DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY - FEB. 2, 1887

THE PEOPLE OF ICELAND.

THE fact that the Elders of the Church are pushing their labors more or less effectively into Iceland causes a deeper and more lively interest to be felt in that country. The number of natives from that far-off frozen land is gradually increasing in this Territory, and as a rule they are worthy and industrious citizens. Apostle F. D. Richards has lately been collecting information in relation to Iceland, in connection with this labors in the Historian's Office. Recently he received a letter from John Torgeirson, of Spanish Fork, Utah County, an intelligent native of that country, who has contributed some interesting papers to the *Juvenile Instructor* on the subject. We are enabled to make the following extract from the letter referred to:

"I know that there are to be found in the Icelandic language more historical facts showing our Israelitish origin than in any other known history.

'The last census taken showed the population to be over 72,000. Of those under fifteen years of age only three could not read and 80 per cent. could write. Education is mostly domestic, every parent or guardian of children regarding it as a strict duty to teach them to read and, of later years, to write; as much so as to feed and clothe them. The parents, or others in the family, give the children, as a rule, three lessons a day, during the winter months. Public schools are very few, as those considered the best statesmen are opposed to them, on the ground that they would be detrimental to the educational pursuits of the young. The illiteracy in Iceland is less under this system, than it is anywhere else in the world.

"Idiocy is nearly unknown, insanity is very rare and only two murders have been committed during the last one hundred years.

"There are about 700,000 sheep on the island. Every family makes its own clothing, men and women work at pilling, carding, spinning and weaving in the long winter evenings. The tailoring and dressmaking are left entirely to the fair sex. A girl in Iceland who can not take wool and, with her own hands, return it in the form of clothing, would not be regarded as fit for or worthy of marriage. A person who can neither read nor write is considered to be little above the level of the brute creation. They are not permitted to marry, and are not by law regarded even so much as competent witnesses in a court. There is not a village of one hundred inhabitants in which there is not a public library and reading society. The National library in Reykjavik is the largest, having over 10,000 volumes."

IN UTAH'S DEFENCE.

THE following special dispatch from Washington to the Louisville *Courier-Journal* shows how the speech of Delegate Caine impressed the House of Representatives and that portion of the press and public that were present when it was delivered. And that it is having quite an effect upon both Congressmen and the country, is evident from many indications in various places. The *Courier-Journal* correspondent says under date of Jan. 12:

"Aside from the day on which the House voted on Mr. Morrison's bill to go into the committee of the whole to consider the tariff bill, to-day has been the most interesting of the session. The interest centered in the Mormon bill. About twenty minutes after 12, Randolph Tucker, Chairman of the Judiciary Committee, called up the bill reported by the House committee, as a substitute for the Senate bill. The first speech was made by Isaac Taylor, of Ohio, in favor of the bill, protesting against the section which deprived the women of Utah of suffrage.

The proceedings were commonplace until Hon. John T. Caine, the delegate from Utah, took the floor. Mr. Caine's position was peculiar, and the fact that he was a Mormon, although not a polygamist, made him at once the centre of interest. The members of the House all gathered on the democratic side, on which side Mr. Caine stood, near the east door. He read his speech. This generally has the effect of emptying the press and other galleries, while the members flee to the cloak-rooms or attend to their correspondence. The contrary was the case with Mr. Caine. His earnest style immediately drew attention, and, as he advanced in his speech, it soon became evident that he was about to make an able and earnest defense of the constitutional rights of his people. The Republican side was almost entirely deserted. The press gang caught on, and came in one after another, as they always do when anything of interest comes up. Nobody left the galleries, and the crowd gradually increased, especially in the ladies' gallery, until all the galleries were full.

Mr. Caine is a native of the Isle of Man; he is 58 years of age, well preserved, of medium height, with sandy side whiskers. He wears glasses, and looked much like a Methodist preacher while addressing the House.

He gave some figures that astonished the members, and among other things said the illiteracy in Utah among the Mormons was only 3.35 per cent., exactly what it is in Connecticut, and much lower than in many other States in the Union. The labor problem, he said, did not trouble Utah, for there ninety per cent. of the people were freeholders and own their own homes. Many of the Mormons have the advantages of foreign travel, as they send out yearly missionaries to Europe who spend three years abroad making converts to their religion. Mr. Caine gave a pathetic picture of the wanderings of the Mormons, and their vain endeavors to find a permanent and peaceful abode.

Governor West, Governor of Utah, sat next to ex-Governor McCreary, a much absorbed listener, one seat to the rear and four seats to the left of Mr. Caine. The passage was a little interesting when he read from Governor West's message, stating that there was perfect peace and quietness in the Territory, but appealing for the stationing of troops and the strengthening of the Territorial Government.

Mr. Caine's time expired, when Hon. Patrick Collins rose and yielded so much of his time as might be necessary for Mr. Caine to conclude. The members continued in their seats, and the galleries grew denser, and a splendid audience was accorded the speaker until the close of his speech, which occupied two hours. The speech was complimented on all hands, and the scene was one of interest throughout."

VARIAN VS. VARIAN.

MR. VARIAN'S apologists, who defend assassination and want deputy marshals to shoot and kill "Mormons" accused of misdemeanor if they do not walk up and surrender themselves, endeavor to extricate him from the fearful muddle into which he plunged himself by screening instead of prosecuting the murderer of E. M. Dalton. In doing so they mix up common law, United States law and territorial law into a mess of hodge-podge, and then season the hash with a pretended decision of the Supreme Court of the United States which, even if genuine, is incongruous to the whole.

It is all of no use. Neither the common law, nor the United States statutes, nor any provision of the territorial penal code, nor any decision of the highest legal tribunal makes unlawful cohabitation a felony. That is a plain and simple proposition and is the hinge upon which the whole question turns, if any question is left. We do not believe there is any, except in the mind's eye of those who want to whitewash Assistant District Attorney Varian.

To make any color of justification for the shooting of Dalton, it must be made to appear that he was to be arrested for a felony. He was indicted for unlawful cohabitation. Varian and his apologists want to make out that this offence is felony. The law of Congress says it is a misdemeanor. Is not that enough? No? Well, we will cite Mr. Varian against Mr. Varian, seeing that his sophistry is held to be of greater value than the plain language of the Edmunds Act. In his plea for Thompson while in the position of the prosecutor of Thompson, he said:

"The deceased was charged by an indictment of the grand jury of this court and district with a criminal offense against the laws of the United States, designated as the offense of unlawful cohabitation. By the express terms of the statutes creating and defining this offense *it is classed as a misdemeanor.*"

Speaking of the common law, he claimed that it has no existence in its criminal form in this country; said he:

"As your honor is aware, there is no common law—criminal common law, known to the jurisprudence of the United States."

"Polygamy, which was a felony, a capital crime in Sweden at one time, *is not a felony under our law.*"

"Polygamy, *which is called a misdemeanor* in the Federal statutes, was a felony in the days of James the First."

"In that day, a man charged with the crime of polygamy or bigamy might be shot to death by the officer holding the warrant for his arrest if he failed to surrender."

"So in this respect, if your honor please, we have grown out of the common law," and the question is not to be determined under the United States laws now as it was to be determined at common law."

Now what does all this prove? Why, that according to Mr. Varian, neither unlawful cohabitation nor polygamy is a felony under the laws of the United States: that under the common law an officer might shoot a felon escaping from arrest but not a misdemeanant; that we have grown out of the common law so that now not even a person accused of felony may be shot down by an officer to secure his arrest, much less one accused of misdemeanor; for, says Mr. Varian:

"The people have grown wiser, and a better civilization has made greater progress; the age has become more enlightened."

There is no provision in the laws of the United States authorizing an officer to take the life of an escaping person accused either of felony or misdemeanor. To justify him, recourse must be had either to the common law or to the territorial law. Mr. Varian says the first does not exist in this country, and the second does not apply. Where is he left, then? Why without any ground to stand upon. But if he takes either or both, after repudiating them, he is in the same unfortunate position, for the territorial law does not justify homicide in arresting a person for misdemeanor, and Mr. Varian said himself in regard to the common law:

"Armed with a proper process, or in some cases even upon a well grounded reason of suspicion of the *felon*, the peace officer was authorized to pursue the alleged *felon* to death. *This was not the rule, however, in cases of misdemeanor.*"

Here, then, is Varian against Varian. Judge him out of his own mouth and his condemnation is secured. The common law, if it prevailed here, would not justify the killer of Dalton; the territorial law will not clear him; and the laws of the United States afford him no excuse. Yet the prosecuting attorney, C. S. Varian, justified the assassin, and his apologists seek to defend him and to uphold the murderous doctrine which he enunciated, to encourage deputy marshals in shooting down "Mormons" accused of misdemeanor, under circumstances which the law pronounces murder in the first degree.

But it will not avail. We do not intend to let this affair be glossed over by any such perversions of the law on the part of the attorney's unprincipled friends. The more they stir this matter the more it will smell to heaven and manifest his turpitude. And the clearer will it be made to everyone who reads, that Varian's sophistry is not law and that it will not justify assassination, even if committed by that remarkable functionary a deputy marshal of the United States.

THE "CHRISTIAN UNION" APPROVES.

THE *Christian Union* approves of the bill now pending in Congress against Utah, because it beleives that it manifests "a determination that polygamy must go," and that "the determination to destroy polygamy is neither sectional nor partisan; it is national." But the *Union* does not attempt to show how this bill, if it becomes a law, is going to accomplish that end so much desired by certain fanatics. If it should pass, in a very short time the old howl would go up that polygamy is not extirpated, and that more legislation is needed. Indeed the *C. U.* seems to foresee this, for it says;

"This bill tries the experiment of putting that power (the governing power) into the hands of the non-"Mormon" population. If that does not succeed, the other remedy (a National Commission) lies in reserve; and it will if necessary, be exercised."

So the probability is that, even the Tucker-Edmunds bill will not succeed in effecting the object which the *C. U.* imagines is in view of its enactment. And it will not, for the simple reason that that is not the end designed. The purpose of its promoters was to take political power away from the majority of the citizens of Utah and give it to the minority, and also to open the way by which the "Mormon" Church could be robbed with impunity. The *Christian Union* may not understand this, but it is plain enough to any one who will pull the anti-polygamy beam out of his weather eye.

In giving a synopsis of the provisions of the bill, the *Union* skips its main provision; that is, taking away from the people, "Mormons" and "Gentiles" alike, the right to elect the local officers, and putting it into hands irresponsible to the citizens. The bill gives the Governor the right to fill all the county and precinct offices by appointment, and the President power to fill all the territorial offices except that of Delegate to Congress and Representatives of the lower house of the Legislature. We would like the *Christian Union* to show on what *Christian*, or Republican, or Democratic grounds it can justify or praise such an un-American and despotic outrage upon the rights of citizens.

It is singular how blind religious bigotry makes otherwise good men and wise philosophers. And when the many failures of political efforts against "Mormonism" are counted up, it is strange that thinkers do not perceive the folly of legislating to establish certain notions of morality, and to suppress a religion that evidently has within itself the elements of vigorous life and successful resistance of oppression.

We can promise the *Christian Union* editors that no such despotic measures as that which they now applaud will have any effect whatever in putting down "Mormonism." And if the teachings of history do not suggest that those schemes will not suppress a practice based upon religion, and interwoven with a religious fabric that is more precious to its devotees than life itself, no predictions or reasonings of ours will have any tendency towards their enlightenment. They must wait, and see, and marvel.

BISHOP SCANLAN AND THE SECTS.

BISHOP-ELECT SCANLAN, of the Catholic Church of this city, has poked his sacerdotal stick into a hornet's nest. He has blown the local sectarian fire into a blaze and caused the flames of hate to encircle his devoted head. The cause of this fiery attitude of the wearers of the cloth toward him is a discourse delivered by him on Christmas morning, in which he used some expressions not highly complimentary to the religious status of the Protestant sects. The *Utah Christian Advocate*, published in this city rises in its wrath, and assails him on account of his expressions, some of which that paper reproduces. We give a few of them here:

"They give two hundred different answers to the question 'what shall I do to be a Christian?'. What one declares is necessary to enter the kingdom of God another denies, or declares evil." * * * "They boast that they have power to deceive those who trust them; for they confess that they teach merely opinions. Not one of them can stand up and say that I know that what I teach is true. * * * "Nice teachers; teaching the law and yet declaring that they do not know the law. * * * "Christ described them when he said false Christs and false prophets will arise."

The *Advocate* asserts on the contrary that the Protestant denominations are "in wonderful harmony," and emphasizes this statement with the assertion that "the ministers of these churches, in this city, often meet and counsel together in delightful harmony." This consolidation cannot be denied so far as it relates to one particular—The representatives of a broken religious system are homogeneous in their opposition to the Church of Jesus Christ of Latter-day Saints, and take more or less a part in every scheme and plot aimed to produce its destruction. Their consolidation on other matters is not very apparent, as there is amongst them an essential conflict of interests.

As an offset to the strictures of Bishop Scanlan the *Advocate* publishes brief statements from the ministers of the five sectarian churches in this city. They give the ideas of each upon the essential conditions of salvation. To one, who understands the comprehensiveness of the Gospel of Christ they are meagre to the point of attenuation, yet the *Advocate* points triumphantly to them as exhibiting remarkable unity. There is so little in them that the most striking exhibit they give is the greatness of the mass of essential conditions and principles of the system taught by the Savior and His authorized servants as necessary, that they discard as worthless.

Throughout the entire article there is shown a wonderful poverty of means and ability to controvert Bishop Scanlan's strictures with fact and logic. This impoverished condition is made all the more striking by the plain disposition exhibited to make the controversy personal in place of intelligently polemic. As usual it was found impossible for the sectarian bigot who penned the production to refrain from exhibiting his animosity to the "Mormons," while showing his teeth at the local representative of the Catholic Church. Here is the final climax to his article:

"The case is clear; the priest is convicted. Down with the priests, Jesuit, Catholic and Mormon. They have been and are tyrants and oppressors."

The fanatic who wrote that might be a suitable person to head a howling mob against a religious body differing from the one he belongs to, but he is a badly-built boat, dashing about without rudder or compass, when he enters the sea of intellectual controversy.

A CONGRESSIONAL IMPOSITION.

THE admission of the Territories of Washington and Montana as States of the Union, was recommended to the House by the Committee on Territories, on the 20th inst. The bill which went to the committee came from the Senate, and provided only for the admission of Washington. The committee added Montana to the bill, and changed the provision that the constitutions of the new States should be submitted to the President, so as to require them to be submitted to Congress. A further amendment requires the constitutions of the new States to embody a provision forbidding polygamous association or cohabitation within their jurisdiction.

Mr. Hill, of Ohio, Chairman of the Committee, presented a minority report objecting to the anti-polygamy provision, on the ground that no conditions whatever should be imposed on the constitutions of the States, except that they shall provide for a republican form of government and conform to the Constitution of the United States.

Mr. Hill, though in the minority, is exactly right on this question. It is and ought to be required of every State forming a part of the Federal Union that its Constitution and laws shall be in accord with the supreme law of the land. But what consistency is there in this requirement, if Congress in imposing it upon the States departs from that Constitution itself? Let us see what that instrument has to say bearing on the question of admitting new States:

"New States may be admitted into the Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, without the consent of the Legislatures of the States concerned as well as of the Congress."

"The United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence."—Article IV. secs. 3 & 4.

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding."—Article VI, par. 2.

Congress has no legitimate powers but those conferred upon it by the Constitution. Any others that it assumes to exercise are in the nature of usurpation. Every American patriot ought to do all that lies in his power to preserve the country from unlawful encroachments. The balance of power between the several States and the National Government, so nicely adjusted in the Constitution, ought to be maintained. When new States are about to be admitted into the Union, no other conditions ought to be imposed than those contained in the above extracts, which are all that the Constitution has to say relating to this subject. If a State is guaranteed a Republican form of government and is not formed out of part of an existing state or of two or more States, Congress has no constitutional power to demand any extraneous requirements.

The polygamy bugaboo is making asses of many public men. Granting that all the nonsense that has been uttered about it both inside and outside of Congress is sound and true, neither polygamy nor monogamy is a subject for the Federal Government to legislate upon. Matrimony does not belong to the sphere of national politics. It is to be regulated, if anywhere by the secular power, under the auspices of the several States. Each State has the right to regulate its own domestic affairs. Congress has no more right to forbid polygamy than bachelorhood within any State of the Union. "All the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people;" so says Article Ten of the Amendments. There is nothing in the Constitution or the Amendments thereto which delegates any power to Congress or other branch of the National Government over the subject of marriage. It belongs "to the States respectively, or to the people."

The fanatical and erratic notion that has obtained at the seat of Government that Utah must not be admitted as a State without some unconstitutional provision like that proposed for Montana, is an assumption of power at variance with the spirit and also the letter of our national institutions. It is a departure from custom and from right. It ought not to be pandered to by any Democrat in the land, because the Democratic party is supposed to be *par excellence* the Constitutional party, maintaining the rights of the several States as against Federal encroachments, and preserving that equilibrium of powers by which alone the integrity of our system of government can be perpetuated.

Montana may accept the condition improperly imposed. Other incipient States might do the same for the purpose of securing without impediment the liberty which is their right. Expedients are often necessitated by force. But it would nevertheless be a new departure from the beaten path, and the demand would none the less be outside of the authority vested in Congress by the instrument that confers upon it all its legitimate powers. Congressman Hill may stand alone in his resistance to this demand upon Montana, but he has the proud satisfaction of knowing that his position is sound, and "it is better to be right than to be President."