

GEORGE Q. CANNON,
BRIGHAM YOUNG,
EDITORIAL BOARD.

Wednesday, April 23, 1879.

"BIGAMY AND POLYGAMY."

We have received from New York a pamphlet entitled "Bigamy and Polygamy," which is a review of the Opinion of the Supreme Court of the United States in the Reynolds case, written by "an old lawyer" of that city. It is a most able document, and gives evidence of great erudition as well as a keen intellect and extensive legal experience. We do not know who the author is, but judge from this work that he is no ordinary attorney, but a constitutional lawyer of admirable literary talent.

The first point considered by the writer, after stating the case and quoting the anti-polygamy act of 1862, is the power of Congress over the Territories. He shows that all the authority which that body may lawfully exercise over the Territories is conferred by the clause in the Constitution which says:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

He goes on to prove that this applies not to persons but to property, and argues:

"The inhabitants of Utah, of Wyoming or of Arizona, are not the territory of the United States; they are in no sense private property. They are human beings, entitled according to the principles of justice to the same rights as those which belong to the citizen of the United States. The government cannot be founded to life, liberty and the pursuit of happiness, in their own way under the rule of freedom in every other."

"The statute in question has nothing whatever to do with the primary rights of the United States, unless upon the presumption that the people of the Territories are the chattels of the nation, that they stand to the government in the relation of serfs, having no rights which it is under either legal or moral obligations to consider, or as apprentices whose personalities are merged in and absorbed by the body politic to which belongs the unsold residue of the land in the region they inhabit. It is a very violent presumption."

He says further that when the framers of the Constitution wrote the clause in question:

"They did not mean 'the Congress shall have power to prescribe the social order of the people of the Territories, and regulate their domestic relations, and to enforce the same by appropriate penalties. They knew, if the statement of the present day do not, that no authority placed in the hands of a body liable to be influenced by popular bigotries, and swayed by transient fanatisms could be more perilous, or more apt to be hastily and unjustly exercised, than the authority to dig beneath the civil state, and tamper with the social basis upon which it is founded; and they intended to confer no such authority."

After showing that there is no basis for the presumption that the inhabitants of the Territories are less competent to comprehend or make provision for their own civil, social or domestic needs than the inhabitants of the States, he says:

"It is of no importance whether or not this question of constitutionality was raised by the counsel for the plaintiff in error. In a tribunal of last resort, the question of action is predicated upon a statute the constitutionality of which is never absent."

He dwells on the importance of this matter, which the Court should not have disposed of by "a naked dogma without show of reason or of precedent," and reasons that:

"When a constitutional clause which contemplates only public property is held competent to sustain a statute which contemplates only private persons, there is a claim to be bridged for the accomplishment of which enterprise and amount of constructive ingenuity can be more than sufficient."

He further contends that the case before the Court was a question of morals; "that of the right of a system of social and domestic order, established by the consent of its factors, and in harmonious existence, to continue unshaken by exterior force though clothed with a color of authority." He reasons at length upon the various standards of morals of different authorities, shows that the ultimate rule of the moral is the actual, and argues that government has no right to power to enact statutes regulating the personal relations of the people of the Territories, in any other way or to any other extent than they would legislate for themselves. That special customs on matters of human intercourse have always been respected by the law of the region in which they obtain. The custom of plural marriages had its beginning with the birth of the community within which it prevails. It is the fundamental law of that community, and as such is entitled to be judicially regarded.

The importance of this question upon the future of thousands of men, women and children is then considered, with the knowledge of the Court of the fact that the defendant represented a community. The next point is the essential difference between the crime of bigamy and the "Mormon" practice of polygamy, which is handled in a masterly and convincing manner, and it is shown that the Act of '62, which declares that "every person having a husband or wife living, who marries another, whether married or single, in a Territory, etc., is guilty of bigamy, in view of the difference between bigamy and polygamy, carries a falsehood on its face, as does the statement of the Court that there never has been a time in any State of the Union where polygamy has not been an offense, cognizable by the civil courts, etc.

Marriage is then viewed as a contract. A fundamental civil maxim forbids government to do ought to impair the obligations of contracts. This includes the denial to legislatures of authority to do ought to

diminish the free agency of the citizen in contracting.

To the operation of this principle, there can be no valid reason why a marriage contract tainted by fraud and entered into in conformity with the custom of the community wherein it is executed, should be held to constitute an exception. If such contract is, in any sense the basis of a sacred obligation, so much the more reason why, especially after it has been consummated by cohabitation, secular hands should not be laid upon it to work its outlawry and dissolution.

The writer next shows the sacred duty of courts to protect the helpless against the combinations of the malignant, and pictures the effects of an enforcement of the law. "The fact that it is a rule works oppression, is proof that it is wrong." He exposes the fallacies of the reasoning of the Court in relation to the powers of civil government, and says:

"While in one sentence it gives the information that society is founded upon marriage, and in the next that government is founded upon marriage, it conveys the astounding intelligence that it is within the legitimate power of government to take jurisdiction of the fabric of society and to appoint the relations in which its factors are to stand to each other."

"Society creates government; government by way of returning the favor turns round and creates society. It does even more than this, it dives to the very bottom of things and ordains an order of relations upon which society rests for its foundation. This is communism."

We have not space to remark upon the whole pamphlet. It is full of thought vigorously expressed, and in addition to reviewing the social and religious aspects of the case, proves the violation of established principles in the exclusion of jurors in the trial on the polygamy test, and consequently the error of the Court in its ruling on this point. The work concludes with the following pungent paragraph:

"But it was, in fact, Mormonism and its domestic relations that were on trial; and when the Act of 1862 was passed, the judgment against them was foreordained. The equivocation embodied in the statute has borne throughout its appropriate fruits, in sophistications of the law, in violation of the rules of jurisprudence, in the abandonment of maxims and precedents, in the privation of the defendant of legitimate means of defense, and in the arbitrary and tyrannical disparement of the whole of a numerous and loyal population. The court has done its work—all the courts have performed their respective parts in the programme, accordingly as the same were appointed; but they have not done justice. They have won a round of applause of a number of fanatical and silly women whose fanaticism and silliness, as far as lies in their power, they have made the law of the land. But they have done that against which every spark of true manhood will protest; a deed disgraceful to themselves, to civilization and humanity."

"MORMONS" IN ARIZONA.

ARIZONA papers are not in harmony on the question of "Mormon" colonization in that Territory. The *Enterprise* is opposed to it, the *Miner* in favor of it. The former is better and more reasoning, the latter kind and rational. The reason of this difference is that the *Enterprise* has been influenced by "common fame," while the *Miner* has sought for information from authentic sources. The first paper echoing the sentiments of our enemies, without investigating the matter itself, says, in its issue of the 19th ult:

"A set of fanatics, who practice what is most abhorrent to civilization—polygamy—have settled on the Little Colorado River, by far the most extensive and fertile section of Arizona, and are gradually spreading themselves over other parts of the Territory. We hope before many months have passed to see these superstitious bigots driven from our Territory, and an industrious, reasonable, law-abiding people settle on the land they now occupy. The Mormons should be compelled to go. We don't want them in Arizona."

The other, after making the acquaintance of two representative "Mormons"—Brother Lake, of Sunset, and Brother Savage, of Brigham City, two of the settlements made by our people in Arizona, speaks very favorably of the interview, and announces on the 10th ult, a meeting to be held in the evening at the Marine Street, Prescott, Church, at which those two gentlemen would speak, and advise the people to go and hear for themselves. On the 11th ult, the *Miner* gives the synopsis of the addresses delivered on the previous evening, from which we extract the following:

"The addresses of these gentlemen were well delivered, and certainly of a character which embodied truth and to which the most crafty sectarian could not take umbrage, but would be compelled to admit that it was about right. Bishop Lake, in his easy and rapid way, told us of his experience as a member of the Latter-day Saints, how he came into the Valley of the West—the Great Salt Lake—many years ago, helped to dig the first irrigation canals, plant the first seeds, erect the first cabins, and had lived through years with his 'brethren in the cause,' putting up with privations and hardships, and was proud to see that land which was once a barren desert, reclaimed, built up with fine schools, churches, manufactories, and the cash made to produce the cereals of the country, the fruit of the tropics and blossom with the lily and the rose; all of this had been accomplished by the aid of the Latter-day Saints. He had come to Arizona with a number of his people and settled in the most sterile parts, where other colonies from the old States of Missouri and Ohio had been abandoned on account of its worthlessness. He told the audience of the success and progress of the Latter-day Saints, that they had come here in a friendly spirit to help develop the resources of this Territory; how his people were puny and grist and saw mills, starting in to build a tannery and woolen mill; cultivate the soil and care for the herds of horses and cows; to live within their means and try and do what was right and just."

"He explained how the Mormon people succeeded in their undertakings, and gave as a reason that they work in union under the United Order. They have adopted the hotel style of living, all sitting down to one table; that while some of their people were cultivating or selling, others were attending their dairies, saw mills, etc. No idleness is indulged; intoxicating drinks and gambling is something not recognized by the teachers of their faith."

"The speaking of both of these teachers of the doctrine of Mormonism embodied all that was good. Their views are liberal, no bigotry enters their faith, and their grand and noble motto is—'Do unto others as you would that others should do unto you.'"

The difference in the spirit of the two papers is marked and distinct. The gentlemanly and liberal tone of the *Miner* shows up in pleasing contrast to the bigoted and bullying style of the *Enterprise*. We are gratified to know that the former represents in this case the sentiments of the most influential men of Arizona, who recognize the industry, thrift, order and enterprise of the "Mormon" colonists and see in their presence and labors the sure promise of development and wealth to the Territory.

We would remind the *Enterprise* that the public domain in Arizona is open for settlement and improvement to the "Mormon" equally with the Catholic, the Methodist or the infidel. All are equal in this respect before the law. And also that "driving" people from the lands they have honestly acquired and "compelling them to leave the Territory," is not an American, to say nothing of a Christian or civilized method of exhibiting objections to the faith of any person or community. Neither do we think it likely to succeed or that the advocates of such a fanatical and bigoted policy will gain much respect or make much capital by their lawless suggestions.

The "Mormon" settlers on the soil of our southern neighbor are just the kind of human material needed there for the building up of the country. It will be found sturdy, stalwart, permanent and valuable, and on closer acquaintance to bear none of the disagreeable and obnoxious features which rumor and prejudice have attached to it. The *Enterprise* should take a leaf out of the book of the *Miner*, and learn the facts before indulging in fury, and strive to maintain the rights of citizens rather than to counsel violence and mobocracy. The right way is the best, and the way of the *Enterprise* is certainly wrong and indefensible.

BY TELEGRAPH.

FOR WESTERN UNION TELEGRAPH LINE.

EASTERN.

A Good suggestion.

NEW YORK, 23.—The *Bulletin*, a new mining paper, having suggested a national law requiring all gold and silver mining companies to make at least semi-annual exhibits of their operations and condition, and particularly of their exact products, its editor has received a letter from Secretary Sherman as follows: "Your idea seems a good one, and the matter will be referred to the director of the Mint and considered before the next session of Congress."

Mourning Indians.

The *World's* special from Ottawa, Ontario, says: Dispatches from the northwest announce great suffering among some of the Indian tribes in the Canadian territories. At Grapelle, a starving band broke into the Hudson's Bay Co's store and plundered it. La Ronge, a noted Indian runner, reports that one band had died of hunger south of there.

Col. McLeod, chief officer of the mounted police force, says:

"The authorities are face to face with a problem that may involve very serious complications, viz: the extinction of the buffalo. Efforts will be made during the summer to induce Sitting Bull and his followers to return to the States, as the Canadian Indians blame them for thinning out the buffalo and driving the herd southward. The Sioux are scattered in small bands along the frontier and complain bitterly of the privation. There is no talk of war. The band travelling south of the line are simply looking for food."

Leprosy.

A man named Brown, who was admitted to the charity hospital in July, 1878, suffering from leprosy, died here last night. He was of New York, and contracted the disease in Cuba. While in the hospital another patient, who contracted the disease at the same place, was also admitted. The treatment of the case is considered by the hospital physicians as an evidence that, in this country at least, leprosy is not contagious. Brown was treated just like any other patient suffering from an ordinary and not contagious disease. None of the attendants contracted the malady.

French Crop Prospects.

The peach crop in Maryland and Delaware promises to be unprecedented this year, both as to quality and quantity. In all parts of the peach-growing districts most flattering prospects exist, and information from every point is favorable. Notwithstanding this, the usual stories of disaster and the efforts of speculators are being put in operation to enhance the price.

Corbin Not Yet Confirmed.

The *San Francisco* special says that it is not probable that Corbin will be confirmed as Chief Justice of the courts of Utah. It is reported that witnesses are ready to prove that Corbin has been guilty of bribery.

Russian Emigrants.

Sixty Russian emigrants arrived on Monday, and yesterday proceeded to Yankton, Dakota, where they will prospect farms. They were delayed on the Austrian frontier for several days in consequence of the Russian plague.

Raymond, the Actor, in a Row.

An Auburn, N.Y., dispatch describes a fistful encounter between the actor John T. Raymond and the landlord of the Gaylord House, yesterday, in which Raymond received a black eye. The dispute arose over the settlement of a bill which Raymond refused to pay. The actor created a great excitement. Raymond was taken to the station house, but a settlement was afterwards effected.

Refuge for Colored Emigrants.

CHICAGO, 23.—The reports of meetings in various parts of the country called for the purpose of aiding colored emigrants, and the variety of schemes proposed for the alleviation of their sufferings and wrongs, indicate clearly the great interest that is being taken in the subject.

Fatal Lamp Explosion.

Three children of Oliver Stout were burned to death by a lamp in the bed room exploding.

An Organized Rob.

MR. VERNON, Ky., 23.—Several weeks past a party of men, holding out the prospect of a large reward, offered an organization for the purpose of killing several persons in the town and county, on trial in the circuit court, should they escape indictment, and have also threatened to

burn the town and hang certain county officials. Last Saturday a writ was issued for several persons known to be members of the organization, and the writ placed in the hands of Ashley Owens, county detective. A posse of 25 men was summoned, and together they proceeded to the house of Jesse Pittman, who lives near Pine Hill. Not finding him there, they returned, and when a short distance from Pittman's house, they were fired upon by a party of bushwhackers. The fire was returned, and some 500 were exchanged, when the bushwhackers withdrew. Two officers were slightly and one of the bushwhackers is reported seriously wounded.

Body Found.

INDEPENDENCE, Mo., 23.—The body of a girl named Ella Ryder, tied hand and foot, was found in the Missouri river one mile below this place, on Sunday. The supposition is that the father of the girl, a farmer, threw her into the river, then killed himself because she persisted in keeping company with a disreputable man.

Crop Report.

ST. LOUIS, 23.—A Post dispatch published the crop reports from over 50 counties of this State, embracing the principal grain-raising sections. They show that there will be a full average yield of wheat, a more than average yield of oats, and that the corn crop now promising to be greater than ever before.

FOREIGN.

GREAT BRITAIN.

Probable War.

LONDON, 23.—General Skobloff thinks it will be utterly impossible to avoid war if the Turks enter Roumelia, no matter under what circumstances.

The Ukase—Critical Situation.

A St. Petersburg correspondent of the *Cologne Gazette* explains the state of things preceding the publication of the imperial ukase. He says: The clandestinely-circulated organ of the revolutionists, *Land and Liberty*, demanded the abolition of the third section of the imperial chancery and the dismissal of the Czar of Camerilla surrounding the Czar. It published a list of about 200 names, declaring that the revolutionists would shoot and murder until their demands were satisfied, and Camerilla swept from the face of the earth. The correspondent estimates that the secret society numbers 19,000 fully initiated members, besides thousands who have taken the simple oath of loyalty. The total value of the property of the society is estimated at 2,000,000 roubles.

Albanians forced to Retreat.

A Belgrade dispatch says: The Albanians have been forced to retreat from Kursumile. They carried off a wounded Serbian and roasted him alive.

Arrive of Belgian Coaliers.

Several hundred coaliers in Belgium have struck.

The Pedestrian Contest.

At 3 p.m. to-day, the scores of the six days' pedestrian contest at Agricultural Hall were: Brown, 2744 miles; Hezel, 239; Corkey, 231; Weston, 229.

Three Days' Fight.

A Belgrade telegram says: The Albanians have occupied the heights of Samokoff and the redoubts erected by the Turks during the late war, and have, with one and a half battalions, successfully withstood the attack of three Serbian divisions. There has been three days' severe fighting. The Serbian attempts to dislodge the Albanians at Grapelle, a starving band broke into the Hudson's Bay Co's store and plundered it. La Ronge, a noted Indian runner, reports that one band had died of hunger south of there.

The Wrecked Steamer Clyde.

On board 120 tons of ammunition and some Gatling guns, but it is not expected the loss will occasion any serious inconvenience.

The Zulu War.

A correspondent at Camp Bysene says: Ekowe was burned by the Zulus, and after the destruction of the Transvaal Boers are tampering with Chief Mapoch, endeavoring to induce him to join them against the British. It is said at Cape Town that Cetewayo witnessed the attack on Col. Wood's camp, on March 29th. He determined the nature of the fighting.

A dispatch from Pletrensburg April 8th, says, it is reported that the Boers had surrounded Prater River.

"Parole" the Victor.

"Parole," at Epson, to-day, won the great metropolitan stakes. "Castlereagh" was the only other entry that faced the starter.

In consequence of the victory of "Parole," yesterday, he carried to-day, ten pounds extra. Just previous to the race, yesterday, "Elf King" was very much fancied, and the favorite was so general that he declined four to one against him, but winning so handsomely, he became a strong favorite. At four to one, for the great metropolitan stakes, Lord and his horse for the city and suburban handicap prior to his Newmarket victory, and as a result won some seven or twenty thousand pounds. The general satisfaction at the victory of the Plucky American, yesterday, was fully moved by the volleying rounds of cheer which accompanied "Parole's" return to the enclosure.

"Parole," it is conceded, won on his merits, without getting anything approaching an advantage at the start or turns in the course. It had been freely rumored at Epson, this morning, that "Parole" would not run to-day.

RUSSIA.

Orders of Governor-General Gourka. ST. PETERSBURG, 23.—General Gourka, the newly-appointed Governor-General of St. Petersburg, had ordered all gunmakers to send lists of their stock to the city commandant, and sell only to persons presenting a special authorization, under penalty of the confiscation of their stock and prohibition of trade. Private persons possessing arms can only retain them by special permission of the city commandant. The doors of all houses, day and night, to prevent the posting of placards, and scattering explosives in the streets.

Damage by Floods.

MOSCOW, 23.—The Moscow river has overflowed its banks. The water has reached the second story of the houses near the river, and some have been swept away. There has been great loss of property but no lives.

At Dunaberg, the river Iwina rises 25 feet above its ordinary level, and continues rising.

At Pausa 500 persons have been rendered homeless by flood.

Two infantry regiments, sent against the revolutionists at Casca, showed an indisposition to attack their comrades and were withdrawn. According to the last accounts the Casca held their ground.

Revolutionary Conspiracy.

The Post declares that wide spread conspiracy exists between

the Russian, French and German revolutionists, and suggests common defensive action.

The Revolutionary Committee.

Lieutenant Dubrovin has been arrested near Novgorod, suspected to be one of the chief members of the revolutionary committee. The assassination of another spy who betrayed the whereabouts of the secret printing office at Topovo, is reported.

The Czar, who, until lately, drove out unattended, now has his carriage surrounded by Cossacks. The high court of criminal justice, under the presidency of the Grand Duke Constantine, brother of the Czar, has been appointed for the trial of Soloviy, who attempted the assassination of the Czar.

The Conciliatory Policy.

The moderate liberal party in Poland adopt a more conciliatory policy toward the Czar. An influential deputization is about to proceed to St. Petersburg to congratulate him on his escape.

ITALY.

Rome, 23.—General Garibaldi, at a meeting of the republicans, declared Italy must be armed and ready to claim her unredeemed provinces.

GERMANY.

Berlin, 23.—Simultaneously with Soloviy's attempt on the Czar's life three policemen were shot in Kazan. Among the assassins was an educated girl, aged 17 years, and a nobleman.

TURKEY.

Constantinople, 23.—The inhabitants of one district in Crete have risen in arms.

SALT LAKE THEATRE.

Doors open at 7.15, commence at 8.

TWO FINAL PERFORMANCES.

WEDNESDAY & THURSDAY,

April 23d and 24th.

The Great American Comedian

MR. B. MACAULEY

—AS—

UNCLE DAN'L,

In the Latest Eastern Success.

A Typical American Comedy entitled

A MESSENGER

—FROM—

JARVIS SECTION.

Mr. Macauley will be supported by his own carefully selected company of New York artists.

Admission 50c, 75c, and \$1. Reserved Seats 25c extra.

Box Sheet open, Monday, April 21.

Established May, 1876.

FASHION.

Punctuality

GENTLEMEN—We have on hand a stock replete with the novelties of the season, and would be pleased for you to call and inspect, when we will quote figures. Never before touched by any firm west of Chicago.

BUCKLE & SON,

TAILORS AND WOOLLEN DRAPERS,

MAIN STREET,

Opposite Walker House, P.O. BOX 282

PURE TEA!

Much of the Tea that is brought into market is highly colored—to avoid getting a tea that is adulterated, purchase

DAVIS,

CELEBRATED

G W D

BRAND

A PURE

UNCOLORED JAPAN,

TRY IT.

You will say it is

The Best Packet Tea

IN MARKET.

G. W. DAVIS.

REAL BARGAINS.

LADIES SATCHELS!

GOOD ONES, ONLY \$1.00.

FOR A FEW DAYS,

H. E. PHELPS.

DOLMANS!

Are displaying the Finest Stock of

LINEN DUSTERS & SUITS

To be found in the city.

OUR STOCK OF

CORSETS AND HOSIERY,

Is unquestionably the Most Complete in the Market.

H. S. ELDERDCE, Supt.

PALE SAPONE

TRADE MARK

A HOUSEHOLD SOAP

FOR GENERAL USE.

HENRY SNELL, MANUFACTURER OF

TOILET, BATH & LAUNDRY SOAP.

UTAH SOAP MANUFACTURING CO.

PIONEER SOAP FACTORY.

19th Ward

UNITED ORDER

PALE SAVON.

EXCELLED BY NONE

ALL ORDERS ADDRESS TO R. V. MORRIS,

P. O. Box, 1073.

"BIG BOOT,"

The business heretofore conducted at the

HOME-MADE BOOTS & SHOES,

A Full Line of All Styles and Best Qualities of

At Lowest Prices, Will Always be found in Stock at

Z. C. M. I.

H. S. ELDERDCE, Supt.

CONSTANTLY RECEIVING AT

MRS. WILKINSON'S

FASHIONABLE

Millinery Establishment,

A New assortment of Paris and New York Styles of Ladies' Hats and Bonnets

SPRING STYLES IN

Lady's, Straw, French and American

Chapeaux, Ribbons, Flowers, Feathers, Ornaments, Etc., Etc.

Leghorn and Straw Hats Whittened and Pressed over Equal to New

and Ladies' Caps and Infants' Lace Caps and Bonnets in great variety.

REAL HAT DEPARTMENT:

Ir