

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - JAN. 12, 1876.

## CIVIL LAW AND RELIGION.

THE Philadelphia Times of Dec. 27 has the following—

"The leading Mormon organ, the DESERET NEWS, is very indignant at the remarks of the President's message about polygamy. It insists that polygamy is not a crime nor a vice, nor anything of the sort; on the contrary, it is a 'virtue,' and 'in Utah is wholly a religious institution with which the civil law has constitutionally nothing to do.' This has always been the Mormon defense, but it is manifestly absurd. The civil law has nothing to do with articles of faith, but it does control external conduct, and an unlawful act is not rendered lawful by the sanction of the actor's own convictions. This is the substance of the recent decision of the Territorial court, and the Supreme Court, to which an appeal has been taken, will undoubtedly confirm it, for it is not only plain law, but simple common sense. There is no danger that the civil law will seek to interfere with the organization of the Mormon Church, but it can and will interfere with polygamy, unless the Mormons can succeed in persuading the rest of the country to share their belief that the practice is not vicious."

We do not think we were very indignant. On the contrary, we considered that we took the suggestions of the President touching Utah in very good part, though dissenting from them, and expressing our dissent, as was our constitutional right.

We do not see wherein the "Mormon defence" is "manifestly absurd," neither does the *Times* show. Everybody knows that "the civil law has nothing to do with articles of faith," for the simple reason that people can have faith in what they may, civil law or no civil law. Everybody also knows that the civil law controls external conduct, or is designed to do so. But everybody does not seem to understand that it is only some kinds of external conduct that the civil law has any right to control, and that there are other kinds of external conduct with which the civil law has constitutionally no more to do than it has with matters of faith or opinion. Congress has constitutionally no right to prohibit any kind of external conduct of a religious kind, no matter what it is, provided that it does not infringe upon anybody's constitutional rights and privileges. States are not similarly inhibited, unless by their own constitutions. Utah is not a State, and she has no law authorizing interference with the free exercise of religion. Neither can she constitutionally enact any such law, because her Organic Act is a law of Congress, and consequently, if that act permitted the legislature of the Territory to enact such a prohibitory law, the law and the Organic Act authorizing it would both be unconstitutional—the Organic Act because Congress had no right to pass such an act, and the law because made under an unconstitutional act of Congress. Therefore, whatever may be the case in any of the States, under the present constitution of the United States there can be in the Territories no constitutional civil law, either congressional or territorial, prohibitory of the free exercise of religion, nor consequently prohibitory of the free exercise or contracting of religious marriage, whether it be monogamic or polygamic. So far as constitutional civil law is concerned, such marriages can be contracted in this Territory, or in any of the Territories, if not in all the States, with perfect freedom and impunity, and consequently all prosecutions of parties for contracting such marriages are purely proscriptive and persecutive.

It is true enough that "an unlawful act is not rendered lawful by the sanction of the actor's own convictions." But we contend that the law implied here is plainly unconstitutional, and therefore acts punishable by it are not really un-

lawful, not unlawful except by wresting the Constitution from its plain import. We therefore do not think "the recent decision of the territorial court" is either plain law, or simple common sense. We think it is neither, and that an unbiased mind must come to our conclusion.

We think it is easy enough to prove that marriage, either monogamic or polygamic, is not vicious of itself, although either may be viciously used. The point for which we contend, however, just now, is that marriage is frequently a religious act or ceremony or ordinance, and that, when it is such, Congress has no constitutional right to prohibit it, or to declare that it is not a religious act. This point we believe is incontrovertible.

## THE DIVORCE MANIA.

A California paper, the San Francisco *Chronicle*, recently discussed the question whether "we were a Christian nation," and rather thought "we" were, or that "we" were either Christian or nothing.

The same paper now furnishes, but not ostensibly, another argument in favor of the answer that "we" are a Christian nation, and that answer is a statement of the divorce business of San Francisco for the last year, which statement, by the by, it considers is "a sad commentary on the morality of our people, and strongly suggestive of defects in the once sacred institution of marriage," showing "how restrictive our people are under proper restraints of matrimony," etc.

In San Francisco the divorces are one to three and a half of the marriages. In 1874, licenses for the marriage of 2,293 couples were issued in that city, 642 divorce cases instituted, and 354 dissolutions of marriage obtained.

This divorce mania is said to pervade all classes, all races, and all ages matrimonial, in some instances the parties being near three-score and ten years old. Women were applicants in the ratio of four to one of the men. The principal causes alleged are adultery and intemperance. The divorce business occupies more than one-third of the time of the courts. Lawyers make a specialty of it, and grow rich upon it. There are hired witnesses to order for any case, sharp practice and trickery of various kinds are common, and much of the proceedings is conducted in secrecy. Considering that the author of Christianity allowed divorces only for fornication or adultery, this fornicating, adulterous, and divorce-loving nation must be truly "Christian!"

## THAT LIMPING ARGUMENT AGAIN.

THE New York *Evening Post* has the following—

"A Salt Lake correspondent of the *Evening Post*, in a letter which we published yesterday, says that the Mormons hope that the law prohibiting polygamy will be pronounced unconstitutional by the Supreme Court of the United States on the ground that a clause in the Treaty of Guadalupe Hidalgo guarantees 'the free exercise of their religion' to the inhabitants of the territory acquired from Mexico. The Mormons, whatever may be said of their morals, have been regarded as persons of fair intelligence; but they raise an imputation against their own common sense by trusting to such a feeble defense. They need not go back to the Treaty of Guadalupe Hidalgo, or any farther than the Constitution of the United States to establish their right to religious freedom. They have it in common with all the people of this country.

"Freedom of religion, however, does not mean freedom to violate wholesome police regulations. Somewhere in the Territory acquired from Mexico, there may have been a tribe whose religion enjoined the daily killing, cooking and eating of human beings; but no member of the tribe could, under the treaty or the Constitution, be permitted to kill, cook and eat a human being in the United States."

Will the *Post* be good enough to inform us wherein marriage is a violation of wholesome police regulations? Also wherein marriage is

equivalent or of a criminal nature similar to the daily killing, cooking, and eating of human beings? When the *Post* has satisfactorily answered these questions, we may take up the subject again and pursue it further. However, we may suggest that if young ladies considered being married was a violation of wholesome police regulations and actually equivalent to being daily killed, cooked, and eaten, they would hardly be so anxious to commit matrimony as they evidently are. Indulgent as "Mormon" husbands are to their wives, that indulgence does not go so far as to daily kill, cook and eat them.

Lastly, we may say it would be vastly more agreeable to us and more creditable to themselves if editors and others who take upon themselves to canvass "Mormon" marriage, would season their comments with a reasonable amount of common sense, and not let prejudice or passion run away with them.

## EDITORIAL NOTES.

—Nauvoo is infested with hoodlums. On the morning before Christmas they enjoyed themselves in such fun as the following—taking gates from their fastenings and scattering them about in different parts of the city, some loaded on wagons in the streets and others were hung on tree tops, placing hayracks against the doors of houses, carrying skiffs from the river into town, causing wagons and buggies to mysteriously depart in the night, etc.

—Nauvoo boasts of caterpillars at Christmas this year, a thing unknown before, and the grass was growing finely at the time, an extraordinary thing at that season and place.

—An old man, named Bartholomew, of Pontosuc township, Ill., seduced his step-daughter, and he was afterwards waylaid by four or five men, taken off his horse, tarred and feathered, dressed again, placed on his horse, and left to find his way home.

—The Springfield (Ill.) *Register* says the triers of appeals of a number of Methodist conferences met in that city, Dec. 22, to hear the case of Revs. P. St. Clair, of the Des Moines, Iowa, conference, T. C. Workman, of the Central Illinois Conference, and G. Cobb, of the Northwestern Indiana Conference, all of whom had been ecclesiastically tried and convicted—Rev. Mr. Workman of some love-letter charge, respecting Mrs. Elizabeth Hedges, who was found murdered, with a love letter from Workman in her pocket; Rev. Mr. St. Clair of "stuffing the ballot box;" and Rev. Mr. Cobb of being too familiar with striped stockings, or their contents.

## Local and Other Matters.

FROM FRIDAY'S DAILY JAN. 7.

Conveyed in Pipes.—The water supplies for Camp Douglas post are now conveyed from the mouth of Red Butte in pipes.

The Nursery for January contains 32 pages, filled with interesting articles for juveniles, amply illustrated, on good paper. John L. Shorey, 36 Bromfield Street, Boston.

The Illustrated Christian Weekly for Jan. 1 contains the usual amount of religious and other reading, with a number of excellent woodcuts. American Tract Society.

The American Young Folks is a monthly journal for the amusement and instruction of the boys and girls of America, edited and published by J. K. Hudson, Topeka, Kansas.

The Mildest Yet.—This is the mildest and softest winter so far that we can recollect in this valley. Something similar to a mild English winter, though with less rain.

Correction.—In a local paragraph in yesterday's NEWS a statement appeared to the effect that there would be a supper and party of the members of the choir and their friends of the Third Ward, which was all correct enough excepting where it should have read First Ward instead of Third.

The Illustrated Household Magazine for January contains a frontis-

piece—the Centennial Exhibition Building, the Lakes of Killarney, Public Schools, Management of Time, Santa Claus Visit, The Observatory, and a number of other articles. Household Publishing Co., 41 Park Row, New York.

Land Patent.—The following has been published—

UNITED STATES LAND OFFICE,  
Salt Lake City, Utah,  
Jan. 5th, 1876.

Patent for Land Warrant, No. 107,771 has been received at this office, and is now ready for delivery to William McFarland, Sen.

Stealing Clothing.—To-day a transient, named James Harvey, was before Justice Pyper, on a charge of stealing a coat and vest, the property of Mr. Hennah, who has rooms in the Groesbeck Block. It was proved that Harvey offered the articles for sale, and his account of how he came by them being exceedingly lame, he was fined \$50, involving fifty days' labor under the direction of the supervisor.

Mortuary.—Sexton's report for Moroni City, Sanpete county, from Jan. 1st, 1875, to Dec. 31st, 1875—

Males 6, females 4; of these adults 5, children 5. Cause of death as reported—Still born 2, pneumonia fever 1, scarlet fever 1, teething 1, liver complaint 1, old age 2, diphtheria 1, inflammation of lungs 1; total 10.

JOHN H. STOTT,  
Sexton.

Accident.—Last Sunday afternoon an adopted daughter of John Buzzardo, the Gunnison (Sanpete) herdsman, a girl about fourteen years old, was playing among the cattle, at Willow Creek, when one of the cows ran over her, severely injuring her knee and tearing open the scalp behind the right ear, making a wound several inches in length. Fortunately Dr. Higgins Davis was passing, about the time, and he promptly rendered the necessary surgical aid, and the patient is expected soon to recover.

Scribner's Monthly for January contains "New York in the Revolution," "Cupid and Mars," "House Building," "Beds and Tables, Stools and Candlesticks," "Childhood's Fancies," "Hooks and Eyes," "Gabriel Conroy," "The King's Christmas," "Pictures of the French Renaissance," "Elementary Education in England," "Phillip Nolan's Friends," "Norwegian Traits," "Revolutionary Letters," and a number of other articles, with many excellent illustrations.

The American Agriculturist.—This old established, standard, and favorite agricultural monthly, in the January number, 35th volume, comes with its edges cut, ready for opening and immediate perusal, which is a great convenience. There are a noticeable composite frontispiece and over fifty other engravings in a superior style of art; the usual "basket" items, many of them answers to correspondents; bee notes; humbug exposures; elevation and plans of a farmhouse; how to use a file properly; extricating a mired cow; water-cresses in pots; catching fish in winter; and many other useful and interesting articles. The best agricultural monthly published in the country.

Brighton Brightening.—The County is assisting in the matter of obtaining a bountiful supply of water for the land ever Jordan, and for this purpose is applying the taxes of the residents of Brighton Precinct, the people being expected to do the balance. The County, with this end in view, has put in a thirty-five feet wide headgate, north-east of Taylorsville, at the head of the old canal made by the Jordan Irrigation Company, and the canal itself is being made sixteen feet wide and placed in thorough repair, sufficient for the purpose for which it was intended, about half a mile of the work having been already done. Besides this the canal is being tapped by another to go around a reservoir heretofore used but insufficient, which piece of work, when finished, will provide an ample supply of water for the Brighton folks. This presents an excellent chance for people who own land in that locality, but who do not at present use it, to supply somebody with employment in working out their share in this needed improvement. At all events they should assist in the work if they anticipate sharing in its benefits.

The South.—This morning we had a pleasant visit from Hon. A. K. Thurber, representative to the Legislature from Sanpete and Sevier counties. From him we gather some information concerning matters in the south. He had been on a visit recently to the settlements as far in that direction as Kanab. He reports that the season's labors have been generally prosperous, excellent crops generally having been raised, and stock is doing finely. The greater portion of the people are feeling well with regard to their religion. The interests of the United Order are increasing, and there is a disposition on the part of all connected with it to store up grain, for which purpose good and substantial granaries are being built in most of the settlements.

The Lamanites of Grass Valley raised about one hundred and fifty bushels of wheat last season, and their disposition as regards a desire to ramble about from place to place appears to have undergone a complete revolution, their attention being now absorbed in settling down, making farms, and desiring to erect and inhabit buildings. Kanosh and some other Indians from different parts of the Territory, and some from Nevada, are on a visit there. Brother Thurber held a meeting with the Indians of Grass Valley, about a week ago, on which occasion Kanosh delivered a discourse, in which he told how Lehi, the great progenitor of the Lamanites came over the great waters, with his family, to this land, how they increased and spread abroad, how the Lord poured out his blessings upon them when they were good, and how they were chastised when they did wrong, and he exhorted those Lamanites who were listening to him to do right, that they also might be prospered, according to the predictions of their fathers.

It is reported that no less than seventeen herds of cattle have gone into Castle Valley to winter, and many have been driven to other adjoining localities. From the head of Spanish Fork Cañon east to Green River and south to Kanab the country is full of stock.

There is a prospect for plenty of water for Sanpete the coming season, there being a plentiful deposit of snow in the surrounding mountains already.

Snow is about a foot deep throughout Juab County, and generally throughout Sevier Valley there is a little over an inch, excepting at Richfield, where there is none.

Matters in Sevier County are generally prosperous, and the United Order is doing well.

The Christian Patriot is the title of a new monthly thirty-two page octavo magazine, edited by Rev. Robert T. H. Pollock. Published at 37 Park Row, Room No. 6, New York.

The Patriot justifies its existence by the following view of existing society—

"The tide of evil is too strong to admit of a reduction of the opposing forces; there should rather be greater exertions in recruiting the ranks."

"The social system is full of disorder. The political arena is grossly corrupted, and the Christian Church is extensively infected; thus carrying moral pestilence into every 'nook and corner' of society."

"The fruits of all this are abundant and obvious. The laws of both God and man are ignored. Judgment is turned away backward and justice standeth afar off; for truth is fallen in the street and equity cannot enter. Bargain and sale enter largely into the plans of partisan leaders; members of secret orders secure an undue share of public favors; one 'sect' ignores the divine institution of marriage, another prostitutes it, whilst a third menaces political parties and diverts public funds from their lawful use to promote a system of doctrines inimical to republican government. Rings cut and fit political issues to suit their own purposes; the judicial ermine does not escape the contagion; commercial integrity is too rare a commodity. The laborer and the capitalist are in hostile array; sinful extravagance, leading to bankruptcy and crime, is an order of the day; lawlessness, immorality and infidelity prevail in many places; drunkenness and Sabbath-breaking with their train of results are shocking to contemplate. These evils have a disastrous effect on Christianity and on society at large, and yet how few voices comparatively are lifted up 'declaring the whole counsel of God' on these