EDITORIALS.

GODLESS EDUCATION.

ANYONE who speaks a word against the popular system of education in the United States, is likely to bring upon himself the denunciations of the press and the ill will of most persons who consider themselves liberal, progressive and "American." That the spread of infidelity and skepticism is largely due to the godless course of instruction in the public schools, is admitted by most people who have given attention to the subject, unless it be those who will not see or acknowledge any defect in the prevailing system.

The entire secular character of the schools in which the masses of the rising generation are educated is, in our view, a very grave objection to them. But being the creatures of the State those schools must of necessity be non-religious. For if it be acknowledged that religion may be taught in them, the question immediately arises, "What religion?" If the reply is given, "the Christian religion" because this is a Christian nation, professing to be based upon the Christian home and the Christian system of marriage," that is no sufficient answer For the so-called "Christian religion" is divided up into so many diverse sects, that a controversy would at once be inaugurated as to which of them has the strongest claim to the title, that would set the whole nation by the ears and, in all probability, lead to something more than a mere contest of ideas and of words.

The sect that was in the majority in one State would require its religious dogmas to be taught in the schools of that State, and the children of people of other denominations would either have to submit to the indoctrination of their offspring in what they deem to be error, or keep them from the public schools and so pay their taxes and get no benefit for the enforced outlay. The Jews would obtain no benefit from the school taxes in any State of the Union, and people averse to creeds of every kind would be in the same position. State schools must therefore be non-religious, or be productive of endless disputations as well as become a standing injustice to a very large number of citizens.

The question whether education is one of the functions of the State is a pertinent matter for serious investigation. We are aware that this is considered settled. But it will be agitated more and more as the effects of the present system come to be appreciated, and it may yet be perceived that in assuming the duties both of the parent and of the Church, the State has taken too much upon its shoulders and is carrying a burden for which it is really unfitted. The following excerpt, touching on this question, is taken from the *Freeman's Journal*:

"The gravest objection to the State schools is not their inadequacy from a practical point of view, but their harmfulness from a religious and moral one. The State usurps the right of the parent and proposes to bring up a whole generation by means of the bottle—the old-fashioned manner not being sufficiently "progressive." The motto of these schools ought to be Blanqui's, "Neither God nor Master," for God is entirely out of them and Christianity ignored. And yet these schools are pointed out by superficial talkers as nurseries of good citizens. Now a good citizen must be moral; he must be useful too. But how are we going to get good citizens by means of a system in which the teaching of Christian morality is ignored? And there is no system of morality suitable for a State which owes its prosperity to Christian civilization but Christian morality.

We believe the sentiments expressed in the foregoing will be endorsed by thinking people of various shades of Christian belief. We know that many skeptics maintain that morality exists apart from any religion. But this is not made to appear, because the morality which undeniably some free thinkers exhibit in their lives has come to them from the very religious influence and teaching which they repudiate, and it is only a few men and women, comparatively, in this wicked world who will govern themselves by the strict principles of morality and rectitude, without the restraining influence of a religion that holds up the doctrine of rewards and punishments, to be dealt out on the principles of unshrinking justice by an Almighty and Eternal God. It is acknowledged by fair-minded and reflecting skeptics that some kind of religion is an absolute necessity for the masses of mankind.

Mere intellectual education is not an antidote to crime. The learned scoundrel is far more dangerous to society than the ignorant scamp. Prison statistics have proven the idea false that crime is chiefly chargeable to illiteracy. The lack of moral training and spiritual culture is the cause of much evil in the land, and that veneration for sacred things which leads to virtue and regard for proper authority is sadly deficient in young America, while insubordination, recklessness, irreverence, infidelity, dishonesty, unchastity and general impatience of any restraint, are characteristic of adolescent society.

In a country which professes to give full freedom to all religions, each denomination should be permitted to engage in the instruction of the youth. The parents and the Church are the proper mentors of the young. Godless schools will train up a Godless people. As the State cannot lay its hand upon the Church, so it should not control the school. If educating the children is one of the proper functions of the State, why are not the feeding and clothing of the young also the duties of the State? And if the training and supporting of the children are State responsibilities, why should it stop at the youth and neglect maturity and old age?

The people of Utah have established a school system which is, to a great extent modeled after the fashion of the general system of the country. It necessitates the exclusion of religion of any kind from the district schools. The Sunday schools supply a want to some extent. But for five days out of seven the children are placed in conditions which exclude religious influences. This is, in our opinion, unwise and based on a fundamental error. Perhaps under the circumstances no better method could have been adopted. And it is clear that at present no radical change can be made. But parents can and should supply the deficiency. Moral and religious training are absolutely necessary for our youth. And this must be in the line of our faith. To permit the minds of our little ones to be moulded by sectarian hands, and to be prejudiced against the truths for which the parents are willing to suffer all things, is one of the greatest inconsistencies that could be committed, and, with the faith and knowledge we have, is a crime against our children and against our creed.

The Sunday School should be sustained as an aid to parental instruction. Home influences and teachings must be relied upon as the chief means of moral and spiritual training. The District School, wherein the common branches of learning are taught, should be kept as far as possible from improper influences. And as soon as the Latter-day Saints are able to supplement them by higher schools of their own, unsupported by Territorial or State money or authority or influence, it will, in our opinion, be the best policy to establish them, under regulations that will not render them Godless seminaries, from which the sacred influence of religion with the morality which is essential to it are jealously excluded.

Something between the District School and the University is an absolute need among the Latter-day Saints, and we hope to see the day when high schools, owned, supported, taught and controlled by the Saints for the benefit of the children of their own society will flourish in every Stake of Zion.

AN UNJUSTIFIABLE COURSE.

IT is the common lot of mortals to err. It is not quite so common for those who make mistakes to acknowledge their perpetration when they are pointed out and rendered clear, and to seek to repair the injury done by them. A credit mark is due, in this regard to Associate Justice O. W. Powers, on account of his change of base in relation to the case of Barnard White. As already published, he joined with the other two members of the Territorial Supreme Bench in reversing his decision in compelling the legal wife of the above-named defendant to testify for the prosecution at the trial. The ground of the reversal, as our readers are aware, was that the first wife of the defendant was deceased and he had gone through a legal ceremony with his plural wife subsequent to her demise, thus making her his lawful spouse; therefore the position upon which the District Courts stood in relation to making it compulsory for a legal wife to testify against her husband fell through in this case. It could not consistently be held from any standpoint that the defendant's entrance into the plural marriage relationship was a wrong upon Mrs. White.

But Judge Powers, in his enunciations at the trial of Barnard White, did a very extraordinary thing even outside of this reason which he now admits. He expressed doubts in a general way, about the propriety or legality of compelling legal wives to testify against their husbands without the latters' consent. His reason for deciding in favor of it was that the practice had been adopted by the judges of the other two districts. For this cause, although his individual judgment was opposed to it, he fell into the same line, and would leave the Territorial Supreme Court to decide the point, when a case should be carried there.

Judging the matter from a common sense standpoint—good law and common sense are said to be synonymous—the position of Judge Powers appears to be the reverse of strong. He assumes that it is proper to set aside his own view of the law, and consequently its administration, because the judgment of the judges of other districts—co-equal with himself—differs from his. So far as that point is concerned it looked like a special surrender of his own judgment seat to others. Why did he not act independently? Does it not seem as if, for the time being, Judges Zane and Boreman were administering the law in the First District Court in place of Judge Powers?

The main point at issue—the question as to whether a legal wife can be compelled to testify in an action against the husband without the latter's consent—remains, as stated by the NEWS the other day, undetermined by the Supreme Court of the Territory. In relation to it, a Judge whose views are against its affirmative, and who believes, as Associate Justice Powers announces he does, that the preponderance of authorities is against it, should stay by his position in practse until the supreme decision is reached. It is absurd and unjust to leap his own barriers and anticipate what the decision might be. Even should it be a foregone conclusion, so to speak, he is not to be governed by that idea, contrary to his own views, until it is an accomplished fact.

We have heretofore shown the flimsy character of the claim that the legal wife can be compelled to testify against the husband in cases of unlawful cohabitation on the ground that the offense is a wrong perpetrated upon her. The idea that the Territorial Legislature which enacted the law applied to the point intended such an application is in the extremest degree absurd, and even if it had, it would be in conflict with the will and intent of Congress, so far as it is yet ascertainable, not being in conformity with proposed legislation.

In assuming the position they have on this question, the District Courts have entirely usurped the province of the individual, as the legal wife complains of no wrong. If she were interrogated in relation to it, in nineteen cases out of twenty she would not only so assert, but would say that she is at least a consenting party to the transaction. But the court allows her no discrimination as to what constitutes a personal wrong against herself. It first proclaims that the crime is against society, and then to fasten the legal screws firmly down upon the accused, asserts it to be a crime against the lawful wife, and while giving her no opportunity to protest, compels her to give evidence for the prosecution of her husband against her own as well as his desire.

There can be no doubt that the courts and public prosecutor are aware they are perpetrating an outrage in relation to this point, but in the onslaught upon the community now conducted, reason, law and justice are shelved and the Jesuitical idea, that "the end justifies the means," is practically adopted. Such a course is a crime against society, and is a career that will cause the social structure to "come tumbling about the heads" of the nation. There is a deep resolve to destroy the "Mormon" system of religion, and intermediary injustice distress or suffering imposed on the innocent in the pursuit of the attainment of the desired end are cruelly and unscrupulously ignored. This is meant in reference to the whole subject locally and nationally. The policy is suicidal and will fall short of its object.

TYROTOXICON.

YOUNG folks as well as old folks had better read this. They need not be scared at the title. It means something that interests them. Young ladies are concerned in the matter of which we are about to treat—and treating is involved in the theme, so young gentlemen will also find in it food for reflection. It is intimately connected with ice-cream, although it might be thought purely scientific. But ice-cream and chemistry are not unassociated and what is more scientific than the subject of chemistry?

Not many days ago a party at Newton, Michigan, were poisoned while another party in New Jersey met with the same misfortune, and in each instance the cause was traced to ice-cream. Analysis proved that the poison was not purposely inserted in the popular luxury, but came there without design. It was demonstrated to be tyrotoxicon. "What on earth is tyrotoxicon?" we can imagine will be the inquiry from many lips that are often smacked over well-flavored ice-cream. Well, it is a form of poison that is sometimes found in cheese, and is composed of germs that generate in impure milk or deposits of the lactic fluid that accumulate in uncleansed vessels that have held it. These germs, when taken into the system bear the power of disease and death and, if visible to the naked eye, would be shunned with far more aversion than snakes or spiders, and by young ladies with greater dread even than mice. But they are microscopical creatures and therefore escape the keenest natural scrutiny.

So when a young man exhibits some reluctance to treat his best girl to ice cream and pleads that it is unwholesome, she must not pout, and toss her head, and consider him ungenerous or penurious, for his regard for her and his dread of tyrotoxicon may be the cause of his hesitation, and not either stinginess or impecuniosity.

Science and the microscope have made astonishing discoveries, and it is a blessed thing that man has not, like the fly, as some allege, a microscopic eye. For what with spores, germs, bacteria, microbes and other infinitesimal creatures that swarm in earth, air and water, if not in fire, and mingle in all we eat, drink and smell, the choicest viands would perhaps become disgusting to our taste, and we should almost starve to death to keep ourselves from dying from the effects of parasitic life.

The benefit that may accrue from speaking of tyroxicon will be derived from the inducement it may offer to dairymaids, housewives and makers of ice cream, to keep the vessels clean that hold the liquid product of the cow. Milk pans should be thoroughly cleansed and exposed to the sun. No accumulations of creamy particles should be permitted in seams and crevices; and mothers and nurses who use those bottles for babies that have rubber teats and tubes, should so thoroughly remove all coagulations and deposits that no danger may remain. For many an infant has suffered pain and been done to death through poison introduced into their systems from the destructive but unseen tyrotoxicon.

THE STRUGGLE NOT ENDED.

THE bogus appointees to the offices of Territorial Auditor and Treasurer have confidently predicted, several times, that within a given period they would be in possession. The very last day on which it was declared possible for the incumbents to retain their positions, was Tuesday, July 6th, 1886. But the day has gone down, and the aspirants are still on the outside and the tip-toe of anxious expectation. The men who want to handle the people's money against the people's wishes and votes, are neither *de facto* nor *de jure* officials. Their prognostications have not been fulfilled, their inordinate desire for office is not yet gratified.

On Saturday last they made an attempt to get possession, although the remittitur from the Supreme Court had not yet reached the Third District Court and could not until to-day. But they were in such a hurry to get in, that they could not wait for the law to take its regular course, and contended that the ruling of the Supreme Court of the Territory was all sufficient and final, and they wanted possession anyhow.

Finding they could not force their way in, they concluded to wait till Tuesday, but lo! and behold! there is another delay. A dispatch from the Attorney General to Chief Justice Zane, requests a suspension of further proceedings until the question of an appeal to the Supreme Court of the United States has been determined.

Everything that could be done to prevent this appeal has been interposed by the aspirants and their Attorney who pretended to act for the people. Counsel for the incumbents have exerted themselves to the utmost to have this important matter adjudicated by the court of last resort. The application to the Supreme Court of this Territory for an appeal to the higher court was refused. A Justice of the Supreme Court at Washington was applied to, but before his aid could be secured he left the capital. At length Justice Harlan was found, at Winchester, Virginia, and he was willing to hear an argument as to whether the case is appealable to the highest tribunal in the country. He communicated with the Attorney General and hence the delay.

It is to be hoped that the appeal will be granted. Important rights of the people of this Territory are at stake. The case involves a great deal more than the mere question of salary or other monetary consideration. It is in regard to a principle that is essential to republican government—the right of the people to choose the men who are to handle the funds collected by taxation on the people's property. Against that is the alleged right of the Governor by autocratic power to appoint those officers.

It comprehends something more than the power of the Governor under the Organic Act. The appointment of the present office-seekers was made outside of the authority assumed under the Organic Act. If the power claimed for the Executive is legally bestowed, his appointing functions are only to be exercised in conjunction with the Council of the Legislative Assembly, unless in case of death or resignation of the persons in office. The Council did not confirm the Governor's appointees, neither of them has died or resigned, therefore the aspirants to their places have been appointed outside of the authority of the Organic Act. They were appointed by assumed power after the Legislature had adjourned. A Federal question is thus involved; therefore the case should go to the Federal tribunal for adjudication. It is an exercise of authority under the United States which is in dispute; therefore under the statute providing for appeals it should go to the Supreme Court of the United States for settlement. Moreover, the salary of the office of Auditor for the two years to which the officer is elected or appointed, amounts to $5,000, and appeals are provided for to the highest court when the amount in dispute is $5,000 and upwards.

We have no doubt in the world that if the "Mormon" question was left out of this controversy the appeal would be granted at once and it would come up on its merits. As it is the matter is in doubt. If Justice Harlan, after hearing the arguments, decides that the case is appealable, it will go up where it belongs and be thoroughly tested. If he decides otherwise, that may be the end of the controversy; and then again it may not.

Perhaps by this time those who sneered at the DESERET NEWS for intimating that all was not over when the Supreme Court of this Territory gave its partial decision, will now perceive that our remarks were not without some groundwork, and our cautions about premature rejoicing on the part of the people's enemies—the office seekers—were not ill-timed. We do not hastily give up a contest in which we are sure that right is on our side, no matter what the odds may be against us. We consider it is the right of the people to contend to the last legal extremity for their rights and privileges.

And whether the last court of earthly appeal shall hear and decide this case or not, we shall always maintain, even if we have to bow to an adverse judicial dictum, that the people, of right, should elect men of their own choice to handle their own finances, and that the power to appoint against their wishes persons to transact their business whom they would never select, whether exercised by a Governor, President, King or Emperor, is unjust, unrepublican, undemocratic and un-American. It is autocratic, despotic, tyrannical and oppressive, and is foreign to every principle that enters into the system government advocated in the Declaration of Independence, and guaranteed in that glorious instrument of freedom the Constitution of the United States.

AN ENCOURAGEMENT TO CRIME.

A RE-HEARING in the Supreme Court of the Territory has been denied in the Yerian case. This is cheering to the debauchees and other local violators of the laws of decency and morality. Resorters to houses of ill-fame will consider themselves free to continue their vile practices and will have no terrors as to legal consequences. The former decision, which Judges Powers and Boreman do not want upset, virtually ties the hands of the police, the constables and the Justices of the Peace in their endeavors to punish the criminals who break the laws of God and of man and commit sexual iniquity "outside of the marriage relation."

We are pleased to see that Judge Zane dissents from the refusal to grant a rehearing, as he did from the original decision of the court on the merits of the case. It was a ruling worthy of persons of the legal, mental and moral calibre of the repudiated Michigander and the whilom Methodist plate-passer. It is in its effects a shield for the lecher, a support to the prostitute and an encouragement to crime.

When has a grand jury taken up a case like that on which this decision has turned? When is it likely to do so? Can it be expected that a body charged with inquiring into offenses against the law, but containing members who are themselves besmirched, is likely to bring offenders to justice who are of their own kidney, partake simply of their evil deeds, and are only guilty, to use an expression of the organ of our moral courts, of "the common vices of humanity?"

A man who has two wives, whom he acknowledges, supports, cherishes and claims as his forever, though he is recognized in the community as an upright, honest, intelligent and progressive citizen, may not sit on a grand or petit jury. But the most corrupt and filthy scoundrel who wallows in the lowest depths of the mire of sexual impurity and commits acts which the vilest hog would scarcely stoop to, can act on either jury, is eligible to any other office, and can help to indict decent members of society. He may question, browbeat, and insult men's wives and daughters by asking suggestive and prurient questions, and sit as a purifier of the morals of the community. He can also refuse to indict beasts of his own genus, and, so save from punishment partakers of his own infamy.

If grand juries will not indict frequenters to vile dens, and the Justices of the Peace are debarred by the Supreme Court of the Territory from punishing them, what is that but encouragement to crime? If it be claimed that the fault is in the law, the answer is, it is not so. The law is all right, it is the perversion of the law in the interest of the lecherous that is complained of. And any one who has good ordinary sense and can read the law and compare it with the decision that ties the hands of its administrators, can easily perceive the point.

What ought to be done? That is for the Justices and the local officers to decide. But we should say, prosecute offenders as far as the chains forged for official limbs by the majority of the Court will permit. And let every case of the kind involved in this dispute be duly handled, and the culprits, on proper evidence, be turned over to the grand jury. Let the responsibility rest where it belongs. If the officers entrusted with authority to check the social evils introduced into this Territory by its pretended regenerators, do not discharge their duty as fully as possible, they will be held accountable.

But if they do what they can in this direction, and the bawd and the debauchee are permitted to practice their abomination unchecked by indictment and trial, let the blame rest upon the persons and bodies