

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, JULY 16, 1884.

A DEADLY THRUST AT RELIGIOUS LIBERTY.

"THE Senate has passed Mr. Hoar's bill for the suppression of polygamy in Utah. The measure consists of two portions. The first is occupied with changes in the law of procedure as regards prosecutions for polygamy. It sweeps away a number of enactments by which the Mormon hierarchy, through the territorial legislature, had sought to render prosecution difficult and conviction impossible. It also provides additional means to secure testimony against polygamists, thus supplementing the Edmunds bill.

The second part of the measure deals with the property of the Church of the Latter-day Saints, a body which owes its incorporation to the territorial legislature. As every act of that legislature is liable to repeal by Congress, there is a technical right to dissolve this corporation and to hand over its property to trustees selected by the President. But it never is wise in dealing with property to exercise the rights of interference to the utmost; and in this case a precedent is set which might be found exceedingly dangerous in the future. Not merely the Mormon Church, but every church organization in the Territories is threatened by this action. One and all of them are found liable to the confiscation of their property, or its diversion to objects of which they do not approve, in case Congress should see fit to repeal the territorial acts of their incorporation. Already alarm has been taken by other religious bodies, and there is reason to fear that the first half of Mr. Hoar's bill will be sacrificed to the faults of the second."

We take the above from the Philadelphia American. That journal endeavors to give fair and impartial explanations of public measures, and aims to make succinct and intelligent comments thereon. While outspoken on the Utah question and pronounced against polygamy, it is not usually harsh or malicious in its utterances. But like most papers which occasionally touch on the "Mormon" question, it is not familiar with the details of the subject. However, this is a common fault; and when grave and venerable Senators who figure as solvers of the problem, exhibit quite as much of the same kind of ignorance, writers who make merely passing notices of current events may be pardoned for some of their errors.

The American says the Hoar bill "sweeps away a number of enactments by which the Mormon hierarchy, through the Territorial Legislature, had sought to render prosecution difficult and conviction impossible." The American will, no doubt, be surprised to learn that there are no such enactments on the statute books, and that the repeal clauses in the Hoar bill to which it refers are measures leveled at the empty air. They have no other force and effect whatever than to expose the dense ignorance of Senators Edmunds and Hoar and the Committee on Judiciary concerning the subject on which they attempted to legislate. This we have explained already in detail, and we advise the American to learn the facts, so that when commenting upon this matter at the next session of Congress it may do so understandingly.

The "technical right" of Congress to dissolve a private corporation for religious purposes, and to hand over its property to trustees selected by the President, is one that we fail to recognize. We should be obliged to the American if it would enlighten us a little on that point. If Congress can dissolve one corporation and hand over its property to the manipulation of Government appointees, it can do the same with other corporations. The American perceives the application of this to other than "Mormon" religious corporations in the Territories. But the principle, if it exists, is equally applicable to corporations not religious. It may be extended to corporations for financial, commercial, industrial, railroad, or other purposes. If one kind of private corporation can thus be treated, why not another and every other kind? Or is the "technical right" of Congress in this respect confined to the control only of religious corporations?

We would like to know whence this "technical right" is derived. Is it to be found in the Constitution? If so, where is the clause? It must be remembered that the corporation whose property the bill contemplates confiscating—for that is really the proper word, is not a part of the territorial government in any sense. It is not under the direction of the state at all. It is neither the property of the Terri-

tory nor of the United States. It is not connected with the secular government in any way. It may be argued that as the Act of Incorporation was passed by the Territorial Legislature, Congress has the right to annul that Act. Granting that, for argument's sake, does it follow that when the Act is repealed, the private property of the incorporators goes into the control of the Legislature that passed the Act or the Congress that annulled it? The idea is preposterous, and is suggestive of dangerous contingencies.

Suppose that the corporation is dissolved, by any process that could effect its decease, what becomes of the remains? Do they not belong to the individuals who composed the corporation during its vitality? The right of property cannot be invaded in any such way as is contemplated in the Hoar bill. The property of the Church of Jesus Christ of Latter-day Saints, whether that Church be an incorporation under the secular law or not, belongs to that Church and to no other body, power, authority or person. It is no more under the direction of this Territory, or of Congress, than is the property of the Utah Central Railroad, or of the Deseret National Bank, both of which are private corporations organized under the local laws.

Some persons may suppose that the Act of Incorporation passed by the Utah Legislature made the Church an organization a public corporation. But this would be a great mistake. A public corporation is an organization of a part of the state. It is political in its nature, or else the government has the whole interest in its existence, property and objects. Creation by the government does not make a corporation public in its nature. A bank deriving its charter from the government, if its stock is owned by private individuals, is a private and not a public corporation, although it may be established for public uses. The incorporation of a church, to give it a legal status so as to acquire and hold property as an individual, does not constitute it a public corporation, nor give the government any authority over its business or property.

The corporation whose property is sought to be sequestered, is a religious body, such as is common in the United States and in England. It was incorporated under the law for ecclesiastical purposes. It is authorized to sue and be sued; to establish, order, and regulate worship; and to hold and occupy real and personal estate. The trustee-in-trust and assistant trustees authorized to receive, hold, buy, sell, manage, use and control the property of the Church, are to be elected by said Church "as a religious society at a general or special conference." The property received by them is to be used for "the well-being of said Church." And the rules and regulations of the Church are to relate to "solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker." It is, thus, a religious corporation for religious purposes, and Congress has no more "technical" or other right to control its property, either by trustees or any other way, than to manage the property of a bank or of a private individual.

If the corporation is dissolved, the Church of Jesus Christ of Latter-day Saints remains, intact. It is not and cannot be affected as a Church, by any human enactment. It was organized by revelation and commandment of the Most High God and will continue and increase and spread abroad. It was incorporated by secular law to give it a legal status for the convenience of receiving, holding and conveying property. All religious societies have this right in this free country. The attempt to disincorporate it is an effort to destroy it. The movement to place its property in the hands of persons who have no interest therein, is a scheme of spoliation and robbery. It has not yet succeeded and will not succeed. For though laws may yet be enacted looking to that end, they will not accomplish the purpose designed.

All supporters of human rights and defenders of civil and religious liberty should weigh well the caution couched in the concluding sentences of the article we have clipped from the American. The confiscation of the property of one Church, however unpopular will be but "the beginning of sorrows." The precedent will prove a standing menace to all unorthodox religions and the commencement, if not of a union of Church and State, of the domination of the State over the Church, which will be a deadly thrust at the heart of that religious freedom which has been one of the proudest boasts of this great and independent republic.

A CONSPICUOUS MARK.

Those who have been jubilating over the prospects of the passage through the House of Representatives of the Hoar amendments Senate bill in relation to Utah, are biting their thumbs with vexation. It is to be hoped for the sake of the Nation's welfare that their disappointment will remain unbroken. Such an obnoxious and unconstitutional measure may answer some purpose in an incipient form to flaunt before the ignorant masses as something out of which political capital can be made. But every intelligent man familiar with the institutions of our Government knows that the con-

summation of such an enactment would be disastrous to the country.

To conclude that there was a genuine intention of having the measure go through both houses would be tantamount to believing that the National Legislature had been transformed into a lunatic asylum. The most feasible theory in relation to the formulation of the bill and its passage by the Senate is that it was intended merely to cover a campaign point, color being given to this view by the fact of its appearance being put in near the opening of a conflict between the two political parties for the presidential prize.

Be this as it may Congress has adjourned and the bill—the most inhuman and inexcusable ever presented in Congress—did not reach the House. In the meantime one of the most interesting political struggles in which the country has ever engaged is about to open. The attention of the country will be concentrated upon its operations until its completion and the final outcome is reached. And even when it shall be known which of the two parties has been victorious in the contest, subsequent circumstances of great moment are liable to ensue that will occupy much time and intense attention. While the battle goes on, Utah, being still in Territorial vassalage, will be an interested though inactive spectator, without lot or part in the matter. Still she will figure in the affair in some shape, for her name and fame, as a "city set on a hill," will continue to be blazoned abroad. The blatant stump speaker, whose chief stock in trade is his facility to cater to the prejudices of the masses and who feeds on the applause of the ignorant, will hold up the majority of the people of this Territory as a mark to be shot at. He will express the determination of the particular party to which he belongs to no longer trifle with "Mormonism" and the "Mormons." They are to be wiped out, obliterated with one fell swoop of the political besom of destruction. Thus will the demagogue become an unwitting instrument for the spread of that against which he so vehemently and wildly declaims, by causing thinking people who are honest to investigate into the character of "Mormonism," which attracts so much of the fires of manufactured indignation.

The people of Utah are multum in parvo, a great deal of importance being concentrated in a limited population. The width of their fame compared with their numbers is one of the marvels not only of the age, but of all history.

MIASMATIC SOURCES.

DANGER to the lowlands adjacent to this city from high water is past for the season. The people of those localities are now threatened with another source of discomfort not to say danger. When the Jordan lowered large ponds of stagnant water were left to cover the land in different places. These pools have become corrupted in the absence of motion, and from them is beginning to arise an intolerable stench, threatening the health of those living in proximity to them. Probably the evil may be lessened by cutting drains from the stagnant ponds to the river, where this process is feasible. If there is danger of this stagnant water being a source from which miasmatic disease is likely to spread, some steps should be taken to abate them as nuisances of the worst description.

ANOTHER PROBLEM.

It is not long since that General U. S. Grant was ventilating his opinion as to the best method of wiping out "Mormonism," and advocated the passage of a law for the appointment of a legislative commission for Utah as the most effective means. His attention should now be engrossed with the best way of solving a problem with which he is personally connected—the payment of the little sum of \$16,725,473 to the creditors of Grant and Ward, a firm which recent developments show was nothing short of a swindling institution. General Grant went up like a rocket, and has come down like a stick. Since the exposure of his financial fiasco, his opinions on any subject, including even the obliteration of "Mormonism," would command no respect or attention. His is a pitiable position. His former associates and most ardent supporters appear to have deserted him, and scarcely a kind word is said concerning him.

WINKING OUT.

UTAH people will remember T. T. Crittenden—Governor Crittenden of Missouri, and half brother of Governor Eli H. Murray, who talked a lot of malicious rubbish about the "Mormons" when he visited this City and after his departure, having been stuffed full of falsehood by the crowd with whom he associated. He has recently experienced a great mortification in being beaten in a struggle for the position of delegate-at-large to the National Democratic Convention. The man who gained the distinction is Charles H. Mansur, who of all others

Crittenden most opposed, using every personal and official method to defeat him. Crittenden hated him, because he had injured the man by breaking faith with him. He promised Mansur a State appointment, four years ago, but failed to do as he had agreed. Mansur's success is gall and wormwood to Crittenden, who, at the close of his official term, coveted the delegateship as an endorsement of his administration as Governor. The Chicago News thus expresses a general opinion of his career:

At the expiration of his gubernatorial term Crittenden will retire to private life accompanied by about as little regret as followed R. B. Hayes from the White house to his Fremont home. Crittenden's gubernatorial career has resembled Hayes's presidential career in many respects, and Crittenden and Hayes resemble each other in numerous particulars. Both were exceedingly unpopular officials, and each will best serve in obscurity the purposes for which an inscrutable Providence created him.

AN ANTI-DEMOCRATIC RESOLUTION.

THE resolution against polygamy which was received in the Democratic Convention at Chicago on Wednesday and referred to the committee, was offered by Capt. Ransford Smith, who has resided for a short time in Ogden. He is not a delegate from the Democratic party of Utah, but of a small coterie of members of the so-called "Liberal Party" whose only distinction is their hatred of the "Mormons," and their desire to destroy all Republican and Democratic government in this Territory and to establish an oligarchy, in the shape of an appointed Commission in which they hope to gain an interest. Their principles are anti-Democratic and they do not in any sense represent the Democracy of Utah. Their delegates are therefore not representative men.

Following is the resolution as reported by telegraph:

"The civilized world with entire harmony agreeing that polygamy is an offense against good morals and social order, it is rightfully declared to be a crime, and while Congress can make no laws respecting the free exercise of religion, it can and ought to legislate as to extirpate polygamy from the Territories, whether entered into as a religious rite or otherwise; and whenever in any Territory the practice of polygamy is encouraged and sustained by the sentiments of the people they should be deprived of political power." If this resolution should be incorporated in the platform of the party, it will be entirely out of harmony with the principles by which the party has been distinguished from the beginning. If it should be granted that polygamy is an offense against good morals and social order—which has not been proven by the facts nor by argument, it does not follow that those who favor it in "sentiment" should be "deprived of political power." Every citizen should be perfectly free as to his sentiments and opinions. Unless by act he violates law he cannot be lawfully deprived of any political right. The utmost freedom of the individual consistent with the rights of others, is an essential constituent of Democratic doctrine. Even Republicanism, with its opposition to the power of its great opponent, does not and cannot deny the necessity of this as an element of the true liberty of the citizen. And this means liberty of action. Freedom of sentiment is the right of every one. It cannot be curtailed. Neither law nor public opinion can interfere with it. It is only overt acts that can be recognized by law or be made punishable by any power.

The attempt to commit the Democratic Party to the policy of depriving citizens of political rights for opinion's sake, shows how much of a Democrat the person is who proposed it, and what kind of Democrats they are who sent him to Chicago. It is a trick to pledge the party to the Legislative Commission scheme, and the delivery of Utah into the control of "Liberal" adventurers. It is to be hoped that there will be men of sense enough in the committee on Resolutions to see through the clouds of prejudice against "Mormonism," which may obscure the attack on fundamental Democratic doctrine that is ambushed in the Smith proposition.

The party has not set itself up hitherto as the champion of personal chastity nor the regulator of private morals. It has not enunciated the theory that virtue can be established by a criminal code, nor sentiments be subjected to pains and penalties. Popular notions may need a little pampering and clerical anti-"Mormon" fanaticism a little conciliation, for party purposes. But the adoption of Smith's "Liberal" resolution in a Democratic platform, would be so flat a contradiction of established Democratic principles as to make it ridiculous, as well as to involve the party in a worse dilemma than the Republicans have floundered in through their "twin relic" absurdity.

—Diphtheria is said to be scourging Denver.

—Denver is wasting 200,000 gallons of artesian water daily.

—The Ogden postoffice is about to move into new and much better quarters.

LOCAL NEWS.

FROM THURSDAY'S DAILY, JULY 10.

Municipal Elections.—In addition to the general election to be held throughout the Territory on the 4th of August next, there will be an election of municipal officers in each of the following named cities: Spring City and Moroni, Sanpete County; Hyrum, Cache County; Morgan City, Morgan County; Parowan and Cedar City, Iron County; and Richfield, Sevier County.

Serious Accident.—Last evening as the Central Pacific Emigrant train was passing Chase's crossing, a few miles north of Ogden, a tramp attempted to board the train and in so doing, fell under the cars and had his left leg cut off. The train backed down to Ogden with the unfortunate man; he was taken to the hospital where he now is in a critical condition.

The Fourth in Manti.—"Reporter" sends us a synopsis of the day's proceedings, which commenced with serenades by the different bands, amidst firing of salutes at dawn and sunrise. At 8.30 a.m. a procession was formed in front of the Manti Tabernacle, embracing the bands, ecclesiastical and civic authorities, the "Goddess of Liberty" on a throne car, "George" and "Martha Washington," with attendants, the various Sunday schools, the States and Territories with Utah in the centre on a triumphal car, lady and gentleman equestrians, poet of the day, orator of the day, reader, chaplain, etc. The exercises in the Tabernacle commenced with music from the band, followed by prayer from the chaplain of the day, Bro. James Crawford, then the reading of the Declaration of Independence, then the reading of an original poem by the poet of the day, Dr. H. St. John, then an oration by the orator of the day, W. K. Reid, Esq., then speeches, recitations, etc. In the afternoon there were various sports on the green, and in the evening a dance.

The D. & R. G. Receivership.—As stated in the News, the other evening, legal proceedings have been going forward at Denver, looking to the appointment of a receiver for the D. & R. G. Railway, the movement being made at the instance of eastern bondholders, who were getting anxious, in the unsettled state of affairs, for the safety of their investments. Almost simultaneously with the above proceedings, a motion was made by the plaintiffs in the case of the D. & R. G. Western vs. the D. & R. G. Railway proper, in the Third District Court of this Territory, for the appointment of a receiver for the Western line, and hearing on this motion was adjourned till Saturday, to see, it is supposed, what would be done in the Denver Court, meanwhile.

The news now comes that W. S. Jackson, formerly treasurer of the D. and R. G. Railway Company, has been appointed its receiver, and that it is probable he will receive the appointment as receiver for the D. and R. G. Western as well. Furthermore, it is said that Mr. Jackson, who is now a banker at Colorado Springs, is the personal friend of, and warm sympathizer with, Col. Dodge, the present manager of the Western road, over whose attempted displacement the pending litigation and trouble between the two parties arose. It is not improbable, therefore, that the Colonel will be retained in his position, and the aspect of the matter, at this writing, is a victory for him and his supporters.

It now remains to see what Judge Hunter will do in relation to the question of a receiver for the D. & R. G. Western. That the appointment of Mr. Goss will fall through, in view of the fact that Mr. Jackson's would be equally if not more satisfactory to the parties plaintiff in the Utah case, is quite probable. At any rate, it is understood that Mr. Jackson will do his best to have the track put in order from end to end, as soon as possible after taking charge, and through traffic from Denver to Ogden, it is hoped, will be resumed without unnecessary delay.

FROM FRIDAY'S DAILY, JULY 11.

Obsequies.—The funeral services of Sister Jane Golightly Winter were conducted this morning in the 6th Ward Assembly Rooms. The hall was filled to overflowing by friends and relatives of the deceased, to whom words of consolation and instruction were uttered by President Joseph F. Smith. Short remarks were also made by Apostles J. W. Taylor, Bishop Wm. Thorn, and Bishop's Counselors Jas. Watson and Jesse West.

The German Mission.—A private letter from Bishop F. W. Schoenfeld, now president of the Swiss and German mission, says that Elder Thomas Biesinger, who was imprisoned in Austria for preaching the Gospel, was released at the expiration of his term, but was not expelled, and is again laboring in Vienna, where he has been joined by Elder Jas. E. Jennings. The latter, it will be remembered, was expelled from Bavaria several weeks since. Other parts of the mission are prospering.

Missionary Labors.—We have perused a letter addressed to President W. Woodruff by his son A. W. Woodruff, now on a mission in England. The young man is laboring in the Leek District of the Manchester Conference, in company with another Elder named Allen, and gives an interesting account of some of his late experience. On