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CHARLES W. PENROSE, EDITOR.

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APPOINTMENTS

FOR QUARTERLY CONFERENCES UNTIL OCTOBER, 1884.

Salt Lake Stake, May 2d, 3d and 4th.

Weber and Juab, April 19th and 20th and July 19th and 20th.

Box Elder, Tooele and Bannock Stakes, April 26th and 27th and July 26th and 27th.

Cache and Wasatch Stakes, May 3d and 4th and August 2d and 3d.

Bear Lake and Summit Stakes, May 10th and 11th and August 9th and 10th.

Sanpete and Morgan Stakes, May 17th and 18th and August 16 and 17th.

Millard and Sevier Stakes, May 24th and 25th and August 23d and 24th.

Utah, Panguitch, Emery and Little Colorado Stakes, May 31st and June 1st and August 30th and 31st.

Davis, San Luis, Kanab and Eastern Arizona Stakes, June 7th and 8th and Sept. 6th and 7th

St. George and Maricopa Stakes, June 14th and 15th and September 13th and 14th.

Parowan and San Juan Stakes, June 21st and 22nd and September 20th and 21st.

Beaver Stake, June 28th and 29th and Sept. 27th and 28th.

St. Joseph Stake, July 5th and 6th and October 4th and 5th.

Oneida Stake, July 26th and 27th and October 25th and 26th.

JOSEPH F. SMITH,
F. D. RICHARDS.

AN ABLE ADDRESS ON "MORMON" RIGHTS.

WE have received a pamphlet published in Boston, Massachusetts, containing a full report of an address delivered in that city Feb. 12th, by Hon. Jas W. Stilman, on "The Mormon Question." Our readers will remember that this gentleman delivered a lecture on the same subject some time ago, which was published in pamphlet form and has obtained a very wide circulation.

In each of these lectures the speaker has advocated the cause of the "Mormon" people politically. He announces himself as a Freethinker and a monogamist in principle and practice. He regards "all forms of supernatural religion as nothing more nor less than the grossest superstition." Every public man who speaks a word in defence of the natural and political rights of the Latter-day Saints is compelled to define his own faith or lack of faith, that he may escape the terrible charge of "sympathy with polygamy," or "affiliation with the "Mormons." Bnt he says, though opposed to all forms of religion, he recognizes the fact that there are people who believe in them, "that they have conscientious convictions, and that they are entitled to those convictions;" that he does not wish to impugn the motives of his fellow-citizens, and is "compelled to believe that this crusade upon the Mormons of Utah is nothing more nor less than an exhibition of the spirit of religious bigotry and persecution which has disgraced the history of the world."

On the question of polygamy, he thinks "it comes with an ill grace from the Christian portion of the population to oppose it when the very book upon which their whole religion is based says not one word, from Genesis to Revelations, in condemnation of it."

In his former lecture Mr. Stillman conceded "the power of Congress to legislate over the Territories;" but in his late address he says he has had occasion to examine closely the Constitution and its bearing on this matter, and is "compelled to believe that the Constitution of the United States confers upon Congress no authority whatever to legislate for the Territories without their consent." He takes up this question and handles it in a convincing and able manner, quoting copiously from the supreme law of the land, the Declaration of Independence and the arguments of distinguished statesmen. He also cites decisions of the Supreme Court of the United States bearing on the question, and shows their fallacy and the mere incidental way in which they touch upon it.

But taking for argument's sake the ground that his position on the authority of Congress is incorrect and that the National Government has all the power claimed for it by the advocates of centralization, he then proves that this power must be exercised in accordance with the Constitution and not in defiance of its provisions. He takes up the question of the nature of the offence called polygamy, and shows that while it might be classed as a vice, it cannot be denominated a crime in its essence, and very clearly contrasts that which is an intentional violation of another's rights, and an act which if it be an injury, is such only to the individuals who perform it. He argue that the Federal Government has no common law jurisdiction in criminal cases, quoting from decisions of the Supreme Court of the United States in support of this proposition, and demonstrates that Congress has no constitutional power, even admitting its right to legislate for the Territories, to provide for the punishment of polygamy, at any rate outside of the limits of the District of Columbia.

He then takes up the Edmunds law, and shows its unconstitutionality, and directs attention to the new Edmunds bill with the so-called Hoar Amendmedts, and denounces it vigorously. He shows the present drift towards the unpopular enlargement of the powers of the General Government at the expense of the rights of the several States in these words:

It is evident to every observing man, that for many years past there has been a tendency towards centralization. One by one the powers of the States have been taken away from them and vested in the Government at Washington; and at the present session of Congress, several amendments to the Constitution have been proposed, taking away certain rights which the States have hitherto exercised, and vested them in the Federal Government; and if this process goes on, by and by the State Governments will be entirely destroyed; and we will have one government in the city of Washington. Now, I think that this process of centralization should not be encouraged—on the contrary I believe that it is the duty of the States to retain all the rights they have, and not to surrender up another one. I believe in the doctrine of local self-government, not only for the States, but for the Territories, and, therefore I am opposed to this bill; because, if for no other reason, it is a step toward centralization.

The course taken towards the people of Utah is described as follows;

"Again, it seems to me that the history of our dealings with the people of Utah Territory ought to teach us that when you persecute a people you only bind them more strongly together. If we had let the Mormons alone as they desired to be, in my judgment they would be on the road to extinction; but what are the facts? They went out from the State of Illinois; they did not select the fairest portion of the American Continent upon which to settle; but they took the desert, as it were; and to day it smiles like a garden. What did they go out there for? To wage war on the United States Government? No. So far from waging war against the United States, they have been acting on the defensive from that time to the present day. They went out there to enjoy religious liberty, for the same reason that the pilgrim fathers left the old world and came to America, to enjoy the freedom to worship God according to the dictates of their own consciences. But no, the United States Government is not willing to let them alone. It follows them up, and proposes to put them down with cannon and ball if necessary; and I, for one, as General Butler has said, will always be found with the under dog in the fight. I intend always to defend those whose rights are unjustly assailed; and I believe that this crusade upon the Mormons of Utah is one of the most disgraceful chapters in American history.

We will make another extract from this clever address, as it contrasts Utah, which is so much despised, with Massachusetts, that is so much lauded, not at all to the disadvantage of the "Mormon" people:

"Now, I ask, if charity should begin at home, why should not virtue? Why should we here, in the city of Boston and the State of Massachusetts, be so much exercised in regard to the morals of Salt Lake City? We are no more responsible for the morals of the people of Utah Territory than we are for the morals of the people of China, Japan, Africa, or any other nation or country on the face of the globe. Why not look to our own morals? When we become paragons of virtue, when we have become perfect, then we may sit in judgment upon the faults and imperfections of people thousands of miles away. If you wish to reform the peo- of Utah, if you wish to convert them to your own views, send missionaries. If this is a grand moral reform, it must be accomplished by moral methods alone; but when you resort to force, you fail to accomplish the object which you have in view; you only excite rebellion, and defeat your purpose, however wise that purpose may be. And here, while alluding to Massachusetts—I do not say that this State is any better or any worse than any other portion of the United States, I presume that the morals of the city of Boston will compare favorably with the morals of other cities; but what are the facts in regard to the State of Massachusetts? According to the last census, there were 66,044 more females than males in the whole State; and according to the recent census in Boston, there are over 18,000 more females than males in this city. Now what are the laws of Massachusetts in regard to the sexual relation? The marriage institution is, of course, sacred and divine; it has the sanction of the church and of public opinion, and is regulated and enforced by statute. According to the statute no man is allowed to have more than one wife; and no woman is allowed to have more than one husband. Adultery, bigamy, fornication, and seduction are crimes, punishable by fine and imprisonment;—the object and intent of this legislation, being obviously to confine all sexual relations to those who are legally married, and by necessary implication denying them to all others. Well, now, here is a surplus of about 60,000 women; so that if every man in the whole State were married, there would be nearly 60,000 women without husbands,—brought into the world through no volition of their own;—they did not choose their birth place, many of them born in the State of Massachusetts,—not at all responsible for the condition in which they find themselves; they are not at fault because they are in the majority; they are not to blame because there are not men enough to marry them; and yet in defiance of these facts, the surplus 60,000 women are denied one of the rights of humanity by statute law.

Now, as I said a little while ago, I believe in monogamy,—one man to one woman,—where it can prevail; but rather than live in such a state of society as that in which we now live, with marriage and the accompanying social evil, I would prefer as a choice between evils, to see polygamy practiced in the State of Massachusetts There is no objection, according to the legislation proposed by Congress, to a man's having one wife and a dozen mistresses. 'Oh, no, that is all right; we do not complain of that. What we do complain of is that you recognize the mistresses as wives, put them on a plane of equality, and take them into society,—that is what we complain of. So long as marriage and the accompanying evil of prostitution prevail, we find no fault,' say Congress."

This is very plain talk, and it is true as it is plain. It was received with great applause, even in the Athens of America. Mr. Stillman has made out a strong case, and we hope the pamphlet containing his address will be read in every part of the country.

A SUGGESTIVE CIRCUMSTANCE.

THE occasion of the very able discourse delivered at the Twelfth Ward Assembly Rooms last evening is suggestive of thought. The crowd was so great that not only was every foot of sitting space but also the standing room, was completely occupied, while both the double doors at the front of the hall were thrown open and people stood upon the entrance steps for over two hours. So great was the eagerness manifested to hear the words of the speaker, that before the west door was opened one man procured a ladder with which to climb up to and listen through the open transom. The intensity of the interest of the congregation was further exhibited by the exceptional order and stillness that prevailed, although many of the people were sitting in cramped and crowded positions as well as the disadvantage the large number were under who stood during the entire service.

There were several reasons for this remarkable interest, among which are the prominent and authoritative position held by the speaker, his well known ability and the nature of the subject, which is connected with one of the most conspicuous questions of the day, of a national character. The congregation was composed of people of a variety of shades of opinion, and if there were any persons at all who attended merely to gratify an idle curiosity, they must have been numerically insignificant. The people assembled for the purpose of obtaining information upon a matter of great significance, and they were satisfied, as the speaker delivered a lucid argument and presented a formidable array of facts sustaining the position he assumed upon the question treated.

The desire manifested by so many people to listen to President Cannon's discourse of last evening, and a similar interest on former occasions of the same kind, show plainly the great concern that is taken in some of the more prominent subjects connected with the Church of Jesus Christ of Latter-day Saints, especially by the members of the religious body, as well as by those who are not associated with it. This decided inclination appears to point to the benefit to be derived from the treatment of special subjects, perhaps to a somewhat larger extent than heretofore, although an extreme in that direction should be carefully avoided. If a people are hungering and thirsting after information in relation to certain questions, the promise is that they shall be filled, as was the case last night.

There is a command to the Elders not to think beforehand what they shall say, but to reflect upon the principles of truth, and whatever is necessary to be spoken will be suggested by the Spirit at the appropriate moment when it should be uttered. Although this has special reference to preaching to the world, it also has an application at home. But it does not appear that the spirit of this admonition would be departed from for Elders, when invited to do so, to reflect and otherwise prepare the mind upon any subject of interest, especially if the Spirit prompts the acceptation of such a request. Even in such cases an Elder need not speak upon all or even any of the points which may have previously presented themselves to his mind, but after preparation he could dismiss the matter before beginning his discourse and speak as he is led, according to the inspiration of the Spirit to select from the store of truth at command, choosing and discarding according to the wisdom of the prompting influence. The rule in harmony with the injunction to the Elders should never be departed from, as there is no edification as a result of cut and dried speeches, that leave no room for the operation of the Holy Spirit, whose function is by this process forestalled. Yet, in a certain sense the revelation itself embodies an injunction for preparation, without which there is but little increase of intelligence. The aim of the command is against man by his own wisdom curtailing or shutting out the office of the Holy Spirit, without which all preaching is lifeless and uninstructive. But in these matters we must keep in mind the broad principle that whatsoever leadeth unto good s of God.

AN ILLEGAL GRAND JURY.

SOME difficulty was experienced yesterday in empaneling a grand jury for the present term in the Third District Court. Only ten jurors were accepted while thirteen were rejected, and ten more names were drawn that the panel might be filled up. The challenge made by District Attorney W. H. Dickson, and sustained by Judge Hunter, was on the ground that the jurors believed in the doctrine of plural marriage as set forth in the revelation to Joseph Smith contained in the book of Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints. On acknowledging their belief in that doctrine the jurors were excluded from the panel. To-day by the same course a strictly non-"Mormon" grand jury was obtained.

In sustaining this challenge it is thought Judge Hunter was inconsistent with his ruling on a former occasion, when he declined to exclude grand jurors who expressed their belief in the doctrine of plural marriage. But we do not know that this view is correct. On the previous occasion the District Attorney was *questioned* as to whether he expected any prosecutions for polygamy, and replying that he could not say that he did, Judge Hunter declined to sustain the challenge of grand jurors on account of their belief. The challenged persons, too, expressed their willingness to find indictments according to the law and the testimony, irrespective of their private beliefs.

On the present occasion it is to be presumed that prosecutions for polygamy are expected, and that the District Attorney wants a grand jury which he thinks is likely to indict, and so makes his challenge and is sustained this time by the Court. We do not think the exclusion of the jurors on this account is lawful, but the Judge is probably not inconsistent with the former ruling in this matter, for the reason we have stated.

The only law that we are acquainted with under which this challenge of the jurors could be made with any show of reason, is the Fifth Section of the Edmunds Act, which provides;

"That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he is or has been living in the practice of bigamy, polygamy or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or the act of July first, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections one or three of this act: but if he declines to answer on any ground, he shall be rejected as incompetent.

It should be observed that the whole of this section applies only to trial juries. It is "*in any prosecution* for bigamy, polygamy," etc., that these challenges are made lawful. There can be no prosecution for these offences before a petit jury, until an indictment has been found by a grand jury. And this cause of challenge can only apply in a prosecution. Therefore it is not applicable to the empaneling of a grand jury, but only to a petit jury drawn for the purpose of trying a case of bigamy, polygamy or unlawful cohabitation. There is no law which authorizes the exclusion of a grand juror from the panel on account of his belief or his practice of plural marriage, or anything akin to it. But it has been the custom for the Federal Courts and Federal officers in Utah to make law, occasionally, when statutes did not exist suitable for their purpose. Challenges to petit jurors, on account of their belief, were made and allowed in the Miles case, long before the Edmunds law was enacted. There was no law to sustain it then, or why was the section we have quoted made part of the Edmunds Act? Yet it was allowed in practice without law, just as the challenges permitted in the Third District Court yesterday were permitted.

It may be asked, would it be proper to place men on a grand jury, when it is expected that indictments for polygamy will be presented, who are themselves believers in and practisers of polygamy? We answer that the disqualification, if any, would be in the disposition of the grand jurors to recognize the law and the binding nature of their oath in relation to it. As grand jurors they swear to act according to law and the evidence brought before them, and if there is no proof that they will violate their oath there is no reason why they should be excluded from the panel. A man may conscientiously believe that morally and religiously it is not wrong to have two living and undivorced wives at the same time, and yet, being sworn to find according to law and evidence, he might feel it his duty to bring in an indictment against a person in whose case there were reasonable proofs of a violation of the law. His private belief is one thing, his sworn duty under the law is another and different thing.

It should be remembered in this connection, as a matter of fact, that all indictments that have ever been found against polygamists have been found by grand juries partly composed of persons who believed in the rightfulness of plural marriage. They acted according to their sworn duty. The conflict between the word of the Lord and the law of man was not of their making and they were not reponsible for it. They believed in the former, but were *sworn to* act according to the latter, and they acted in accordance with their oath and their duty as grand jurors.

In a trial for murder it has been long held as a valid ground of challenge against a juror that he did not believe in capital punishment. But we ask is it customary to challenge grand jurors on any such ground? We think not. If grand jurors may be examined on their oath in regard to their belief in plural marriage, why not examine them in regard to their belief in capita punishment, and in the various penalties for the different crimes on which they are expected to find indictments? If the rule holds good in one case, why not in another?

And to bring this down to the present issue, we ask, why did not the District Attorney question the non-"Mormon" grand jurors in regard to their belief in or practice of unlawful cohabitation? Read the law. Any person who "is or has been" living in "unlawful cohabitation with more than one woman," is subject to the same challenge as one who is or has been living in the practice of bigamy or polygamy. And it is as lawful a cause of challenge that a juror believes it right to live in the practice of cohabiting with more than one woman, as to believe it right to have more wives than one.

Let the District Attorney and the Court carry out the law. If they challenge a "Mormon" on his belief in or practice of plural marriage, let them challenge non-"Mormons" on their belief in or practice of cohabitation with more than one woman outside of "the marriage relation." For if a juror has been guilty of an offense punishable by either of sections One to Four of the Edmunds Act, Section Five says he may be challenged, and one of the offences named is: "If any male person in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman." Therefore in a trial for bigamy or polygamy, a "Gentile" petit juror ought to be examined as to his practice of this offence, equally with a "Mormon" petit juror on his practice of plural marriage. And if it is lawful to challenge a "Mormon" grand juror on the question of plurality of wives, it is equally lawful and just as proper and pertinent to challenge a "Gentile" grand juror in reference to cohabitation with more than one woman.

We consider the grand jury now being empaneled an unlawful body. It is not organized according to law. Persons have been excluded whom the law does not exclude. So-called indictments framed by such a grand jury will not be legal indictments. The question ought to be tested. Perhaps it will be. In any important case that can be carried up to the higher courts, this ought to be made one of the grounds of appeal after it has been argued in the lower court on a motion to quash the indictment. We would