

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - MAY 18, 1887.

THE EARTHQUAKES.

THE recent seismic disturbances in southern Arizona and northern Mexico were greater in extent and consequences than most people are aware of. In places the earth's surface slid from the face of the mountains into the valleys, exposing the subterranean geology to such an extent that valuable veins of gold and silver were readily found which, but for the earthquakes, would perhaps never have been reached or even thought of. In one place an entire hill was scattered over the surrounding country, leaving the place where its base rested tolerably flat; and throughout the whole of the perturbed area damage to property was more or less severe everywhere, while the loss of life in one or two instances was appalling, 150 having been sacrificed to the destroyer in one place. Add to all this the insecurity of feeling that must prevail, the fear that without a moment's warning the earth may open and swallow them up, or overturn mountains and bury them alive, and we have a faint idea of what the situation really is.

The government at Washington is at work trying to ascertain by means of the rules and appliances of science the cause as well as the extent of these latest perturbations. We question very much, however, whether their researches will go further or accomplish more than mere statistics; all scientists and geologists have an idea as to the cause of the ruptures, but they do not agree in every instance, one class claiming that they are geological subsidence, another that they are geological upheavals, and others more visionary will have it that the earth really rocks, the point on its surface at the antipodes of where it is entirely at rest only feeling the vibrations. One thing, however, is thoroughly digested—the earthquakes and quivers and rocks and goes through various convulsions within a certain area, sometimes slightly, sometimes so severely as to open unattonable fissures and, as in the cases cited herein, to upset and demolish mountains.

Those who have ever experienced an earthquake will never forget the sensation it imparts no matter whether the shock was a hard or a light one. The former, the impression created will of course be more profound and lasting in proportion to its severity. The thought that this solid earth from which we sprang, to which we return, and which we have learned to look upon as the very creation and fulfillment of solidity and firmness, is slipping beneath our feet or tossing us about like skittles, is a feeling that cannot be described nor even imagined by those who have never passed through a shock. It is that profound and stirring-up character of feeling which causes men to take an introspective view of themselves and to cause the whole of their lives from the dawn of memory to pass before their mind's eye like a panorama and within the space of an instant. It is then that they feel their own insignificance and how utterly dependent they are upon the all powerful arm of infinity. Earthquakes are the greatest demolishers of infidelity in existence; those at Charleston some time ago brought many sinners to sudden though perhaps transitory repentance. How much better is it to always recognize the Creator and Ruler, and thus be measurably prepared for His judgments when they come!

"UNSTABLE AS WATER."

THE complications and contradictions in the courts and elsewhere connected with the administration of the oath prescribed by the Edmunds-Tucker act appear to be almost interminable. As has been clearly proved by indisputable evidence adduced in these columns, the intention of the Congress that passed the law was not to make it a religious test oath, so distinctly forbidden by the Constitution. The questioning put to Latter-day Saints preparatory to the presentation of an oath for them to subscribe to before they are permitted to serve as jurors shows clearly that it is being judicially enforced as a religious test. Obedience to God is the foundation of religion. The question leading up to the presentation of the oath: "Would you, at any time in the future obey a revelation from the Almighty if it commanded you to perform any act in contravention of the law?" shows beyond a doubt that the courts are construing the legal requirements to mean

a religious test and are making it so. Consequently they are departing from the intention of the Legislature and, as we understand it, setting one of the plainest principles of the Constitution at defiance. The oath itself which has been adopted by the Third District Court, as applied to "Mormons" called for jury service, is of the same nature, and framed with that intent. If the form itself did not incorporate the religious test ingredient, which it does, the court, by permitting the questions leading up to its presentation to be taken by persons under examination, shows that he who does not accept of a preparatory religious test is not in a condition to subscribe to the form.

The vacillation exhibited in the courts on the subject has been extraordinary. This expression does not meet the case. (1st.) Judge Zane and other court officials subscribe to a legal oath, the form being similar to that constructed by the Utah Commission, following closely the language of the law prescribing it. (2nd.) The same judge administered the same form to persons who were examined as to qualifications for jury service, and as a rule "Mormons" could subscribe to it. (3rd.) It appeared desirable that a form in the nature of a religious test be applied so that "Mormons" might be excluded from service, and the one which Judge Bennett asserted had been framed by "political authorities" (presumably the Loyal League) was introduced. Judge Henderson, who was temporarily presiding in Judge Zane's court, declined to permit the oath prescribed for the courts by the "political authorities" to be applied, on the ground that it was not the same as the one which had been adopted in practice by the Chief Justice. (This occurred in the course of the empanelling of the jury to try the suit of Elias Morris vs. the Mammoth Mining Company.) (4th.) The following day Judge Henderson appeared to have undergone a change of heart, as he permitted the oath prescribed for the courts by the "political authorities" to be presented to persons under examination as to their qualifications for jury service. (5th.) Judge Zane, after having himself taken the oath which follows the language of and intent of the law and administering it in the court, now changes his own personal precedent and court practice and adopts the prescription of the "political authorities."

This is a sample of the way in which the courts have been conducted during the anti-"Mormon" crusade. For downright inconsistency and variegated absurdity, we doubt if it can be paralleled in the entire history of jurisprudence, speaking of the operations as a whole. It looks to us as if the courts were turned, for the attainment of special ends, into a sort of adjustable machine, susceptible of being worked by a series of springs and other contrivances to suit occasions as they may arise. It is to be hoped that the "political authorities" so unsophistically named by Mr. C. W. Bennett the other day, are not fingering any judicial buttons and setting complicated legal traps in connection with such illogical and contradictory situations as are frequently developed. The objective point of the oath somersaults seems to me, "If we find that there is a form to which 'Mormons' will subscribe, we will resort to another that so trenches upon their religious convictions that they will not take it."

In some instances individual "flopings" on this subject are as clearly marked as those of an official character. Mr. Parley L. Williams is a striking example of the "catch as catch can" tactics in professional practice. A short time since we published a circular, copies of which had been sent to all the deputy registrars. Appended to it were the signatures of five attorneys, among them that of the gentleman named. The signers advised the registrars that the "Loyal League" oath, prepared by the "political authorities" was all right and proper, and if they would use that in preference to the one issued by the Utah Commission, the aforesaid five attorneys would undertake to defend them in the courts free of charge, in the event of any proceedings being instituted against them. Mr. Williams, a few days since, was one of counsel for the plaintiff in the Morris-Mammoth suit, and when the "political authorities" oath was presented to a juror to be subscribed to he raised a vigorous objection. He dwelt specially upon the constitutional prohibition against religious tests. It was "an insult to a man's dignity," he insisted, to ask him to take such an oath, all of which was very true, but very different from the purport of the notorious circular. Yesterday, however, the gentleman again trimmed his professional sails to catch the passing wind of the moment, and he was in another suit, as counsel for the defense, elaborating upon the good qualities of the oath prescribed by the "political authorities," and insisting that the dose be administered to jurors under examination.

We have always had an idea that consistency was an element not to be ignored in the legal profession. If we have been mistaken we can only regret it. If there is any ingredient of consistency in such supple shiftings as those we have enumerated, it would take a powerful microscope to enable one to discern it. If such oscillatory performances are professional, one can scarcely feel otherwise than sorry for the profession.

"MORMON" CO-OPERATION.

In a monograph by Mr. Amos G. Warner, of the Johns Hopkins University, on "Three Phases of Co-operation in the West," reference is made to that phase of co-operation peculiar to the "Mormons." Considering the character of the evidence which Mr. Warner has had to sift, his deductions in the main are just. Speaking, however, of the work done by Z. C. M. I. and the criticisms of Gentiles on it, he says: "It is easy to see how a Mormon looks at such 'expansion' as resulting in a great benefit to the community, while a hostile critic can see nothing but a strengthening and multiplying of the claims that bind the Mormon people." This deduction, while it is often made and is even assented to later on by Mr. Warner, wherein he says, "that this same religion has also resulted in a spiritual servitude that more than counterbalances other good results, there are grounds to believe," is as irrational as it is popular. In fact, Mr. Warner all through his deductions, proves the unworthiness of the very thing he avers there is good ground to believe. It is established when he shows how great a percentage of "Mormons" own the own homes; when he declares they have accomplished much that is worthy of admiration, and when he quotes Brentano, that co-operation accomplishes most where the moral standard is above the average, and when he applies this doctrine to what "Mormonism" has accomplished. If there is an example in history where spiritual servitude, in the sense the words are commonly used—individual degradation such as must follow a loss of manhood—then it is possible that there might be good ground for believing that "Mormonism," in spite of their practical achievements, which grow with the community, may be gradually losing their spiritual freedom. If, however, by spiritual servitude is meant obedience to a higher and a freer law, then there can be no objection to the intimation; save that it would accord with the context very poorly. In this regard Mr. Warner has drifted into a very popular error, and it is a little more than usually surprising in view of his other deductions and the broad ground he takes. He concludes his monograph with these words:

"What ever else may be considered doubtful in the statements or arguments advanced by Mr. Caine, I suppose that no one can intelligently deny the truth of what he says regarding the importance of this great social experiment to the students of social science. For present purposes it is only necessary to notice that from the lower classes—that is from the usually successless classes of this country and of Europe—have been drawn a people that have achieved great economic success under enormous difficulties. Bronterre O'Brien said of them, that they had 'created a soul under the ribs of death,' and their labors have attracted the interested attention of men like Robert Owen and George Jacob Holyoake. Their enemies say that they have gathered together 'the off-scourings of society,' but even were this true, it would be of the greatest importance to society if we could learn how 'the off-scourings of society' might thus be utilized in the up-building of such industrial successes. To say that it has been done by reducing the people to virtual servitude does not seem plausible, because with Federal artillery bearing on Salt Lake City, and Federal officers all over the Territory, willing not only to protect, but reward apostates, it is evident that nothing like physical or political servitude can exist. A large majority of Mormons own their homesteads, and ownership of lands not only has been, but is the badge and guarantee of economic freedom."

It is interesting to note that tyranny and freedom may produce results that in their outward manifestations are very much alike. A far-seeing tyrant may wield his power entirely in the interest of those he governs, and a free people may resign and re-sing their power entirely into the hands of the man or men best able to use it wisely. Disinclination and refusal to do this very thing has been the greatest stumbling block in the way of successful co-operation. Numberless enterprises have failed, either because the leaders could not be trusted fully, or because the men would not trust them as fully as they might. Brentano says the co-operative enterprises can accomplish most for working men whose intellectual standard is ordinary, but whose moral standard is above the average. The Mormons claim that they have been successful because a religious element has come in that has made the leaders trustworthy and the followers trustful. I know that to hint at a superior moral standing among the Mormons is to cause most people to fly off at a tangent. This is not to be helped. But if by the morality of a people we understand the willingness to fulfill all their social duties, as they understand them, it can hardly be denied that the Mormon religion has begot in its converts a morality higher than the average. That this same religion has also resulted in a spiritual servitude that more than counterbalances other good results, there are grounds to believe. It is pertinent to our purpose merely to

note that here we have a chance to study the industrial and economic bearings of a religious faith.

Its practical lesson for the common man is that religion and morality have economic value. It behooves us, who look for no "latter day" inspiration and are little inclined to submit to the guidance of a Prophet, to learn this practical lesson from the experience of others, from the teachings of Christianity and common sense, and not to wait until it must be learned "by the discipline of our virtues in the severe school of adversity."

WHAT AN APOLOGIST!

SOME time since the chief organ of the political conspirators, in its rage caused by the refusal of the Utah Commission to permit a committee of "political authorities" to usurp their office and perform their functions, made use of a characteristic expression. It asserted that the committee had "infinitely more at stake" in the matter in controversy than the commission.

We took occasion to state that the latter had their honor, their oaths of office and their duty, while the stake of the committee was the seizure of the reins of local government, that they might despoil the people and override their rights. Then came the explanation that it was material interests or possessions that were referred to, coupled with the statement that with the exception of Mr. Thomas "not one of the Commissioners had a dollar's interest here."

The News helped the organ of the conspirators out by causing an examination of the assessment roll, on which it was found that the names of three of the most prominent members of the committee of "political authorities"—O. J. Hollister, William H. Dickson and C. W. Bennett, were conspicuous for their absence.

As an evidence of large "material interest" this discovery was not overwhelmingly powerful, but nearly everything is susceptible of explanation. After all this might be one of the most potent pointers to the existence of substantial proprietary interests in a given section of any country that could be produced, providing these particular instances turned out to be of an exceedingly exceptional character, and so it seems, for explanation is given, and by it we are submerged, and must bow our devoted head and accept of the stinging rebuke it administers.

The statement comes, through his organ, that "Col. Hollister is a member of a firm that is paying out more than \$3,000 per month, a great portion of which is to labor." It is also asserted that we are aware of the fact, thus giving us credit for more information than we possess, and we modestly repudiate the compliment. The point made, we presume, is that Mr. Hollister is, through the medium of the firm alluded to, indirectly a payer of taxes.

The explanation in reference to Mr. Dickson is simply awful. "He sought to make a home, but was driven from it by 'Mormon' brutes." The fact that the prosecuting attorney has lived here continuously for years, with the exception of a week or two spent in San Francisco, and still lives here, is sufficient evidence of the quality of that statement of the reason why he has no material interest at stake.

POSSIBLE MEANS.

ON Monday last, in the Third District Court, in the examination of an applicant for naturalization, Judge Henderson made an exceedingly loose remark. His words were: "I think that it (polygamy) should be prevented in the future by every means possible." Of course we do not pretend to believe that his honor would favor the cutting of the throats of all who might be presumed to be likely to commit that offense during some time yet unborn, yet such a bloodthirsty process is "possible." Neither do we believe that, on the other hand, he felt as if there should be any special scruples in relation to the methods employed, so long as this end is achieved. This opinion is, as we look at things, justified by his course in insisting upon what there appears to be no way of regarding in any other light than that of a religious test. There are a great many methods that are "possible," that are neither constitutional, legal nor expedient. If the judge had said, "by every means consistent with the Constitution and laws," it would have looked at least as if he assumed a virtue if he had it not.

The great, just and crying cause for complaint during the whole anti-"Mormon" crusade has been the flagrant departure from the forms and rules of law in the legal proceedings connected with it. These operations have been applied simply because they were "possible," without reference to their propriety or justice.

AN UNHAPPY STATE.

KENTUCKY does some queer things. The last thing any person from that unhappy state should do is to speak of the disrespect for law that other sections may be held to manifest. A re-

grettable example has just come to light. Some three years ago Judge Richard Reid, of Kentucky, was brutally assaulted because of one of his decisions, by John J. Cornellison, and that the humiliation drove him to suicide. The public sentiment of Kentucky demanded that he should challenge his assailant to a duel, but he was conscientiously opposed to that method of vindicating his honor and his claims to popular respect and confidence, and so to escape the reproach of those who should have applauded him, he took his own life. Cornellison was indicted by the grand jury, tried in the Circuit Court, and sentenced to a three years' term in the county jail. An appeal was taken to the Superior Court, and the case reversed. Then the matter was carried to the Appellate Court, and the judgment of the Circuit Court was affirmed, with an order requiring the sheriff to place Cornellison in jail, he having been at large all this time on bail. Said order was executed about four weeks ago, and since then the friends of the imprisoned ruffian have been untiring in their efforts to secure his release.

All these proceedings were set aside by a justice of the peace named Stoffer, who delivered an opinion to the effect that the common law of England and Virginia, under which Cornellison was held, had never been incorporated with the statute law of Kentucky and of the strength of this Cornellison was set free. The discharged man cowdied an honest judge who was so humiliated over the event that he suicided. The imprisonment of the assailant was confirmed by the highest tribunal in the State, and this decision set aside by the ruling of a common county squire. Would it be treason for Utah journal to suggest that there is chance for reformers in Kentucky?

AN IMPOSTURE.

A CORRESPONDENT whose communication will be found in this issue, writes from Holden, Juab County, gives a novel instance connected with the methods adopted by some deputy marshals. Deputy Ether, it appears, palmed himself upon unsuspecting people as a member of the Church Jesus Christ of Latter-day Saints, good standing. This was done on the strength of a recommendation purporting to bear the signature of Bishop Packard of Springville.

It appears that this same Ether whose name seems to aptly indicate the volatile constituents of his mind, is of the boastful stripe as in order to impress people with a humble estimate of his smartness, is quite valuable in communicating to others the details of his exploits. It must have been he who was in this city a few days since and, with a companion, was riding on the Warm Springs streetcar. He remarked to his companion: "If you ever see a Bishop's recommendation here is one" (exhibiting it). "That's what I caught the Badger outfit Holden with." He then, in the tone of a braggart, said: "I am the man that shot at a 'cohab' at Springville!"

In using the document referred to this fellow assumed the role of an impostor. The fact is a note of warning to the Saints not to receive every one without reserve who seems to be armed with a certificate of standing. They may be certain also that no good Satan will pry into other peoples' business and they are not bound to answer interrogatories in that line from source whatever.

It is a question as to how Ether came by the recommendation purporting to have been issued by Bishop Packard. Was it a forgery or was it stolen? Perhaps the Bishop will take steps to trace the matter up.

EFFECTS OF AFFLICTION

AMONG the Latter-day Saints this is pretty general time of affliction. Each family, as a rule, has its quota to bear up under. It comes in a variety of forms. It may be in the shape of legal persecution, which brings in its train an incalculable number of distressing concomitants. There are financial perplexities, disease—the destroyed abroad—death and bereavement.

All these cause terrible strains upon the mind, and unless those subjected to them seek for strength unto the Maker of heaven and earth, and cultivate that self-command necessary to maintain their mental equilibrium and physical health, the individual breaks down and is crushed under the accumulating weight.

"Blessed are they who mourn, for they shall be comforted," is the promise of the divine Master. But the effects of affliction, so far as their opposite is concerned are not all prospective. Some of them are immediate, or at farthest pertain to the near future, being gradual. All great people are great sympathizers, the Redeemer being the exalted type, whom it is the duty of humanity to emulate. A man may be intellectually eminent and not be great; if his sympathies are not broad and deep he lacks one of his chief constituents—love. He may, in the admiration of his fellow-follower by the grandeur of his life-