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A REFRESHING BREEZE FROM  
GEORGIA.

We continue the publication of the speeches in the Senate in defence of constitutional liberty and against the attempt to establish an oligarchy in the republic of the United States. On the 16th inst., Senator Brown, of Georgia, delivered a manly address, only a portion of which will appear to-day, but it will be continued until the whole text is presented.

Mr. President: I am very well aware that there is great popular clamor for the passage of this bill or some very rigorous and severe bill for the suppression of "Mormonism." I do not wish my position to be misunderstood in reference to that institution. I am no advocate of polygamy. I deprecate and denounce it as the greatest possible social evil. I do not believe it should be practiced anywhere. I am ready to unite in imposing such penalties as we can constitutionally impose within the United States upon those who do practice it, because of its immorality. And yet I am obliged to admit, and we are all obliged to admit, that it is practiced and popular sentiment sustains it among three-fourths of the whole population of the globe.

England has had this same question to deal with. When she assumed the dominion of India she found polygamy there, and it has been there from time immemorial. They did not do what popular sentiment seeks to compel us now to do. The English people did not attempt to crush it out by law, but the British Parliament and the British courts recognized it in India on assuming control and recognize it to-day. Indeed they dare not do otherwise. They can enforce no law in India that proposes to exterminate polygamy.

On that subject I propose to read a paragraph from Allen's "India," a book which I now hold in my hand. On page 551 I find this language:

Polygamy is practised in India, among the Hindus, the Mohammedans, the Zoroastrians and the Jews. It is allowed and recognized by the Institutes of Menu, by the Koran, by the Zendavesta and the Jews believe by their Scriptures—the Old Testament. It is recognized by all the courts in India, native and English. The laws of the British Parliament recognize polygamy among all these classes, when the marriage connection had been formed according to the principles of their religion and to their established laws and usages. The marriage of a Hindu or Mohammedan with his second or his third wife is just as valid, and as legally binding on all parties, as his marriage with his first wife; just as valid as the marriage of any Christian in the Church of England.

The English Government has recognized polygamy in India by her courts and by her Parliament, and she recognizes it to-day. I say I deprecate the institution, and I am ready to do everything I can constitutionally and legally do to exterminate it where we have the power; but we cannot shut our eyes to the fact that it exists, as already stated, among the greater portion of the population of the whole globe.

Not only do the British Parliament and the British courts recognize it, but the missionaries of all Christian churches in India recognize it, and do not attempt to overthrow it where the marriage has already been solemnized. I will read from the same book, Allen's India, page 601:

The Calcutta missionary conference, consisting of the missionaries of the different societies which have missionaries in that city and its vicinity, after frequent consultations and much consideration on the subject of polygamy as it exists in India, were unanimous in the following opinions:

1. It is in accordance with the spirit of the Bible and the practice of the Protestant Church to consider the state as the proper fountain of legislation in all civil questions affecting marriage and divorce.

2. The Bible, being the true standard of morals, ought to be consulted in everything which it contains on the subject of marriage and divorce, and nothing determined contrary to its general principles.

3. Married persons being both Christians should not be divorced for any other cause than adultery. But if one of the parties be an unbeliever, and though not an adulterer, willfully depart from and desert the other, a

divorce may be properly sued for. They were of the opinion, however, that such liberty is allowable only in extreme cases, and where all known means of reconciliation after a trial of not less than one year have failed.

4. Heathen and Mohammedan marriages and divorces, recognized by the laws of the country, are to be held valid. But it is strongly recommended that if either party before conversion have put away the other on slight ground, the divorced party should in all practicable and desirable cases be taken back again.

5. If a convert before becoming a Christian has married more wives than one, in accordance with the practice of the Jewish and primitive Christian churches, he shall be permitted to keep them all; but such a person is not eligible to any office in the church. In no other case is polygamy to be tolerated among Christians.

Thus it appears that the conference of the missionaries of the Christian Churches in Calcutta recognizes this institution. They do not permit their members in the future or after their conversion and their connection with the Church, to marry more than one wife; but they do not attempt to dissolve marriages in existence at the time of the conversion, but they hold that a man who becomes a Christian, who has more than one wife at the time, is to continue to cohabit with his wives. I presume this arises out of the very necessity of the case, as polygamy is so firmly established in those countries that it would be impossible to plant Christianity there without recognizing the existing institutions of the country, at least so far as the family relations of the convert are concerned at the time of his union with the Church.

Again, it cannot be denied that polygamy was tolerated by the Old Testament, and many persons believe it is not prohibited by the New, except in cases of a bishop, or a deacon, who it is said shall be the husband of one wife. Some reason subtly on that by saying that we should apply to it the Latin maxim, *expressio unius est exclusio alterius*, and they say the fact that the expression that the deacon or the bishop shall be the husband of one wife only carries with it the implication that others may have more than one. I think this is a very far-fetched and strained construction; I do not agree with it, for the whole teachings of the New Testament, it seems to me, are very clear and positive that the husband shall have but one wife. I remember no instance where husband and wife are mentioned in the New Testament where anything is said about more than one wife, and while there is no positive inhibition, except in the instance mentioned of officers of the churches, it is very clearly to be inferred that polygamy was not intended from the fact that there is no instance of more than one wife mentioned as connected with any one man, or that any man is justified in having more than one. But there are those, I say, who entertain a different opinion on this subject, and they must have their opinion. I have no right to fly in their teeth about it.

But, Mr. President, there are those in the Mormon Territory who believe that there is a Divine revelation later than the New Testament which authorizes a member of the "Mormon" Church to have more wives than one. They believe in the revelation, as they term it, made by God himself to their prophet, Joseph Smith. I do not believe in it, but they religiously believe it. Many of them are as earnest and honest in their faith as I am in the Baptist faith, or as other Senators are in the Methodist or Presbyterian faith. I think they are greatly in error; but I have no more right, if they do not practice it, to disfranchise them on account of that belief than I have to disfranchise any Senator in this Chamber or any man out of it who believes that the New Testament does not forbid polygamy.

Mr. Edmunds. May I suggest to the Senator that there is nothing whatever in this bill that disfranchises any man or woman on account of any opinion or belief he or she may have.

Mr. Brown.—Mr. President, I assert that there is. I take issue squarely with the Senator from Vermont.

Mr. Edmunds.—Will the Senator kindly point it out?

Mr. Brown.—I will. I find in section 7 of this bill this language:

That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States has exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Now to the first part of the section again:

No polygamist, bigamist, or any person cohabiting with more than one woman shall be entitled to vote.

Who is a polygamist? I hold in Webster's unabridged Dictionary, which is very good authority, I believe.

Polygamist: a person who practices polygamy, or maintains the lawfulness.

There is scarcely a man, woman, or child in Utah belonging to the "Mormon" Church who does not maintain the lawfulness of polygamy.

Mr. Edmunds. The Senator is mistaken about that, but that is not any part of the argument.

Mr. Brown. There may be a few

Mr. Edmunds. There may be a great number, and there are.

Mr. Brown. There are a very few, if any, who doubt it.

Mr. Edmunds. I can tell you just how many there are, in a minute.

Mr. Brown. I will thank the Senator. I suppose there are some in every country connected with every faith who do not believe in all that their particular church or sect holds. I have been among the "Mormons," however; I have seen something of their society; and I know the great prevailing opinion there is that God by a divine revelation made known to the prophet, Joseph Smith, that a man in the "Mormon" Church may have more than one wife, that he may practice polygamy. Only a small number of them do practice it, I admit; but it is almost, if not quite, the universal belief that they have the right to do it.

Mr. Edmunds.—Of course we cannot have a judicial trial to-day to find out as my brother from Alabama wishes to do on this political question, how the fact is; but according to the returns obtained by the census people (not always under the act of Congress, because they go beyond that) of what are called Apostate "Mormons" who do not hold up to the polygamy doctrine, there are 6,988 in the Territory, and of what are called Josephite "Mormons," who hold up to all the doctrines except that one thing—but I do not know precisely the distinction between the Apostate and Josephite "Mormons"—there are 820. So it would seem there are more than 7,000 of the "Mormons," besides certain ones put down as doubtful, whom I leave out, who do not appear to believe in this revelation of polygamy which occurred about 20 or 30 years after the finding of the astonishing gold tablets, and so on. That is the Book of the Covenant.

Mr. Brown—I think they were brass, not gold.

Mr. Edmunds.—Perhaps they had most to do with brass.

Mr. Brown—I do not think they were pure gold.

Mr. Edmunds. As I have been reading the Book of Covenants of the "Mormon" Church lately with assiduity, I think they were gold, but at any rate the polygamous thing came in more than twenty years after its supposed discovery and came in under circumstances that if my friend would read the very book itself to show how it came and why and so on, I think he would be satisfied that it would take a pretty stout-hearted man among the Mormons to think that that was of Divine revelation, for it absolutely reversed the previous revelation from the invisible world. I did not want to interrupt the Senator, however.

Mr. Brown. It is no interruption. I do not presume I am as well posted in Mormon literature as the honorable Senator from Vermont, though I have read some of it. I agree with him that in the commencement Mormonism did not tolerate or practice polygamy; and you may read the Book of Mormon and you will nowhere find in that book that polygamy is tolerated; but the Mormons believe that subsequently to the discovery of that book, which the Senator says was on gold plates—I think they were brass.

Mr. Edmunds.—We will compound it and call it silver which is a popular thing. [Laughter.]

Mr. Brown.—Anywhere along between. [Laughter.] They say that since that discovery God revealed to Joseph Smith under circumstances, as the Senator says, that do not carry conviction to my mind, though they do to theirs, that a man might have more than one wife. And now just in that connection let us say a little more about the "Mormon" faith.

As I understand the "Mormon" doctrine and the "Mormon" people, they profess to believe as firmly as

we do in the Old Testament, but they say much of the Old Testament is repealed by the New. Then they profess to believe in all the New, that has not been repealed by later inspirations and revelations; but they believe that there are certain things in the New Testament which have been repealed by later revelations from Heaven. I am speaking of their faith, so far as I could learn it among them during the short stay I made there some two or three years since. I could hear of no one connected with the "Mormon" Church who disbelieved this doctrine. At any rate, out of the one hundred and forty-odd thousand population in that Territory, or connected with that church, according to the estimate of the Senator from Vermont, (if there is a correct census return,) there are only about six or seven thousand who do not believe in polygamy.

Mr. Edmunds. The whole population is 144,963, according to the census.

Mr. Brown. Then it would leave 137,000 in round numbers who do believe in it against 6,000 who do not.

Mr. Edmunds. Oh no, the Senator is mistaken. I only speak of the "Mormon" population, the total "Mormon" population.

Mr. Brown. The Senator is confining himself to the Territory of Utah, (addressing Mr. Edmunds.) Do you not know that the "Mormons" have very strong church relations with, and have planted colonies in, other Territories?

Mr. Edmunds.—I do not know anything about that. I was speaking of Utah alone.

Mr. Brown.—Mr. President, they are as unanimous on this question as any church or any people anywhere are on any question. There may be some dissenters; doubtless there are some. They maintain, in other words, the lawfulness of polygamy. Then, according to the definition given by Webster, they are polygamists; and then, according to this bill, they are every one disfranchised. It is a sweeping disfranchisement of almost the entire people of a Territory. And in order to carry out that disfranchisement we must resort here to a practice better known in the South than it has been in the North. Whenever it is necessary to make a Republican State out of a Democratic State, or a Republican State out of a Democratic Territory, the most convenient machinery for that purpose is a returning board, and it has worked admirably in the South. By fraud, perjury, forgery, and villainy, the returning-board system cheated the people of these United States out of a legal election for President. It does not therefore specially commend itself to the American people. It stinks in the nostrils of honest men.

We propose now to deal with this question by constituting a returning board of five persons to be appointed by the President of the United States, with the advice and consent of the Senate, all of whom, says the bill, as brought forth by the committee on judiciary, shall not be members of the same political party. I propose to amend it by saying not more than three of whom shall be members of the same political party, so as to compel the appointment of two Democrats in place of one; and on the other side of the chamber that proposition is stoutly met and resisted. Why is it that it is necessary to have four of the five members of this board. Republicans, and only one Democrat? Will not a majority do this job as well as a minority? Cannot three carry out the object? If the Democrats have two, it seems it is feared it might not work; and it is safer not to trust it to them; lest, to the great disappointment of some very patriotic gentlemen it might turn up a Democratic State.

In my opinion the people of Utah have at least one good quality, and that is that an overwhelming majority of them are Democrats. If we ever reach a point where they are to be admitted into the Union, they have a right to come in as a Democratic State; but under this returning board legerdemain, it is very fair to presume that they will not be permitted so to come. If not even two out of the five who are to manipulate the returns are to be Democrats, there can be but little hope of a Democratic State. And there may be a very good political reason just there, why the whole population, almost *en masse*, should be disfranchised. If they are permitted to vote there is no chance for a Republican State. If a return-

ing board manipulates the election, and the population of Utah, or a vast majority of them are driven from the polls, then there is a prospect of a Republican State there.

Not only does this bill as reported by the committee on the judiciary propose to disfranchise, and drive from the polls almost the entire population of Utah, but it proposes in the very teeth of the Constitution of the United States to disfranchise them from the right to hold office.

Mr. Edmunds. Will the Senator from Georgia mind if in connection with that remark of his I should read the legal definition of a bigamist and polygamist as distinguished from his Webster definition?

Mr. Brown. Go on, sir.

Mr. Edmunds. Turning from the land of literature to the region of law, with which statutes are supposed to have something to do, I read out of the first book I sent for at random—Burrill's Law Dictionary, supposed to be pretty correct, this clause:

BIGAMUS.—In old English law. One who has been twice married, or has married more than one wife; a bigamist. Applied originally in the canon law, to clerics or ecclesiastical persons who were forbidden to marry a second time. Bigamus is he that either hath married two or more wives, or that hath married a widow.

Under the old law a man who married a widow was a bigamist. I do not think under the modern law this statute would prevent a man marrying a widow. Now I come to what is more to the point I am speaking to:

A polygamist is he who has had two or more wives at the same time.—3 Inst., 68.

So that I beg to assure my distinguished friend from Georgia that the Judiciary Committee thought—very likely it was mistaken after what he and Webster have said—that the legal definition of "bigamist" and "polygamist" was perfectly understood everywhere, not a matter of opinion, but a matter of fact. I thank my friend for allowing me to state this.

Mr. Brown. I much prefer that my friend from Vermont should state all the points as we go along.

Mr. Edmunds. I would not do it to interrupt the Senator's remarks.

Mr. Brown. The Senator from Vermont has produced a book which defines a bigamist to be a man who has married a widow, and a polygamist a man who has had two or more wives at the same time. He himself repudiates the first definition; and the last does not embrace a man who now has two wives. I am certainly content if the Senator is. And I am still willing to put Webster against Burrill as an authority on the definition of words, or the meaning of the English language.

No matter what Burrill may say, it will be very convenient for this Republican returning board, when they go to Utah, to take Webster in their hands and drive from the polls every voter who proposes to cast a ballot, if he is a member of the "Mormon" Church, on the ground that he is a polygamist. I would not like to leave it in the hands of such a board, with such an authority as Webster to sustain them, to determine whether a Democrat who believes in the lawfulness of polygamy, though he does not practice it, should be entitled to vote. It would be like leaving the lamb in the enclosure with the wolf. There would be no prospect of his vote being received.

But at the time I was interrupted by the honorable Senator from Vermont I had stated that I would proceed to show that this bill, if passed, disfranchises "Mormons" from holding office on account of their religious opinions, in the teeth of the Constitution of the United States. I read from article 6, section 3, of the Constitution of the United States:

But no religious test shall ever be required as a qualification to any office or public trust under the United States.

It has been argued here that the Congress of the United States has absolute power over the District of Columbia; that we can give to the Territories and the District such government as we think proper. It is outside of my purpose to controvert that; it is not necessary that I should, but it cannot give to Congress the right, in the teeth of the Constitution, to prescribe a religious test for a person living in the District or in the Territories that excludes him from holding office. I maintain that that is just what is done in this case. I know it is said sometimes that the action of the "Mormons" in practicing polygamy is an immorality, that there is no religion in it, and that we do not interfere with the constitutions