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CHARLES W. PENROSE, EDITOR.

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THE HOAR BILL AMENDED.

WE publish to-day the full text of the Utah bill passed by the Senate of the United States, and popularly known as the Hoar bill. It was originally prepared by Mr. Edmunds, but on going to the Judiciary Committee, several sections were added, and subsequently Mr. Hoar, who championed the bill, tacked on to it a number of amendments. Those who have followed this piece of patchwork in its course through the Senate, will see that it was amended again during the last days of its consideration.

The first section has been amended by the addition of the last clause, prohibiting the testimony of the husband or wife against the other, in reference to any confidential communication made by either during the marriage relation. The second section has been amended by an additional clause, limiting the detention of a compelled witness to ten days, and providing for the discharge of the witness on giving personal recognizance. The tenth section has a clause added which protects the property rights of illegitimate children under the laws of Utah, up to the time of the passage of the act. Section twelve has been amended by a clause at the close, requiring the trustees of the Church appointed by the President of the United States, to give bonds to the Secretary of the Interior. Section thirteen has a proviso that no building which is occupied exclusively for religious worship shall be forfeited to the United States.

These are the changes made in the bill during its final hours in the Senate. The other parts have been published before, but we now give the bill as it goes to the House. There it will no doubt be further amended, if it should reach a vote. It is hardly to be believed that Congress would seriously pass such a monstrosity. As we have shown in these columns, many of its provisions are based on false information and are without effect, while others, built on the same foundation, would merely serve to throw into confusion the local laws in reference to the estates of decedents, without accomplishing anything in the direction sought by the framers of the bill. It was not passed by the Senate with the expectation that it would become a law, but was purposely framed in an outrageous manner that it might be rejected in the House and give the Republican party a "cry" in the coming election. No one can read it critically without seeing its unreasonable, unjust and unprecedented provisions.

THE BRITISH POLITICAL POSITION.

IT is thought that there will be an early collapse of the Gladstone administration. The Premier's Egyptian policy has placed him in an unpopular light before the country, and a vote of want of confidence and consequent appeal to the nation may ensue at any time.

Had Mr. Gladstone been less personally popular than he is he would have been deposed long before now, and probably no other man could so long have retained his office at the head of the government in the face of an adverse general sentiment in relation to his foreign policy. The grand, solid, brilliant and capable old man has such a hold upon the hearts of the people that they patiently tolerate in him what they would fiercely denounce in another. He ranks among the foremost minds of the century, and the people are fully conscious of the fact. They are proud of his manly and statesmanlike qualities and are therefore tolerant regarding what they esteem to be his mistakes.

Mr. Gladstone's second administration began April 28th, 1880, and has therefore lasted over four years. This period is longer than the average ministry has wielded power during the last fifty years. Lord Melbourne was Prime Minister for six years and four months; Sir Robert Peel, four years and nine months; Lord Russell, five years; Lord Derby, ten months; Lord Aberdeen, three years; Lord Derby, again, one year and three months; Lord Palmerston, six years and four months; Lord Russell, eight months; Lord Derby, a third time, two years; Disraeli, nine months; Gladstone, five years; Disraeli, a second term, six years. This was followed by Mr. Gladstone's second administration.

In the event of an appeal to the country it is thought that the Conservatives are likely to be victorious.

THE DEBATE ON THE UTAH BILL.

WE see by the *Congressional Record* that the debate over the Utah bill in the Senate was quite animated, and that it elicited strong arguments against several features of the bill which were condemned by the speakers as unprecedented, inexpedient and contrary to established principles and rules of jurisprudence. On Monday, June 16th, when the bill was considered as in Committee of the Whole, Senator Brown, of Georgia, made a clear explanation of the position he had taken on the bill, in answer to the misrepresentations of Senator Hoar. He showed that he had laid down the position that "the Constitution of the United States protects every citizen in the free exercise of religion," and that Congress has no power to pass any law abridging the freedom of religion; that no one can practice immorality under the cloak of religion and claim the protection of the Constitution; that the Supreme Court of the United States had properly decided that a person indicted for polygamy cannot protect himself by pleading his religious opinion that polygamy is legal; that he considered the practice of polygamy grossly immoral; and that all the prosperity and good conduct of the Mormons could not justify polygamy.

All this was necessary on the part of Mr. Brown to defend himself from the unjust aspersions of Mr. Hoar, repeated by the press, that the gentleman had virtually said "polygamy was better than lawful marriage and Mormonism better than Christianity." This cowardly method of assault is quite common among anti-"Mormons." If an opponent stands up for even-handed justice, or contrasts the condition of "Mormon" society with that of the society in which they dwell who seek the suppression of "Mormonism" by force, on the ground of its immorality, he is at once accused of defending and promoting polygamy, although he may be far more conscientiously opposed to it and to real immorality than his accusers. This compels him to explain his position in unmistakable terms, but does not generally save him from the cowardly and intentional misrepresentations of the anti-"Mormon" fanatics in Congress and in journalism.

After showing that in Utah all the federal officers are opposed to polygamy, that no "Mormon" who even believes in polygamy can serve on a jury in a polygamy trial, and that therefore it is next to impossible for one accused of polygamy, if there is evidence against him, to escape, and that the law disfranchises and debars from office every man who practices polygamy in Utah, Mr. Brown contended that while in favor of punishing and suppressing polygamy, he denied the right "to punish anyone for polygamy until he is convicted by due course of law," and declared that "to impose upon him a test oath to prove his guilt, is in violation not only of fundamental principle but the Constitution of the United States." He contended that Congress has the right to use all legal and constitutional means to suppress the evil and punish the guilty, but not to "undertake to suppress the Mormon Church," and the fact that they *believe* in polygamy "furnishes no justification for persecution or their punishment." Mr. Brown said further:

But while I take this position in reference to bigamy or polygamy in Utah, I at the same time hold that the practice of bigamy or polygamy by the Mormons in Utah is no worse than the same practice is in New England or in the District of Columbia, and the penalty ought to be the same in both cases.

I have laid down the doctrine, and I do not expect to hear it successfully controverted, that a divorce granted for any other cause except that of adultery or fornication is illegal according to the Divine law, and is in violation of the express command of Christ himself. This authority does not bind persons who deny that Christ is the Son of God, and that the Christian religion is true and is what it professes to be. I admit that such person would not hold himself bound by such authority, but every Christian and every believer in the truth of the Christian religion must feel bound by it.

Then, according to this authority, every man who puts away his wife by divorce and marries another, except for the cause of fornication, commits adultery, and he is not legally divorced or separated from the first wife, and as he has married the second and is living with her in adultery he is a bigamist or a polygamist. He has two living wives. He is neglecting his duty to the first and only legal wife and is living in adultery with another woman.

Now, Mr. President, while we are legislating against the social evil in one of the Territories, and are professing to have great regard for the sanctity of the family, let us legislate as to prohibit this illegal destruction of the family in the District of Columbia and the Territories. If we have jurisdiction over the question of polygamy in the Territory of Utah, we have certainly like jurisdiction over illegal divorce and illegal remarriages in the District of Columbia and the Territories of the United States. My amendment provides that this system of illegal divorce which is now authorized by Congress in the District of Columbia shall be abolished, and the courts in granting an absolute divorce shall be confined to the one cause which is legal according to the divine law.

The Senator from Massachusetts says he does not suppose I expect to pass such an amendment. Why not, Mr. President? I have a right to expect the Senator from Massachusetts and every Senator on this floor who admits the divine character of the Savior and the truths of Christianity to vote for this amendment. I expect the Senator from Massachusetts to vote for it, because if I am not misinformed he believes in the truths of Christianity, and because he professes to be greatly interested in the preservation and sanctity of the marriage relation. If he believes in Christianity and desires to maintain inviolate the marriage relation I can see no excuse he can have for voting against my amendment.

Mr. Brown then took up the question of slavery, in reply to the attack of Mr. Hoar upon the institution, of Georgia, and proved from authentic works and undisputable data that Massachusetts, Mr. Hoar's own State had bought and sold negroes and Indians as slaves and had considered and treated them as dogs; that the breeding of slaves was carried on in Massachusetts, and that nothing in the annals of the South or of the dark ages was more tyrannical, venal and oppressive that the slavery of Massachusetts. He next took up the question of mulattoes, which Mr. Hoar had sprung as showing immorality in Georgia, and proved beyond cauil that mulattoes were "scattered all along through the history of Massachusetts," and that in 1860, while there were in Georgia, a slave State, only ten per cent. of mulattoes as compared with blacks, in the same year there were fifty per cent. of mulattoes as compared with blacks in Massachusetts. This effectually disposed of the question, which was not germane to the bill, but was sprung by Mr. Hoar and not by Mr. Brown.

The Senator then proceeded to refute Mr. Hoar's statement, in defence of the section of the bill providing for the compulsory attendance of a wife as a witness against her husband, that the law of Georgia was substantially the same. He showed that Mr. Hoar was "entirely inaccurate" in his pretended citations of both Georgia and Massachusetts law, and proceeded to say:

"So that neither Massachusetts nor Georgia permits or ever has permitted or I presume ever will permit the outrage against the home and the breach of confideuce between husband and wife which it is proposed by the first section of this bill to enact as a law.

What is the reason, Mr. President, for this exclusion of husband and wife, and this denial of the right to compel them to give evidence against each other. I will read from a distinguished Massachusetts author as to the policy of the law on that subject. Mr. Greenleaf, of Massachusetts, in his first volume on evidence, section 334, says:

For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent, and to break down or impair the great principles which protect the sanctity of that relation would be to destroy the best solace of human existence.

Again he says:

The happiness of the married state requires that there should be the most unlimited confidence between husband and wife, and this confidence the law secures by providing that it shall be kept forever inviolable; that nothing shall be extracted from the bosom of the wife which was confided there by the husband. (First Greenleaf's Evidence, section 254.)

Again he says:

But the object really is to secure domestic happiness by placing the protecting seal of the law upon all confidential communications between husband and wife, and whatever has come to the knowledge of either by means of the hallowed confidence which that relation inspires can not be afterwards divulged in testimony even though the other party be no longer living. (First Greenleaf's Evidence, 337.)

Yet it is proposed by this bill to destroy absolutely that rule which affects the confidence and happiness, and, as Greenleaf says, the greatest solace of human existence. It is proposed, in the wild madness, in the fanaticism that now rules the Mormon question, to break down all these sacred barriers that protected the family so long a time from the earliest period of English history and to apply a rule that has never been applied between husband and wife so far as I know in a civilized country, that in proceeding on indictment against one of the parties for adultery or bigamy, the other, without even being summoned, may be arrested and carried into court and compelled to testify.

The pretext here is that we are legislating to make happy homes in Utah. The argument is that we are legislating to suppress polygamy and to have one husband to one wife, and to make that home a happy one. If Mr. Greenleaf be right as to the objects and aims of civil society and the objects of the law protecting the marriage relation, we are legislating to destroy one of the greatest safeguards of the home and of human happiness.

I repel the statement that the State of Georgia ever has or ever will pass such unwise and outrageous laws. I am glad to see that the State of Massachusetts never has passed such a law, and I know of no other State in the Union that has. It would be iniquitous and it would be monstrous.

Mr. Brown's amendment, on being put to the vote, was lost—yeas 4, nays 42, absent 30.

Senator Vest moved to amend the first section of the bill by adding this clause:

"*Provided*, That in no case or proceeding mentioned in this section shall the husband or wife be a competent witness, except as to the fact of a lawful marriage having been contracted and solemnized between the witness and the party defendant."

The remarks of Mr. Vest in support of this amendment will be found in another part of this paper, as well as the remarks of Senators Maxey and Morgan, who, as well as Senator Vest, combatted objections raised by Senator Hoar, and showed the weakness of his attempt to make it appear that the compulsory attendance of a wife as a witness against her husband was in accord with current jurisprudence or the English law and practice. Mr. Ingalls sided with Mr. Hoar, but his effort merely showed that a wife *ought to be* a competent witness in certain cases against the husband, not that there was any parallel between the provisions of the bill and existing laws in the States.

The debate then went over to the next day, particulars of which we will have to postpone until our next issue. The debate is exceedingly interesting, as showing the determination on the part of the promoters and abetters of anti-"Mormon" legislation to disregard all just restrictions, in their insensate assault upon a religious system the true nature of which they do not and will not try to understand.

THE SENATE'S MORMON CRUSADE.

The following pungent editorial appears in the Washington, (D. C.) *Post* of June 20th:

THE bill which has just passed the Senate for the suppression of polygamy in Utah, or, as it might better be entitled, an act for the extirpation of the Mormon Church, is well calculated to effect that object, so far as it is capable of being effected by statute; but the experience of all ages and nations goes to show that while despotic power may crush out almost every form of liberty, and even scatter to the winds political communities aspiring to be free, the liberty of religious thought is inextinguishable.

There has never been devised an instrument of torture of such atrocious and diabolic capabilities as to obliterate a principle of faith once planted in a human soul; and we search the annals of history in vain to find the record of an established system of worship which persecution, in any of its violent and arbitrary shapes, has succeeded in blotting out of existence. Even where the temple has been destroyed the spirit and the incense survive.

So will it be with Mormonism. It may not endure forever, but it will only yield to wise, humane and Christian influences.

While the government of the United States in the exercise of its legitimate authority over the Territories may rightfully inhibit practices that are in conflict with its own laws or antagonistic to social order, it is much to be questioned whether the object in view can be accomplished by reducing the Mormon Church to vassalage and trampling personal rights in the dust, that elsewhere in the land are declared inalienable, and of which the violation is recognized as a just cause of revolution.

Under the extraordinary bill before us, rules of evidence that have been solemnized by immemorial usage are ruthlessly set aside, the control of the elective franchise is taken wholly out of the hands of the Territorial legislature, the right of suffrage to women that is freely exercised in Wyoming is here revoked, the Probate Court is divested of all jurisdiction over the estates of deceased persons that rightful heirs under existing laws may be dispossessed of their inheritances, the act of incorporation of the Church of the Latter-day Saints is so far annulled as to bring a purely religious establishment under the political management of trustees, to be appointed by the President, and the charter of the Emigrating Fund Company is not only abruptly voided, but its property under direction of process to be instituted by the Attorney General escheated to the United States.

True, it is provided that the assets of the company shall be turned over to the common school fund, but the act is none the less an act of high-handed confiscation, in view of which the American people can well afford to suspend judgment as to the injustice of the Government of Italy in confiscating the estates of the Propaganda. If that is unjust, this is infamous.

It is not by such methods, characteristic more of a barbaric than an enlightened age, reflecting more the spirit of the fourteenth than the nineteenth century, that the Mormon Zion is to be brought to terms; and if it has come to this, that American statesmanship is incapable of solving a plain, economic problem, without renouncing the whole theory of the free institutions on which the Government is based, and resorting to measures known only to the gloomy despotisms of the Old World, the republic is in a fair way to confess itself an inglorious and humiliating failure

GRANT, ODELL & CO. have received a car-load of new buggies, various styles. Call and see them.

THE PERSECUTION AND PLUNDER BILL.

THE Brooklyn *Times*, of the 19th contains the following very sensible article:

"The Utah bill as passed by the Senate provides for the registry of marriages in all the Territories of the United States, for compelling the lawful husband or wife to testify in cases of bigamy, polygamy or adultery, prescribes severe penalties for the non-registration of marriages, deprives women of the franchise which by the laws of Utah they have enjoyed, and authorizes the appointment by the United States Government of fourteen trustees of the Mormon Church. By the terms of the bill the Attorney General is directed to 'close up' the corporation, assigning its net assets to the public school fund of the Territory.

This is a pretty radical measure. It is to be doubted whether the House will pass it. Confiscation of the property of the church has no possible justification save in the fact that the whole Mormon colony are squatters upon land belonging to the United States, for which they have not paid and do not intend to pay. There is no necessity for waging war against the Mormon Church, as a church. Its members live as pure lives, the one great sin of polygamous marriages excepted, and are as peaceable and industrious citizens as any in the country. We don't want to persecute them, but they must obey the laws.

In so far as the bill provides for the stricter execution of the laws against bigamy, it is worthy of the highest commendation. Here we are on firm ground. The Congress of the United States is justified in taking any steps that may be necessary to enforce the laws against polygamy. We doubt whether anything further should be attempted.

CLOSE OF THE DEBATE ON THE UTAH BILL.

CONSIDERATION of the Utah bill was resumed by the Senate, as in Committee of the Whole, on Wednesday, June 17th. The question being on the amendment offered by Mr. Vest to add to Section One:

Provided, That in no case or proceeding mentioned in this section shall the husband or wife be a competent witness except as to the fact of a lawful marriage having been contracted and solemnized between the witness and the party defendant.

Mr. Garland made a lengthy speech against the amendment, in which he took the ground that there were no lawful marriages in the "Mormon" Church, because they were all polygamous, and polygamous marriages are void. A marriage in Christendom, he contended, was "a contract between one man and one woman for life to the exclusion of all others," and this was not the theory of marriage, according to the religion and ritual of the "Mormon" Church. In support of his proposition he cited the decision of the English court in the case of Hyde vs. Hyde, and Woodmansee, in which the court refused to grant a divorce on the ground that a "Mormon" marriage was not a legal marriage. He stated that "Very often the priest himself does not see the parties, but administers the ceremony or service or whatever you call it from a cellar or screen or something of that sort."

Mr. Garland's information is as faulty as his logic. He supports the section making the testimony of the lawful wife permissable and compellable, on the ground that she is not a lawful wife, and to sustain his proposition that there are no lawful wives by the "Mormon" ceremony, cites an element of secresy that has no existence except in a lying book that Mr. Garland refered to as the "history of the ceremony." His queer notion had no effect on the Senate, and his long speech was wasted in the consideration of the bill.

Mr. Lapham—the author af the ridiculous "Altamonte" bill—inflicted upon the Senate a tirade of anti-"Mormon" abuse, including the old stuff about "Joe Smith," "Mormon bible," "Mountain Meadow Massacre," "fungus growth," etc., but did not touch the point in debate, except to claim that "If the first and lawful wife consents to a second and polygamous marriage she ought to be compelled to testify." And "If it is against her will and consent she ought to be permitted to do so;" which was neither according to the bill nor the amendment. Mr. Morgan followed in a pertinent and able speech which we give in full in another column, also the speech of Mr. Call, which was equally to the point and established the fact that the monogamous relation of marriage was not originated by the common law or legislation, but by the so-called "Christian" church. Mr. Bayard made one of the strongest speeches of the debate. While opposing polygamy and supporting monogamy, he was against those features of the bill which provide for the compulsory examination of a lawful wife or lawful husband, and for the appointment by the President of the United States of trustees for the "Mormon" Church. We have not space to-day for his speech in full, but it will be published verbatim in another issue of this paper, as will Mr. Van Wyck's speech on an amendment which he offered in relation to