

THE "DEMAND" UPON THE "MORMON" CHURCH.

The Boston *Traveller* of July 9th in an editorial on "Utah and Statehood" admits the ordinary qualifications of the Territory, its population, resources, &c., as justifying the present movement; also the fact that the constitutional prohibitions of bigamy and polygamy are made as strong as possible; but it fears that this action is engineered from the outside, with some political object in view, and that it is a Democratic project.

The *Traveller*, like other papers that touch on this subject, indulges in a great deal of conjecture, and makes up in doubts and queries and suspicious what it fails to supply in argument. The present question is one of fact and policy, and surmises that may be wholly imaginary and anticipations that may never be realized, are very poor objections to be urged on a matter of so much importance. Even if the wholly gratuitous supposition of outside Democratic "engineering" or support were substantial, we do not see why that should be an obstacle in the path of Utah to the position she is destined to occupy, and which it is admitted she is qualified for except in one particular, and that it is now proposed to settle.

If Democrats outside of Utah should take an interest in seeing democratic government established here, we see no reason why that should be a barrier in the way to Statehood. Is there not Republican interest outside of Dakota in the project for the admission of that Territory into the Union? It seems so from the *Traveller's* own remarks. If, then, outside Republicans may properly "engineer" the movement for Statehood in Dakota, why should it be an unpardonable political sin for Democrats to be interested in a similar movement in Utah? Or is what is eminently right in Republicans the very essence of wrong in Democrats?

But the *Traveller* voices the sentiment expressed in different ways by a large number of hasty journals, on what is thought to be the grand objection to the Statehood movement in this way:

"Utah should not be admitted to the Union until the Mormon Church, in its capacity as such, formally renounces the doctrine of polygamy."

There is the real motive-power behind the opposition to the Statehood measure. It is war upon a Church. It is an endeavor to array the Government of the United States against an establishment of religion. The State to regulate the doctrine of a Church. A complete revolution of republican institutions. A radical departure from established principles. A direct violation of constitutional guarantees. A requirement that cannot be justified by law or precedent, by sound policy or political expediency.

The right of the people of Utah to put into their Constitution a provision that restricts the amending power has been gravely questioned by leading journals. And yet they make a similar demand to this of the *Traveller's*. If there is a constitutional objection to one State coming into the Federal Union on different terms to those exacted of other States, how much more of a constitutional objection is there to requiring special terms of a State that relate to a doctrine of a particular Church within that State!

Cannot the papers that are making this demand see that Congress, which can make "no law respecting an establishment of religion nor prohibiting the free exercise thereof," has no authority and no right to require a Church to relinquish a doctrine, or article of faith, or any matter of belief? Is it not clear to every person who has looked into the matter without the colored spectacles of prejudice, that the "Mormon" Church must not be confounded with the State of Utah?

Congress, in deciding whether the application of Utah shall be accepted or rejected, cannot rightfully take into consideration the belief or disbelief of any portion of the citizens of this Territory. It has been proclaimed to the country that in the extreme and special legislation adopted by the Government against certain classes in Utah, religion, belief, doctrine, were not in view and that actions only were to be restrained. And has not the Supreme Court of the United States laid down the principle that governments have no power over matters of belief, and that they can only interfere when religious faith "breaks out into overt acts against peace and good order?"

We unhesitatingly lay down the proposition as irrefutable, that neither the Congress nor the people of the United States can properly make any demand of the "Mormon" Church, "in its capacity as such," to use the words of the Boston *Traveller*, of any nature whatever. If individual members of that Church violate the law, they can be punished by the law. Other members cannot be judged or held responsible for their acts. The Church, as a Church, cannot be legislated against nor in favor of, nor be recognized officially in any action taken by Congress in relation to the political rights or privileges of the citizens of Utah.

Further, the "Mormon" Church has as much right to hold plural marriage as a Biblical, sacred and desirable institution as the Catholic Church has to

uphold celibacy in that light. There is nothing in the Constitution or laws or decisions of the courts of the United States against that right. No action of Congress or any branch of the Government or all combined, can be legitimately taken against it. The Church can hold it as a doctrine, and its members may believe it, and there is no secular power that can prevent or restrain it or punish anyone for entertaining it. But if a law is enacted against the practice and any individual member breaks the law, he and he alone can be made responsible for his act. Congress has just as much right to pass a law against celibacy as against polygamy, and an equal right to punish infractions of the law in either case. But it has no right to require the "Mormon" Church to give up the doctrine of plurality, nor the Catholic Church to renounce the doctrine of celibacy.

This demand, then, which is copied by so many editors without thinking of its folly, is a piece of assumption and impertinence for which there is no justification. The monogamous citizens of Utah—the registered voters—are engaged in a political measure and they must be met in that capacity. Their religion or their connection with any religious body has nothing to do with the case. And of all men in the world American editors ought to know and appreciate this simple fact. If those Utah citizens were polygamists in practice, the matter might have a totally different bearing. But they are not, and they have taken action on the question of practical polygamy, forbidding it and providing penalties against it.

This is all that Congress can consider in connection with the matter, and the "Mormon" Church is just as exempt from congressional action as any of the other Churches which exist within the boundaries of the proposed State of Utah. The sooner our contemporaries perceive this simple truth, which is beyond successful controversy, the better it will be for their reputation for consistency and regard for republican principles and institutions.

PRESS COMMENTS ON UTAH'S STATEHOOD.

The press of the country is still agitated on the Utah Statehood question. Comments are various. Most of them are mere echoes of the half-digested contents of metropolitan editorials; many of them insist upon a prohibition of polygamy in the new Constitution, and then as soon as the wires bring news of its adoption the same papers condemn it as useless. Other papers, however, give the matter some candid consideration and see that in taking the steps indicated by the prohibitory provisions the voting people of Utah have done all that lies in their power in that direction.

The New Orleans *States* of July 2nd says:

As appeared from a dispatch in the *States* last evening, the Utah Constitutional Convention met Thursday and yesterday at Salt Lake City, and occupied itself with the work of organization.

The President, on his election, addressed the convention on the nature of the work in which they were about to engage, and on the mandate given them by the people, who are the source of all political power, to petition Congress for Statehood. He impressed upon the delegates present the necessity of keeping the constitution they were about to frame clear from all sectionalism, and clichés which might argue them not in harmony with the rest of the Union. If that instrument were conceived and drawn up in a broad and liberal spirit, with a distinct renunciation of all antagonism to the law of the land and offense to the moral sense of the community, the Territory of Utah would soon take her place in the sisterhood of the States.

This speech of President Cairne's, if it represents, as we may expect it does, the prevalent feeling of the convention, has the anticipatory ring of a result that every one would be delighted to welcome. There is absolutely no objection to Utah's admission to the Union save her practice of polygamy. The resources of the Territory in population and wealth, are far above the limit set for admission; and if her delegates in the convention will now but pronounce themselves in their Constitution fairly and squarely against the odious practice which is at once a violation of the law, an outrage of morality, and a world-wide reproach against the Territory, Utah's petition for Statehood will not be kept long in abeyance. The Territory has the matter of her admission in her own hands. If her constitution be so framed as to give no toleration to polygamous practices within her borders, her application will be granted; it will not be granted unless her Constitution be so framed.

The Omaha *Bea*, of July 8th, remarks:

"The Utah constitutional convention in session at Salt Lake City, shows a disposition to deal in the sternest manner with bigamy and polygamy. On last Tuesday an article was submitted, the adoption of which is almost assured, declaring each of these to be a misdemeanor and pro-

viding that any person convicted thereof shall be punished by a fine not exceeding \$1,000 and by imprisonment for a term not less than six months nor more than three years, in the discretion of the court. It is also provided that the section shall be operative without the aid of legislation, and that offenses prohibited by it shall not be barred by any statute of limitation within three years after the commission of the offense, while the extension of pardon can only be made by the approval of the President of the United States. Before any amendment, revision, or change of this article can become operative it must have the approval and ratification of Congress, which must be duly proclaimed by the President. If this clause is made a part of the constitution the probability of its being disturbed so long as there continues to be any reason for restraining it is extremely small."

The Richmond, Va., *Week* of July 7th, after explaining the whole movement and the objections of the Utah "Gentiles," closes a long editorial with these words:

"The movement now in progress at Salt Lake is, we believe, a start in the direction of reform, whether so intended or not. Let the Latter-day Saints frame their constitution and present it. Congress has proved sadly unequal to the task of managing revenue and taxation, but when it grapples with the Mormon question it will be more at home, and almost any change it may inaugurate in this matter will be a change for the better."

We clip the following from the Omaha *World* of the 8th inst:

"The constitutional convention in Utah has concluded its labors, and has drafted a constitution which provides for the separation of church and state, and declares bigamy and polygamy to be unlawful. The full text of the constitution has not yet been received, but from the reports obtained it would seem that the Mormons have made important changes in the relations between church and state. Reports from Washington indicate that the administration is favorable to the admission of Utah, which would be a Democratic State and balance Dakota which also asks for admission and is a Republican State. The Constitution will be carefully scrutinized and unless it clearly separates church and state and proclaims bigamy and polygamy to be crimes, Utah will not be admitted. The American people of both parties will allow no State to enter the sisterhood which tolerates polygamy or a union of church and state. However pleasing to the Democratic party a new Democratic State might be, the best men in that party would never consent to its admission unless Mormonism was entirely deprived of its civil power. So far as can be judged without seeing the new constitution, the Mormons have so clearly defined the subordinate position of the priesthood, and so emphatically condemned polygamy as to satisfy the people of the country. The only remaining question is as to whether they act in good faith and would not seek to revive the present state of affairs by an amendment after being admitted and freed from Federal control."

The Pittsburgh *Post* of the same date has this editorial:

"The convention framing a State constitution for Utah at Salt Lake City, has attracted little notice, as it is a Mormon gathering, under the influence of the Mormon priesthood, and the conclusion general its proceedings amount to little, and that its constitution will certainly not be accepted by Congress. But its very decided action on the subject of polygamy changes this aspect of the case, and gives a more serious color to the Utah convention and constitution."

The article of the proposed constitution now under discussion on the subject of polygamy seems to be as sweeping and permanent prohibition as the wit of man can devise. It shows either a radical revolution on the question among "the saints," or a deep laid scheme, under cover of prohibition, to get into the Union and then establish polygamy as a state right. There is nothing in the Federal constitution prohibiting polygamy, and congressional jurisdiction over the subject only extends to the Territories and the District of Columbia. Pennsylvania, if so disposed, could legalize polygamy to-day.

But the Mormon prohibition to be embodied in the proposed constitution is conclusive against the future legalization of the abominable evil. It not only prohibits bigamy and polygamy under severe penalties, but provides that the pardoning power of the governor shall not extend to these offenses, except as its exercise is approved by the President of the United States; that the constitutional section shall be operative without legislation, and that the offense of polygamy shall not be barred by any statute of limitation within three years after the offense. But this is not all. A provision is also added that the anti-polygamy section "shall not be amended, revised, nor in any way changed until any amendment, revision or change, as proposed thereto shall, in addition to the requirements of the provisions of this article, be reported to the congress of the United States, and shall be by congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual."

We do not see how a more effective or permanent provision could be put in a constitution or statute than this. If it indicates that the Mormon leaders have grown weary of the long fight for their peculiar institutions, and at last are resigned to accept the inevitable, abandon polygamy and aid in its expulsion, the result is most gratifying. Nor do we see that any trick or device is concealed in these sections. They are sweeping, direct and to the point."

The Washington, Tenn., *American* of July 11th, discusses the question in this way:

"The people of Utah have framed a Constitution under which they propose to ask admission into the Union, and to meet the demands of the people of the United States they have not only provided against polygamy, but they have stipulated that this provision of the proposed State Constitution shall never be changed without the consent of Congress. Of course they saw that a mere provision in the Constitution against polygamy might be changed at any time by the people of the State, because the whole subject of marriage belongs to the State and not to the Federal Government, and therefore the State after the admission might go back to polygamy."

But to satisfy Congress they have put in the Constitution the provision above referred to.

This will bring up for discussion when Congress meets one of the most interesting constitutional questions ever discussed in that body or before the courts. Can any of the reserved rights of the State be surrendered by the people who framed the State Constitution?

In other words, will the coming generations of Utah have the same rights under the Federal Constitution that the people of the other States have?

Can Congress, in giving the people of a territory a State government, limit the people's rights as given and fixed by the Federal Constitution?

The question is one of deepest interest, because, if no restrictions can be put upon these people, it will take them a long time to get in the Union.

Congress will have this other difficulty confronting them. When they make a State of it, the laws must be construed and executed by judges of the people's choosing.

Nothing since the vexed questions which arose between the Federal Government and the State of Virginia as to when the judgment of a state court was final and who was to determine that question, has presented more perplexing questions than does this Mormon controversy. At every turn it presents a new phase, and if it be true the people are fixed in their notions of polygamy, it is indeed difficult to see how they can be admitted with safety. The better opinion among lawyers is that there is no constitutional inhibition on a State establishing or making polygamy lawful, and if this is so, then can one State come into the Union with less rights than any of the other States enjoy? We shall be glad to have the opinion of some lawyer who has the time and the inclination to investigate it."

THE PRESIDENT'S TRIP.

The President's tour through the interior of New York State can be called little else than a triumphal procession. At every stopping place, even the smallest villages, great crowds gather to obtain a sight of, or cheer and if possible to shake hands with him. This latter desire is gratified wherever time and circumstances will permit, some 4,000 persons having given the Chief Magistrate a friendly grip at one station yesterday. Under these circumstances, the Presidential right hand must be in a condition by this time that causes the one who uses it so effectually to be thankful that the time for preparing his message for Congress is still full of days.

Not in recent times has any such spontaneity and commingling characterized the gathering and enthusiasm of the populace wherever the President appeared, and it only illustrates what has often been claimed—that Mr. Cleveland is the most popular and best "all round" executive the nation has had for a long time, perhaps altogether. His opponents in the ranks of the Democratic party are coming over very fast.

Only two unpleasant incidents have so far occurred on the trip: While approaching the Thousand Islands, a river archipelago of the St. Lawrence near Lake Ontario, a British steamer met and passed the craft on which the Presidential party was proceeding, and did not make the slightest token of recognition or respect, as any American vessel would have done had it met another with Queen Victoria on board. The affair had, however, probably no other significance than the ignorance of the commanding officer of the British craft as to what kind of cargo the other one had on board. The other incident was an accident to a locomotive, by which an engineer lost his life.

The books in the British Museum are bound on a principle, historical works being in red, theological in blue, poetical in yellow, natural history in green. Besides this, each part of a volume is stamped with a mark by which it can be distinguished as Museum property, and of different colors; thus, red indicates that a book was purchased, blue that it came by copy-right, and yellow that it was presented.

EMPEROR WILLIAM'S PRESENT

The German Emperor, Wilhelm I, has a remarkable memory, and it becomes most striking when there is some act in the past to be rewarded as a kindness or punished as an injury. He distinctly kept in his mental vision the picture he once presented when driven from home, he beheld at a distance the exultations of the triumphant invaders. He did not permit the scene to dwindle in the smallest degree, notwithstanding the attrition of the years and the procession of tumultuous and conflicting events constantly passing along and requiring attention. It was as vivid in his mind on the quiet morning seventeen years ago when he read a dispatch stating that Napoleon had again declared war against the Prussian Kingdom, as it was when first planted there, and something like a great swelling emotion must have taken possession of his breast, imparted a rekindled thrill to his soul and fired his eye with a flame it had not shown during all the intervening years, when he ordered his waiting and willing squadrons to take the field. He had not forgotten the treatment of the early oppressors and constant opponents of his people, and he made the enemy understand that he had not by raining upon them showers of iron and lead by day, and startling their view of the night with pillars of destructive fire. The debt was remembered long past the period within which by common consent it might be collected by the ordinary processes of law, but the statute of limitations was waived and it was paid in full.

The old man, however, does not live entirely for the purpose of keeping the enemies of his country at bay; he has a friendly feeling for mankind and apparently delights in making his appreciation of a kindly or heroic act felt in a substantial way. On the 9th of last January the German ship *Elizabeth* foundered off Mills Station, Virginia, and the life-saving station there did noble service in rescuing the crew—so noble and so thorough that in saving German lives they lost five of their own. It was several months ago and had long since ceased to be a subject of comment; but William did not forget it. The State Department at Washington yesterday received from him two fine gold watches, embellished with his portrait and monogram, to be given to the only two survivors of that bold exploit. The watches were accompanied by a check for \$1,000, to be divided among the families of the men who went down to rise no more. This was a small token, measured by the commonly accepted standard, but it amply illustrates what we said at the beginning of this article.

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