscientious in tions upon that subject, and pit, through the press, and platform-everywhere they declaration of their bellef in and 1857 John Taylor, one "Mormon" Apostles, was York to publish a paper efend that marriage docublished it under the title He selected his of-OFL. the offices of two of the les of New York City, and, y hegitation whatever, an-bellef in "Mormon" plural

d his readiness to meet all h that question. vou doubtless remember, those years the then chap-United States Senate (Dr. visited Utah for the express intering into a public disf that question, and was met broon Pratt. They argued the for three days in the "Mor-bernacle. Through all these ons were being formed witheference to their concealmarriages of the second the third wife were celebrated ceptions, as marriages ordiare: the anniversaries of the oce also honored, and it was as a proper institution, sancrents, sanctioned by first

Il as by those women who the plural relations. these things to show you there has been a polygamous for so long a time in the States the "Mormon" people are responsible for its continulong a time. The absence o suppress this institution to the contention of the leaders that the act of 1862 ation of their constitutional practice this part of their re-

ast the law of 1862 was supple what was called the Ednse of unlawful cohabitation was fined, and the punishment McPherson-If it will not inter-

would like to ask a questwo there. berts-Certainly.

McPherson-Did your church that it was allowable or that it duty of a man to take plural

Roberts-It taught that it was y of a man. This hair-splitting ition, that it was permissible but not mandatory, I scarcely was the view taken by promimon" leaders.

McPherson-Very well. Was it ing of your church, and have rself taught by your writings orm of a book, that if a man al wives that in the world to a that man had the advantage over ho had but one wife, and if the advantage, what was the

oberts-I don't think I ever adthat idea. McFnerson-I have been told that

our book, "A New Witness for Roberts-I have no recollection

ything like that in it; it does not o plural marriage, as I now re-Littlefield-Is that the proposi-

the church, or how do you Roberts-I must say that so far hat matter is concerned it is new e; I have not heard that view put

read and referred to several times, and I do not see why you should not. It is a public record and has been here before the various committees of the House

Mr. McPerson. Right on that point. It is very difficult for a lawyer to tell when a court will and when a court will not take judicial notice of certain facts, and whether we are acting under the technical rules a court would act under I am not advised; but if it is not annoying to you-and you may do as you see fit about answering me-I would like to ask you this. According

to general repute, you have recently written a book. Whether we would take judicial notice of that book I am not prepared to say-a book entitled, perhaps, "The New Witness for God." Mr. Roberts. Yes.

Mr. McPerson. Did you write that? Mr. Hoberts, Yes, sir. Mr. McPerson, And when? / Mr. Roberts, I forget now. It must

be some three or four years age Mr. McPerson. Within the last three or four years?

Mr. Roberts. Yes, sir. Mr. McPherson-And have you an extra copy of that book in the city with you? Mr. Roberts-I have no copy of that

book, but I shall be pleased to see that a copy is furnished you. I will see that a copy is here in a day or two. Mr. McPherson-I don't know whether we would have a right to consider it or

Mr. Littlefield-He says he is willing we should

Mr. Roberts-Oh, yes: it was pub-lished to be read as widely as possible. Mr. Morris-Are you willing that we shall take that book and consider it? Mr. Roberts-Yes, sir; perfectly, to-gether with the article published in the Era; but in the event of that Era

article being submitted I would like to have all of it submitted. The Chairman-Which article do you mean? Mr. Roberts-I mean the article re-

ferred to several times in testimony and in argument-an article I wrote on the subject of polygamy.

Mr. Littlefield—A reply you made? Mr. Roberts—Yes, sir. The Chairman—A brief article from

the Improvement Era of May, 1898, by John M. Reiner, on "Mormonism," a brief prelude, and then a lengthy let-ter of Mr. John M. Reiner on "Mormonism," and then comment on that by Elder B. H. Roberts. That is now printed with our testimony, marked Exhibit C.

Mr. Roberts-Now, Mr. Chairman, in continuation of the historical sketch I am making of this controversy I call attention to the New York Indepen-

dent, a weekly religious paper published in New York, under date of March 3, 1898. The following question was sub mitted to President Woodruff: "It is "It is alleged that advice which you publicly to the members of the Church to refrain from such plural marriages is not observed." Replying to that

not observed." charge Mr. Woodruff, in that publication, said: In the so-called manifesto to which you refer I said: That, inasmcuh as

laws have been enacted by Congress forbidding plural marriages, which aws have been pronounced as constitutional by the court of last resort. I hereby declare my intention to submit to those laws and to use my influence with the members of the Church

over which I preside to have them do likewise. Continuing, President Woodruff said:

This promise has been faithfully kept, and no one has entered into plural marriage by my permission since the manifesto was issued. There never were aws of such a character and

the discussion that preceded the passuge of that act justify this construc-tion of that provision, provided that polygamous or plural marriage or conditions are hereafter prohibited? Mr. Roberts, I think not, sir. The

language is very specific, and had-I will guarantee that my Rheumatism Mr. Landis. I agree with you; it is Cure will relieve lug Mr. Roberts. And had the point you

bago, sciatica and all now make been in the minds of legislators the term that would rheumatic pains in two or three hours reached it would be "polygamy"and cure in a few "provided that polygamy is forever pro-highted;" but the language was very MUNYON. "plural or polygamous mar express, At all druggists, riages," and if the polygamous or plu 25c, a vial. Guide to Health and mediral marriages were prohibited, of course

days.

gate from Utah in the address he deliv-

cred state that polygamy had not only

any such understanding as that.

of polygamy to be right; and

gamy,

idual instances.

ion in that way.

wanted to answer that.

as a practice, but eradicated as a be-

cal advice free.

1505 Arch st., Phila.

the status could not possibly follow. Mr. Landis. And the dictionary says that marriage is a status ,that marriage is a condition; therefore why cesn't it explicitly say, "provided that olygamous or plural conditions are ereafter prohibited?"

Mr. Roberts. Well, of course, that is natter of interpretation.

Mr. Landis. A necessary construc-tion. I think, following the discussion that preceded the passage of the act, that it will be seen that that construc-

been abandoned as a practice but erad-icated as a belief. ion is justified. Mr. Roberts, I think not, sir. I do not The Chairman. Did not both the Edthink the Congress of the United States munds Act and the Edmunds-Tucker Act define polygamy as the making of undertook to reach beliefs and I do not think the gentleman (Mr. Rawlins) had marriage contract, and not the the state

Mr. Landis. My recollection is that Mr. Rawlins, in the address he deliv. Mr. Roberts. It defined it as marry. ing the second wife or the third, the ered at that time before the House of legal wife being still alive. That is tepresentatives, stated that polygamy roughly its provision. had not only been practically abandoned

"The Chairman. So the word "polyg-amy," so far as it is construed by the statute, means the taking of the unawful wife?

Senator Rawlins. I will state what I did say on that. I stated that when persons were called up for naturaliza-Mr. Littlefield. That is, it received the narrow and restricted construction The Chairman. Exactly, Of course tion before the courts, and when the questions upon that subject were asked I understand that polygamy has had them, that it developed that many peo-ple who had been connected with the church no longer believed the practice I understand that polygamy has not another construction by the Supreme Court, but the word polygamy itself is defined in the United States laws, as well as in your Utah laws, as covering only the act of marrying when there is that statement was based upon facts within my own observation. People would another wife living. ome before the courts for naturaliza-

Mr. Roberts. Yes; and I present the tion, and they would be asked whether they believed in polygamy, and they would state that they did not. These fully selected and used by the House riages" for the future, and that cople came before the courts, after the President's proclamation, and stated that they no longer believed in polycourse would make the status of polygamy in Utah, so far as it would follow gamy, and that was the reference to which I made. I have heard statements from future marriages, nonexistent, Mr. Morris-And your contention is, y many Mormons in the course of an then, that the words of the enabling act examination in court in relation to indilid not cover the future living in the polygamous marriage state? Mr. Landis. I do not remember that Mr. Roberts-Not with wives that had you stated that you formed your conclu-

previously been-

Mr. Morris-Married? Mr. Rawlins. I think that I stated that people had come before the courts Mr. Roberts-No; it did not; not from marriages that had been previously nd had made those statementis; I

contracted. think that was stated. Mr. Roberts. Mr. Chairman, I take Mr. Morris-In other words, that you would not be following either the letter t from the nature of the question of the judge here on my right-Judge Morrisor the spirit of the enabling act by sustaining those polygamous relations with Mr. Morris. My question was simply wives who had already been taken prior rompted by what was said yesterday-Mr. Roberts. I think I understood the

Mr. Roberts-That is not my contentature of your question, sir, and I But in developing my tion. idea to show that my interpretation of the en-Mr. Morris. It was not prompted by abling act was the one understood by any desire to interfere with your arguthe convention, and accepted by it, and ment in any way; I simply referred to acted upon, and afterward accepted by what was said yesterday, and to what the President of the United States when ou had to say about it. Mr. Roberts. Yes; but I take it that he admitted Utah by proclamation, 1 now propose to go into the history of the point in the question would be that the adoption of the clause of the conthe absence of a clause in the enabling stitution that directly met the demand act requiring the disruption of the famof the country. aly relations that come from the plural marriages of the past grew out of the

(At this point the committee ad-journed until tomorrow morning at 10 clock a, m,

Saturday, January 6, 1900.

oven abandoned; that, therefore it was not thought necessary to include such The committee met at 10:30 o'clock a. a provision in the enabling act. But it m., Hon. Robert W. Tayler in the chair. was also universally the practice, that plural marriages had been discontinued Mr. Roberts-Mr. Chairman, at the close of my remarks yesterday I was in the church; and the fact that they that they had been discontinued would considering the question of compact between the State of Utah and the United argue that this clause that is now there States, and had finished my discussion of the demands made by the United States upon the State of Utah with reference to the subject of polygamy, and had shown that the constitutional convention for the State of Utah had, by an ordinance irrevocable, without consent of the United States, adopted the language of the enabling act. I shall now, however, proceed to show that the Constitutional convention did more than that; and in doing so I quote the proceedings of the convention from the official report of the proceedings of that convention. The discussion covers that official report from page 1736 to page 1750. After the adoption of the language of the enabling act in the ordinance a fear was expressed on the part of some members of the convention that that would not be regarded as meeting the requirements of the country with regard to polygamy; and Mr. Varian, who, by the way, was the last United States district attorney for the Territory of Utah, and a lawyer ability, introduced a resolution which read as follows, or rather he said: I offer an amendment to section 2, to insert at the end of section 2 the following-By the way, section 2 of the Constitution was the section that made all the laws of the Territory operative in the State until they should expire by their own limitations. It was the gen eral provision that transferred all the Terriorial laws into the State. Mr. Littlefield-Continued them in

Little Pimples Turn to Cancer.

Cancer often results from an impurity in the blood, inherited from generations back. Few people are entirely free from some taint in the blood. and it is impossible to tell when it will preak out in the form of dreaded Canter. What has appeared to be a mere

steadily worse, I de-cided to try 8, 8, 8, which was so strongly recommended. The first ottle produced an imrovement. I continued the medicine, and in four months the last lit-VIX NY tle seab dropped off. Ten years have slapsed,

Gillsburg, Miss. It is dangerous to experiment with S.S.S. The Blood

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so far as their operation is concerned within this State. There was passed in ject. That act defines and provides penalties for the specific offenses, polygainy, unlawful cohabitation, adultery incest, and fornication. Now, that law, I apprehend, is not in force in Utah today, and the reason is that Congress entered upon that field of legislation and covered the whole subject-matter. There was nothing left for the Territorial legislature to act upon. That be-ing so, it is not included in this provis-

that is, that the courts would under-take to execute it without further legislation upon the subject. This act of the Territorial legislature enters a field that was already occupied, and as long as the Congress had occupied that field of course nothing was left for the Territorial legislature to act upon, and I desire that there shall be nothing thrown in the way of the approval of this Constitution by those in author-ity at Washington. I make this suggestion to this convention for their con-sideration: Whether or not it will not be wise, having in mind the conditions and circumstances attendant upon the passage of this Enabling Act, and the difficulties that theretofore had existed in bringing to a conclusion a long and laborious struggle, to in terms adopt and enact this first section relating to this particular offense already enacted by the Territorial legislature

believe that this people intends this in good faith, and therefore I believe that they will ratify this action here today. Mr. Evans. I would like to ask a mestion. Suppose the act of 1892 were validi

Mr. Varian. If the law were valid I should not then introduce-Mr. Evans, Wouldn't it then repeal everything except the polygamy? Mr. Varian. If the law were valid it might repeal by implication, although repeals by implication are not favored. The roll was called on the adoption of Varian's amendment, and the

amendment was adopted. I call attention to this discussion and the introduction of this resolution, that finally carried, to show you that the Constitutional Convention for the State of Utah plainly understood that the language of the Enabling Act, saying that there should be perfect toleration of religious sentiment, provided that "polygamy or plural marriages are for-ever prohibited," was understood by whole convention to go to the subfeet of future marriages only, and did not intend to disrupt existing relations. And this gentleman, Mr. Varian, in troduced this resolution to in an efectual way stop plural marriages for the future, and the part of the law that would tend to disrupt the relations of the past was knowingly, purposely, and publicly omitted from the provision that was meant to meet the demands of the United States on the part of the people of Utah.

That Constitutional Convention room was crowded. The discussions were ublic, and a stenographer of great skill had been employed, that the debates might be published and help in the inerpretation of the Constitution in the future. And I make this point especialy emphatic, because I think it meets he point that was submitted to me late esterday afternoon by a member of the ommittee (Mr. Landis), and it clearly shows that that was the view the conention took.

Mr. Landis. Who represented the United States before that convention? Mr. Roberts. Nobody represented the United States. We regarded the United States represented, so far as its de-mands were concerned, in the Enabling Act that was before us, and we

were operating under that. Mr. Landis. Was this discussion ever rought to the attention of Congress? Was this stenographic report of the dis-cussion ever brought to Congress before the proclamation of the President? Mr. Roberts. I can not say as to that. It was quite fully published in the pa-pers at the time, and it was afterwards no precedent for. We are confronted here with this condition: The enabling ublished in the official report from which I have been quoting. I can not say that anyone particularly brought it to the attention of the President or Congress, but if those who had been watching over this question and de-sired to see that the people of Utah met the demands of the country ever act tells that we must (and I presum means in an effective way) declare for ever against polygamy and plural mar-riages. We ought to do it in such good faith that there would be no question about it. If two years hence, or four years hence, the Legislature desires to nade any objection to this settlement do anything else it can do it. of the question, as foreshadowed here n this discussion, then I do not know Constitution is adopted and Utah is admitted as a State, the people can revise or call a convention, and make a new it. Certainly they had ample oppor-tunity to do it if the settlement of the constitution within a year or two, us go as the sovereign States went

question was not satisfactory. Mr. Freer. Your idea was that all that Congress demanded was simply Every one of them had statutes. They had provisions in regard to slavery the prohibition of plural marriages? Mr. Roberts. Yes, sir. Mr. McPherson. Did those proceedthat there should be no more slavery or involuntary servitude. It was finally enacted in the Constitution of the United States, and other provisions; and ngs become a public document for disribution?

Mr. Roberts. Yes, sir. Mr. Landis. Your understanding was hat all Congress demanded was the prohibition of the ceremony of plural narriage

call attention to the fact that this act on the part of the Constitutional Con-vention was straightforward and con-But let us fix it so that the all right." But let us fix it so that the Presiden of the United States, at least, cannot rention was straightforward and honobstinate way, say, "It does no in his

Mr. Littlefield. What construction Mr. Littlefield. What construction have the courts of Utah, since the adoption of the Constitution and the admission of the State plead upon the does not want any more silver Conadmission of the State, placed upon gressmen. You know he has peculiar those provisions of the statute? Have ways.



COME MONTHS AGO OUR BABY'S HEAD GOT SORE We took D him to the doctor, who pronounced it poison and gave us somo medicine

which did no good. His head got so bad he would cry all night, and my wife could sleep none, and began to look ghostly. His head got so sore that we put a night cap on him, and folded a white cloth four thicknesses inside of it, and just through the night a kind of matter would core out from his head, soaked through the cloth and cap and on to the pillow. The top and back of his head was almost a solid sore, and looked so badly that words would not describe it. Almost in despair I told my wife I had seen CUTICURA REMEDIES advertised and recommended very highly and I was going to try them. I bought the CUTICURA RESOLVENT, CUTICURA SOAP, and CUTICURA Ointment. We gave him half of the Resolvent, used part of the cake of Soap, and before we had used the second box of CUTICURA Ointment he commenced to get better, and is now as well and hearty as anybody's boy. He is as merry as a lark, sleeps soundly all night, and his hair looks glossy, thick, and soft. while my wife looks like a different woman, I look at him and think I owe it to you and to suffering mankind to write and tell you of this almost wonderful care.



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passing it? Are we at this time in the French Nougat at Kolliz. convention going to say that it is legis-lation? It is on a theme that we have Beecham's Pills-No equal for Consti-

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view It, by our declaration in the sched-Referring, of course, to the general laws that were made operative in the State by the general provision of the schedulesought to be amended, that all laws

of the Territory of Utah now in force shall be continued in force. The morment this State enters into the Union all congressional acts of this kind fail, 1892, by the Legislature of the Territory, an act substantially-indeed, I may say literally-in accord with it or followng the act of Congress upon this sub-

on of section 2, and if it is desired that there shall be a compliance with the intent of the act of Congress, and with the understanding everywhere, in spir-it as well as in letter, it will be neces-

sary for this convention to make some positive declaration addding the force of law which would be self?executing;



and not a sign of the disease has returned." R. F. WILLIAMS.

Cancer. The disease is beyond the skill of physicians. S. S. S. is the only cure because it is the only remedy which goes deep enough to reach Cancer.

to return to what I was saying re interruption. With the passage the Edmunds law in 1882 a very vigs prosecution was instituted mat the offense of polygamous liv-unlawful cohabitation. The secan ministers who had come among and whose arguments had not con ced us-and I don't know that they used any persuasion, if they did I r witnessed it, although I heard at deal of abuse, misreprest atation uperation. I heard the men that noted among us derided and ed-I heard plenty of that-but on't remember that they ever tried rsuade us that we were wrong their arguments were not suffibecause as religious people they ly based their arguments upon the ures, and the Scriptures-Littlefield. From your stand-

argued the other way.

r. Roberts. (Continuing.) Were er against them. Now, the vigorous ution that arose after 1882 was ed very much like this presen fomented throughout the ed States. The country was told ur plural marriage system was not reasoned with, but to be stamped of existence by force; and conse-tly Congress, under the whip and of popular clamor, enacted the of 1882 and provided special funds ts vigorous enforcement. Shortly the passage of this law there com Shortly ed what was generally known as -polygamy raid. Families wer oted; men were driven into exile spelled to submit to the most un-

eatment under prosecution. the law defining unlawful co tion the offense was held by the cutors to be a continuous one, and was allowable to divide the time gh which it continued into as fragments as the prosecution consider proper. It was held he misdemeanor of urlawful cocould be made a separate every day, every week, every , or every fraction of a day for hatter, and that a separate count fragment of time, and there for nd to the punishment that inflicted under that arrangen were indicted on a number in that way, and some mpathy with the prosecu d that they could make the ent for this misdemeanor n's entire life. The result of we had a reign of terror in was during that time that to exile. The imprisonment of men took place, and the vas terrorized.

ist of those trying time they had continued through or ten years, the good, old stood at the head of the liford Woodruff-much exerseeing his people thus dis-njustly prosecuted under these owed most relentlessly by their (and the heaviest punishment nment, but the torture inconvenience and exile, fell the men, but upon the women iren who were involved in the and greater evils threatening circumstances Wilfor diff sought his God in prayer, his peing torn, I say, by grief, and view his people presented under onditions-he sought his God in very frequently a matter of deon the port of many of the secpriests who came to Utah to re-Mormon' heathendom." But ev-e man, I take it, who has in any oif felt responsible for the anguish with which the hear ident Woodruff was rent. He aid in praver, with the result, laimed, that he had received an ation and permission from God I a halt on this question. He met temands of the country with refer-to it, and in the month of Septem issued what was called the manifesto. Now, I don't kr it will be objected to if I sub-The Chairman. It has already been

tions which had existed over half a century so closely observed as those relatng to plural marriages have been. But cannot say that everyone who was lving in plural marriage before the isuance of the manifesto has since then strictly refrained from such associa-

The Chairman-What was the occaon of his saying that?

Mr. Roberts-The occasion was that the New York Independent was pubishing a symposium of letters from Utah sectarian ministers upon the sub ject of the revival of polygamy in Utah, as it was called, and among inquiries that were submitted was this one to Mr. Wilford Woodruff, to which he made The offlthis answer I have just read. cial announcement of the Mormon Church that it would discontinue plural marriages and observe the laws enacted by the United States with reference to that subject laid the foundation for 'the people of Utah to abandon their local controversies and come together and se-

oure Statebood for Utah. In the summer of 1894, in July, as I remember it, the enabling act was passed by Congress and the people of Itah were authorized to form a Constitution. In that enabling act it was said, with reference to polygamy: "Said convention shall provide by ordinance irrevocably without the consent of the Inited States and the people of said State, first, that perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode religious worship: Provided, That polygamous or plural marriages are forever prohibited. That is the language of the enabling

act; and that was the demand, and the only demand, that was made by the Congress of the United States upon the people of Utah with reference to that Mr. Morris-At the time of that act. Mr. Roberts, was it understood that

these polygamous relations had been discontinued? Roberts-Substantially so; yes, Mr. I think that was the understandsir.

ing. Mr. Morris-The understanding was that these polygamous relations had seen discontinued and not only the holding of these women as wives, but also living in unlawful relations with them? Mr. Roberts-That was the general status of the case: that was the understanding. Mr. Morris-Was it not understood

that the people universally throughout that Territory had accepted that as their belief? Mr. Roberts-No, sir; I do not know

that there was any understanding upon that particular point upon the part of the people, but as a matter of fact-Mr. Morris-Reference was made here resterday, you will remember, to a statement made by the head of

Church, Mr. Woodruff, that he under-stood the proclamation to apply not only to the taking of wives, but also to the living with those women who had already been taken as wives.

Mr. Roberts, Yes, sir: that explana-tion was published and generally understood to be the explanation of the President, I think, upon the main facts. Mr. Morris. Was it understood that

at the time this act was passed the people of Utah were living in compliance th that act?

Mr. Roberts. I do not understand that that was universally the case, but I think it was quite generally the case. I take it, sir, that the Congress of the United States is composed of reason. able men, who have some knowledge, of course, of human nature, and that the existence of an institution that had covered more than half a century in the lifetime of a State-that you could not hope, since the relationship, as to its rightfulness, was embedded in the convictions of the people-you could not hope that there would be an absolute and universal abandonment of thoes relations; but it was generally understood that the manifesto reached these relations, and I have some remarks to submit on that presently, when we get fur-

ther along. Mr. Landis. Did not then the Dele-

prohibiting plural or polygamous mar-rlages should not be there. But it is there, and the other is absent: elleve it is absent for the reason that there was no requisition that morality, or that religion, or that any other con. deration of righteousness would make, that would fustify anybody in pressing too hard upon the people who were involved in those relations.

general belief that those relations had

A statement was made here this morning with reference to the subject of compact, to determine what that compact is. The logical course to pursue is to go to the compact, and these are the terms of it, so far as the de-mands of the United States are concerned, namely: " Said convention" (meaning the Utah State constitutional onvention) "shall provide an ordinance, rrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and that no inhabitant shall ever be molested in person or property on ac-count of his or her mode of religious worship: Provided, That polygamous or plural marriages are forever prohib-ited." I take it, sir, that the great con-

cern of Congress upon this subject was that the fountain of the supposed evil should be dried up. That was the principal thing, and the streams that flowed from it would of course dry up of them. selves in a very short length of time, The then existing polygamous relations concerned people who were already at least in middle life, or aged, and there was no disposition, so far as appears on the part of the legislators in Congress to work so great a hardship upon the people who had already sacrificed so much in the interest of submitting to the demands of the country upon so grave a question.

Now these were the terms of the ompact on one side. What were the terms on the other side? How were the demands of the people of the Unit-ed States met by the people of Utah? Why, so far as it was possible, the lan-guage in ordinance of the Constitution followed the language of the Enabling Act. It said: The following ordinance shall be irrepealable without the consent of the United States and of the people of this State. First, that there shall be perfect toleration of religious senti-

ment, and no peron shall be molested on account of his religion-I am quoting the substance only--"provided," and now I quote the exact language, "that polygamous marriages are for-ever prohibited." That is the ordiever prohibited." That is the ordi-nance in the Utah Constitution, and and that was adopted early in the labors of he convention.

Mr. McPherson. Right there let me ask a question. Do I understand your position to be that it was the policy of his government to then and there stop polygamous marriages, but that polygmous cohabitation should continue until the parties should die off? Mr. Roberts. The silence on the ex-

isting relations so far as any demand is concerned, I think, sir, indicates that.

Mr. Littlefield. That is, that practically put in the Constitution the first clause of the Edmunds act against polygamy, but did not put in the other. Mr. Roberts. I am coming to that. I have not yet finished the full state-

ment of this subject. Mr. Landis. Then you interpret polygamy or plural marriages as being future polygamous or plural marriages

Roberts. Yes, sir, Landis. Then your interpreta-Mr. Mr. tion is that a marriage is a ceremony? Mr. Roberts. Yes, sir: of course followed by the relations of marriage. Mr. Landis. You do not think that the discussion that preceded the passage of that Enabling Act would justi-fy the technical definition of marriage being a state or condition, which is the definition given by the dictionary? Mr. Roberts. I do not know that I understand the point of your question. Mr. Landis. The dictionary states that marriage is a state, that it is a condition

Mr. Roberts. Yes. Mr. Landis. Now, this provision in the Enabling Act is to the effect that polygamous or plural marriages are hereafter prohitbted. Mr. Roberts. Yes, sir. Mr. Landis. In other words, does :

operation? Mr. Roberts-Continued them in operation until limited by their expiration. Mr. Varian offered this amendment, then, to that general clause. He moved that this be added at the end:

The act of the governor and legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in-

force in the State of Utah. I think I ought to explain that the Territory of Utah in 1892, by this act here referred to, paralleled the enact ment of Congress upon that subject; that is, it defined polygamy, and it also defined unlawful cohabintation, and provided penalties for each, the penalties in both cases being the same those prescribed by the United States law, with the exception that it did not continue the political disquali fying provisions of the Edmunds law The part of the law defining polygamy of course, went to the act of marriage only-the unlawful marriage, while the clause in reference to unlawful cohabitation had reference to polygamous living after the unlawful marriage had been contracted. So that this resolu-tion, you will see, took that part which related to polygamy only, or rather to polygamous or plural marriages only, and proposed to make it operative in the State of Utah.

I shall read part of Mr. Varian's remarks when introducing that resolu-tion, as they appear in the report of the debntes:

I desire to give a reason for this amendment, which I am impressed is a strong one. The enabling act requires the convention to provide, by irrevocable ordinance, that polygamous or plural marriages are for ever prohibited. In the ordiance adopted by this convention that declaration is made: "The following ordinance will be irrevocable without the consent of be irrevocable without the consent of the United States and the people of this State." First, among other things, polygamous or plural marriages are for ever prohibited. Now, while this is strictly in accord with the act of Congress, it is not in accord fully with the spirit of that act; because it must be confessed, I think, that it was the intention of the people of the United States assembled in Congress that a prohibition in fact as well as by words should be evidenced by the organic law should be evidenced by the organic and of this State. Of course, the declara-tion that we have already adopted in the ordinance is not self-executing. It emounts to nothing except, like one of

the Ten Commandments, it might have the effect of a moral law upon the minds and consciences of those who look upon the Constitution as a guidYou will observe, gentlemen, that Mr. Varian held that the law of the legislature of 1892 was invalid, and hence would not be made operative by the general provision that transferred the

Territorial laws into the State, In the course of his argument Mr. Varian called attention to this, I remember also. He put the question when there were others who opposed his view. He put this question: Sup-pose this Territorial law had prescribed different punishment for those crimes than had been fixed by the national legislation, "which," he asked "would prevail?" Offering the resolution named was an effort on his part to avoid what he conceived to be a diffi culty by taking this first part of the law that concerned polygamy only and make it operative by adopting it in the Constitution itself. As soon as he

undertook to do that there were some signs of dissent in the convention, that made itself manifest by some questions that were put to him with reference to the scope and effect of his proposed amendment.

Thurman arose at the conclusion of Mr. Varian's speech, and said:

I desire to ask, Mr. Varian, if the amendment you propose would not en-act a great deal more than Congress requires of us in the Enabling Act? Mr. Varian. In what way?

Mr. Varian. In what way? Mr. Thurman. Well, if I remember that act, it goes into detail. Well, but the amend-

Mr. Varian. Well, but the amend-ment confines it to that particular mat-It does not touch the other offenses mentioned in this act at all. It does not touch cohabitation, nor adultery, nor incest, nor fornication.

You see, he clearly understood his resolution to be limited to that part of he Territorial act that went to the subject of plural or polygamous marriages only. Later on in the discussion, the question was again pro-pounded to him. A Mr. Evans spoke, He was a member of the convention, a lawyer-and, by the way, both Mr Varian and Mr. Evans were Gentile lawyers. Mr. Evans had been a mem-ber of the Territorial legislature in 1892, and had engineered through th legislature this particular act of 1892 and he held, in opposition to the views of Mr. Varian, that this law would be operative in the State, under the general provisions of the schedule bring-ing the laws of the Territory into the In the course of the contention Mr. Evans said:

I would like to ask you (Mr. Varian) a question. The gentleman will agree with me that your amendment will re-peal the other kindred offenses in that

Mr. Varian. No: there is nothing to repeal. If you want the other kindred offenses, my answer is, prohibit them by law under penalties. Your legislature that meets in March next must enact a law. I do not enter upon that subject, because I am not meeting that issue. I am simply meeting the issue which is tendered here, as I think, to carry out in spirit the act of Congress and the will of the people of the United States, so that no stumbling blocks may be thrown in the way of this onward march toward statehood; and I agree with my friend from Davis (Mr. Rot erts). I do not put it upon the grounds that were stated here this morning. I 20 not like a sneak.

I shall have occasion later on to refer to that remark, but I continue now to read from this record:

entertained prosecutions for unnearly awful cohshitation'

Mr. Roberts. The question has not come up on unlawful cohabitation; but the clause in the Territorial act which lefined unlawful cohabitation also defined and provided punishment for adultery and incest. There was a case that came up from the northern part of the Territory in 1897, and the courts uled upon that question in 1898-I think word. on the 4th day of April, 1898. I think the case was the State vs Norman. 1 was coming to that later, but since you have asked the question, I will say that is disobeyed, can be inflicted. that case came up, and the courts held that the law of 1892 was a valid law in

Mr. Littlefield. Continued in force by virtue of the provisions of the Constilowing

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You

is a bitter anti-"Mormon."

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with the United States.

(Mr. Goodwin.)

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onal convention to carry ou

and that it was not a re

(To be Continued.)

PERMANENTLY CURED

Meet me at Kolltz Saturday.

gentleman from Salt Lake this

And, sir.

Mr. Roberts-Yes, sir. Mr. Littlefield-Contrary to the view taken by Mr. Varian?

Mr. Roberts-Yes, sir. Although the ourt was divided on that subject, I hold that the only insincerity manifested in that settlement of the polygamy question-and the members of the Constitutional Convention were really in-vited to subterfuge and deception-is the insincerity manifested in a speech that I want to read. This is the speech of Judge Goodwin in the convention on the subject in hand.

Mr. President, Mr. Evans says it would be an unusual proceedingthat is, to adopt this Territorial enactment into the Constitution-

what was said in response to that. That speech was made in the forenoon and probably it would, but the circum-In the afternoon of the same day, stances are unusual. This has never confronted any other Territory when Roberts, of Davis county, made the Howing remarks. This is from page applying for Statehood, and the point in it is this, when Mr. Thurman the 1744 of the record: Mr. Roberts. Mr. President, I am in other day thought that the article in the ordinance was not sufficient, that it ought to be strengthened, I was in favor of adopting the amendment of fored by the gentleman from Salt Lak I think, sir, that it should preval First, and principally, that it shoul hopes that his idea would be carried out by the convention solely as an evidence of good faith. It won't make any difappear ference in the future. There is no State where the laws are enforced against the sentiment of the people. Now, if public soever that, in absolute good faith, th people of Utah intend to carry out condition upon which statehood is the granted to the Territory; for Con sentiment of the people of this Territory gress did require, by its Enabling Act an express stipulation upon this sub is that the ordinance shall be backed by legislation which shall make penalties lect, and I believe its intenti and enforce them, that will be done. If have a declaration that would be fective and not merely an empty sertion. I think a provision of a change should come, and the sentiment should be that it was nobody's business, we will do what we please, that will be the rule. The question that character is absolutely necessary to confronts us is just this: We know that almost every church organized outside of Utah in the United States will scan document we are drafting, in establish beyond all question the fa that we intend to carry out to the this Constitution; they will study it with a disposition to, if possible, find some fault in it. Now, when they do ter our agreement as expressed in comp; sir, I do not think that this amendme that, and there is merely a declaration that there will be no more polygamy, should be adopted by this conventi-in the spirit in which it was discuss they will simply laugh. They will say, "Those people have simply made a declaration and have provided no means on earth to enforce it." It is not what morning One of the reasons urged for having a stenographic report of these debates as I understand it, was for the purpos is to be after Statehood is obtained, but it is, how to obtain Statehood. For in-stance, the President of the United of assisting those who will interprethe Constitution in understanding what the intent of the convention was that States is, I am told, a member of the framed the Constitution.

Presbyterian church. I think he is a little lax [laughter], but no matter. He may have fixed it we adopt this amendment in the spir in which that gentleman those who interpret the Constitution the light of what was said upon t all right with his own soul. He profess. es to be a Presbyterian. He has a great various propositions would be led many Presbyterian friends. He is a lawyer. He construes things exactly as conclud adopted by the convention with would construe them when he has the capacity to. [Laughter.] Now, when this Constitution is carried up to him we will suppose a case; we will suppose real intention to have it put in for but merely for the purpose om the eyes of the President in the same election by which this Con-stitution is approved, there should be Inited nstrument, and his counselors, and Republican officers elected all over this State. He not only will have the Pres-byterian church behind him, but he will silence raised against it on arian have every Democratic office holder in Washington and all through the coun-States. lice da: try telling him that there is a point where he can afford to delay. It won' that provision with good intent. Point nake a bit of difference to Utah what

s in this Constitution in regard to that particular matter. The idea is to have omething to present to the Pre which he and his friends can find no flaw in; that is, that the enabling act ident has not only been carried out in the letter, but the means have been provided enforce its mandate.

I had intended to offer and try to arminds and consciences of those who look upon the Constitution as a guid-ing instrument for their lives. Nor have we accomplished the purpose, as I that was not done in good faith, but 1

Once or twice he has pro Bignature of Charty Teitcher neutralized the law, and who

eight or ten of his constituents ground kim and tell him he ought do it, then he takes it upon himself *********************** think that he was raised up by God A mighty to be the savior of the Unite No Matter How States, and when a man gets in that frame of mind there is no telling what he will do. Let us fix it so that neither he nor his friends can criticise on Your Tastes Run It will make no difference t Utah. Let us act in absolute good faith so far as our words are concerned, and have it fixed so that a penalty, if that We can sult them in the Cigar line. So many men have differ- .

The man who made that speech was Judge Goodwin, the man who started ent tastes-that is, like different brands of cigars-we see to it ticular storm that has been fol-In my wake during the n'months. that their particular kind is here -hence the assortment to choose The Chairman. As long as it stays from is large. We've strong cl-gars and mild cigars-we've Imin your wake it will not disturb you. Mr. Roberts. No. sir; I think my ported clgars and Key West clhave been educated in such gars, and Domestic cigars-for those who like them-but you'll ichool that I am not easily perturbed might, perhaps, hav expected

find all our cigars in one condisome hair-brained, wild, fanatical, de celtful, hypocritical "Mormon" to have tion-just the condition you like made a speech of the description I have just read; but this speech was to have them-not too dry-not too fresh-just fresh enough to retain all the original flavor. made by a Gentlle, a judge, the editor of the Salt Lake Tribune, who was and been for over twenty years; and it was F. C. SCHRAMM, the only invitation. I am thankful to say, that was tendered to that convention to act in that deceltful manner. Now, Mr. Chairman, I want to read

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