

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

Editor Deseret News:

In your issue of April 19th, commenting at length on a recent article of mine in the Boston Index on the question between Mormonism and the National 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 understood. 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 enacted laws for protecting the monogamic form of marriage. One such was passed in 1862, making bigamy (or polygamy) in any of the Territories punishable by a fine not exceeding \$500, 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 concerning 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 polygamy an essential crime as well as legalism, I ask you to notice portions of an article in the Index of May 8th, 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 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 DESERET EVENING NEWS, of April 19th:

"It is strange that such a clear-headed writer as Mr. Potter shows himself to be, does not perceive the wide difference 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 nation ignore its own marriage laws and permit the plea of religious faith to nullify its authority in respect to marriage customs,' etc.? Will Mr. Potter, through the columns of the Index, 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 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 Congress has any constitutional power to pass a law of that kind or to regulate 'marriage customs,' and ask the gentleman to be kind enough to bring forth his proofs for the position he has taken."

Mr. Potter in attempting to answer this, refers to the anti-bigamy laws of Congress specially enacted for the Territories. But these are not "marriage laws" in the sense intended in the above paragraph. Indeed there is no such a thing as a "marriage law of Congress." The anti-bigamy act of 1862 and the anti-polygamy act of 1882 are merely laws providing penalties for certain practices legislated into crime. They do not specify what marriage is, nor how it should be solemnized, nor define or regulate it in any way. What we asked Mr. Potter to point out was one of those "marriage laws of Congress" which he alluded to, and to show the clause of the Constitution from which Congress derived the authority which he claimed it possessed "in respect to marriage customs." There is no such clause and therefore of course he is unable to cite it. The fact is, Congress has no constitutional authority to legislate on marriage at all, and this was the point of our argument in reply to Mr. Potter. Its powers are defined and limited by the Constitution, and all powers not therein expressly granted are reserved to the States or to the people. And the genius of this government and one of its essential characteristics is the right of local self-government and the local regulation of domestic institutions. Marriage is a matter entirely outside of the jurisdiction of the National Government and belongs to the people in their respective localities, local customs and regulations being the law in each community.

But Mr. Potter points to the clause of the Constitution which gives Congress the power to make "all needful rules and regulations respecting the territory of the United States." Why did he not quote the clause in full? It reads: "respecting the territory and other property of the United States." The words we have placed in italics Mr. Potter omits in his quotation. And why? Because they contain the answer to his proposition. The rules and

regulations that Congress may make are respecting property, not people. The clause refers to land. The people of this Territory have acknowledged the authority of Congress thus specified, and have acquired title 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 "territory, land or property of the United States," but belongs to the people who have purchased it, and how, under the clause quoted, can Congress now claim to regulate it or the people who have lived upon it?

Will Mr. Potter claim that Congress can dispose of and sell the people in the Territories? Yet under his interpretation of this clause in the Constitution 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 regulations," etc. If this clause refers to the people in the Territories Congress can dispose of them as it may the "territory, (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 custom among the people, and that the right to do this is reserved by the Constitution to the people themselves.

The fact that Congress has exercised the power, and that the Supreme Court of the United States has stated "that it is now too late to question the authority of Congress" in this respect, does not affect the logic or the force of our position. Congress has assumed certain powers as a matter of expediency; but if there is any virtue in language, or any restriction on the powers of that body at all, it is positively certain that the exercise of authority 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 implied or inferred powers derived from the clause cited, (though this cannot be under articles IX and X of the amendments). What rules and regulations are needful for a body of citizens of the United States capable of exercising the powers of local self-government? Why, simply to see that they have a local government republican in form. That the principles of the Constitution are observed and carried out. That all citizens have the common rights of citizens. That the legislative, judicial and executive branches of the local government are chosen by the people, in the interests of the people of the locality. And that the authority of the General Government, as specified in the Constitution, is recognized and obeyed. That is all. The right to legislate directly, and to have exclusive authority in all cases whatsoever, is not conferred upon Congress for any other place but the District of Columbia, and the places ceded to the United States for arsenals, dockyards, etc. If Mr. Potter can find any authority for more than this in the Constitution, let him quote the clause.

We unhesitatingly say that all that Congress has done in this direction is usurpation and assumption, and that long usage and submission do not alter the principle nor change a wrong into a right. And as to marriage, we claim that Congress has no constitutional power to legislate concerning it, and that as a matter of fact, there are no marriage laws of the United States; that each State and Territory has its own marriage laws or customs or regulations and that their enactment belongs of right, under our system of government, to each individual community and not to the National Congress.

Consideration of the subject referred to by Mr. Potter in the Boston Index of May the 8th, will, for lack of space, have to be postponed to another occasion.

## WAKING UP THE HYPOCRITES.

OUR Washington dispatches give a brief synopsis of the remarks of Senator Brown, of Georgia, on the Utah bill, during its discussion in the U. S. Senate, on Tuesday. The comparison drawn between the relative morality of Utah and New England seems to have touched Senator Hoar in a sore place, and his attempt to make out that Mr. Brown's remarks indicated the attachment of that gentleman to polygamy, is evidence that the Massachusetts statesman (?) was very much out of temper.

It is a very paltry and illogical but common subterfuge, when members of Congress stand up for fairness and equity in the consideration of measures against the people of Utah, to attack those gentlemen, personally, and insinuate that they have a sneaking kindness towards the institution which excites such pretended horror in the breasts of pious New Englanders. It indicates paucity of argument and a lack of sincerity.

Senator Brown's arraignment of New England vice and villainy is too true for men of the Hoar and Edmunds type. And while it offers no excuse for actual wrong in Utah, it shows up the deep and damnable hypocrisy of men who are almost crazy over alleged evils in a distant Territory, while they wear a smug smile and wink complacently at actual corruptions of a thousand-fold greater magnitude, cropping up and spreading around

their very footsteps and fouling the air in which they live, and move, and have their every day existence. And it is this that makes them angry and personal.

NON-UNIFORMITY IN TEXT  
BOOKS.

SALT LAKE CITY, May 21, 1884.

Editor Deseret News:

If it would not be trespassing on your time and space too much, I should like to ask you a question, which I think is of much importance to the community at large, especially here in Utah, where education is one of our most important interests. The following will probably give you a faint idea of what I am after:

You are aware that an exchange of text-books was made last year, which, though not quite satisfactory to many, was thought by some to be an advantage in many respects. Yet none of the advantages, so far as I am aware, were presented to the public through the press.

I do not wish to go into detail on the merits or demerits of the case, but merely present a few facts for your inspection, and also to gain some information on the subject.

I find on examining our readers that those of the same grade are not alike. For instance, one of our second readers will have a certain lesson printed in Arabic letters, while another, apparently the same kind of book will have that lesson printed in script, (there being several lessons of this style in them) and in one the spelling lesson will have five lines of about seven words each, while another will have only three words in each line.

Our spellers are called the "complete speller," but they do not all agree in their contents, as some will have a certain word in a lesson, while others will omit that word entirely and have an entirely different one in the place of it.

Some of our geographies give the population of a certain country as 434,500,000 souls, while others of the same kind give it as 371,000,000 souls.

These are only a few of the differences to be found in these books that should in my estimation have none at all, hence my question, "Is it an advantage or not?" To me it does not look reasonable that pupils in the class with books that are not alike, could progress so rapidly as they would do if their books were the same.

I believe the most of these changes have appeared in the books that have been purchased since the exchange. By why should a publishing company make any changes at all in a series of books that are to be issued in a community for a period of years? What advantages are to be gained by it? I think it would be a decided advantage to others like myself if they would insert an introductory article setting forth the advantage of having one part of a class reading script while the other part is reading the Arabic letters. For I must confess that I am, as yet, unable to understand it clearly.

Very respectfully, J. D. C.

The difficulty complained of by our correspondent is, in our opinion, one that should be remedied. Changes in text books will of course occur, particularly in geographies. Later information, the alterations in boundary lines, population, etc., necessarily occasion this. But the books now supplied, in conformity with the arrangements entered into under the law governing this matter, ought to be uniform. The superintendents of schools in the various counties ought to look into the grievance complained of by our correspondent, and take measures for its rectification. Uniformity was one of the chief objects in view in the passage of the law concerning text books, the books purchased for our District Schools ought not to be of different and contradictory editions.

## A USEFUL HANDBOOK.

"The Natural Cure" is the title of a work by Dr. C. E. Page, just published by Messrs. Fowler & Wells, and for sale by Joseph Hyrum Parry & Co. The book is specially interesting to the general public as it treats upon the cure and prevention of such diseases as consumption, dyspepsia, rheumatism, Bright's disease, constipation, biliousness, etc., in a plain, common sense manner. The author for the most part founds his theories of cure, upon correct habits of living. He portrays in telling language the consequences of the use of tea, coffee and other stimulants, and the immoderate use of flesh as food. He very strenuously advocates temperance in all things as necessary for the preservation and restoration of health, and gives numerous instances of the practical effects of his methods. While we do not endorse all his notions in regard to diet we think there is a great deal of truth and good sense in the work notwithstanding his extreme ideas in that respect, and commend the book to the general reader. Its cost is but one dollar.

Patrick Joyce, secretary of the Irish Revolutionary Brotherhood, said: "Last night's work ought to convince England that we are in earnest. You need not be surprised to hear of greater ones before many days. Gladstone had better mind himself."

## SUMMIT STAKE CONFERENCE.

The Summit Stake Conference was held in the school house at Coalville, May 10th and 11th, 1884.

Saturday, 10th, 10 a. m.

There were present on the stand: President Cluff, First Counselor A. Eldredge, T. Ball, Patriarch; Andrew Peterson, President of the High Priests, and several Bishops of the various wards.

After the opening exercises President Cluff spoke of the object of our meeting together, of the severe winter just passed, and of the prospects for crops the coming season.

E. Asper, Bishop of Echo, and Bishop Winters, of Hoytsville reported their wards in good condition.

Elder Daniel Lewis, President of the Second Quorum of Elders, reported his labors with his quorum during the past winter.

Elder James Welsh reported the 27th Quorum of Seventies, stating there were 13 members in the quorum at present, but understood that more were to be ordained as soon as convenient. Adjourned till 2 p. m.

2 p. m.

After the opening exercises Bishops Rounly, of Wanship; Richens, of Hennefer; and Walker, of Peoa, reported their wards in good condition.

Elder Holmberg, of Park City, stated that not much interest was taken in Church affairs at present, but expected a change for the better when roads became good again so people could get together.

Elder Bruce, of Almy, and Bishop Malin, of Rockport, reported their wards in good condition; the Y. M. M. I. A. of Almy had done much good the past winter.

President S. B. Young said that the Bishops should keep all quorums full, so that all would be interested; advised that young men be ordained to fill vacancies caused by removals to other quorums, that we should pray to the Lord for his will in regard to us, that we require firmness to stand by our religious convictions, that all the keys of the Priesthood had been restored for the purpose of gathering all into one; that the same testimony is with every one who is baptized into this Church, no matter what might be their nationality, that we should do something every day to build up the kingdom. Adjourned to Sunday, 10 a. m.

Sunday morning, 10 a. m.

Opening exercises.

Bishops Salmon of Coalville, Atwood of Kamas and Bowns of Almy reported their wards in good condition.

George Ruff, President of the First Elder's Quorum, said that some had been recently taken from their quorum and ordained Seventies, but a full quorum was left. Had visited many of the wards, had been treated kindly and that all seemed well.

Prest. S. B. Young said the Gospel was revealed to Joseph Smith little by little; the Word of Wisdom was being kept more than ever; the Elders were going forth with more power than ever. Encouraged all those who had done wrong to retrace their steps.

2 p. m.

Opening exercises.

The Sacrament was administered. Prest. Cluff said Summit County was called upon for missionaries to go to St. Johns, Arizona, and that George Brown of Hoytsville, and John L. Miles of Peoa, were called to fill that position. (The above names were unanimously sustained by vote.) Read financial report of Summit Stake, said we can hold our next quarterly conference in Stake House, if we will push the work along; that a fair would be held this fall, for the purpose of furnishing glass for Stake House, to be under the auspices of the Relief Society and Young Ladies Association.

Counselor Eldredge addressed the meeting briefly, and presented the general and Stake authorities, who were unanimously sustained. Choir sang an anthem. Benediction by Prest. A. Peterson.

T. BULLOCK,

Clerk.

## MORGAN STAKE CONFERENCE.

The quarterly Conference of the Morgan Stake of Zion was held at Morgan City, May 17th and 18th, 1884.

There were present on the stand of the Presidency of the Stake Richard Fry (Presidents Smith and Francis being absent at the dedication of the Logan Temple) a number of the High Council, Presidents of Seventies and Bishops and their counsel.

Saturday, 10.30 a. m.

Brothers Richard Fry and Rawl addressed the Saints upon the building of Temples, and the great necessity of purifying themselves for the work to be done in them for the redemption of the dead.

A part of the Bishops represented their wards in a flourishing condition.

2 p. m.

Brothers Thomas Grover and Thos. R. G. Welch spoke upon the subject of baptism for the dead and other principles of great interest. After which more of the Bishops reported their wards, followed by Brother James Stuart who addressed the Conference upon the duties of the Saints, and their need of being subject to the authority of God upon the earth.

Sunday, 10.30 a. m. The remaining Bishops reports were given in, all of which reported their wards in a good prosperous condition, and the spirit of improvement prevailing.

Brother Madsen recently returned from a mission in Denmark related some of his experience while laboring in his native land, followed by Brothers Sinister and Wright of Coalville who bore a faithful testimony to the truth of the Gospel, after which Patriarch Alma Porter delivered a powerful discourse upon self-government, and the necessity of being subject to the will of God.

2 p. m.

The Sacrament was administered. The superintendent of Sabbath Schools reported those institutions to be in a thriving condition throughout the Stake.

The statistical report was read, and the general and local authorities presented to the Conference and unanimously sustained.

Brother Robert Hogg, Sen., addressed the Saints upon co-operation and the Word of Wisdom, after which President R. Fry read the revelation on Celestial Marriage and delivered a pointed and interesting discourse upon the same, showing that none could excuse themselves from obeying the law.

Conference adjourned for three months.

Benediction by Patriarch Alma Porter.

CHAS. KINGSTON,

Clerk pro tem.

## BY TELEGRAPH

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## AMERICAN.

NEW YORK, 30.—The programme the decoration of graves, parades, etc., was carried out in this city after the parade, which took two hours in passing the reviewing stand, President Arthur returned to his hotel, and a public reception followed.

General Butler was enthusiastically cheered on the line of march.

Generals Sheridan and Grant were conspicuous in the ceremonies in Brooklyn.

At Annapolis the Union and Confederate veterans united in the decorative ceremonies. Congressman Warner of Ohio was the orator.

At Fredericksburg and Antietam observations of the day were held. General John A. Logan delivering the address at Antietam. The day was generally observed at all points.

San Francisco, 30.—Decoration day was celebrated by the customary observances.

In deference to Memorial Day, the Stock Exchange is closed till Monday next.

PITTSBURG, 28.—A terrible accident is reported near Ligonier, Pa., 10 miles south on the Pennsylvania Railroad. A scaffolding at Krupp's tunnel gateway killing four men and terribly injuring 11 others.

Second Dispatch.—Nine men were instantly killed and 11 others seriously injured, with slight hopes for recovery. A large force of men was engaged excavating the tunnel about 100 feet from the train entrance, when heavy scaffolding gave way with above result. The victims were principally Italians. The bodies were covered, and a coroner's inquest held. Great excitement prevailed the scene of the disaster.

Somerset, Pa., 29.—The western of the Laurel Hill tunnel on the Pennsylvania railway caved, crushing six men to death and so badly mangled five others that two have died. The men killed are foreigners.

Denver, 29.—The main building of the Hazard powder works near city was totally destroyed by fire; totally insured. It is supposed to have been struck by lightning. It was used for several weeks.

Baltimore, 30.—Hooper's building on South Gay street, filled with coal collapsed this afternoon. Eight persons are known to have been killed. Up to seven in the evening only bodies of Lithium and a colored man, J. E. Bowen, have been recovered, addition to those already named.

ward Bowen, a colored porter, was killed; Wm. H. Cochran, clerk, was caught under the timbers but was injured. Dugdale and Long, ferrymen, occupied a front office on the second floor, and Benj. Greenwood, cooper, are known to have been in the crash came. Greenwood reached the window and was rescued without serious injury. Hook and McLea are still under the debris, which is filled with gas from broken pipes. The building was supposed to be one of the most substantial in the city, with heavy stone walls and blue stone front. It had been occupied several years by Wm. Hooper & Sons, cotton goods manufacturers, and an immense stock was stored on the five floors. The ground was filled in, having once been on the river shore. The foundation is said to have settled down, and the immense weight of the goods was the cause of the calamity.

St. Johns, N. F. 30.—The Newfoundland sealing brig Confederate, Capt. Thomas, of Harbor Grace, with a crew of seventy-nine, was caught in a formidable ice up in Notre Dame Bay April 28th, and thrown completely on the floor. The ship lies over on the side, with her yard arms on the ice. On the 20th of May five of her crew volunteered to travel to land, distant