

DISCOURSE

DELIVERED BY

APOSTLE LORENZO SNOW,

In Brigham City Tabernacle, on Sunday, previous to his sentence by Judge Powers in the First District Court.

REPORTED BY JOHN BURROWS.

I am thankful for the opportunity of addressing this large audience, most of whom I recognize as my intimate friends and associates, for whose spiritual, moral, and intellectual advancement, and temporal prosperity, I have labored diligently through a period of over thirty years, ever since the establishment of its first dwelling or hamlet.

This, I presume, will prove my last opportunity, for some length of time for addressing you, being now under bonds of six thousand dollars, to appear next Saturday, the 10th inst., at Ogden, to receive sentence for cohabitation with my wives—having been pronounced guilty for the same offense, under three indictments. Undoubtedly my sentence will embrace the extreme limit the law allows—eighteen months imprisonment, nine hundred dollars fine, with costs of prosecution added.

I do not now propose to enter into details respecting the three trials under those indictments, resulting in verdicts of guilty, without one particle of evidence by which to justify such verdicts—the very singular and extraordinary charge to the jury by Judge Powers—the urgent appeal of the Prosecuting Attorney, for the jury to assist in convicting the defendant—the eloquent and forcible arguments of my counsel—the intense anxiety of Judge Powers and the prosecution to impress the jury that it was their imperative duty to convict the defendant, as (in the language of the attorney), "He was a high official in the Mormon Church, and therefore it was expedient in the warfare against that Church, that he should be made a victim." All these matters and proceedings will be recorded, and published to the world; they will be preserved and handed down as items of history for the consideration and judgment of future generations.

In passing, I will observe, however, that in the progress of my trial, and in the outcome, this FACT was demonstrated—it is needless for a Latter-day Saint, occupying any position of prominence, and living his religion, to expect justice in the tribunals of this once boasted land of civil rights and religious liberty; but now, under the blighting, merciless influence of religious bigotry and sectarian fanaticism of an apostate Christianity. It is even better to look for justice in courts under the ruling powers of a moral and honest infidelity.

I was pronounced guilty of violating the Edmunds law. Previous, however, to its enactment, my wives (except the one with whom I was living) having passed the period of maternity, by mutual consent, we were living in accordance with the requirements of that law, and this, too, without violating any principle or object embraced in the law of celestial marriage.

To "multiply," was the first commandment given to our first parents. Purity in matrimonial intercourse, I always believed, should accompany that command, and I have always endeavored to observe faithfully its practice. I married because it was commanded of God, and commenced in plural marriage. I contracted marriage with four women about the same time, and with a mutual understanding with each that they were to be equal—neither was to take or assume the status of a first or legal wife. Two of them were united to me in the sacred bonds of matrimony at one and the same time, by the same ceremony. The other two shortly after, also at one and the same time, and in like manner.

Of all the witnesses introduced by the prosecution, the testimony of each tended directly to establish my innocence. The Prosecuting Attorney, when addressing the jury, said: "This case of a prominent leader of the Mormon Church is under investigation—he is one of the most scholarly and brightest lights, and we require your encouragement and assistance. The eyes of the nation are now upon you, and as loyal citizens, from you a verdict of guilty will be expected; and if you heed this appeal, I can assure you, and predict emphatically, if the defendant, Mr. Snow, with a few other Mormon leaders can be secured, it will not be long before a new revelation will follow, calling for a change in the law of patriarchal marriage."

Last year one thousand sectarian ministers petitioned Congress to legislate more severely against the "Mormons," and punish them with greater cruelty; and this has been the cry and watchword of priest and people throughout the length and breadth of our unhappy country, arousing and fostering a popular feeling and sentiment that it would be right, and doing the will of God, to overthrow and destroy this kingdom which the Prophet Daniel foresaw, and which God has now established.

For many years past, my heart and feelings have been devoted to the promotion of your interests—your welfare and happiness; with what success, you, my friends, are the proper judges. I shall soon depart from your presence, and submit myself to the officers of the law, and whether I may be permitted again to address you from this stand, I cannot say—a matter, however, about which none need have the least anxiety.

I go to prison with the full assurance that I can serve God and His purposes—magnify my calling, and prove to the world, my faith and sincerity in the principles I have taught, during fifty years, among many nations—that Jesus is the Son of God—that He has revealed His Priesthood, and the fullness of the ancient Gospel, and established His Church by revelation.

When I received the Apostleship, I well remember saying to my brethren, who were present, that very possibly the same sacrifices would be required of the modern Apostles as were experienced by the Apostles anciently, including their persecutions and martyrdoms. I said, in receiving this sacred calling, I felt as though it were ascending an altar where, perhaps, life itself would be offered. The Lord has said: "I have decreed in my heart that I will prove you in all things, whether you will abide in my Covenant even unto death; for, if ye will not abide in my Covenant, ye are not worthy of me." Seriously considering all this, I asked myself: Am I willing to accept these conditions—to so deny myself and suffer for the glory of God, and to honor and magnify this Apostleship?

God is now feeling after us, and will disclose our secret thoughts. It would be well to purify and prepare ourselves, and in the language of the Psalmist, call upon God, saying, "Search me, O God, and know my heart; try me, and know my thoughts; and see if there be any wicked way in me, and lead me in the way everlasting."

If we succeed in passing through the approaching fiery ordeals with our fidelity and integrity unimpeached, we may expect at the close of our trials, a great and mighty outpouring of the Spirit and power of God—a great endowment upon all who shall have remained true to their covenants. We must be more eager to cultivate friendly relations with our neighbors, together with love and affection for our wives and children that peace may dwell in our households, and confidence in the midst of the people.

"Fifty millions of people" are said to be calling loudly for the extermination of the "Mormons." If it be a FACT that our religion is divine, established of God, there is no cause for alarm, nor even anxiety or uneasiness. Tens of thousands, through obedience to the sacred Gospel, know it to be true—a FACT, by immediate revelation to themselves. Therefore, these "Fifty millions of people," are not fighting the "Mormons," or their religion, but they are fighting God and His purposes.

Israel, on the banks of the Red Sea, were God's people—a FACT perfectly known to Moses; and he knew, also, what were the purposes of God concerning them. Hence, there was no occasion for alarm or anxiety in view of the overwhelming forces of Pharaoh's army, threatening immediate annihilation. God's eye was upon Israel—they were there by His direction—a FACT—a revealed FACT, known to Moses and Aaron, and doubtless to many others, by direct communication from God. It is true, they were placed in a frightful situation—naturally, a hopeless one, from which no human power or ability could extricate them.

Israel was there, not from choice, but by the command of God; and He had arranged His own program; yet Pharaoh with his armed hosts, sought to thwart His purposes, and in the end was overthrown and destroyed; and the result of this ignorance and folly stands recorded on the page of history as a lesson to all generations.

God established the Church of Jesus Christ of Latter-day Saints, by direct revelation: this is a FACT, clearly and distinctly revealed to thousands. The so-called "Mormon" people, in these valleys, are the acknowledged people of God, and are here, not by their own choice, but by immediate command of God. The work and management is the Lord's—not the people's—they do His bidding, and He, alone, is responsible for the result.

We have no occasion for fear or cause for trembling—the purpose of God will be accomplished—what life has recommenced will be consummated through the combined armies of the earth should rise up and oppose. It is a FACT that God has spoken, and called latter-day Israel from among the nations, and planted them in these valleys; therefore this work is His, and although He may lead us as He did Israel of old, into seemingly desperate situations, requiring serious sacrifices—the despoiling of homes—lucration in prison, and even jeopardizing our very existence; and yet, it will be but for a moment, as it were, and then those trials will terminate as did Job's, in an increase of possessions; and as ancient Israel's, in a kingdom and country—honor, glory and dominion.

Some of our brethren have queried whether hereafter, they could feel themselves worthy of full fellowship with Prophets and Saints of old, who endured trials and persecutions; and with Saints of our own times who suffered in Kirtland, in Missouri and Illinois. The brethren referred to have expressed regrets that they had not been associated in those scenes of suffering. If any of these are present, I will say, for the consolation of such, you have to wait but a short time and you will have similar opportunities, to your heart's content. You and I cannot be made perfect except through suffering; Jesus could not. In His prayer and agony in the Garden of Gethsemane, He foreshadowed the purifying process necessary in the lives of those whose ambition prompts them to secure the glory of a celestial kingdom. None should

try to escape by resorting to any compromising measures.

All who journey, soon or late,
Must come within the garden gate,
And kneel alone, in darkness there,
And battle hard, yet not despair.

It is now proposed to enact laws to govern the "Mormons" in Utah, similar to those passed in Idaho to afflict our people, viz: "Whoever claims membership in a church or organization, teaching or practicing the principles of Patriarchal Marriage, shall be deprived the right to vote or hold office." Thus we understand the time is at hand when, whosoever admits he is a Latter-day Saint, must feel the oppressive grasp of persecution. How many now here, are ready—having oil in their vessels, and lamps trimmed, and prepared for coming events?

I am not sorry, nor do I regret on account of the near approach of these fiery ordeals; the Church, no doubt, needs purifying—we have hypocrites among us—milk-and-water Saints—those professing to be Saints, but doing nothing to render themselves worthy of membership; and too many of us have been pursuing worldly gains, rather than spiritual improvements—have not sought the things of God with that earnestness which becomes our profession. Trials and afflictions will cause our hearts to turn towards our Father who has so marvelously wrought out our redemption and deliverance from Babylon.

I wish to offer a word of caution to my brethren that you may beware, and commit no grave errors when brought into positions of trial and temptation. Some, unfortunately, have disregarded this injunction, and have imprinted a stain upon their character, and a blot upon their record which cannot be erased in time—perhaps not in eternity. These are fearful mistakes. Better suffer a thousand deaths than succumb to the force of persecution by promising to discard a single principle which God has revealed for our glory and exaltation. Our character, as Latter-day Saints, should be preserved inviolate, at whatever cost or sacrifice. Character, approved of God is worth securing, even at the expense of a life-time of constant self-denial.

While thus living we may look forward far away into the spirit-land, with full assurance that, when reaching that happy clime, we shall be crowned with the sons and daughters of God, and possess the wealth and glory of a Celestial kingdom.

Apostle Paul in his time, taught the Saints to have the same mind in them as was in Christ Jesus, who, finding Himself in the form of God, thought it not robbery to be equal with God. Apostle John, on the same subject says, "When Jesus appears we shall be like Him." Every one that hath this hope in him, purifieth himself even as God is pure.

As man now is, God once was—even the babe of Bethlehem, advancing to childhood—thence to boyhood, manhood, then to the Godhead. This, then, is the "mark of the prize of man's high calling in Christ Jesus."

We are the offspring of God, begotten by Him in the spirit world, where we partake of the likeness of their parents. Our trials and sufferings give us experience, and establish within us principles of godliness.

Jesus has, in our day, visited this world, and been seen of men on different occasions. He appeared on the 3d day of April, 1836, to the Prophet Joseph Smith and Oliver Cowdery, in the Temple at Kirtland, Ohio. This important visitation is described as follows:

"The veil was taken from our minds and the eyes of our understanding were opened."

"We saw the Lord standing upon the breastwork of the pulpit before us, and under His feet was a paved work of pure gold in color like amber."

"His eyes were a flame of fire, the hair of His head was white like the pure snow, His countenance shone above the brightness of the sun, and His voice was as the sound of the rushing waters, even the voice of Jehovah, saying:

"I am the first and the last, I am He who liveth, I am He who was slain, I am your advocate with the Father. Behold your sins are forgiven you, you are clean before me, therefore lift up your heads and rejoice."

"Let the hearts of your brethren rejoice, and let the hearts of all my people rejoice, who have, with their might, built this house to my name."

I now will bring my remarks to a close. In a few days I must leave family, kind friends and associates with whom I have spent so many pleasant hours in "The city I love so well"—proceed to Ogden—receive my sentence, then retire to private life within my prison walls, for "The word of God and testimony of Jesus."

I hope to address you again, many times in this life, though this may be my last;—however this will be, I shall expect to meet you in yonder world, clothed in robes of celestial beauty, amid the glory of the Sons of God, where grief and suffering shall have ceased—when tears no longer will moisten your cheeks, and sighs and moans no more be heard; but where, peace and joy forever reign, in those realms of glory, honor, and immortality.

THE SNOW CASE.

DECISION BY THE TERRITORIAL SUPREME COURT—JUDGE POWERS' DEFINITION OF "CO-HABITATION" UPHOLD—THE COURT GOES OUT OF ITS WAY TO VILIFY A "RESPECTED AND VENERABLE APOSTLE."

SUPREME COURT OF UTAH TERRITORY, January Term, A. D. 1886.

United States } Indictment
vs. } for year
Lorenzo Snow. } 1885.

Zane, C. J.—The defendant was convicted of the crime of unlawful cohabitation and sentenced to imprisonment in the penitentiary for the term of six months, and to pay a fine of three hundred dollars and the costs of the prosecution. From this judgment he has appealed to this Court and insists that the evidence is insufficient to justify the verdict.

At the commencement of the trial the defendant admitted before the court and jury that he had married each of the seven women named in the indictment; had not been divorced from either and that he claimed all of them as his wives and furnished them support.

It appears from the evidence that appellant was first married more than thirty years ago in Nauvoo, Illinois, to two women, Adeline and Charlotte, at the same time and by one ceremony (the latter of the two women has since died); and that he has since married in the order named, Sarah, Harriet, Eleanor, Mary, Phoebe, and Minnie, also one other, Caroline (now deceased). The last marriage was in 1871. The first marriage was unlawful because the marriage with two women at the same time is void. Therefore Sarah is the lawful wife. The evidence shows and it is admitted by defendant that he has lived and cohabited with the youngest and last wife since his marriage to her and that she has four children, the youngest being three months old.

Sarah Snow, the lawful wife, was introduced as a witness without objection, and with other testimony gave the following: She married defendant about forty years ago, and now has grown children by him; she lives at the old homestead in company with Harriet and Eleanor, and has been living there nearly thirty years; five years ago Minnie lived in one wing of the old homestead, and defendant lived with her part of the time; up to the time Minnie came there defendant boarded with witness; she has never been divorced, defendant has supported her, their social intercourse has been friendly and he calls on her occasionally; he calls less frequently as he grows older. In answer to the question, "State if it is not about the only difference in your relations in living that he does not call to see you as often as he did formerly?" witness stated, "Well, sometimes he calls and sometimes he does not call. I do not see him as much as I did five years ago, for he lived right there five years ago; he does not visit me as much as he did when he boarded with me. Five years ago he lived right there next door. Witness also said on cross-examination that she has five children, that two live at home and the youngest is 22 years old; that defendant, whenever he goes home, passes by the door—that being one way to go, passing through the lot; that witness went away in the spring of 1885, and that defendant was away six or seven months; that he has called on her two or three times during 1885, and would remain perhaps half an hour; that since defendant moved to the new brick house with his last wife he has never slept in the house where witness has slept, and no room is kept for him; that when he came he would generally be busy with their son; that his calls of late were principally with their son; that he would enquire if they were getting along all right.

Harriet Snow, another wife, stated that she was married to defendant forty years ago, in December of that year, that he is the father of her children, and that she lives in her own home, which appellant provided for her and that he arranges for her support; that he had visited her a few times during the year 1885, sometimes to enquire about the children; that she could not say how often he visited her, but he did visit her; witness was asked if there was any difference between their relations during last year (1885) and those of six years ago; to which question she answered: "A good deal; in my younger days, I lived with him as a wife, and raised him children. Now I am an old lady and I do not consider the relations binding upon me in my younger days to be so now. I do not live with him in the same way." Mary Snow also answered the interrogatory: "Is it not true that he has not called as much as he used to, and is not that the only difference?" In the following words: "He does not call so much for the reason that he has been away from town. He does not visit me as much as he did a number of years ago." To the further question: "Then the reason he visited you less, was because he was away a great portion of the year?" she answered, "Yes, I guess so; he has been away the last year." Eleanor Snow, another polygamous wife, among other things stated: "I guess I recognized him as my husband and he me as wife during 1885; don't know; the difference in our relationship the last year and formerly is he does not live at my place. I guess the only difference is he is not in my company so much—you understand. Previous to that, he had visited and dined with me once in a while. When he dined with me, it was with me and my children, unless there was company to these family gatherings. Mr. Snow occupied the position as head of the family and occupies the head of the table when he is there; his friends all put him at the head of the table." Dr. J. B. Carrington testified that, in 1885, he saw defendant in company with Sarah—out riding with her; another woman was in the carriage—thought it was Harriet; that he also saw defendant and Sarah sitting together in the theatre, in the part of the house usually occupied by the Snow family, and that they afterwards went out together. In the city where defendant lives, he and his various wives and their families appear from the evidence to be regarded by all as one family, and this family has a place assigned in the theatre apart from other people; that each wife and her family are regarded as a part and portion of defendant's family—the Snow family—and that the appellant is regarded as the head of this one family by each member of it. In 1885 the last witness saw defendant go in and come out through the gate in front of the old homestead where Sarah and two of his polygamous wives lived, but witness did not see him go in or come out of that house.

The officer who arrested appellant testified that after he had searched defendant's house, he discovered a carpet that had been ripped, and on examination found underneath the carpet a little trap door, and under that door a small apartment, and back of that another apartment, and in that apartment he found the defendant. Defendant did not come out when called, until the officer made preparation to break the door; defendant then said: "All right; I am coming out," and when he came out, he said further: "That is all right, boys; you have done your duty; come and take a drink with me."

It appears from the evidence that appellant boards and lodges with his last wife and visits his other wives occasionally, though not very often; that during the year 1885 he has not lodged or taken a meal with any one of the others; that he furnishes them houses to live in and supports them; that he introduces them publicly as his wives, and by his language and conduct holds them out to the world as such. The evidence proved beyond controversy that defendant cohabits with his polygamous wife, Minnie. The remaining fact to find from the evidence is, has he at any time during the year 1885, cohabited with the other women named in the indictment or any one of them? It appears from the evidence that defendant is seventy-two years old, and has married nine wives, and that seven of those wives are still living. To the first he was married in his youth. As his passion for one wife became satiated and dulled by indulgence and gratification, and as his last was again kindled by the appearance of a younger and fresher, or possibly more attractive woman, he would marry again until his marriages have been repeated nine times, and now at the age of 72 years he is found with seven living wives—the last being comparatively young, with an infant in her arms. He furnishes homes for, support, associates with, claims, holds out, and flaunts in the face of society all these seven women as his wives. And yet he says he cohabits with but one. The law must characterize his relation to them, and his intercourse and association with them. Let us consider the case with respect to Sarah, his lawful wife.

A lawful marriage of itself affords a strong presumption of matrimonial cohabitation, because such cohabitation is in accordance with duty and usually attends such a marriage. When to this presumption are added the further inferences from the following facts, that defendant claimed Sarah all the time as his wife, and that she claims to be such; that he provides for her a home and the necessities and comforts of life; that they were on good terms; that he took her to the theatre, out riding, visited her occasionally at her home and was the father of her children. The conclusion reaches every reasonable doubt that he cohabited with her as his wife. When they were associating together, she was not his paramour or his friend simply—he then had and still has all the rights and opportunities of a husband and she those of a wife. They were living and were together. Under such circumstances the law will not permit them to say they were together merely as friends and not as husband and wife.

It is not essential to matrimonial cohabitation that the parties should be together all the time, if their intercourse and relations are agreeable and they associate together some part of the time. In that case the law does not notice the intervals of separation. Owing to the necessities of human life, and the claims of business and trade, married people are often in each others company less for long periods than the defendant and his wife Sarah were during the year 1885, and yet they are regarded as cohabiting as man and wife. Such is often the case with mariners, traveling salesmen, and other classes of persons that could be mentioned. They associate at long intervals and are regarded as cohabiting.

The third section of the Act of Congress of March 2nd, 1882, was intended to reach such conduct as the evidence proves the defendant guilty of—"If any male person * * * cohabits with more than one woman he shall be deemed guilty of a misdemeanor, etc. When the entire act, of which the above quotation is a part, is taken and considered together in the light of the occasion and necessity of its enactment, and of the opinion that the term cohabit should be given a broad meaning. In construing the term, regard should be had to the spirit and general intent of the act. "It is an established rule in the exposition of statutes, that the intention of the lawgiver is to be deduced from a view of the whole and every part of a statute, taken and compared together. When the words of a statute are not explicit, the intention is to be collected from the context—from the occasion and necessity of the law—from the mischief felt—and the object and remedy in view; and the intention is to be taken or presumed according to what is consonant to reason and good discretion." This was the rule laid down by Plowden, pp. 10, 57, 205, 363, and by these maxims Chancellor Kent affirms, "the sagacious of the law have ever been guided in searching for the intention of the legislature," and comments them, "as maxims of sound interpretation, which have been accumulated by the experience and ratified by the approbation of ages." 1 Kent Comm., 467, Potter's Dwarra on Statutes and Constitutions, p. 136, note 13.

In construing the term cohabitation as used in the act under consideration, the Supreme Court of the United States say in the case of the United States vs. Cannon (not yet reported): "It is the practice of unlawful cohabitation with more than one woman that is aimed at—a cohabitation classed with polygamy and having its outward semblance. It is not on the one hand, meretricious, amoral intercourse with more than one woman. General legislation as to lewd practices is left to the Territorial government. Nor on the other hand does the statute pry into the intimacies of the marriage relation. But it seeks not only to punish bigamy and polygamy, when direct proof of the existence of those relations can be made, but to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household with all the outward appearances of the continuance of the same relations which existed before the act was passed, and without reference to what may occur in the privacy of those relations."

This court, speaking by Foreman, J. said: "What then was the object of the Congress in enacting this statute? It was, judging from the whole act, intended to be an aid in breaking up polygamy and the pretense thereof." The Pacific Reporter, Vol. 7, No. 7, p. 374. The opinion of this Court in case of United States vs. Musser, (Ibid., p. 391) is to the same effect. "It appears plain that the intention was to protect the monogamous marriage, by prohibiting all other marriage, either in form or in appearance only, whether evidenced by a ceremony, or by conduct and circumstances alone."

The end of the law was the protection of the monogamous marriage, and the suppression of polygamy and unlawful cohabitation were but means to that end. It is