

ment is found within two years next after the offence was committed.

The *Junction* editor takes the ground that the cohabitation, or, as he puts it, "the conjugality" and not the ceremony is the offence, and therefore that every man who is living with the second wife, as such, whom he has taken, since the passage of the act of '62, and whose first wife is living and undivorced, is liable to prosecution.

Reference to the law will show that this is entirely erroneous. The marriage is made the offence, the cohabitation is not mentioned. This is and has been considered the defect in the law, by bitter anti-polygamists. And their main efforts now, apart from their attempts to obtain power to pack juries, is to push a bill through Congress which will make the cohabitation, and not the mere ceremony, the offence. All persons are liable to error, and it is rather a mark of greatness than weakness to acknowledge it when discovered. The *Junction* is clearly mistaken on a question that has vital interest to our people at the present juncture.

### THE REYNOLDS' POLYGAMY CASE.

TEXT OF RULING ON THE MAIN QUESTION.

WASHINGTON, 10.

A decision was rendered in the United States Supreme Court on Monday, and briefly reported, in the case of the polygamist George Reynolds, against the United States, brought here by appeal from the Supreme Court of the Territory of Utah. The following, with some unimportant exceptions, is the full text of the opinion of this court, delivered by Chief Justice Waite:

So far as it relates to the prisoner's plea of religious belief, and to the constitutional power of Congress to prohibit polygamy in the territories, the question raised, whether religious belief can be accepted as justification of an overt act made criminal by the law of the land, the inquiry is not as to the power of Congress to prescribe criminal laws for the territories, but as to the guilt of one who knowingly violates a law which has been properly enacted, by maintaining a religious belief that the law is wrong. Congress cannot pass a law for the government of the territories which shall prohibit the free exercise of religion. The free exercise of religion. The free amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the dominion of the United States, so far as Congressional interference is concerned. The question to be determined is whether the law now under consideration comes within this prohibition. The word "religion" is not defined in the Constitution. We must go elsewhere, therefore, to ascertain its meaning, and nowhere more appropriately, we think, than to the history of the times in the midst of which the provision was adopted. The precise point of inquiry is, What is the religious freedom that has been guaranteed? In the preamble of the act introduced in the Virginia house of delegates, by Jefferson, in 1775, religious freedom is defined, and after reciting "That to suffer a civil magistrate to intrude his power into the field of opinion and to restrain the profession or propagation of principles on the supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty." It is declared "That it is time enough, for the rightful purposes of civil government, for its officers to interfere when the principles break out into overt acts against peace and good order." In these two sentences is found the true distinction between what properly belongs to the church and what to the state.

In little more than a year after the passage of this statute, the convention met which prepared the Constitution of the United States. Five of the States, while adopting a constitution, proposed amendments. Three, New Hampshire, New York, and Virginia included, in one form or another, in the declaration of religious freedom changes they desired to have made, as did also North Carolina, where the convention at first declined to ratify the constitution until the proposed amendments were acted upon. Accordingly at the first ses-

sion of the first congress, the amendment now under consideration was proposed, with others, by Mr. Madison. It met the views of the advocates of religious freedom and was adopted. Jefferson afterwards in reply to an address to him by a committee of the Danbury Baptist Association, took occasion to say: "Believing with you that religion is a matter which lies solely between man and his God, that he owes an account to none other for his faith or his worship, that the legislative powers of government reach the action only and not the opinions, I contemplate with sovereign reverence the act of the whole American people, which declared that their legislature should make no law respecting the establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state. Adhering to the expression of the supreme will of the nation, in behalf of the rights of conscience, I shall see with sincere satisfaction, the progress of those sentiments which tend to restore man to all his natural rights in opposition to his social duties." Coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured.

Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order. From that day to this we think it may safely be said that there has never been a time, in any State of the Union, when polygamy has not been an offence against society cognizable by the civil courts and punishable with more or less severity. In the face of all this evidence it is impossible to believe that the constitutional guarantee of religious freedom was intended to prohibit legislation in respect to this most important element of social life—marriage; while, from its very nature, it is a sacred obligation, it is, nevertheless, in most civilized nations, a civil contract, and is usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and social obligations, and duties with which government is necessarily required to deal. In fact, according as monogamous or polygamous marriages are allowed, do we find principles on which the government of the people, to greater or less extent, rests. An exceptional colony of polygamists, under exceptional leaders, may sometimes exist for a time without appearing to disturb the social condition of the people who surround it, but there cannot be a doubt that unless restricted by some form of constitution, it is within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its domain.

In our opinion the statute immediately under consideration is within the legislative power of Congress. It is constitutional and valid as prescribing the rule of action for all those residing in the territories, and in places over which the United States has exclusive control. This being so, the only question which remains is, Whether those who make polygamy part of their religion are excepted from the operation of the statute. If they are, then those who do not make polygamy part of their religious belief may be found guilty and punished, while those who do, must be acquitted and go free. This would be introducing a new element into criminal laws. Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one religiously believed that human sacrifices were a necessary part of his religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent the sacrifice? Or, if a wife religiously believed that it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice? So here, a society, under the exclusive dominion of the United States, prescribes as a law of its organization that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the doctrines of religious be-

lief superior to the laws of the land, and in effect to permit every citizen to become a law unto himself.

Government could exist only in name under such circumstances. Criminal intent is the necessary element of crime, but every man is presumed to intend the necessary and legitimate consequences of what he knowingly does. Here the accused knew he had been once married, and that his first wife was

living. He also knew that his second marriage was forbidden by law. When, therefore, he married a second time, he is presumed to have intended to break the law, and the breaking of the law is a crime. Every act necessary to constitute crime was knowingly done, and crime was, therefore, knowingly committed. Ignorance of the fact may sometimes be taken as evidence of want of criminal intent, but not ignorance of the law. The only defence of the accused in this case, is his belief that the law ought not to have been enacted. It matters not that his belief was part of his religion, it was still belief, and belief only. Upon careful consideration of the whole case, we are satisfied that no error was committed by the court below, and its judgment is consequently affirmed.

### Local and Other Matters.

FROM FRIDAY'S DAILY, JAN. 10.

**Indian Outbreak.**—Read the report in another column of an extensive Indian outbreak at Fort Robinson, Nebraska.

**Prospecting.**—A party of Salt Lake gentlemen, numbering twelve, started this morning on a prospecting tour in Southern Utah.

**Third District Court.**—The February term of the Third District Court will begin on the 3rd proximo, in the Federal Court Room, in this city.

**Runaway.**—This morning, a horse attached to a light wagon went dashing along First South Street at a break-neck speed. He turned south around the Kimball Block corner, and afterwards turned west, when his career for a moment was stopped by the vehicle coming in contact with a tree. The shafts were broken from the wagon by the collision, after which the horse resumed his journey.

**"Vick's Floral Guide."**—Of the many Guides and Seed and Plant Catalogues sent out by our seedmen and nurserymen, and that are doing so much to inform the people and beautify our country, none are more beautiful or instructive than *Vick's Floral Guide*. This work, although costing but five cents, is handsome enough for a gift book, or a place on the parlor table. Published by James Vick, Rochester, N.Y.

**Obsequies.**—The funeral services of the two daughters of Bishop Lewis H. Mousley, of Farmers' Ward, were to-day conducted at the parents' residence. Appropriate remarks were made by the brethren present.

Bishop Mousley has now buried nine children, four within the last year. May the spirit of consolation from on high rest upon him and his bereaved family.

**Personal.**—Mr. Harvey H. Cluff, of Provo is in town, and called at our office to-day. Everything is prospering in his district.

Bishop John Brown, of Pleasant Grove, is with us for a few days on business.

Hon. Abram Hatch, of Heber City, was on the streets of our city to-day.

Hadley D. Johnson, Esq., is spending a few weeks in the city, after which he will follow the narrow gauge northward.

**Election of Officers.**—At the annual meeting of the 20th Ward Institute, held in the school-house, last evening (9th inst.) the following brethren were duly elected directors and officers of that Institute for the ensuing year:

T. B. Lewis, President; W. C. Dunbar, 1st Vice-President; C. W. Stayner, 2d Vice-President; F. A. Mitchell, Secretary; C. L. French, Assistant Secretary; C. Sansom, Treasurer; Jos. M. Romney, Librarian; Alfred Isom, Assistant Librarian; Henry Puzey, Wm. Salmon, C. R. Savage, Geo. Reynolds, John Daynes, directors.

**Missionary Labors.**—A letter from Bro. Jonas N. Beck, who is

now preaching in North Carolina, gives us an interesting account of his operations in the missionary field. He is accompanied by Bro. Alexander Spence, and had been in that district of Virginia where Brothers Barnett and Cowley were laboring. He speaks very highly of the endeavors of these brethren to convince the people of their wickedness, and says that in the Old Dominion he was treated with the greatest respect by all classes. He and his companion have held two meetings in North Carolina, where there are some Saints who were baptized many years ago. The people are very poor, and since the war no improvements have been made. Though meeting with some opposition at present, the brethren feel well, and hope to gather out many honest souls.

**Weather Report.**—By courtesy of the Deseret Telegraph Company, we are enabled to publish the following weather report:

Alta—About 18 inches of snow on level, and indications of more.

Paris, Idaho—Clear and cold.

About six inches of snow.

Logan—Somewhat cloudy. About

two inches of snow on the ground.

St. George—Light snow fell last

night. Cold and clear this morn-

ing.

Panacea, Nev.—Snowed last

night. Warm and pleasant this

morning.

Silver Reef—Clear, pleasant and

cool. No snow.

Beaver—Clear. About three

inches of snow.

Cedar City—About four inches of

snow. Beautiful and clear.

Monroe—Cloudy and cold, with

two inches of snow.

Richfield—Rather cloudy, other-

wise pleasant.

Ephraim—Rather cloudy. About

six inches of snow on the ground.

Winsor—Clear and cold.

Kanab—Clear and cold. Slight

snow last night.

Fillmore—Snowed between seven

and eight inches last night; looks

like clearing off now.

Mount Pleasant—Very cold.

Been snowing for two days; still

snowing, but looks a little like

clearing. Snow seven inches deep.

Manti—Six inches of snow. Looks

like clearing up.

Provo—Snow about four inches

still snowing some.

Pioche—Clear and cold.

FROM SATURDAY'S DAILY, JAN. 11.

**In Washington.**—A dispatch published in another column says that Sisters Emmeline B. Wells and Zina Young Williams had arrived in Washington and taken their seats in the Woman's Convention.

**Court Proceedings.**—The mining controversy known as the Oregon-Butte case is being proceeded with before Judge Schaeffer in chambers. Yesterday afternoon and this morning witnesses were being examined.

**Mortuary.**—Mr. Joseph E. Taylor, city sexton, has kindly furnished us the following statement of the number of deaths in each ward of the city during the year 1878:

1st Ward, 18; 2nd ward, 14; 3rd ward, 6; 4th ward, 5; 5th ward, 5; 6th ward, 30; 7th ward, 34; 8th ward, 17; 9th ward, 14; 10th ward, 24; 11th ward, 27; 12th ward, 25; 13th ward, 43; 14th ward, 44; 15th ward, 28; 16th ward, 32; 17th ward, 19; 18th ward, 19; 19th ward, 26; 20th ward, 20; 21st ward, 28; hospital cases, 21; total 497.

**New Tabernacle.**—The progress being made towards completing the new Tabernacle is quite satisfactory. Work on the outside has been suspended for the winter. Twenty-five men are now steadily at work making pinnacles to cap the stone pilasters, after which the joists and floors will be immediately laid. Trenches for the heating pipes are also being made. Brother Henry Grow, the superintendent, says that if material and other necessary help is forthcoming, the house can be finished early next summer. Between fifty and sixty thousand feet of lumber is still required to complete the building. The means necessary to pay for this material is expected from the Saints of this Stake, whose promptitude already has been a source of encouragement to the building committee.

**Oates' Opera.**—On Monday and Tuesday the 20th and 21st, the Oates' English Comic Opera Company will give performances in the Theatre in this city. Mr. C. S. Ammel, the business manager of the company came into the city yesterday and called at our office to-day. The company perform at Sacramento to-day, and next week at Virginia City. The operas presented here, the Little Duke and The Bells of Corneville, are two new pieces, and wherever presented have been received with great applause. The company intended to have been in San Francisco and the west for six weeks only, instead of which their engagements have been extended to five months, 139 consecutive performances being given in the Bush Street Theatre, San Francisco. After the two performances here they proceed to Denver and from there to Chicago.

**Pleasant Anniversary.**—Last evening was the third anniversary of the organization of the Y. M. M. I. A. of the 15th Ward, and to celebrate the event, a really pleasant entertainment was provided. An interesting essay on the birth, history and death of Jesus Christ was read, by one of the members. Then followed a list of the subjects spoken upon in the meetings during the past year. Extracts from the book of Doctrine and Covenants on the death of Joseph and Hyrum Smith were given, after which a quartette was well rendered. The audience then retired into an adjoining room and partook of supper while the floor was being cleared of benches. The whole entertainment closed with a complimentary dance to the members of the association, and a few invited friends.

**The Next Lecture.**—The next of the popular series of lectures in the Twentieth Ward School-house, under the auspices of the Association of that Ward, will be delivered on next Tuesday evening, the 14th inst., by Mr. Charles W. Stayner, subject, "Life, or Enchantment and Reality." The gentleman's ability and reputation as a lecturer are so well known by the Salt Lake public, that we may expect a large attendance. The subject furnishes a fine field for both information and amusement. Besides drawing from the realm of enchantment, the speaker will deal out some of the realities of life, and we understand he will give his views on labor, on editors, clerks and lawyers, also on women, marriage and office-holding. The lecture will commence at half-past seven o'clock. The Institute choir, under the leadership of Professor John Daynes, as leader, will be in attendance. The public are invited. Admission free.

**Boards of Trade.**—Hon. Moses Thatcher called upon us to-day, and from him we learn concerning his labors in the organization of boards of trade in the southern counties. We published a short time since an account of the organization in Provo, together with the names of the officers. On the 6th inst. an organization in Juab County was effected, with 70 members and the following board of directors: Geo. Teasdale, W. F. Telley, John Vickers, Charles Foote, Edwin Harley, Elmer Taylor and J. M. Hawks, who subsequently elected the following officers: Geo. Teasdale, president; Charles Foote and Elmer Taylor, vice-presidents; Joel Grover, business manager; Herber Barton, secretary; Edwin Harley, treasurer.

On the 6th inst. eighty-one members were enrolled and the following directors elected for the Sanpete County board of trade: Canute Peterson, Henry Beal, Luther Tuttle, Andrew Madsen, James A. Allred, Phillip Hurst, J. W. Irons, Anthon Christiansen and C. A. Madsen. No further organization had been made in Sanpete when Bro. Thatcher left.

An excellent feeling prevails among the people, and there is a disposition to work for the good of the whole community. Work is being pushed forward on the Manti Temple, there being one hundred men and twenty-eight teams constantly employed. The work of leveling, preparatory to building the foundation, is about concluded.

**The Millennial Star** will be mailed to any address, on receipt, by the publishers, of \$2.10. Three copies will be forwarded for \$4.20, the reduction being on account of the difference in postage. Address William Budge, 42 Islington, Liverpool, England. dswtf