

every full organized branch or stake, a registry of marriages, births and deaths, free for the inspection of all members, and for their benefit.

Sec. 5. And be it further ordained, that the Presidency of said church shall fill all the vacancies of the Assistant Trustees, necessary to be filled, until superseded by the conference of said church.

Sec. 6. Be it further enacted, that no Assistant Trustee or Trustees shall transact business in relation to buying, selling or otherwise disposing of church property, without the consent or approval of the Trustee-in-Trust of said church.

Approved Feb. 8th, 1851.
Following is section 2 of the anti-polygamy Act, approved July 1st, 1862:

"Sec. 2. And be it further enacted, That the following ordinance of the provisional government of the State of Deseret, so-called, namely: 'An ordinance incorporating the Church of Jesus Christ of Latter-day Saints,' passed February 8, in the year 1851, and adopted, re-enacted, and made valid by the Governor and Legislative Assembly of the Territory of Utah by an act passed January 19, in the year 1855, entitled 'An Act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication and distribution,' and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah, which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled: *Provided*, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the 'right to worship God according to the dictates of conscience,' but only to annul all acts and laws which establish, maintain, protect or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations or other contrivances."

It will be perceived that the first part of this section aims at the repeal of the above Ordinance. But a proviso is inserted which limits the repeal and defines how it is to be construed. In the first place this Ordinance and all other acts and parts of acts in force in Utah, that "establish, support, maintain, shield or countenance polygamy" are annulled. But there is nothing in the Ordinance which mentions polygamy. The power to "solemnize marriage" is claimed in section 3, but only "in common with all civil and religious communities." The proviso in the repealing section limits its application to acts and laws which establish or countenance the practice of polygamy, and declares that it is to be construed *only* in this manner. Any other construction, therefore, is *contrary* to the intentions of the framers of the law, the object of which was to suppress polygamy, not to interfere with the rights of property or of worshipping God. If there is any part of the Ordinance which establishes, supports, maintains, shields or protects the practice of polygamy, this Act repeals it, the rest remains valid and intact, or the proviso is without meaning.

We claim that there is nothing in the ordinance relating to the practice of polygamy, and that therefore it is all unrepealed. This seems to have been the understanding of the Governor and Legislative Assembly of the Territory at the last legislative session, when it was embodied in the Compiled Laws of Utah, approved and adopted by statute, which was signed by the Governor Feb. 22, 1878. (See Laws of Utah, p. 28.) It may be asked, why then was the repealing section passed by Congress, and what virtue has it? We answer, it is evident that our national lawmakers were under the false impression, as many otherwise well-informed persons are to-day, that in Utah polygamy was established and protected by legislative enactments, for, the repealing section speaks of "all other acts and parts of acts passed by the Legislative Assembly which establish polygamy," while the truth is that our Legislative Assembly never passed any Act or part of an Act relating to polygamy, and the position of the Latter-day Saints has always been that plural marriage is purely a Church ordi-

nance with which the State had nothing whatever to do. The virtue of a law, therefore, that repeals that which has no existence, like the wisdom of some who helped to pass it, may be represented by a cipher.

The Puritanical fanatics of the country had been urging Congress to put down polygamy in Utah, and this bill was passed to appease the clamor. Like other anti-"Mormon" measures framed by scheming bigots outside of Congress, it was placed in the hands of some member who, in all probability, never examined our statutes, but was in almost as great ignorance of "Mormon" affairs as many editors who undertake to write upon them. It was put through without due consideration, and was never signed by the President, the lamented Lincoln declining to put his signature to such a mass of intolerance and infamy. It became a law by default of a formal veto.

We call it infamous, because it was designed especially against an establishment of religion, to hamper, obstruct and if possible destroy the Church of Jesus Christ of Latter-day Saints. Its first section is well known; it declares in effect that plural marriage is bigamy, and imposes a maximum penalty of \$500 fine and five years imprisonment. Its second section is given above. Following is the third and last:

And be it further enacted, That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars; and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheat to the United States: *Provided*, That existing vested rights in real estate shall not be impaired by the provisions of this section."

This section, unjust, impolitic and unconstitutional as we believe it is, implies the continued existence of the Corporation, part of whose supposed powers the previous section was designed to annul. And that the Corporation itself was not considered to be destroyed by this Act, is evident from the proviso that its powers to hold the property previously acquired was not to be affected. Supposing that there is anything in the Ordinance of incorporation which countenances polygamy, and is therefore annulled, the Corporation itself is left alive with the right of property it had legally acquired, and of worshipping God according to its own rites and ceremonies. Under a strict construction of the Act, governed by its own limits and construed according to its own specified rule, the Church of Jesus Christ of Latter-day Saints retained the right to sue and be sued as a body corporate, to possess personal property to any amount, to hold and occupy real estate to the value of \$50,000, to establish and regulate worship, to elect a Trustee and Assistant Trustees in Trust, and do all other things provided for in the Ordinance excepting only anything that may be found therein which provides for the practice of polygamy. This is how we understand the law, this we are confident will be generally taken as the common sense view, and this we believe will be sustained by competent authority when it is brought to a thorough judicial test.

AN UNEXAMPLED OFFER.

STATEMENTS have been circulated to the effect that the Executors of the Will of the late President Brigham Young, now imprisoned in the Penitentiary, could not raise the bond necessary to keep them out of prison; other statements have gone the rounds to the effect that the Executors could not be confident they had done right in the management of the trust confided to them, or they would have no hesitation in giving a bond. Neither of these statements is correct. It was not for a lack of confidence in the justice of their case, nor for their inability to secure the bonds asked for by the plaintiffs' attorneys—\$150,000—that the Executors did not give bonds; but because they viewed the sentence of imprisonment as illegal, outrageous and cruel, and designed for the purpose of "cinching" them.

They had already given ample bonds as Executors, and some of the plaintiffs in this case were sureties on the bond of one of their number, and they felt that to give new bonds, under the circumstances, would be a blunder. Feeling, therefore, that principle was involved in the case, they preferred to submit to Judge Boreman's iniquitous decision, and go to prison, rather than give the bond which the plaintiffs' attorneys would be willing to accept.

As an evidence of the feeling outside of the Territory upon this subject, we are permitted to give the copy of a note received yesterday by one of the Executors, Hon. Geo. Q. Cannon, from an eminent gentleman, not a Mormon. Accompanying a very sympathetic letter, he sent the following note:

"—, Aug. 8, 1879.

"Hon. Geo. Q. Cannon,
"Dear Sir:
"I will be your Bail for \$150,000, if your Court will accept of me.

"Respectfully,
"Your obedient serv't."

Were we to give the name of the writer, it would be a sufficient guaranty as to his ability to give such a bond. He is a gentleman of influence and wealth, and it must be very gratifying to the Executors to have such a spontaneous and liberal offer; for we understand there has been no correspondence between the writer of the above offer and any of the Executors upon this subject.

DEFAMERS OF THE DEAD.

WE publish in this issue an article from the Atlanta, Georgia, *Constitution* in regard to the murder of Elder Standing and the condition of affairs in the region of country where the tragedy occurred. We have omitted from the article, as unnecessary to repeat, an editorial from the *DESERET NEWS* which the *Constitution* copied in connection with it. The substance of what we have clipped appears in the *New York Herald* as original correspondence from Dalton, Georgia, much of it being reproduced verbatim. The *Herald* writer says, further:

"I asked Judge Samuel Hawkins, of Chatoga, if they had made any progress in his county.

"Oh, yes," said he. "They have their followers, though principally in one side of the county. They have sent out a good many and have a good many left. They are gradually gaining ground."

"Is it a low class of people that have joined them?"

"Generally they are; and yet in my county they have some intelligent, well to do people."

"Have they ever been annoyed by the unbelievers?"

"Not that I know of. They have preached in the Court House in my town, also in Rome, and, in fact, pretty much over our whole section. I never heard of their having trouble. You see they are very particular. They do not talk about polygamy. I asked one of them once if polygamy was part of his creed. He replied—'We have our own views of marriage, you have yours. We shall not disturb yours; you ought not to disturb ours.' I have heard, of course that the elders were licentious and immoral. All sorts of tales were told about them; but I never knew of a case where they debauched even one of their female converts. They were always intimate with the families of the Saints, but I never knew positively of their having wrong relations with any of the women. They have always struck me as being smart, shifty, determined men, bent upon their work of proselyting."

The following is added by the *Herald* correspondent in regard to the assault upon Elders Standing and Clawson:

"On the night after their arrival they were arrested, insulted and ordered to leave the neighborhood instantly. It being discovered the next day that they were still on hand, the mob was formed for the purpose of whipping them. It is not believed that there was any intention of killing them. The plan was to strip them, tie them to a tree and dress them down with hickory limbs. Standing's fecklessness in picking up a pistol that had been carelessly laid down, and threatening the whole party with it, was the cause of his death. After

he had been shot once the whole party fired upon him, and his head and neck were literally riddled. There is no doubt that there were personal motives back of this determined hostility to the Mormons, and that the men who stood up against their advance were standing up in defence of families, whose harmony and existence was threatened by the teachings and the persuasions of these men.

The field in Georgia so long fought over and now stained with the blood of a 'martyr,' as they call him, is not to be abandoned. This act of violence has only doubled the energies of those Elders remaining, and stiffened the backs of the local 'Saints.'

The *Constitution* says editorially:

"The last exhibition of mob violence in Georgia, the killing of Joseph Standing, the Mormon, was absolutely and utterly without excuse, and should be condemned and punished."

We have published these quotations in vindication of the character of Brother Standing, which some very "Christian" persons are endeavoring to asperse in order to find an excuse for the cowardly crime, and that due credit may be given to Judge Hawkins and others who would not bear false witness against the champions of an unpopular creed, but spoke the truth concerning them without regard to the prejudice of the multitude.

It is useless for dirty-minded hypocrites to endeavor to insinuate evil against the martyred Elder. His character was above reproach. It is of no avail to impute to him the practices of the numerous Latharios of their own religious societies. There is no ground in our missionary field for the scandals common among them. It is in vain that they try to lessen the burden of the assassin's guilt in any degree by reference to the propagation of polygamy. The evidence shows that our missionaries simply preached the first principles of the gospel, and interfered in no way with the social customs of the people among whom they labored. Falsehoods concocted by vile men and adopted by silly women in this city have been circulated in the districts where our Elders have preached the gospel, they have been taken up and repeated by Methodist, Presbyterian and Baptist bigots of those regions, and the result has been that the worst passions of the worst people have been stirred up, with one cold-blooded, inexcusable murder and the whipping and maltreatment of half a dozen old men and women as the consequences. This is the sum of the success of these "Christian" efforts, so far. Let the real instigators of this mobocracy look on their work and take all the satisfaction their pious souls can derive therefrom.

We consider every man or woman who seeks to palliate these crimes, a murderer at heart. And all who have aided in bringing about the state of feeling which has produced these results, are, in the eyes of heaven, spattered with the blood of innocence. There remains for them a just judgment from which they cannot escape, and every dastardly attempt to besmirch the name of the murdered missionary only exhibits the filthiness of their nature, intensifies the wickedness of their course, and brands them as despicable defamers of the dead.

Local and Other Matters

FROM SATURDAY'S DAILY, AUG. 13.

On the Islands.—The innumerable friends of Sister Zina Young will be pleased to hear that she and her companion, Miss Susa Young, reached Honolulu on the 14th of July. Their journey across the Pacific was pleasant, the weather during the passage being favorable.

Diphtheria.—An informant states that there have been twenty-four deaths from diphtheria in Draper, during the past few months, whereas in the previous twenty-two years there was comparatively no sickness of any kind.

The same dreadful disease is reported as causing many deaths in Nephi and other adjacent settlements.

Juvenile Instructor.—No. 16 of this excellent paper comes to hand fresh from the press. It contains articles on Biblical subjects, an interesting illustrated paper on birds'

nests, besides appropriate editorial thoughts, remarks on the death of Elder Joseph Standing, and scientific and musical contributions. Altogether the present issue is one of the best numbers we have seen.

From San Pedro.—Elder W. G. Trejo, of San Pedro, Pima County, Arizona, called on us the other day. He spoke in very favorable terms of the country in which he is at present located, its natural advantages predicting for it a promising future. The settlement at present consisted of about 60 persons, but there was room for many more. Some farming was practiced, but the most important occupation was grazing, there being green meadows the year around. Facilities for dairying were excellent, and the place was near to Charleston, a mining town, where all kinds of produce met a ready demand. A saw mill was among the industries of the settlement also. Timber and water were abundant. President P. C. Merrill was the presiding officer of the place.

Elder Trejo, who intends leaving for the Southern Mission shortly after the October Conference, will remain in Salt Lake until then, and in the meantime wishes to obtain pupils in the Spanish language, his native tongue. All who are desirous of studying Spanish, may communicate with him, care of this office.

Another Step.—The Supreme Court met this afternoon at two o'clock pursuant to adjournment. On the bench were Chief Justice Hunter and Associate Justice Emerson. The former read the following order:

In the matter of the application of Geo. Q. Cannon et al., for the issuance of a writ of *certiorari*.

We have concluded to grant the writ without, however, staying the proceedings in the matter to be reviewed.

By doing this, the parties will be enabled to bring the matter up to be more fully argued than could be on the formal application and before a full bench.

Judge Boreman who made the order against the applicants not being present, and it being desired that he should be present at the hearing, further hearing will be postponed until Friday, the 22d day of August, at 10 o'clock a. m.

The Court suggests to the counsel for the applicants, that in order to save time, they prepare and assign their errors upon the record and serve a copy of the same upon the other side.

Judge Bennett, of counsel for the executors, immediately filed the assignment of error, and the court adjourned until next Friday.

Woman's Work.—Sister S. M. Kimball furnishes us with the following report of her visit north with Sisters Snow, Horne and Heywood:

We left Salt Lake City on the 7th of July, visited Smithfield and Hyde Park in Cache County, and passed through Logan Cañon into Bear Lake Stake, where we visited all the settlements except Randolph and Woodruff, and found the organizations of the Stake unexceptionably complete. Met with the Relief Society's first annual conference of the Stake at Paris, July 17th and 18th, where we were gratified to meet many efficient co-laborers, among whom we would make honorable mention of Mrs. Julia Lindsey, Stake president of the Relief Society and Mrs. Nancy Pugmire, president of the Young Ladies Improvement Association. The conference was largely attended and the various organizations ably represented.

We are under obligations to Apostle Rich, Prest. Hart, Bishop Pugmire and indeed to officials and friends innumerable, for kindnesses extended to us by the way. Thence we proceeded to Soda Springs, where we spent 13 days testing the qualities of the various mineral springs and visiting the numerous attractions in the immediate vicinity of this interesting region. Here in parenthesis let me say that a few thrifty families are much needed to help improve and beautify this favorite resort, which is yearly becoming better understood and more highly appreciated.

Our home route lay through Gentile or Mound Valley to Oxford and Clifton, then home by the cars; having been absent five weeks, attended 40 meetings, and traveled 450 miles and learned that there is a large field for intelligent women. Our northern trip and the friends we met with will be long and pleasantly remembered.