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Tuesday, . May 27, 1884. CONGRESS, MARRIAGE LAWS

AND THE TERRITORIES. NEW BEDFORD, Mass., May 19th, 1884.

Editor Deseret News:

In your issue of April 19th, com-menting at length on a recent article of mine in the Boston Index on the ques-tion between Mormonism and the Na-tional Government, you ask me to point out "one of the marriage laws of Congress," and also that "clause of the Constitution which gives to that body authority in respect to marriage customs." I send my reply directly to you instead of printing it in the Index, since readers of the latter paper very well know, from my several articles on the matter, how the sentences which you quoted were to be under-stood. Congress, of course, has In your issue of April 19th, con stood. Congress, of course, has passed no law, nor has it authority to do so, concerning marriage in the several States. But for the Territories and the District of Columbia, where its jurisdiction extends, Congress has en-acted laws for protecting the monoacted laws for protecting the mono-gamic form of marriage. One such was passed in 1862, making bigamy (or poly-gamy) in any of the Territories pun-ishable by a fine not exceeding \$500, and by imprisonment not exceeding and by imprisonment not exceeding five years. Its authority to pass such laws is derived from that clause in the Constitution which gives it power to make all needful rules and regulations respecting the territory of the United States. In the alleged interest of Utah, I am aware, this derivation of authority is sometimes denied. But Congress has always legislated con-cerning the Territories, and neither party there has ever questioned its right to do this. It is very doubtful if Judge Field would extend his recent opinion, from which you quote, to a denial of this right. On the point which you also criticize, that I make

which you also criticize, that I make polygamy an essential crime as well as legalicrime, I ask yon to notice portions of an article in the *Index* of May 8th, of an article in which I send you. Yours truly. W. J. POTTER.

In the foregoing letter Mr. Potter admits that Congress has no authority to pass laws concerning marriage in the several States, but claims that DESERET EVENING NEWS, of April 19th -

implied or inferred powers derived from the clause cited, (though this cannot be under articles TX and X of the amendments). What rules and regulations are needful for a body of of exercising the powers of local afti-government? Why, simply to see that they have a local government republi-can b form. That the principles of the Constitution are observed and carride out. That all citizens have the com-mon rights of citizens. That the legi-isiative, judicial and executive branch-es of the local government are chosen by the people. In the interests of the Constitution, is recognized and obsyed That is all. The right to legislate di-the diasenes whatsoever, is not confer-but the District of Columbia, and the places ceded to the United States for argenals dockwards, etc. If Mr. Pot-

OUR CHICAGO LETTER. UR CORRESPONDENT FURNISHES HI

USUAL INTERESTING QUOTA. FORCED TO CONSIDER HOME REFORM.

CHICAGO, May 18, 1884. Editor Deseret News:

If no other usefulness could be charged to Mormonism but the fact that it is the means of awakening editors and preachers to the necessity that body possesses the power to do so in the Territories. The gentleman's argument is offered in answer to the following, which appeared in the social science. Writers and speakers who a few months ago devoted much time and energy to an absolutely ridi-culous abuse of institutions that they

"It is strange that such a clear-headed writer as Mr. Potter shows himself to be, does not perceive the wide differ-ence between essential crime and an offense made criminal by law, and also the lack of constitutional authority in Congress to legislate on the subject of marriage. He asks: "Shall the na-tion ignore its own marriage laws and permit the plea of religious failth to nullify its authority in respect to mar-riage customs," etc.? Will Mr. Pot-ter, through the columns of the Index, kept open till 20 minutes after 6 and that 40 votes had been polled after 6 o'clock." Then follows an account of several board meetings wherein is de-scribed the proceedings one board meetistence by the scantiest pittance of illcooked beans and chicory, urged on by that supernatural thirst for gold, is an object worthy of interest and study. but the brazen adventurer flaurities in fletitious prosperity in the crowden streets of the city and seducing virtue, corrupting innocence and depraving corrupting innocence and depraving taste is an object worthy of the sever-est reprehension. The politician hun-gering for a morsel from the poblic kettle, and communicating his malady to peaceful hamlets, until even death himself is mocked at, is a cause for sorrow. Poor Mr. Robbins of Maine could not be left to die in peace. He was a soldier and his premature de. Mr. Potter in attempting to answer this, refers to the anti-bigamy laws of Congress specially enacted for the Ter-ritories. But these are not "marriage laws⁵ in the sense intended in the above paragraph. Indeed there is no such a thing as a "marriage law of more in the sense intended in this above paragraph. Indeed there is a stature is a statule is a statule of the sense is a factor specify what marriage is an other the sense is a statule is a statule in the sense is a statule in the sense is a statule into the sense is a statule if the sense is a statule if the sense is a statule if the sense is a statule is the sense is a statule if the sense is a statule is the sense is a statule if the sense is a statule is the sense is a statule if the sense is a statule is the sense statule is the sense is a statule is the se Imported

Wealth to bring these to their present condition. The modern idea seems to be, if a thing don't suit one's peculiar fance, he wants that thing abolished or removed. The editor and ontor when invergining against evils of government, seems to think that our officials and rulers are thrust on us by some Suitan or Czar or Mandi. They denounce some imaginary abstraction when a crime occurs, or a scandal takes place, or some glaring outrage on the com-munity is committed. It is only the mongrel breed of dogs that hunt and yeip at the stone thrown at them, while the thrower smiles at the unfortunate we are all a nation of mongrels yeiping and barking at the stone, while the real source of all trouble goes unscalhed. Let us learn a little of the buildog and place the responsibility where it be-iongs. In every little incident which occurs In every little incident which occurs through the country this

ABOLITION SPIRIT

Constitution, is precomised and obeyed. That is all. The right to beginted there is the origination to the enalden sub-arrently, and to have exclusive authority in all cases whits server, is is in pursuit of a con-arrently and to have exclusive authority in all cases whits server, is in a construction of the issue of the server of the write difference is in pursue with a directed inderstance with a directed with a directed with a directed inderstance with a directed with a directed with a directed inderstance with a directed with a directed with a directed inderstance with a directed with

case vice becomes truly dangerous. This is the real state of the lowest type of our municipal existence. Now, let LADIES OPEN FACED GENEVA GOLD finder will be rewarded by leaving them at the office of Dr. Romania B. Pratt, over Godbe & Pitt's drug store. us take the other extreme, the highest or what ought to be the highest degree of our civilized development. Norwood Park, Bowmanville, Maplewood, and Humboldt are villages in the suburband tenanted by the elite of this city



zens who mostly comprise the elysian suburbs above referred to. In these



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ter, through the columns of the Inc please quote for our benefit and the enlightenment of its readers, one of the marriage laws of Congress, and that clause of the Constitution which gives clause of the Constitution which gives to that body "authority in respect to marriage customs," etc? We do not know of any marriage law of the United States, and we deny that Con-gress has any constitutional power to pass a law of that kind or to regulate "marriage customs," and ask the gen-tleman to be kind enough to bring forth his proofs for the position he has taken."

'Mr. Potter in attempting to answer

of this Territory have acknowledged the authority of Congress thus speci-

SCOLDING OF MORMONISM.

the authority of Congress thus speci-fied, and have acquired tile to the land or territory on which they settled, by purchasing it of the United States, in conformity with the rules' and regulations of Congress concerning it. In one sense, then, it is no longer the "Mormoniam is going to die hard, be-error and absundity—it nas the vital in dift, and if it could be pruned of hied it, and if it could be pruned of these errors and superstitions, the "warks of instice and to overthrow them is system would not differ essentially from any other orthodox denomina-gress now claim to regulate it or the people who have fived upon it? Will Mr. Potter claim that Congress can dispose of and sell the people in the Territories? Yet under his inter-pretation of this clause in the Consti-tution it can do that very thing, For there is another word he has omitted in his quotation. It says: "Congress shall have power to dispose of and make all needful rules and regulain his quotation. It says: "Congress shall have power to dispose of and make all needful rules and regula-tions," etc. If this clause refers to the people in the Territories Congress can dispose of them as it may the "ter-ritory, (land) or other property of the United States." We claim that this clause confers no authority whatever upon Congress to legislate in regard to marriage or any other local cantom among the people, and that the right to do this is reserved by the Constitu-tion to the people, and that the supreme Court of the United State has stated "that it is now too late to question the authority of Congress" in this respect, "that it is now too late to question the authority of Congress" in this respect, TREATING HOME QUESTIONS. TREATING HOME QUESTIONS. TREATING HOME QUESTIONS. The Interfact, is a religious weekly of this city, and is a paper that used oc-certain powers as a matter of expedi-ency; but if there is any virtue in language, or any restriction ou the powers of that body at all, it is posi-tively certain that the exercise of au-thority to legislate on marriage in the Territories, is just as much outside of the constitutional powers of Congress as if attempted in regard to the States. But supposing Congress has some LAW AND ITS TECHNICALITIES



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authority of 'Congress'' in this respect.

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