

equal to an act of Congress—then Congress not having reserved any power to repeal or modify the charter, cannot change the capacity of the Church to hold property. He says:

"If any thing is settled in this country it is that the government cannot change the constitution of a private charity, unless in the act of incorporation, or in the general law existing at the time of the incorporation. The power to change it was expressly reserved to the government, which is not the case here. The limitation, therefore, to enforce which provision is here made, is void and can not be enforced."

The question of the wife testifying against her husband being again brought up by the committee, a lively discussion brings out the argument that as a man cannot be required to testify against himself, his wife under the common law principle being made a part of himself, cannot be produced as a witness against him. Mr. Chandler says:

"The law has always classed murder as more debased and depraved than bigamy, polygamy, or unlawful marriage. Now, why step down to a grade of crime and pick out a subordinate crime, and make the wife a witness in that subordinate crime, when you will not go to the full length of extending her testimony to the higher one. Why does the human mind shrink away from one and not shrink away from the other? The more hideous and ghastly the crime, the greater the excuse and necessity for making her an eligible witness. Now, this proposed law does not do any such thing as that. This bill contents itself with one particular violation of law, and in that particular case makes her a witness, and refuses to make her a witness in the other cases, and I say when you do that, you express a distrust of the very doctrine which you propose to establish in the particular case. You have got to make it universal in regard to crimes committed by her husband, or else you express, when you make it exceptional, your distrust of the principle in those cases to which you do not apply it."

In regard to the idea that in a "Mormon" plural marriage a crime is committed by the husband against the wife is dissipated, and Mr. Chandler concludes his able address with the following paragraph:

"The injury to her rights here is purely constructive and just as this construction we speak of is constructive. There is no physical injury done her, nor is her marriage title affected, and, so far as she can assent to this matter, she does assent, so that the reason in this case for making the wife a witness against the husband because of some special injury falling upon the wife only exists constructively. It does not exist in reality. It exists because we fancy it an injury to her, while she does not fancy it an injury to her, and we imagine the injury and make it the foundation of introducing her. She is introduced because, in our opinion, an injury is inflicted upon her, and not because any violence has fallen on her person, not because any legal invasion of her rights has taken place, it is only ideal. Now, I say that, if it be not a sound principle to introduce the wife in all criminal prosecutions against the husband, it is not wise to make it an exception in this case."

Much of the argument was elicited by the questions of various members of the committee, the speaker being thus drawn aside from the main thread of his address. But this proved of advantage to our cause and was the means of giving much light to the committee on the "Mormon" question. The publication of the argument in full in a popular paper at the seat of government, will gain for it an extensive hearing, and it will add one more leaf to the laurel of fame which no one can deny to the able lawyer who has thus so vigorously championed the cause of an oppressed people.

#### ANTI - POLYGAMY CONSTITUTIONAL AMENDMENT.

The text of a bill for a constitutional amendment declaring polygamy unlawful, appears in our Washington dispatches. It is to be recommended by the Judiciary Committee of the House on Monday, the 24th inst. The object is evident. It is to commit the nation as a whole on the plural marriage question, and prevent the recognition of polygamy as any part of the public policy; also to extend to the States the provisions now in force in the Territories in relation to this matter.

It is not unlikely, in the present condition of the public mind, that the amendment will be adopted. People are not disposed to be rational in the consideration of this important subject. Prejudice rules and passion prevails. These drive out reason and prevent sound judgment. In the desire to put down "Mormon" marriage, the country is not unlikely to lose sight of the right of each State to regulate its domestic affairs without interference from the Federal Government.

By the adoption of such an amendment to the Constitution, the States, the people, will relinquish one more of the features that distinguish the democratic system of this great Union. It will be a surrender of one of the principles of local self-government. Each individual State now possesses the right in itself to determine what its domestic relations shall be and how marriage shall be regulated; upon

its own domain. It may establish polygamy or forbid it so far as secular law can interfere with the marriage relation. Any State in the Union may, if it so determine, make plural marriage legal within its own borders. It may also declare it illegal. But if this proposed amendment shall be adopted, that power will be voluntarily given up, and the National Government will have power to regulate so much of the domestic relations of the several States.

It would be a step in the wrong direction. The tendency now is to centralization, to the absorption by the Federal power of many of those rights reserved to the States respectively or to the people. It is a downward movement. The integrity of the American system can only be preserved by the maintenance of those individual rights that belong to the respective States, and a corresponding preservation, with constitutional restrictions, of the powers conferred upon the General Government. The balance should not be disturbed, the equilibrium should not be destroyed.

The surrender of this right may prove the stepping stone to the acquisition by the Federal authority of other powers in the same direction. It is true that this amendment endeavors to guard against the exercise of national authority over marriage and divorce in general. But it is a throwing down of the barriers which the Constitution has interposed between the Federal authority and the rights of the States, and is dangerous for that reason. It is the "one false step" which the adage says "will ever lead to more."

It will introduce into all the States the interference of United States courts, officers and juries, with the domestic relations of the people. And judging by the abuses which the enforcement of United States laws on this subject has inflicted upon Utah, we may reasonably conclude that it will ultimately work mischief in the States. Each commonwealth has now the power to regulate this matter for itself, and the surrender of this right to the National Government would be hostile to the spirit of true democracy.

The only pretext for the movement is the plural marriage of the "Mormons," and when the fact is clearly exhibited, that about twelve thousand people, all told, are or have been engaged in the practice of that system, solely under religious regulations, the fear that sixty millions of people will be injuriously affected by it, unless it is placed under the power and ban of the whole nation, seems extravagantly absurd.

The language, "the marriage relation by contract, or in fact," is worded especially to reach the relationship formed under the "Mormon" system, and the whole amendment carefully guards from the action of its provisions any improper associations of the sexes outside of the marriage relation. For these reasons it is likely to be popular, and we shall not be much surprised to see it become part of the supreme law of the land of the free and the home of civil and religious liberty. (?)

[The foregoing was crowded out of our columns on Saturday evening.]

It will be seen by a dispatch that the joint resolution proposing the Constitutional amendment was reported to the House of Representatives from the Judiciary Committee to-day.

#### ALARMING REVELATIONS.

The dispatches furnish some interesting reading. A short time since the country was startled by the murderous outrages of Anarchists in Chicago. The revelation of the existence of an adroitly devised and leudish conspiracy to make that city a scene of carnage and destruction is still more alarming.

It places such a calamity almost beyond the confines of the merely possible and places it within the circle of the probable. The diabolic plot did not carry in the instance referred to, but that future attempts of the same nature will always miss fire is exceedingly doubtful. While the anarchist element exists and grows the future prospects are blackened with frightful probabilities, for they are sure to prosecute the work on which they have set their hearts. No one who has the welfare of the country at heart can read the statements of Captain Schack without a sensation of foreboding. Neither do his statements stand alone, but are sustained by details discovered by different individuals aside from the facts of his investigation.

It begins to look as if there was something in the theory of the author of an anonymous, but finely written work, entitled, "The Fall of the Great Republic"—that Chicago would be the future seat of anarchical conspiracy. The facts of the Chicago conspiracy taken alone would not be any great cause of national fear. It cannot be dissociated, however, from the situation of nearly every large city in the Union. In each of them exists to a dangerous degree the same element that is fomenting disturbance and bloodshed there. The successful conduct of one anarchical plot in any of them would be apt to cause destruction to become epidemic, so to speak, and spread from one part of the country to another, until it passed beyond the control of either the civil or military power.

The day of approaching calamity has

been frequently pointed out in these columns. The elements of destruction and desolation are accumulating. They will continue, in our opinion, to gather in bulk and force, until there shall be an overwhelming disaster that will shake the Republic from centre to circumference. The only way of escape is by the nation going down into the depths of humility and repentance. By and by events will transpire that will cause the country to have its hands so full, that seeking to harass, oppress and destroy the "Mormons" will be lost sight of for a season.

#### SHALL WE OBEY GOD RATHER THAN MAN?

We publish to-day the reply of the "Mormon" inmates of the penitentiary to Governor West's address. It will be remembered that after a conversation with Apostle Lorenzo Snow, the Governor made a speech to the prisoners sentenced under the Edmunds law, and expressed the wish that they would consider his offer and postpone a reply until they had taken time for reflection. They have acted upon his desire and now their answer is given to the public.

It is just what might have been reasonably expected. The signers, comprising all the "Mormon" prisoners now in the penitentiary, unite in sentiments of gratitude to the Governor for his kind intentions. But they cannot consistently make the promise which he urges them to give. In the first place, "obedience to the law as construed by the courts" is too indefinite; no one knows what that really means to-day or may mean tomorrow. The Governor did not explain it, and the varied experiences of the prisoners in regard to it are sufficient to make them careful in reference to promises, for its different and contrary constructions by the courts have caught them in the toils of technicalities and arbitrary rulings without a parallel, and there is no telling what a promise such as is required would imply.

In the second place, they are under sacred covenants with God and their wives which they cannot break without doing violence to their honor, their eternal contracts, their religion and their God. Under the latest construction of the courts, such a promise would cover them with infamy and would not be made by any man with a particle of self-respect. It would involve the most heartless cruelty towards wives and children dependent upon them for support and solace, and would, if carried out, place them below the savages in the scale of brutality. No wonder that they prefer perpetual imprisonment to such dishonor.

The reply is respectful, sincere and straightforward, yet firm and vigorous, and shows no sign of weakness or indecision. Any discerning person who reads it will credit the signers for the courage of conviction and the qualities that cause heroic men to suffer rather than recant. We hope it will be brought to the attention of the President and his Cabinet and the leading men of this great nation, that they may see the position in which most arbitrary interpretations of an unjust enactment have placed men who are not criminal in their desires or dispositions, and have only been made to appear in that light by measures framed against a part of their religion.

The question of obedience to God or to man when divine and human laws conflict is an important one, and can only be decided by the individual whose faith and acts springing therefrom are brought to investigation. He must choose for himself. He must take the consequences of disobedience to either. Laws ought not to be enacted which infringe upon perfect religious liberty, when that liberty does not invade the freedom of others or deprive others of rights that are natural or acquired. These men choose to obey God rather than man, and would rather suffer the consequences of alleged transgression of special secular law, framed and interpreted to catch them in their religion, than to disobey Almighty God and risk the eternal penalties for wilful transgression.

We believe that every honest and conscientious man would take the same course under similar circumstances. If there is a man in the country, private or official, who would not, he is either a coward or a hypocrite. Before those who, without thinking, clamor for "obedience to the law as construed by the courts" make any more objections against these prisoners or the "Mormons" generally, they should understand the situation.

Here are men who are convinced beyond doubt that God has made of them certain requirements. This conviction has passed beyond the sphere of simple belief. It is rooted in their hearts as firmly as the sense of existence. A law has been framed against this "establishment of their religion and prohibiting the free exercise thereof." That law is so construed as to strike at the essentially religious part of their conduct. The promise they are required to give comprehends an agreement not to do something which they are under religious obligations to perform. It goes behind the carnal, worldly and social conditions which human laws attempt to regulate, and reaches the domain of the spiritual, the devotional, the eternal.

Understand, it is not enough that

some of these conscientious men have endeavored to keep the human law, as they understood it and as every person of ordinary intelligence understood it, and at the same time not violate their religious obligations. The demand that is made upon them implies a surrender of their fealty to God. They must utterly repudiate and cast off the wives with whom they have made an eternal, sacred and religious contract. Separation from them in a carnal sense is not sufficient. They must trample upon their solemn vows and the commandments of the Most High God, as well as upon the tenderest feelings of the human heart, and wreck for life the happiness of devoted women and dependent children, or be thrust into a loathsome prison. They take the prison rather than liberty at the price demanded. And so would every sincere and honorable man, Jew or Gentile, "Mormon" or Monist, Methodist or Presbyterian, Catholic or Protestant.

Let every reflecting person ask the question, "What would I do if required to obey God or bow down to man and there was no alternative?" It may be objected, "Ah! but I don't believe in any law of God with which the law of man conflicts." Perhaps not. But that is not the question. Suppose you did believe and feel thoroughly assured without a doubt, that you were required of the Almighty to do something that a human law forbade, would you hesitate for fear of what man could do? If so, would you not be a coward or a rebel against Deity? It may be objected further, "Well I can't conceive of a command of God to break a law of the land." But can you not comprehend that God sometimes gives commands and man makes laws in opposition thereto? Is not this the position which has formed the ground of every religious persecution from time immemorial? Read the Bible. Scan both the Old and the New Testaments. Study the history of the martyrs. Look for the ground of the persecutions against Catholics or Protestants, Huguenots or Waldenses, Puritans or Pilgrims. It has always been the law of man against the law of God. All the inhuman cruelties that blacken the record of intolerance were perpetrated in the name of law—human enactments against divine decrees, or secular force against religious conviction.

If this "Mormon" system was subversive of human rights. If its devotees infringed upon the liberties of other people. If they committed essential crimes. If they murdered, robbed, maltreated or injured others. If they took other men's wives. If they compelled women to marry or do anything else against their will. If they took up arms against the State or were guilty of anything that is *malum in se*, there might be some ground for the idea that they ought not to receive as divine a religion that justified such things. But that system does nothing of the kind. It infringes upon no human rights and destroys no principle necessary to the welfare of society, but produces harmony and order, morality and peace. When it comes to a choice of divine or human law, who can hesitate for a moment? All that is needed in a conscientious soul is a clear conviction of what is human and what is divine. The understanding reached, action will follow in favor of the divine, every time. Blackstone, the great expounder of the science of law, says:

"Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these."

All just laws enacted by men are based upon the principles that underlie divine law. Blackstone says:

"These are the eternal, immutable laws of good and evil, to which the Creator Himself, in all His dispensations conforms; and which He has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such among others are these principles: That we should live honestly, should hurt nobody, and should render to every one his due; to which three general precepts Justinian has reduced the whole doctrine of law."

There is nothing in the "Mormon" system which runs counter to these three fundamental precepts, and the criminal law which punishes men for anything inside of these rules is itself a violation of both divine and natural law. The notion that the marriage system of the "Mormons" is a menace against society, is a shallow invention. Its plurality feature is so guarded and restricted that it can only apply to advanced members of the Church and belongs to men who hold a defined grade of Priesthood. It is not for the world, and its covenants are distinctly confined to degrees within its own limits. They are sacred, ecclesiastical and exclusive, and, rightfully, the secular law should have no application to them.

But whatever may be the attitude of the country on this question, the Latter-day Saints, or "Mormons," cannot change their position while they retain their faith and convictions. Sensible people ought to see this, and also that force of any kind must prove powerless to make that change. It never accomplished anything of the kind; it never will. You may shut up every "Mormon" in prison but that will not convert or convince him. It will only confirm his faith, deepen his convictions and strengthen his determination to obey God rather than men. A policy of kindness is

much more likely to lead to conditions desired by rational people than any measures of vengeance that can be devised.

The reply of the prisoners should convince the thoughtful throughout this great nation, that a great blunder has been made in the merciless crusade against the "Mormons," that no good results will accrue from it, and that a continuation of the pressure will perpetuate the "Mormon" system, arouse resistance in the souls of its adherents, repress the mature with a sense of undeserved injury, and breed in the rising generation that resentment against injustice to their parents which will bring forth its natural fruits in coming time. That a peaceable people should be singled out to be punished for their obedience to God when that obedience involves no harm to others, is one of the singular events of this remarkable age in this wonderful so-called "Christian" country.

#### THE HONOLULU CONFLAGRATION.

THE NEWS has already published some particulars of the great fire which laid a million and a quarter's worth of property in ashes in Honolulu, and rendered about one-third of the inhabitants homeless. A friend has sent us the account given of the holocaust by the Hawaiian Gazette, which draws a graphic picture of the scene, and gives many details of interest that have not yet appeared in American journals.

The flames broke out in the soap factory of a Chinaman, and had the Chinese in the neighborhood not been seized with a panic in the onset they might have been subdued in their incipency. A police officer who happened to be near worked vigorously to beat them out, but he appealed in vain for assistance from the cowardly Mongolians, who were instantly seized with consternation. The consequence was that, as there was a stiff breeze blowing at the time, the fire easily passed the point of control by the officer and spread with marvelous rapidity, leaping from building to building until Chinatown was practically wiped out.

Most of the doomed structures being composed of wood, the area of the burnt district was exceedingly large, and when the consuming element was raging at its height, looked like a sea of fire.

The terror and interest of the affair was increased by numerous explosions of Chinese bombs and cans of kerosene, large quantities of which having been kept in storage contrary to law.

Valuable help was given in subduing the conflagration by the officers and men of a couple of British war ships—the *Satellite* and *Herome*. They did splendid work in tearing down buildings to prevent the spread of the flames to other districts. In one instance a gunner named Spry was detailed to blow up one structure with 200 pounds of powder. It became evident after the fuse had been lighted that this would be unnecessary. He coolly walked into the room where the powder was and extinguished the fuse. This was done at the imminent risk of his life.

It is a rare occurrence for a King to be present at a fire in his domain, and take an active part in stopping the devastation. The good Kalakaua is thus spoken of in the description of the event:

"The King, true to his instincts of an old fireman, was promptly on hand and personally directed the work on Maunakea street. Here he did excellent work urging on the willing men and exerting himself to the utmost to stay the work of the raging flames. Again and again did the men under his command strive to stay the flames, and again and again were they driven back. Had the King's Ministers possessed half the energy of the King the fire might have been stayed before so much havoc had been wrought."

The ground traversed by the conflagration covers the regions bound by Nuuanu and Bethel Streets and Rose Lane on the Waikeiki side, by the Nuuanu River on the Ewa side, mauka on Nuuanu Street by Love's bakery and by a line drawn from thence, including slightly northerly, to the river; on the makai side by the well known "Sailors' Home," corner of Bethel and Merchant Streets, thence by a line running diagonally across to King Street Bridge, including even the little jetty built by the Chinese fishermen at this point, but omitting the buildings on the corner of Nuuanu and King Streets, occupied by Mossman & Co., crockery and glassware, C. Afong, Freeth & Peacock and Chulan & Co. The fire spread mauka of the rear walls of the Honolulu Iron works and thence on. The total number of buildings, both stores and dwellings, is reported as 523, the total loss is estimated at \$1,250,000. Between fifty and sixty acres of ground was burned over and about 7,000 people, Chinese mostly, have been rendered homeless.

The loss to insurance companies is \$285,000.

This great fire is considered to be one of the most appalling visitations to which Honolulu has been subjected in her whole history, so far as the destruction of property is concerned. When the extent of the calamity in that regard is taken into account, the absence of casualties to life and limb is almost marvelous.