THE EVENING NEWS GEORGE Q. CANNON,

EDITOR AND PUBLISHER.

Wednesday, - - February 25, 1872.

TERRITORIAL CONVENTION. EIGHTH DAY. Tuesday Morning.

At ten a.m. the convention reassem

Mr. Fitch made a report from com-mittee on schedule. Ordered printed and referred to committee of the whole.

The convention went into committe of the whole, Mr. O. Pratt in the chair, article four, on the Legislature, being under consideration.

Sections 16, 17, 18, 23 were adopted. Sections 24, 25, and 29 were stricken

The words "in case of emergency, the first six lines, and the words "and by the secretary of the Senate and clerk of the house of representatives," were stricken out of section 19. Section 20 was amended and pass-

Mr. Haven's substitute for section 21 was rejected.

The amendment by Mr. Barnum section 21, "in all cases where a general law can be made applicable the law shall be made general and of uniform operation throughout the State" was

Section 22 was amended to read, "and provision made by law for bringing sult against the State," and appended to section 21 the law of nature.

Mr. Rockwood's motion to strike out section 25 failed.

Mr. J. W. Young's motion to strike out all but the two first lines of the section and substitute "shall" for "may,"

was adopted.

Mr. Penrose's amendment to make the section read, "The legislature may establish a uniform system of county

establish a uniform system of county and township government," prevailed. Section 27 was amended to read "The first regular session of the legislature may extend ninety days, but no subse-quent session shall exceed sixty days, nor shall any session convened by the governor exceed twenty days." Bection 28 was amended to read "The members and officers of the legislature abali session for the legislature

shall receive for their services, a com-pensation fixed by law; and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected."

Section 30 was amended and passed. Section 31 was under consideration when the committee rose. An invitation, from Manager H. B.

An invitation, from Manager H. B. Clawson, for the members of the con-vention to attend the Theatre, was ac-cepted, with a vote of thanks, for Tuesday evening. Convention took a recess. Tuesday Afternoon. Tuesday Afternoon. Tuesday Afternoon.

At 2 o'clock the convention resume i its sitting. Mr. John T. Caine was appointe is committee of one to inform Manager Clawson of the acceptance of the invitation by the convention.

ringers in Utab, and the offspring of such conjured, and its territory coded to the marriages and the property in conjured, and its territory coded to the point is "such as the such a

distinction without a difference. Under all those expressions or characteristics it is but one and the same contract. The distinction between marriage as an in-stitution or relation and the contract cessential to entering into that institu-tion or relation is entirely lost sight of; as also the distinction between the con-tract of marriage and the celebration or take the power that simply regulates the contract and the relation for the contract itself. Hence, where it is re-gulated by the civil power, it is called a civil contract; by the ecclesiastical pow-ter, an ecclesiastical contract; and where the contract the state of the

neither of these exist, a contract under

Mr. Speaker, to suppose that marriage or the contract of marriage is the creature of either civil or ecclesiastical law is to suppose that civil and ecclesiastical governments antedate marriage. The institution of marriage was ordainea by God; and the contract to enter into that institution or relation arose necessarily in a state of nature, before civil or ecclesiastical law existed. No civil or ecclesiastical authority has the

power to abolish marriage or the contract of marriage. To concede such power would but be to defeat the pur-poses of God in the icreation of man. All either can do is to regulate them. Where civil law is in the ascendancy, inal neglect, to persecute or suffer that people to be persecuted and harassed. marriage and the contract of marriage are regulated by it; if the ecclesiastical, by it. If the civil power be supreme it may confer the right to regulate it upon the church, and vice versa. Marriage being of divine origin, and Mr. Speaker, our neglect to prohibit polygamy among that people for thir-

teen years amounts to a confirmation the contract of marriage originating in a state of nature, we must go to the earliest and most ancient histories to and ecclesiastical controls. Suppose

learn what it is. Mr. Speaker, in a state of nature we find it monogamous main on it, and we, having recognized polygamy for thirteen years, would not the law of nations compel England to recognize existing marriages as legal and valid? I assert most positively that it would, and have the example of England with her conquered and ceded provinces and the decisions of her courts already cited to sustain me. Shall England be more regardful of the

obligations imposed upon her by the law of nations and public policy than the United States on shall England he

ecclesiastical?

astical law.

marriages in Utah ?

m Waiter's English Reports, 37; and note tion, and what will be the result? Will be the result? Will be the result of the stabilist ment of polygamy as a part of the stabilist ment of polygamy as a part of the stabilist ment of polygamy as a part of the stabilist ment of polygamy as a part of the stabilist ment of polygam out marriages of the Morno stability. Consistent ment as a stability of polygam out marriages of the Morno stability of the stability of t

tian religion, or that the Mormon re-ligion is a true or false religion. My inquiry is, and all I am proposing to show is, that polygamy is a part of the

of it under the law of nations. In the these remarks, I propose to read in full absence of civil law the law of nature section one, article nine of the treaty between Mexico and the United States. that we were to cede that Territory to (a part of which has already been England, and the Mormons should re- noticed.) I quote:

"SECTION 1. That Mexicans who fail to elect to continue clitzens of the Mexican Govern-ment shall be incorporated into the Union, and be admitted at the proper time (to be judged of by the Congress of the United States) to the en-joyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be main-tained and protected in the free enjoyment of their liberty and property, without restriction." -[United States Statutes at-Large, page 930.

this House who is not in faith a Mor-

acts previously passed, he casts another obstacle in the way of settling the troubles

by civil as well as ecclesiastical and natural law, there can be no impropriety in asking Congress to pass this bill, as it has unques-tioned power to legislate over the Territor-ies. That Congress may validate illegal and void marriages, I refer to the British Parliament. The most notable cases of which were legalizing the marriages cele-brated before justices of the peace in Eng-land during the commonwealth; also in India, Lower Canada, and Nova Scotia. (Shelford on marriage, 45, 55, 61, 62;) also by the Legislature of Prince Edward Island, (Ibid 64;) also by Maine, 2 Maine, 28; also by Connecticut, 4 Connecticut, 209. That the pewer is generally conceded (1 K., 10 Ed., 512.) That such acts are not retrospec-tive or unconstitutional, (see 2 Feter, 380; 8 Peter, 88; 10 Peter, 294; 11 Peter, 420; 10 Howard, 395; 17 Howard, 456; 4 Wall, 172.) In conclusion, Mr. Speaker, permit me to read what David O. Allen, the celebrated Christian missionary of twenty-five years Christian missionary of twenty-five years in India, has to say upon the subject of polygamous marriages in his book pub-lished as late as 1856. That devoted man of God says:

Supposing now that any Hindoo, or Moham Supposing new that any Hindoo, or Moham-medan, or Jew who has several wives to whom he has been legally married, should give evi-dence of piety and wish to make a public pro-fession of Christianity, what shall be done in respect to his polygamy? In contracting these marriages he violates no laws of the country and no laws of God, as he understood them, any more than Jacob or Elkanah did in mar-rying two wives, or than David did in marry-ing a yet larger number.

Mormon system of religion. Now, then, sir, in connection with these remarks, I propose to read in full section one, article nine of the treaty between Mexico and the United States, Gospel grace, or subjected to the results so graphically pictured by Mr. Allen. I have done.—Congressional Globe, Feb. 18. two women at the same time would be guilty of lewd and lascivious conduct; while in India he would not be, unless it were with others than his polygamous

Mr. Speaker, the courts and officers of the United States in that Territory not only refuse to see and recognize this plain and

glaring distinction, but in their eagerness to "hunt down heresy" and willingness to cater to a morbid Gentile anti-Mormon PER WESTERN UNION TELEGRAPH LINE feeling have ignored and trampled under foot one of the plainest and most promi-

Afternoon Dispatches. Mr. Speaker, is there a member of nent elementary principles of legal interpretation. EASTERN DISPATCHES.



John C. Cutles

Thomas Taylor.

BEFORE YOU BUY CALL AND SEE FOR YOURSELVES

TAYLOR & CUTLER WEST SIDE EAST TEMPLE ST. NOTICE. PUBLIC SALT LAKE CITY, U. T., Jan. 39, 1872. ON THE 23rd OCTOBER, 1868, & reward was offered by certain parties, for the apprehenof Dr. J. K. Robinson, wherein I offered th um of \$500. I now give notice, that in consequence o eudangering the lives of innocant men, withdraw that offer, and that the same shall be of no fores or effect from and after this

BRIGHAM YOUNG.

ADMINISTRATOR'S NOTICE.

date.

[BrECIAL TO THE DESERET NEWS.]

By Telegraph.

Engagement of the favorite Actor,

Jears, the Glorfous 3 Act Com-

edy, entitled

FRIDAY EVENING, MARCH 1st, 1872,

BENEFIT of the favorite Actor,

Hon. THOMAS FITCH, entitled

NOTICE !

OLD TITLES

P

MARGETTS

PRY

MR. P. MARGETTS

W E the undersigned, having been appointed Attainistrators of the estate of Richard Golightly deceased, hereby give notice to all persons having claims against the estate to pre-sont the same immediately, and those know-ing themselves indebted please make it known at an early date at Globe Bakery, East Temple Street



"This man cannot divorce any of his wives, "This man cannot divorce any of his wives, if he would; and it would be great injustice and cruelty to them and to their children if he should. He cannot annui his legal obligations to provide for them. He is bound, meraily and legally, to support them and to protect them, while professing Hindoo, Mohammedan, or Jewish religion; and his having become a Chris-tian, and embraced a purer faith, will not re-lease him from these obligations, in view of the English Government and courts, or of the na-tive population. Should he put them away, or all but one, they will still be legally his wive, and cannot be married to any other man. And further, they have done nothing to deserve ng a yet larger number. further, they have done nothing to deserve such unkindness, cruelty, and disgrace at his hands."-Page 521. Mr. Speaker, if polygamy is contrary to the Christian religion, and it be the only true religion, as we understand it, the polygamous peoples must be deprived of

invitation by the convention. The convention went into committee of the whole, Mr. O. Pratt in the chair. Mr. Miner offered a resolution that the governatorial term of office be four

Section 31 of article 4, on the legisla-ture, was amended to read, "At all elec-tions for representatives each qualified elector may cast as many votes for one candidate as there are representatives to be elected in the county or district, or may distribute the same among any or all the candidates, and the candi-dates receiving the highest number of the votes shall be declared elected,"and

The committee rose and the convention considered the report of the committee on the whole.

The ordinance and preamble were and and adopted.

The reading of the first article ed

Bection 4, fourth line, was amended by the insertion of the words "or juror" after the word "witness," and

Mr. Miner's amendment of section 8 empowering the legislature by a two-thirds vote to abolish the grand jury system, was adopted. After the other sections were read and

the article was unanimously

The chair was requested to appoint : mmittee of three on engrossing. Article 2, on suffrage, was considered

The convention adjourned till Wed needay, at 10 a.m.

NINTH DAY.

Wednesday morning.

Convention met at 10 a.m. The chairman of committee on boundary, miscellaneous provisions, and amendments, reported articles—on mis-cellaneous provisions, and amend-

Ments. On motion of Mr. Fitch the reports were referred to the committee of the whole and ordered printed. Mr. Fitch moved that the chair sp-point a committee of nine to prepare a

emorial to Congress, to be presented with the constitution, as provided in oint resolution of the legislative as-embly calling the convention. Car-

The president appointed Meesrs. T.P. kers, A. K. Thurber, and C. W. Pen-

Mr. Fitch moved the reconsideration of the vote passing the bill of ordinance, preamble and declaration of rights, and that the motion lie on the table. Car-

On motion of Mr. Miner the conven-

tion proceeded to the consideration of article 2, right of suffrage. Mr. Akers argued at length on his amendment to Sec. 4, providing that no law shall be enacted whereby the ballot of any individual elector can be identi-

Lamech, thirty-eight hundred and more generous and indulgent to her seventy-five years before Christ; and conceding, for the sake of the argument, that it ceased in the days of the Aposzens in Utah?

tles, it covered a space of thirty-nine hundred and twenty-five years, by the express approval of God. Now, Mr. Speaker, I am prepared to mbmit a proposition to Christians and

submit a proposition to Christians and students of moral philosophy. "If it be true that moral principles never change, and that marriage is based on moral principle; and it be true that date to elect to continue citizens of polygamous marriages existed for thirty-nine hundred and twenty-five years, or a less period, by the approval of God, is polygamy morally right or wrong?" But polygamy traces itself further down than that. While we have no express a gainst bigamy simply, without

account of it in the New Testament, it is equally true that we have no express

is equally true that we have no express prohibition of it therein. In this opin-ion I am not only sustained by many divines, but by the author of the New American Encyclopedia. He says in volume thirteen, page 465, in speaking of polygamy, "There are no positive in-junctions in the Bible against the prac-tion."

tice." Mr. Speaker, between 1853 and 1865, only sixteen to nineteen years ago, a number of ministers of the gospel, sent as missionaries to India, and belonging to the Baptist, Congregational, Episco-pal, Methodist, and Presbyterian churches, assembled in Calcutta in con-vention and declared that polygamous marriages were not contrary to divine law. (D. O. Allen on India, page 601.) Now, than in view of these facts who

Now, then, in view of these facts, who can dogmatically affirm that polygamy is contrary to the law of God? And who, in view of these facts, can declare that marriage is the union of one man with only one woman in the holy estate of matrimony? I ignore from this discus-

sion polygamy as it principally exists

Mr. Speaker, think not that my ram-ble through the Bible and sacred his-tory is simply to show polygamy not contrary to the law of God; far from it. My object is to elucidate the subject of marriage, and to throw these facts be-

House that they may see that our law writers have not defined marriage at all; in other words that they have taken the "contract" of marriage for "mar-riage" itself, and have also confounded the power that regulates the contract with the contract itself. Civil and ecclesiastical law regulates man, but does not create him. Civil and eccles-instical law regulates marriage and marriage contract, but creates neither. Marriage and the contract of marriage exist independent of either.

Sir, our law writers upon marriage

lay down the law to be that the lex loci contractus—the law of the place where the contract is made—must de-

termine the legality of the marriage; and this rule applies as well to nations where marriage is controled by the ectical and civil law as the law of

II England be polygamous citizens in India than the United States to her polygamous citi-

Sir, I shall now proceed to another point in the line of my argument. The treaty to which I have referred, beoutside Mormondom had long previous thereto branded it as false? And yet, in the face of that fact, they bound this Government by solemn treaty obliga-tion to secure to that people the free ex-ercise of their religion. Whether Jew, Christian, Mohammedan, Parene Theth tween the United States and Mexico, Christian, Mohammedan, Pagan, Turk, Hindoo, or Swedenborgian, true or false, we are bound to protect them in the free exercise thereof. polygamy until July 1, 1862; and that was against bigamy simply, without defining it.

The question now arises as to when that protection ceases. Sir, with the section which I have read before me I

defining it. Now, then, I wish to call the atten-tion of gentlemen upon this floor to two remarkable phenomena in the history and legal jurisprudence of our history and legal jurisprudence of our

Sir, what law controlled marriages "Shall be incorporated into the Union and in Utah from the date of the treaty up admitted at the proper time (to be judged of b Congress) to the enjoyment of all rights," &c. to one year thereafter, the time when

the people became citizens of the United States Government? Was it the law of Mexico or the United States, or was it the law of nature or the the union" must be held to mean that at the end of the year from the date of the treaty they were to become citizens of the Union or United States. From one year after the date of the treaty up to July 1, 1862, did the civil law of the United States, the ecclesi-2. That the language "and be admit-

ted at the proper time (to be judged of by Congress) to the enjoyment of all rights," &c., must be held to mean adastical, or the law of nature control

When these questions are answered it mission into the Union as a State. seems to me that the minds of gentle-men will not be free from doubt as to attention of the House to the latter part the propriety of the present pollcy pur-sued towards the Mormons. of that section and immediately following the portion already recited. It From the date of the treaty to the

expiration of one year thereafter they must be regarded as in a transition state, and without civil law. From one year after the date of the treaty to July 1, 1862, they must be regarded as without any law upon the subject of marriage other than their own ecclesi-"And in the mean time shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free ex-ercise of their religion," &c.

"And in the meantime." What time is meant? Is it not the time intervening between the time they should be-come citizens of the United States and If the ecclesiastical law of the Morthe time when they should be admitted as a State into the Union? There can mons did not control marriages from be no other rational or intelligent inter-

mons did not control marriages from the date of the treaty to the expiration of one year thereafter, then monogam-ous marriages during that period were invalid; as also from the expiration of the one year next after the treaty up to July 1, 1862, and in fact to the present day, for none but ecclesiastical marria-ges have been celebrated among the Mormons. pretation of that section. Now, then, Mr. Speaker, permit me to read a portion of article six of the Constitution of the United States. I quote:

If treaty obligations, constitutional provisions, and justice prevail, we can not, we dare not, lay a heavy hand up-on polygamy until that people are ad-mitted into this Union as a State, and when admitted, we are bound by the law of nations to hold it valid as to the past. The only escape from this is for the enemies of polygamy to maintain that polygamy is not part of the Mor-mon religion. But with all my prejudice against the obnoxions system, and while I would strike it down at one blow, I must say that in my opinion we can as truthfully agart that the revelation to

- senting the United States and Mexico in signing that treaty believe the same thing; and did they not know when they signed it that all religious and non-religious people in the United States there the will of the legislator is by exploring his intentions at the time; I repeat, 'at the time' when the law was made." Adopting this rule: can end see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the see the interter the will of the legislator is by exploring his intentions at the time; I repeat, 'at the Reverdy Johnson, at a meeting of the American Peace Society, at Balti-more, said that preferment of conse-quential claims in the Alabama affair was not contemplated by the high com-missioners of Great Britain. The Japanese Embassy left Chicago for Washington Feb. 27th, They pre-sented Mayor Medill \$5,000 for the Chi-

cago relief fund. "Thus the law of 1 Edward III forbids all ercle-siastical persons to purchase provisions at Rome it might seem to prohibit the buying of grain and other victuals; but when we consider that the statute was made to repress the usurpations of the papal see, and that the nominations to benefices by the Pope were called 'provisions,' we shall see that the restraint is intended to be laid on such provisions only." Rev. Dector L. D. Husten, a distin-guished Methodist, is en church trial, in New York, for seducing a number of young girls. The investigation shows little doubt of his guilt.



MR. Will be presented, for the First Time in many

If the greater good will result from its



M1. Speaker, do we refuse this, then prosecution against that people will be urged with all the bitterness of Gentile hatred? Men and women heretofore re-¹⁰This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Men and women heretofore regarded as respectable will be treated with scorn and contempt. Young ladies and young gen-Mr. A. THORNES



Norway Oats,

Surprise Oats,

Choice Seed Peas,

Beans, Efc.

SPRING TIME IS COMING!

AND

GEORGE GODDARD

Wants to Buy and Pay Cash for Fresh, Clean Lucera Seed, Choice Peas, Bran, Shorts, Oats, Barley and Wheat,

69 ly Wm. M. Gillespie. Jar. W. Stainbur STAINBURN & GILLESPIE,

Notaries Fublic,

COMMISSIONERS OF DEEDS,

Searchers of Records,

and

CONVEYANCERS. Will shortly be produced, a New Local Drams, written expressly for this Theatre, by the

OFFICE-Ou right of entrance to Stock Board, Reid's Building, MAIN ST.

THE legality of the Nutarial arts of the above named firm is maquestiousbe, at they act under appointments mais by the Legislative Assembly of the Territory of Utab, dated Feb-ruary 14, 1872, and commissions of the Gover-nor of the Territory, issued subsequently, and have compiled with both the Territorial is we by filing the required bosids, Sc., in in - Terri-torial Auditor's Office and with the Protate Jadge of Bait Lake County. d82 ly A LL persons knowing themselves indebi-ed to the estate of the late Abraham Hosgiand, deceased, are requested to settle mmediately, and these holding accounts gainst the same will please present them for

If we have to trace monogamous mar-riages during those periods to the eccle-siastical law for validity, why not polysiastical law for validity, why not poly-gamous? If the monogamous are not valid, then we should validate them, and if we validate them, why not while we are at it validate the polygamous? But, Mr. Speaker, if gentlemen, to escape ecclesiastical marriages, prefer the law of nature, then I respectfully refer them to the decisions of the su-preme courts of Alabama, Tennessee, and Missouri, declaring marriages among the Indians, under the law of nature, valid. (11 Alabama, 826; 5 Humph., (Tennessee,) 13; 23 Missouri,



Se.

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