

EDITORIALS.

IT IS UTAH—IT IS NOT UTAH.

THE Territories chafe under territorial tutelage. The inhabitants of the Territories are not well pleased because they have not the full rights and privileges of American citizens. They cannot see any good and sufficient reason why a citizen in a Territory is not practically as completely a citizen as is a citizen in a State, and why the former class of citizens are not placed on an equal footing with the latter class of citizens, and allowed the enjoyment of equal rights with them.

This subject the people of the Territories cannot refrain from agitating, particularly as this is a much vaunted land of equal rights, and the dominant party prides itself specially upon its legislation to insure equal rights to all classes of its citizens.

The Montana papers have been agitating this subject of late, and in a recent article, republished in the NEWS of Monday last, the *New North-West* is kind enough to say that one of the greatest difficulties in the way of securing more liberalized governments for the Territories is Utah, that the marriage customs and other theological polity which prevail in Utah adversely affect this and all other Territories.

While we must admit that this acknowledgment of widespread influence may be flattering to the vanity of the Utah people, if they have any, we do not see why the religion of the people here ought to have any influence upon Congress in relation to its action towards this or any other Territory.

Let us go down to the bed rock of the subject. Marriage is a religious institution with most if not all religious people. Congress may consider marriage merely a civil institution, but Congress can never cause religious people to regard it in that light, and it is not within the province of Congress to declare what is and what is not religion, what citizens shall accept as parts of their religion, and what they shall reject from such classification of belief and practice. Congress would be perfectly powerless to convince a devout Roman Catholic that marriage is not a religious sacrament, or that a life of priestly celibacy or vestal virginity is not a great religious virtue. Equally futile would it be for Congress to endeavor to convince a devout Latter-day Saint, and some other religious devotees, that a plurality of wives is not a part of religion, and in many instances a solemn religious duty and a high religious virtue.

Religion is a matter between man and his Maker, not between Congress and a citizen or a resident. The Constitution expressly and emphatically provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This is in accordance with the whole genius of American liberty. Therefore Congress has not the slightest justification in legislating concerning religious matters, either in Utah or anywhere else, either concerning "Mormons," or Methodists, or Roman Catholics, or any other body of religionists. Bismarck, in accordance with the old iron rule of Prussia, may, as he is reported to have done, strictly forbid Catholic teachers to have prayers or hold services with regard to ecclesiastical policy, but such gubernatorial supervision is entirely foreign to the spirit of American government, and it would be really revolutionary in Congress to attempt anything of the kind. On the other hand, the reasoning is as fair as can be, that, if Congress can make no law concerning religion or prohibiting its free exercise, that body is equally unjustified in refusing equitable and liberal legislation, or legislation of any kind, merely because of the religious faith or practice of any portion of the community or any number of citizens.

The statement of our Montana contemporary that "Mormonism" is the cause of the hesitation of Congress to legislate more liberally concerning the Territories may or may not be true, but it is absolutely true

that Congress has not a title of constitutional justification for any such hesitancy, that body has no discretionary power in that direction, and therefore the plea that Utah is the lion in the way falls to the ground, being utterly untenable. The real lion in the way is not Utah, but something else.

UTAH AND TERRITORIAL MATTERS.

YESTERDAY we endeavored to answer the complaint of a Montana paper, the *New North-West*, that Utah, or rather "Mormonism" in Utah, was the cause of the hesitancy of Congress in legislating more liberally towards the territories, by showing that the cause thus alleged was not a justifiable cause for any such hesitancy. We mean that it may or may not be true that Congress has refused legislation of that kind because of the peculiar religious practices of the "Mormons" in Utah, but we hold that Congress has no right to make those religious practices, or the religious practice of any other body, a cause for refusing such legislation, for the ample reason that religion is not a thing which comes within the constitutional cognizance of Congress as a subject for legislation, or as affecting legislation, except to be left entirely alone.

We proceed to answer our northern contemporary a little more fully, and thus take note of some of its statements—

1. That the laws of the United States conflict with certain practices of the "Mormon" church.

We know of only one law of this kind, the anti-polygamy law of 1862. If Congress had not made this law, there would have been no such conflict, and the proper way to end it would be for Congress to repeal the law, and that for a very good reason—because the law is clearly unconstitutional, being a law forbidding certain religious practices, with which Congress rightly has nothing whatever to do. If Congress were to enact a law prohibiting baptism, would anybody in his senses expect the Baptists to obey that law? No. It would be the duty of Congress to repeal that unconstitutional law, and not the duty of the Baptists to renounce the religious ceremony of baptism because of the law. The wrong, the crime, would be in the law, not in the religious act.

2. These practices of the "Mormon" church are violations of civilization.

Then is the Bible a violation of civilization, for plural marriage was undoubtedly a Biblical practice, nowhere condemned but expressly provided for therein. If civilization is not in accord with the Bible, then civilization must be unscriptural, Gentile, heathenish, barbarous; then this modern civilization must be a bastard civilization, a spurious civilization, a bogus civilization, for the civilization of prophets, apostles, and holy men and women of God, the civilization of the Gospel of Christ, the civilization that emanates from heaven, it must be conceded, is the only genuine civilization, and there is nothing better established in Biblical history than the fact that a plurality of wives was a portion of the law and will of heaven to the people.

3. These violations of civilization can claim no constitutional protection.

We yesterday showed that religious faith and practice had full constitutional protection, and that Congress constitutionally had nothing whatever to do with them. We need not enlarge further upon this point.

4. The existence and maintenance of polygamy, and the unity of Church and State in Utah, successfully counteract the administration of the federal government here.

So much the worse for the federal government, if religion counteracts its administration. With marriage as a religious institution the federal government has no constitutional right of controversy. As to a unity of Church and State, or, in other words, a blending of spirit-

ual and temporal matters, what has Congress to do with that? Has Congress any right to define the line between spiritual and temporal things? Has Congress the right to forbid a man's religion from giving color and complexion to his business, his politics, his everyday acts? The poet says, and says well—

Religion is the chief concern
Of mortals here below.

We believe it is according to natural law that the chief things overshadow and have effect upon the things which are subordinate and of lesser importance. We are not enamored of what have of late been termed, somewhat sarcastically, "Christian statesmen," neither do we know how it may be with the *N. N. W.*, but we have an idea that there are a large number of Congressmen, as well as other citizens, who would be much better men and citizens if their daily course, whether in politics or any other business, gave undeniable evidence that religion, pure and undefiled, was their chief concern, and was manifestly held by them to be the paramount consideration, on week days as well as Sundays, in the halls of Congress or in the rooms of the store or office, as well as in the church or chapel. If there had been sufficient of this overshadowing, all pervading genuine religion, we should have heard less of back-pay stealing, salary grabbing, Credit Mobilierism, bribery, and Pacific Mail investigation.

5. Where the laws of the United States conflict with the practices of the "Mormon" church, the United States authority has been set at defiance.

We do not know of any defiance, in the "Mormon" church, of the United States authority. The practice of plural marriage is followed in obedience to a sincere conviction that it is the will of heaven, and not in defiance of the authority of the United States. Polygamy was practiced in Utah as a religious order fifteen years or so before Congress made any law upon the matter. It is much nearer the truth to say that the law in question was made in defiance of the "Mormon" religion and of the federal constitution. We do not suppose that one polygamist in a hundred ever thinks of the United States, or its authority, much less of defying either, when he engages in that order of marriage. It is wholly a religious act, of the highest and most sacred character. It is done as unto the Lord, the Supreme Ruler of heaven and earth, as in accordance with his mind and will and law and command, and therefore any such infinitely lesser and altogether irrelevant consideration as defiance of the authority of the United States is entirely out of the question. Besides, it is very difficult to discover how the authority of the United States can be defied in a matter wherein its own constitution, which is the supreme law of the land, does not recognize that it has any authority to be either respected or defied.

6. Congress will not enlarge the organic privileges of the Utah people until polygamy shall have been discontinued, and the federal authority recognized and obeyed as in other Territories.

We are not responsible for what Congress will or will not do. The responsibility rests with itself.

We do not know when polygamy will be discontinued, or whether it ever will be. It always has existed, it prevails with four-fifths of the human race to-day, and we are inclined to think that it always will prevail. In fact we soberly believe it is a true and eternal principle. We do not think any genuine "Mormon" would abandon it to please the United States or any other body of people, for any one who would so repudiate any principle of his religion would prove that he had not the root of the matter in him, and that he did not believe that it was better to obey God than man.

We are glad to learn that other Territories obey the laws both in letter and spirit. We hope they will continue in well doing, and not weary. In due time they will reap, if they faint not. Meanwhile, if we were people that laid wagers, we would wager that, as an orderly, law-abiding Territory, Utah, with all her faults, stands in the very front rank of all the Territories, though she does not wish to boast about it.

7. Utah would have to be specially excepted from liberal legislation.

We are getting used to that, but we cannot help it. Utah will be known as the great excepted by and by. After that she may become the great accepted. The excepted first, and the accepted afterward. The stone that the builders rejected afterward became the head of the corner. If we must be the objects of stingy, illiberal legislation, so be it. All is well that ends well. "These light afflictions," etc. Read the scriptures, for they testify of us, and particularly of the principles we advocate.

8. Utah is a great if not the greatest and insuperable obstacle in the way of the other Territories procuring their just deserts.

If it is so, sorry we are for it. But we have a dim recollection of a certain lamb down the stream being the alleged great and insuperable obstacle to a certain wolf up the stream obtaining a drink of pure water. However, never mind. We do not wish to stand in anybody's way. We came a thousand miles into the trackless desert that we might be out of everybody's way, and our territorial neighbors, if we are now in their way, are at perfect liberty to travel just as far or further away from us, that we may continue to be out of their way.

9. The people of Montana know that "Mormonism" in Utah is detrimental to all the Territories.

Again we are sorry, very sorry. It is really regrettable that any man's religion should be a detriment to him or his neighbors, near or remote. Religion was designed for a help, not a detriment.

10. In the Territories there is recognition of the fact that the Saintly Sinners of Salt Lake "bar our progress and liberties," that is, the progress and liberties of the other Territories.

We have no undue sympathy for saintly sinners, either of Salt Lake or Montana or anywhere else, none whatever. On the contrary we hold them righteously in abhorrence. Does the *N. N. W.* mean the rascally carpet-bagger ring? They are the greatest sinners at Salt Lake, by far.

11. Polygamy is a vile dreg of barbarism.

This is only a borrowed, rotten plank from an old political platform. Too stale an idea, too antiquated for further consideration.

12. We know polygamy is in absolute and wicked violation of the laws of the Territory of Utah.

Indeed! How? Which? When? Where? Point out the identical laws so violated.

13. It is in similar violation of "the commandment of the Mormon Bible."

Is it? We have read the Bible from our youth up, and have never seen where that violation comes in. The "Mormon Bible" is the Christian Bible. Does our Montana friend mean the Book of Mormon? If so, has he ever read it? Has he ever seen it? Certainly he has never read it attentively.

14. The confiding, simple, easily gulled followers of Brigham Young accepted plurality of wives because he wanted and had taken another woman.

Did they? This will be news to them, and nonsense too.

15. If the NEWS wishes to do right and help the Territories to fuller civil liberties, it should disown polygamy, profess fealty to the United States, faithfully and patriotically obey and support the laws of the land, and suggest to Congress the best method of disposing of Utah's Great Sin.

The NEWS does wish to do right, and, if it can, help the Territories to fuller civil liberties. But to disown marriage of any legitimate kind, or any other true principle, the NEWS is not ready to do, liberties or no liberties. For fealty, patriotism, and obedience to constitutional law, the NEWS has always been famous. If the NEWS were egotistical enough to think that Congress would be influenced for good by its advice, it would take pains to advise that honorable body every day in regard to many things which we believe would be good for the Territories and for the whole Union, and especially, if the NEWS knew of any "great sin" in Utah, would it advise Congress as to the best method of disposing of it, that is, if it was the proper business of Congress to attend to it, but not without.

16. If the NEWS won't do this, it must not tantalize and vex the other Territories by favoring their projected reforms which "Utah

Mormonism" does most obstruct and bar.

The NEWS designs to do all the good it can, and as little harm as possible. But it cannot bind itself, Procrusteanly, to the *N. N. W.*'s bedstead, by any means. This is a free country, a country where free religion, free speech, and a free press are insured by specific constitutional guarantees. Therefore we must be allowed to advocate such reforms as we consider most beneficial and in the way that commends itself to us as the best. If thereby we happen to tantalize and vex any of our fellow-citizens, we shall be sorry for them, very sorry for them. But we cannot give up our constitutional right to do good, to advocate useful measures, or to commend promising reforms, not even when they are proposed, aided, or abetted by our territorial neighbors.

In conclusion we would say to the *New North-West* and any others of our territorial neighbors interested, if you think Utah is in the way of your prosperity, never mind, just be good enough to consider her practically out of your way, and she will not be offended about it. As for Congress, that honorable body is under no obligation whatever to except Utah from any liberal or otherwise beneficial legislation affecting the Territories. Utah only asks equal constitutional rights and privileges with other commonwealths, and these she thinks her just due, as much as if all her citizens were of African descent, instead of Caucasian. But in a word, in regard to illiberal or otherwise unfavorable legislation, the highest wisdom in the federal legislators and the greatest favor to Utah would be to let her alone.

A RAILROAD TO THE NORTH.—

Montana wants better communication with the world outside, and various plans are suggested for effecting that much desired end. The improvement of the navigation of the Missouri and the Yellowstone are agitated, this water communication with the States east being considered the natural one for freight, and the best that is immediately practicable. But for passengers the river is slow, and for freight it is not altogether satisfactory. Hence a railroad is looked forward to. The Northern Pacific is not regarded as very hopeful at present. There remains connection with the Union and Central Pacific roads. The extension of the Utah Northern northward, and the junction with that of a road from Montana southward, is one promising plan. Another road is also urged—from the Union Pacific at Cheyenne, and this is what the *Avant Courier* says of the last named project—

"There is a company organized to build a railroad from Cheyenne to Helena, Montana, and the citizens of Cheyenne are just now agitating the building of that road. They propose to issue bonds, the interest on the same being provided for by the taxes collected from the Union Pacific. That road runs 320 miles through Wyoming and the assessed value of that portion of the road reaches to several million of dollars, and the taxes from that source amount to a very large sum, all of which goes into the Treasury of Wyoming. This fund the people of that Territory want applied to constructing a road to Montana, via Sweetwater and the Wind River Mountains. As the completion of this road will create a large and profitable feeder to the Union Pacific, it is believed that the latter company will aid liberally in completing the branch to its road. But, as these matters will be thoroughly investigated before any decisive action is taken in Montana. We are for an early railroad connection, and the most feasible plan should be adopted.

VIGILANTES ON THE COAST.—

California has not done with vigilance committees yet. Oakland, says the *Transcript*, has organized a committee of that kind, for the prevention of crime, and a San Francisco paper thinks that, "judging from the character of the parties belonging to the association, any person who is caught stealing at fires, burglarizing, robbing or engaging in any nefarious transaction, may as well say his prayers and prepare for a speedy shuffling off of this mortal coil."