

where there is no law; it is in and of itself a crime—*malum in se*. It needs no statutory law to make it so. Marriage occupies a very different position from this. Before the law of 1862 was passed by Congress a man might have married in this Territory two or more wives, there being no law—human nor divine—that we had any knowledge of, prohibiting it. There was no law of the United States against it; there was no law of the Territory against it, and it was not in and of itself a crime. It was made a crime by the law of July 1, 1862, which, we assert, was in violation of the first amendment to the Constitution. It was *malum prohibitum!*—a crime made so by statutory law. There is a wide distinction between the two; and every ordinary mind must, I think, readily admit that there is no comparison between marriage and murder, robbery, theft and crimes of a kindred character. Still there are a great many people who do not seem to understand this.

They say, "Suppose you believed in murder, in human sacrifice, do you mean to say that we would not have the right to interfere with you; that we could not do anything to check that practice?"

Certainly they could and should. They could check any practice that we might be guilty of that would interfere with the rights of our fellow men. Government has the right, and owes it to its citizens, to protect them in their rights—to protect their lives, to protect their property, to protect them in all their civil rights and in their religious rights also, and to prevent others from doing them violence. Beyond this it should not go. And they call our system of marriage, bigamy. Such confusion of terms! The essence of the crime of bigamy is

that a man, already married to one wife, clandestinely marries another. Both women are wronged and deceived; the first by his marrying a second time during her lifetime; the second by his concealment of the fact that he already has a living wife. In the anxiety to attach odium to our system of marriage, our enemies call it bigamy, ignoring the fact that, according to our rules, a man who has one wife does not take another wife without the consent of the first wife; no advantage is taken of her by keeping her in ignorance. The new relationship has been entered into by common consent. There is no element of crime about this—that is, of the crime of bigamy. It is, as I have said the concealment that makes it a crime; it is the fact that both women are deceived and wronged by the act of the man. And such a man ought to be punished. That which has been done has been done in the face of high heaven, in the light of day, believing, as we did, that it would be the means of preserving this community in purity, that if every means were used to provide for marriage there would be no margin of unmarried women left for lust to prey upon.

Men have said to me: "Mr. Cannon, we cannot understand why it is that women will consent to such arrangements."

"My dear sirs," I have said, "do you not think that the ladies who occupy questionable relationships to gentlemen in this city (Washington) would be very glad to have that relationship sanctified by marriage; do you think they would object to it? Would any true woman, if she loved a man, put herself in such a false position in society, and yet not marry him if she could do so honorably? Which relation would