

Written for this Paper

THE DOMINION OF LAW.

The great charter of religious life since printing was invented has been the Bible. It was considered the fundamental law, the basis upon which the whole superstructure was made to rest. But vastly more was said of it than this. It was looked upon as the Genesis of all jurisprudence. Men referred to Moses as the one great law-giver, and to the thunders of Sinai as the audible voice of Deity, determining the base upon which all human relationships should be developed and sustained.

Christendom has not outgrown this code, however much it may have been amplified, and however society may have become more and more complex. It is a good deal of query, however, whether, in superseding by circumlocution the directness and force of the first commands, men have not lost much of honesty, of honor, and sought to excuse or evade the penalty of violated law. The whole machinery of modern courts, which ostensibly is in favor of right, and averting the needed defense of a violator of law, has descended to invest technicality and subterfuge with undue value in the pursuit of justice and the so-called vindication of an offender. If loopholes are non-existent, they are professionally created or assumed; and while large prisons exist, and commitments are numerous, the processes of courts are so slow, and conclusions are so long deferred, that every criminal hopes to escape, and the higher the crime against the individual or society, the less likelihood is there as to ultimate conviction.

It is easy to see that if law is to be deterrent, if criminality is to be lessened from even the lowest standpoint, it is not to be secured always by heavy penalty. Because the more serious that is, the less disposed are juries and courts to award as provided by law. It is by the certainty and by the celerity of punishment that offenders are held in restraint, probably more so than by what may be deemed the maximum of penalty when conviction comes.

The highest crimes in the calendar are rarely met by the punishment provided. The courts comment on this fact and the press is continuously calling attention to this phenomenon. A late issue of an influential western paper called attention to the increase of murders in that state, taking the ground that this was inevitable, because of the laxity somewhere and the persistent legal obstacles thrown in the way by a retained defense. Of some two hundred murders and convictions, but a very few suffered the extreme penalty of the law, and the public mind is not assured that sentence was deferred or commutation secured because of doubt of guilt, but that from one influence or another the persons so adjudged were allowed to partially escape. Money, at times, is a wonderfully potent factor in securing immunity for a criminal. At times family association, friendship, connections with a lodge, church or political organization, answers the end; particularly if from one interposition of technicality or another the case can

be long enough deferred, until public interest has waned, when a nominal penalty is decreed, the offense having been forgotten, perchance by the after commission of some crime more startling than the first.

The jury system is vitiated by the methods of selection; for in these days of reading, any man can "form an opinion" and so escape service, which leaves the case with those less observant of public events. Then in capital crimes, there are sentimental objections, even if guilt was clear and undeniable. Some overlook "the law" in their objection to the taking of human life even as a penalty. It is difficult to eliminate these features from the jury box, for an interested defense by shrewdness may secure a representation there who will defy conviction.

Then after all, conviction, sentence and execution are far from being synonymous terms. Sentiment becomes crazy and if the criminal is good-looking or well connected as it is termed, society will lavish condolence, flowers, food, upon one who should immediately be lost to the outer world. Petitions will be signed *ad libitum* for respite. All authority will be invoked to procure a remission of the sentence; well paid professionals will appeal from court to court, on some specious thing which in no way affects the guilt or innocence of the condemned; "heaven and earth is moved," to use an old expression, in favor of one who beyond doubt has forfeited, by violation of law, his right to that which is so unduly and pertinaciously, nay almost demanded.

A smaller jury of intelligent men would be less likely to disagree, or some majority should determine whether the accused is guilty and how far; not that mercy should be overlooked or remit its claims, but these should be harmonious with justice, with the vindication of law (until repealed), and with the claims of society for protection and defense.

The suggestion made by a talented lady in the late hours of the State Convention was well worth considering, and will doubtless at some time be adopted; that is for the State to assume the defense as well as the prosecution of offenders. Although this is fundamental in the "courts of the Church," it had not struck the writer as being of value in courts of law. But assuredly it would remedy many grand and glaring evils now universally admitted, albeit it might conflict with some considered "vested interests" and consequently meet with a good deal of opposition.

Justice should be free at least to the poor man as to the rich, and cases of law or equity should be as efficiently supervised and canvassed as though Croesus was behind the case in hand. We know of cases of injustice now, where if legally or technically decided, or brought into court with money at the back, would work intolerable hardship to the defense, when equity would preserve and correct a wrong.

Who has not been struck with the risks and anomalies of property matters during the great depression? Yet there is a continuous legal perversion of right in our lower courts, in what would be termed trivial cases. A man is arrested for violence or crime for

which a heavy fine is provided. The victim pockets the loss, and the public treasury receives the fine. Society seems to be protected and the law is vindicated. But what of the man or family who have to pay a penalty also? If imprisonment should follow the offender, should not his earnings beyond the expense of his incarceration inure to the injured party, or should the state itself make the reparation?

In the coming State, the legislature should not be dominated by lawyers. Laws should be as direct as "Thou shalt not steal," or "Thou shalt do no murder." Verbiage and circumlocution should not disfigure our statute books. Justice should be reachable and cheap. Money should be secondary to law. Penalty should be swift, sure, and served to all alike, without "distinction as to race, color or previous condition of servitude." Punishment should aim at reformation, and sentences should be short. Idleness in the prison houses should be unknown, for this with allowed gambling and too intimate association with life-long criminals, have decided the destiny of many a first offender, whose violation of law, after a supervised period, might have been condoned.

The great charter just formulated should be the base of all legislation, and subsequent provisions should run parallel with the ancient charter of Christendom. A united people should read and study one as the other. People who number forty-five thousand families should enter their protest against the printing of a paltry two thousand copies of a document which is to influence them and theirs for generations yet to come. If religionists can make cheap in Christendom their charter, and circulate it *ad infinitum*, surely fifty thousand copies of our charter should have been printed, that every man and home affected might have had time to study it, and so vote upon its provisions intelligently in the great coming "day of decision"—Statehood, yes or no.

JUAB STAKE CONFERENCE.

The quarterly conference of Juab Stake was held in the Tabernacle at Nephi, Saturday and Sunday, May 4th and 5th, 1895, President William Paxman presiding.

There were present on the stand: Elders Brigham Young and F. M. Lyman, of the council of the Twelve Apostles, the Stake presidency, Bishops, etc. The first meeting was held Saturday at 10 a.m. Counselor James W. Paxman said we have reason to be grateful to the Lord for the blessings we are receiving. The leaders of the Church are anxious for the welfare of the people, and we should live pure lives that we will receive the things God has in store for us.

President Wm. Paxman exhorted the Saints to yield strict obedience to the principles of fasting and prayer, to obey the law of tithing and pay their fast offerings. The rain that we are receiving is a great temporal blessing to the people.

Elder F. M. Lyman spoke upon the principles of prayer and fasting. He said the Saints, in observing these things, should remember the power that is in them; they should not for-