DESERFT EVENING NEW TRUTH AND LIBERTY. SALT LAKE CITY, UTAH TERRITORY, SATURDAY EVENING, NOV. 27, 1886. VOL. XX NO. 5 should not prohibit a practice that is injurious to the well a conference of the second that is a revised of the second that is a revised to the second that the second the second the second that the second the second the second that the second the second that the second NEW YORE TRADE. **EVENING NEWS:** LETTER Pubished every Evening, except Sunday. TO THE One Copy. one year, with Postage, "Bix months," \$10 00 three months," \$250 SECRETARY OF THE INTERIOR DESERET NEWS: The Affairs of Utah, Polygamy, "Cohabitation," Etc. One Copy, one year, with Postage, six months, " \$3.00 BY DESERET NEWS: **GEORGE TICKNOR CURTIS.** Union. It is at once obvious that such the law of 1862 was amended by the a law would have transcended the act of March 22, 1882, which has been an observation of the fal-lacy of the so-called Higher Law to be for one moment misled by that specious doctrine. I lived and acted through the whole of that period when men of all grades of intellect de-luded themselves with the idea that ful cohabitation. To these persons, the requirement was that they should the requirement was that they should promise "to obey the laws" as they have been construed by the chief jus-tice and his brethren; and while 1 shall not say that this construction is t as "infamous" one, I shall say that it is forced, artificial, mnatural and op-pressive; and that to require citizens of the United States, who happen to dwell in a Territory, to promise to obey the laws, when so construed, while the door of access to the Supreme Coart of the United States is closed and kept closed against them, when the offense is a new one, when it is couched in one ambiguous word, and when the construction of the lower courts re-quires of them a renunciation of reli-gious and moral duties, is a cruel prohusband and wife. But in Angus M. legislative power of Congress, because called the "Edmunds act." This act it would have encountered a personal re-enacted the provision of the act of WEEKLY. re-enacted the provision of the act of 1862, which made polygamy bigamy, and it also cleated a new offense, de-scribed in its third section as "cohao-WASHINGTON, D. C., November 1, 1886. PUBLISHED EVERY WEDNESDAY. right to hold in a slaveholding State a species of property then perfectly law-ful in the limits of that State, and be-\$2 50 1 50 TO THE HON. L. Q. C. LAMAR, One Copy, one year, with Postage, States gives to Congress no legislative authority over the property of inhab-itants of a Territory unleave to find the section as "cohao-imprisonment, as penaltice and three months, luded themselves with the idea that what they considered the law of God absolved them from obeying the laws regularly enacted by human authority; when men who aspired to be, and who supposed themselves to be, statesmen, and were so considered, toyed and coquetted with the doc-trine of the supposed Higher Law, and thereby contributed their in-fluence to debauch the public mind and to uproot the foundations of civil Secretary of the Interior. INTRODUCTION. PUBLISHED BY authority over the property of inhab-itants of a Territory unless that prop-erty is itself within the Territory. I have suggested this illustration of the limits of Congressional authority over the relations of social and civil life in a Territory, because, in the ex-isting legislation of Congress on the subject of polygamy in a Territory of the United States, there is some anal-ogy to the legislation which I have by-pothetically assumed to have been adopted in regard to slavery. I shall presently point out how this analogy is important to be observed, because it SIR: No apology can be necessary for this communication, or for the public manner in which it is addressed THE DESERET NEWS CO., SALT LAKE CITY, UTAH. It concerns a matter of the to you. United States, and to that portion of CHICAGO TRADE. their affairs which is under your official charge. The recent report of Governor West, Territorial Governor to uproot the foundations of civil obedience. In that long warfare beof Utah, dated at Salt Lake City, and the last report of the "Utah Commis-sioners," both of them official docutween truth and error I bore my part, tween truth and error I bore my part, always maintaining that there is but one measure of the duty of the citizen, namely, to obey the law as enacted by competent authority, whatever als con-victions of the moral rightfulness of that law, and to seek redress or relief from its requirements in the courts. It was because multitudes would not see this, but insisted that their interpreta-tion of the law of God absolved them from obeying human laws which they did not like, that a confusion of ideas respecting civil obligation largely con-tributed to bring about the state of things in certain regions of our land gious and moral duties, is a cruel pro- States last December, and a mandate Absolutely Pure. ments addressed to the Secretary of mit to the interpretation of their own the Interior, seem to me to call for ex-amination and comment. They open is important to be observed, because it takes us into the domain of religious This powder never varies. A marvel of laws by their own tribucals. But Utah is not a State. It is a Territory ing powers and wholesomeness. More conomical than the ordinary kinds, and annot be sold in competition with the mul-indee of low test, short weight, alum or hesphale powders. Sold only in cass. ROYAL BARINE POW the Unit of the Wall Street New York the policy of this government towards liberty just as the supposed case of legislation respecting slavery would of the United States. The inhabitants have taken us into the domain of civil do not make the judges, and they did the Mormons of Utah, as it has been pursued for the past few years, and they advocate measures of still greater severity in the same direction. I have felt prompted to give a great deal of SIX MEDALS do not make the judges, and they did not make the laws in question. To iberty in the then condition of the of the First Class deny to them all means of having the rulings of the local judges on acts of Congress revised by the Supreme Court Inion AWARDED Let it he remembered then, once for Let it he remembered then, once for all, that I make no question of the power of Congress to prohibit in a Territory of the United States the social and civil relation known as polygamy, or plural marriage; and it makes no difference, in my view, whether those who contract plural marriage do so from a sense of re-ligious affect their deares civil and re-ligious rights, is neither reasonable, politic, humane or just. It is a very temarkable circumstance that Congress should have created a new offense by a statute designed to apply to a very peculiar and unprecedattention to the measures pursued to-wards the Mormons of Utah, on acpelanosskukkta BRINCKERHOFF, TURNER & CO., count of the principles of civil and reconstrued by a set of local judges, over whose decisions there is no appellate jurisdiction, and when obedience to the law, as so construed, requires him to renounce religious and moral duties to others who are dependent on him, in the pententary imposed by the sentence. He is a man less life, in all respects a man of edu-cation and culture, and one of the first citizens of the Territory. It appeared in evidence that he had seven wives ligious liberty involved; and I have given a great deal of study to the laws things in certain regions of our land that preceded our civil war. 109 Duane M., New York. Manufacturers of and Dealers in Corres SAIL DECK, "Woodherry," Druid Mills "POLNEMUS" and other favorite brands, a numbers—itard, Medium and Solt. But this is not the attitude of the Mormons. They are not believers in Established 1839. that have been enacted respecting them, and to the policy which is pursued towards them. Some of the coningious obligation or conviction of a apply to a very peculiar and unpreced-ligious obligation or conviction of a ented condition of social and domestic DUCK FCN DVERALLS, BLUT .RGWN, OR IN THE GRE the Higher Law as a means of absolvvictions which I entertain I desire re-Scapmakers, Perfumers, Chemists, ing them from obedience to the law of the land. Whoever imputes this to Divine permission, or from any other motive. But it is one thing for Con-gress to have a constitutional power to prohibit a relation, and another thing spectfully to submit to you. is to subject him to a moral torture then living, to whom he had been ented condition of social and domestic relations without any legislative defi-nition of the offence. When new leg-islation is resorted to in regard to crimes that have long had a settled meaning, such as burglary, theit, arson, forgery, and the like, it may well be left to judicial interpretation to deter-min posticular areas who then the In the course of the past summer I had occasion, in writing to President Taylor, the head of the Mormon Church, to ask a certain question, and is to subject him to a moral torture worse than any physical pain to which the human frame can be subjected. I say that the men who rejected this offer would not have been MEN if they had embraned it, and I honor them for their refusal. This, Mr. Secretary, is strong language. I proceed to its jus-tifearition BT THE them makes a great mistake. All they ask of us is that in the interpretation and administration of our laws we World's Industrial and Cotton (... tennial Exposition, New Orleann, dom and trench upon their religious free-dom and trench upon their rights of conscience. That we have hitherto cend and violate the constitutional rights of individuals. It was perfectly 1884 and 1885. and to request him to allow me, in case I should find it necessary, to pub-Extracts from Jurors' Reports to the Boar of Awards.) lish his answer. I received from him, competent to Congress to prohibit the suffered our laws to be so interpreted For Collective Display of Toilet Soaps and mine in particular cases whether the under the date of August 3, 1886, a letholding of slave property in a Territification. habitation with more than one woman. and administered as to violate their retification. The Governor states that he saw and conversed with about 50" of those con-victed under the law, "and that he pro-posed a certain condition te "all," namely, that they "would promise to obey the law in the future." He does not say of what particular offences these fifty persons had been convicted. The statute covers two offences: One the bill table with more than one woman. Before the act of 1882 went into ope-tration, Mr. Snow had dwelt exclus-ively, in every sense of cohabitation, so with his youngest wife and her chil-dren, in a separate house which he built for her; his other and older women, lived in separate houses with the children of each of those who had the children of sonew's whole is associa. facts proved in evidence constitute the crime. But when it is intended to make an entirely new crime or misde-Perfumery. tory. It would have been entirely unter, from which I now, with his perligious freedom and trench upon their For Fancy and Ordinary Tollet Soaps. mission, make an extract that is, I think, deserving of the serious atten-tion of all who are concerned in ad-ministeriag the Federal Government, constitutional for Congress to publish rights of conscience I shall make plain Wolfe, Patton & Co., For Excellence of Material, Delicacy of Per-fume, and Neatness of Style. beyond peradventure. I shall show that Mr. Taylor is entirely right in an-ticipating that he and his fellow-be-lievers will be forced to become the champions of civil and religious liberan inhabitant of a Territory for hold meanor, to give no legislative definition of it, and to discribe it by a single word which admits of different meanan innabitant of a ferritory for hold ing slave property in a State where such property was lawful. It is in my opinion perfectly constitutional for Congress to prohibit polyramous mar-riages in a Territory of the United For Zenithia Shaving Soaps. and more especially of the Secretary of the Interior. You will perceive, isir, that the answer was given most di-rectly and plainly, and that it came from one who is entitled to speak the sentiments and feelings of the Mor-stand for the purpose of enacting the For Laundry Sonp Specialties. constitutional for bit polyramous mar-ritory of the United thy unconstitutional break up the institu-polygamy, to apply penalties that violate For Excellence and Superiority of Laundry. Harness, and Medicinal Toilet Soaps. Highest and only Award for Chemically Pure Glycerine. States, and perfectly unconstitutional for it, in order to break up the instituis bigamy, or the having married more children. Mr. Snow's whole jassocian or practice of

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mon people of Utah. He gives to the imputation of disloyalty just the denial that was to be expected from him. The reason why I put to him the question which he answered was because I have long forseen, from the spirit that pre-vails among the non-Mormons of that Territory, and from the tendencies that are manifested in Congress to al-low of measures dictated by that pirit, that the time may not be distant,

f it has not already come, when an attempt will be made to force upon the Mormons the alternative that I suggested. The following is Mr. Taylor's

PRESIDENT TAYLOR'S REPLY. "The question which you propound,

is to what we contemplate doing in case we are driven to the wall, and have the alternative presented to us of a surrender of our religious convictions and our civil rights, or another exodus, is one that we can freely an-swer. We may find it convenient to form colonies outside the boundaries of the United States. But we have never contemplated such a movement

answer:

as an exodus *en masse* from these Mountain Valleys. The gathering of the people together is one of our funlamental doctrines, and this continent is the place upon which we are com-manded to gather. Our future is inlissolubly connected with this land. We have had many suggestions about moving on to islands and other places; but such a movement for us is entirely out of the question. Having these views, where could we move to as a body? Notwithstanding the many slanders circulated concerning our loyalty, we are profoundly attached to our Republic. We believe that it was founded by the Almighty through chosen instruments, and that the men who framed the Constitution were inspired of God in their labor in framing that instrument. All the liberty that

we, or any other reasonable being can ask. can be enjoyed under that great charter, when its guarantees are pro-perly observed. If, with the hope of destroving us, our fellow-citizens continue to trample upon our rights, guar-anteed by that instrument, we must continue to bear it as patiently and heroically as we can, doing all in our power to protest against these wrongs, and to obtain our rights in the courts of our country, and trusting in our God for that deliverance which He has God for that deliverance which he has never failed to give us in the past, and which He has promised us for the fu-ture. Our destiny is interwoven with the Republic of the United States. For upwards of half a century, we have been led to expect that such attacks as we now witness would be made upon us, and that the people in power d108 17 would attempt our destruction as a to promise obedience to the law of the Church and a community. We have land and for suffering imprisonment expected, also, that the day would yet come, when it would fall to us to up-go "the privileges [which] they come, when it would fall to us to up-hold the Constitution and constitutional government in this country. We fully believe that this high houor is in store for us, and we are sustained in the midst of our present persecutions by the consciousness that there is a divine providence in all that is taking place, and that our God will so control events that we, as a people, shall be purified and His purposes be brought to pass through the events that are now taking place. "Much more might be said up-on this subject, but from the above you will learn our views, sufficiently to form an idea of our position. We cannot surrender our principles, nor yield our religious

convictions; but shall contend for our rights as American citizens inch by inch as long as God will give us strength and ability to do so. We shall do this, not for ourselves alone, but for humanity, that the principles of civil and religious liberty may be fully maintained on this great American continent.

Constitution."

laim.

quire of them.

ing with more than one woman." They part of pretended martyrs, but that it is one in which they will inevitably be are distinct offences, separately puniplaced if we go on as we have begun, shed. The one requires no special inand that at the same time there is no necessity for such an issue. The following passage from the re-port of Governor West calls for a somewhat extended comment:

means to live with in the same place or sociate with in any way or manner, no

somewhat extended comment: "The all-absorbing question in this Terri-tory, dominating all others, hurtfully affect-ing its prosperity, impeding its advance-ment, and disturbing the quiet and happi-ness of its people, and the one question of the utmost concern and solicitude to the whole | country, is the attitude of de-fance assumed and maintained by the Mor-mon people, who probably are five-sixths of the whole population, to the law of Congress for the suppression of polygamy, known as the 'Edmunds law.' In all questions affect-ing the Mormon Church and people, the polygamous and monogamous Mormons make common cause, stand together, and are united. They maintain publicly through their leaders and teachers, in their houses of wership, through their press and private-ly in social and business circles, that the law is infamous, an interference with and a denial to them of that religious freedom guaranteed to all by the Constitution; of their right and religious duty to continue in violation of the law their polygamous rela-tions, and they deny the authority of Congress to regulate and interpose any restrictions as to their marital relation; that the obdence which they owe and will cheerfully render to a power higher than any earthly power sentenced for that offence. But the the same town.

DIFFICULTIES IN THE WAY OF THE

which they owe and will cheerfuily render to a power higher than any earthly power compels them to exercise their religious rights and privileges in the place of and in violation of the law; that they are prepared to, and will if required of them, sacrifice their personal comfort, their property, suffer indefinite imprisonment, and surren-der life itself rather than yield and promise obedience to the law and forego the provileges they claim. The Government can have and hold but one position towards this people, which is of easy statement: Its authority must be respected, its laws must be PUBLIC FORMING SAFE OPINIONS. No public question has arisen in my time on which the general public have so little means for forming safe opinions as they have on what is called the "Mormon question." To most permust be respected, its laws must obeyed."

I have italicised some of the language of this sweeping statement in order to direct attention specially to some of its charges. The very serious indictment which the Governor brings against 150,000 people contains the following

charges: 1. That the Mormon people, five-sixths of the whole population of Utah, are in "an attitude of defance" to a statute of the United States passed "for the suppression of Polygamy." 2. That they maintain everywhere and at all times that this law is "in-famons." "in interference with and a tion was much more simple than it is now; when there were fewer per-sens to be affected, and when there had not come into existence many thousands of offspring of polygamous marriages, now constituting about one-fifth of the whole population of Utah. Very few people in the country at large understand the circumstances which have convent intilevent and famous;" "an interference with and a which have caused intelligent and denial to them of that religious freedom guaranteed to all by the virtuous women to enter into plural

voluntary as any other form of the marriage, a connection that is just as voluntary as any other form of the marriage relation. The relation of plural wives to one husband is just as boly and innocent, according to the Mormon religious belief, as the rela-tion of marriage between one woman and one man. No one can under-stand this necesiar moral the nomenon 3. That "they deny the authority of Congress to regulate and interpose any restrictions as to the marital rela-

4. That they set up their convictions of a law bigher and more sacred than human law as the ground for refusing stand this peculiar moral phenomenon without referring to the religious belief of the people called Mormons, and no one can perceive the true limits to public interference with these relations without knowing what these relations without knowing what the religious belief of these people is, and how it originated. This is the first time that a public question has arisen since the adoption of the first whendment of the Federal Const t_1 . I deny the justice hand truth of this accusation in every one of its specifica-tions. I repel the charge that the Mormons are in an attitude of desance to the law for the suppression of polygamy. I deny that they are be-lievers in the Higher Law as a source tion, in which the meaning and operation of the religious liberty guaranteed by that amendment have come into from which they can claim peculiar "privileges" or immunity from the consequences of what is made an of-fence by the law of the land. I shall legislative and judicial consideration.

The question of slavery in the Terri-tories of the United States, the vexa-tious question of our ante-bellum period, was a purely civil and political matter not complicated by the element now proceed to prove that the Governor has, unintentionally, no doubt misrepresented them ithat his misrepresentation is a consequence of his having overlooked the distinction be-tween what they admit the civil power of religious belief; for, although some of the defenders of African slavery undertook to justify it on what they deemed religious grounds, it was never necessary for the Federal Government to recently that they determine the can and what they claim it cannot re-GOVERNOR WEST'S REPORT-THE

becessary for the Federal Government to recognize that justification. It is far otherwise in regard to polygwmy in the Territories as a form of the marri-age relation; for although it is un-doubtedly competent to the civil power to regulate the marriage relation wherever it thas a plenary legislative PROMISE BUSINESS. In order to make this clear, I mus now quote two other paragraphs from his report which follow immediately after that above given:

ior w the voungest, consisted in occasional visits to them, always in the day-time and in the presence of any one else terpretation. A man is a bigamist who has married more than one woman. who happened to be in the house, continuing to support and care for them, and looking after the has married more than one woman. The other offence requires very care-fal judicial interpretation, for Con-gress has not defined it. It is described by the single word "cohabit," which means to live the the several periods for which he was indicted in the same tenement; but the terri-torial judges say that it means to as-lawful cohabitation with more than

oue woman. He was convicted bematter in what place. Now, what was the state of things when Governor West visited the pen-itentary? There were a few convicts who had been convicted of bigamy and territorial court, by a forced construc-tion of the state of the instructed the inst cause he spoke of the other women as his "wives," when, according to his faith and theirs, he had married ithem for time and eternity, and because the tion of the statute, instructed the jury, great majority had been convicted of composed exclusively of "Gentlies," unlawful "cohabitation;" and, of that they were to presume cohabitaunlawful "cohabitation;" and, of that they were to presume contacts these, many, and notably "Apostle cion although the fact might be that he had no sexual intercourse with any state of facts which showed that the wife but the one in whose house he whole association, or continuance of dwelt. It is manifest that this conviction state of facts which showed that the which be that this convic-which association, or continuance of personal relations, between the man of the wives but one had, since of the law could not take place without of the law could not take place without is religious freedom, beand all of his wives but one had, since the passage of the Edmunds act, been confined to lookingiafter their support in sickness and in health, and caring for their children, without dwelling in the same house, or in some cases, in | nal relation to them as one of religious and moral duty, and because it was clearly proved at the trial that in the

sexual sense he had not cohabited with any wife but the youngest during the periods covered by the respective in-dictments. When the extraordinary ruling of the territorial court came before the Supreme Court of the United States the sons the practice of polpgamy is all that is supposed to be involved in this matter. Very few of the most intelli-question whether the law required these men to renounce every possible relation to these [woman,] whom they gent people have any comprehension of the problem in statesmanship and jurisprudence which thas come about in consequence of the omission of the Federal Government to deal with polygamy in the Territories at an earlier period, when the whole ques-tion was much more simple than it cruelty of such a construction became upon the world. The enormity and apparent. But alter Mr. Snow's cases had been argued and taken under adhad been argued and taken under ad-visement, a doubt arose among the judges whether they had appellate jurisdiction in this particular class of cases coming up from the Territories. The appellate jurisdiction has not been expressly and directly conferred by any one statute, but it was believed that it could be fattly made out by could be fairly made out by collating different statutes. The Government wished the Supreme Court to settle all the questions aris-ing under the laws of 1802 and 1882, and therfore the Attorney-General raised no question of jurisdiction. Of course it was not the duty of Mr. Snow's counsel to raise that question. But, apparently because the Court perceived that they had made rulings in Angus M. Cannon's case which they ought to reconsider, and because they could not find that they had appellate jurisdiction, they dismissed the Snow cases for want of jurisdiction, recalled their mandate in the Cannon case, and dismissed that writ of error also for the same reason. This left the act of 1882 without any construction what-ever by the supreme judicial authority, and left in the penitentiary some of the most considerable citizens of Utah under convictions obtained in the territorial court by a forced construction of a statute which created a new offense n a very peculiar state of things. This s a somewhat extraordinary situation of affairs; one that can only be remedied by an act of Congress giving ap-pellate jurisdiction to the Supreme Court of the United States in this very peculiar class of cases which involve the question of "cohabitation."

> POWER OF CONGRESS OVER THE TERRITORIES.

to regulate the marriage relation wherever it has a plenary legislative authority, yet the institution of marri-age, whether monogamous or polyg-amous, has in it a religious element, and by the accepted ideas of all per sons professing in any form the Chris-tian religion, this institution of marriage has a religious sanc-tion. To the extent that the marriage relation is not recognized as having a religious sanction, to the extent that it is regarded as a mere civil contract, the bonds of matrimony are the more

punishments and penalties that violate the religious rights of individuals. This distinction is of the utmost imcourts of Utah this word has received an interpretation so strained, artificial. and arbitrary, that presecutions under portance, and I trust that it may be this section of the statute have become kept in view throughout all the criti-cisms that I shall make upon the cxpersecutions, and men have been con-victed and punished for conisting legislation and the judicial in-terpretation that it has received in the duct that was not only in cent, but was of such territorial courts of Utah.

nature that a man would have been There is another distinction on which guilty of the greatest moral wrong if must equally insist. The religious he had omitted or neglected to do the berty that is guaranteed by the first very things for which he has been sent amendment of the Constitution is not a liberty to do acts which the legislato the penitentiary. But this is not the tive authority decins injurious to the weifare of society, but it is a liberty to hold any religious opinions that the individual may see fit to hold, and to worst of it, for by omitting to provide for the appellate jurisdiction of the Supreme Court of the United States, in cases arising under this 3d section of the Edmunds act, Congress left the carry out those opinions in any conduc persons who might be convicted in the that does no harm to others. Upon this territorial courts without any possidistinction it is no violation of reli-gious liberty for Congress to enact that ble means of testing the correctness of heir rulings by the judgment of the in a Territory of the United States monogamy alone shall be a lawful rehighest tritunal in the land. ation between the sexes not withstandcould be more cruel in operation, considering all the circumstances, al-though it was doubtless an unintening the religious belief of the partic that polygamy is commanded or per-mitted by the Divine law. The legistional oversight. I am far from im-puting to Congress any deliberate inlative authority of civil government lifference to the dictates of justice in inay make any conduct malum prohibitum, may prohibit any relation between the cases of the unfortunate Mormon who had to determine what they should individuals, provided that authority do with their wives and children, and determines the conduct and relation to who, do whatever they might, would be against the public welfare. But, on the other hand, the civil authority can be exposed to forced and arbitrary constructions of the law by the final rulings of the territorial courts. But constitutionally interdict or punish no conduct and no relation between in-dividuals which is both dictated by a it is none the less my duty to point out this omission and to urge that it be sense of religious duty and is at remedied without further delay. same time innocent in itself and in its But now it is necessary for me to exconsequences.

When the first amendment to the Constitution declared that-CONGRESS SHALL MAKE NO LAW RE-

SPECTING AN ESTABLISHMENT OF RELIGION OR PROHIBITING THE FREE EXERCISE THEREOF :--

It meant to make two things constitutionally impossible: 1st. To make it impossible for Congress to establish It impossible for Congress to establish any national religion, or any religion to be supported or upheid by the Federal authority; 2d. To make it impossible for Congress to prohibit the free exer-cise of religious beliefs. There is no difficulty whatever in determining the meaning of this last provision. The "free exercise" of religion compre-hends the holding of any religious be-lief and the doing of any set dictated lief, and the doing of any act dictated by that belief which is in itself and its pretation of this offence which is per-fectly arbitrary and unnatural without consequences innocent or praise-worthy. To prohibit the free exercise of religion is to make a law which pre-vents the individuals from carrying out in their lives those religious beliefs which dictate or lead to actions in no

Perhaps it will be asked, why upon the concession that Congress may prohibit polygamy in a Territory, notwithstanding the religious belief of those who practise it that it is commanded or permitted by the Divine law, it is mot equally competent to Congress to punish any kind of conduct that Contutionally effect. gress may deem it necessary to suppress in order to put an end to polyg-amy? I propose to answer this ques-tion by examining the existing legislation on the subject of polygamy and cohabitation, and the judicial interpretation that has be n given to it in the territorial courts of Utab. LEGISLATION ON POLYGAMY AND CO-

HABITATION-JUDICIAL INTERPRE-

TATION THEREOF.

unlimited one; and one of the most important of its limitations is that which forbids Congress from making It is to be remembered that from the time of the great exodus of the Mor-mons from Illinois and their settle-ment near the Great Salt Lake in 1847, carrying with them the practice of pluany law prohibiting the free exercise of religion. The construction given to the 3d section of the Edmunds act by ral matriage, openly, and in full view of the people and Government of the United States, down to the year 1862, a

the territorial courts of Utah makes it violate directly and palpably the first amendment of the Constitution. It would seem to be a very plain proposition that when a statute, deal-United States down to the year 1862, a tacit toleration was given to this fea-ture of their civilization. This tolera-tion was at first extended to it because of their remote situation in a region where it was not supposed that the civilization of the rest of the country would be affected by it, and where it was assumed they would form a com-munity by themselves. I speak now of the toleration evinced by the absence of any legislation on the subject for a period of fifteen years, and by the re-iations that subsisted between these people and the Government and people of the United States during all taat period Not only did those of them



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isned for acting according to their convictions of religious and moral PAID UP CAPITAL, - - \$200,000 duty; a result which Congress could SURPLUS, . . not have intended, or which, if it was

intended, Congress could not consti-I. S. ELDREDGE, President, tutionally effect. Let no one say that I am undertak-ing a defence of polygamy. Let no one say that I am disposed to set up religious beliefs or individual convic-tions of the law of God against the law of the land. There is, I repeat, but one measure of the civil obligations of man in civil society, whatever may be FERAMORZ LITTLE, Vice Frest, JOHN SHARF, WM. W. HITER, J. A. GROESBROK, L. S. HILLS, Cashier, AS. T. LITTLE, Asst. Cashier. DIRECTORS

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men in civil society, whatever may be their religious beliefs. To obey the requirements imposed by the authority Bays and Sells Exchange on New of the legislative power is the first daty of the citizen, and nothing but a successful revolution which over-throws the suthority can absolve Lim York, San Francisco, Chicago, St. Louis, Omaha, London, and principal Continental Citica-

from that duty. But under our system of government that authority is not an as Makes collections, remitting proceeds

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You, Mr. Secretary, will not be likely to misunderstand me; but, in order that others may not, I shall now refer

way injerious to society.

