

variety a living organism that produces only its own kind, according to the universal law of the Creator recorded in the Book of Genesis?

If it be claimed by the lecturer that as he has stated, protoplasm is a "homogeneous mass" and therefore "unorganized," while we should not admit his conclusion even if his premise were correct, we will cite against the latter no less an authority than Tyndall, who perhaps has gone nearly as far as any one in swallowing the evolution theory. He says: "When the contents of a cell are described as perfectly homogeneous, as absolutely structureless, because the microscope fails to distinguish any structure, then I think the microscope begins to play a mischievous part. A little consideration will make it plain to all of you that the microscope can have no voice in the real question of germ structure."—(*Fragments of Science*, p. 155.)

Having taken for the basis of his argument the error of unorganized matter containing all the essential qualities of mind, the lecturer goes on to elaborate further errors in the way of self-producing and self-arranging cells. "In a certain way to perform certain purposes," by "differentiation" to "arrange themselves in certain orders forming bone, muscle and all the other tissues of the body." A floating bit of slime is afflicted with a blast which it throws out, forming a cell and nucleus. The idea of a Creator, Organizer, Designer is here discarded. It is the "unorganized jelly" that evolves the cell, the cell that produces other cells, these cells that "arrange themselves" in various forms by simple "differentiation," and from them spring all the important organs of the body and the wonderful manifestations of mind! Prodigious!

We have no hesitation in saying that this is all mere assertion not borne out by the investigations of science, and contrary to the teachings of both ancient and modern revelation. A cell was never produced, so far as experience goes, except from another cell. If the cell theory be correct, which is not settled in science, it is utterly impossible for "unorganized matter," or even protoplasm without a cell, to produce a cell of itself. The lecturer's theory involves the absurdity of spontaneous generation, which science repudiates and which is only advocated by a few speculating theorists. Marshall says, p. 940: "Whatever variety the reproductive process of animals may present, the primitive cell, whether it be a fertilized ovum, an unfertilized ovum, a pseudovum, or the commencement of a bud, is in all known cases, a part or product of a pre-existing parent. No satisfactory proof has yet been adduced, of the spontaneous origin of such a cell. Hence the doctrine of spontaneous generation, collapses from failure of proof." Again he says, p. 942: "The hypothesis of the free formation of cells is, as regards tissue life, the analogue of spontaneous generation as regards animals themselves." And further: "They [the cells] may appear to be evolved, in some way, from aggregations of protoplasm, but still, it is submitted, always under the influence of pre-formed nuclei or nucleoli."

We could offer further quotations and arguments on this point, but we think it unnecessary. We pass now to the concluding sentence in the report of the lecture, and bring this article to a close. The senses are there called "organs." This is a misnomer. The organs of sense are not senses, any more than wheels are motions. This error is repeated in the report of another part of the lecture: "If we wish perfect sensations the senses must be perfect organs." The lecturer's meaning may be all right, but his language is misleading, and in treating scientific subjects terms are very important. Particularly is this so when young people who expect to be or are public teachers sit as the pupils. The eye is not seeing, the ear is not hearing. The thing that moves is not motion. The organs of sensation and sensation itself are widely different. The organs are material, the senses immaterial. The former are substances, the latter not. And if a public preceptor can err in so small and evident a matter, are not his more important utterances, as we have shown, widely open to serious question?

We have not approached this subject in a spirit of capricious criticism, but it appeared to us to be fraught with serious consequences and therefore to require elucidation in the light of faith as well as of scientific verification. For if teachers imbibed incorrect ideas their scholars are liable to be led astray. And, in these times when the Spirit of Truth seems to be departing from the learned of the world and doubt is taking the place of faith, in the souls of men, it is necessary that those who can act as guards on the avenues to infidelity, should stand in the way and lift a warning and instructing voice, to arrest straying footsteps and point to the true source of all life and light, intelligence and wisdom, the Eternal and Almighty Father, Creator and Ruler of the Universe.

CAN THE CASES BE APPEALED?

THE question of the right of appeal to the Supreme Court of the United States in the cases of the Auditor and Treasurer, is under consideration by the

Supreme Court of the Territory. Views are freely expressed that though there ought to be an appeal on such an important matter, the change in the Act of Congress requiring the amount involved in the dispute to be not less than \$5,000, instead of \$1,000 as formerly, shuts out the present cases from review because the salaries of the officers are not equal to the specified sum.

But setting aside the financial aspect of the cases, to which there is another side than that above presented, the appeal, in our opinion, should be granted for an altogether different reason. The Act of Congress under which the right to appeal in these cases is claimed, was passed March 3rd, 1885, and provides as follows:

"No appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or equity in the Supreme Court of the District of Columbia or in the Supreme Court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed \$5,000."

"The preceding section shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute or an authority exercised under the United States, but in all such cases an appeal or writ of error may be brought with out regard to the sum or value in dispute."

A writ of error was sued out under this act in the Snow cases, appeal having been denied by the Utah courts, and the Supreme Court of the United States decided that the validity of no statute or authority under the United States was called in question, but only the construction of a statute, and therefore on that pointbook dismissed the cases for lack of jurisdiction. It is supposed that this ruling will apply to the present cases.

But a little reflection will show that there is a radical difference between the two positions. In the Snow cases only the construction of a United States statute was involved. In the present cases "an authority exercised under the United States" is called in question, and the law expressly provides for an appeal in such cases. The authority in dispute is that exercised by the late Governor in attempting, by alleged authority under the United States, to appoint men to offices which had been made elective by territorial law. The whole litigation turns on the question of that authority. If it were not for the claim and exercise of that authority, there would not have been any such case for the consideration of the Courts.

Should the Supreme Court of the Territory, as is not improbable, refuse the appeal, we have no doubt that a writ of error would be granted by a Justice of the Supreme Court of the United States, and that thus the whole matter will come up for review before the tribunal which should give the final decision.

Of course that will settle the matter equally, but if it is decided that the people of Utah have no right to say who shall handle their money, which they have devoted by taxation for the transaction of their own business, the situation will be wrong in principle, and in opposition to fundamental law and the undoubted rights of citizens in a popular government. The organ of the ex-Governor raves over our dissipation of its claim that the ruling of the Utah court is a "vindication" of his course, and tries to ring in a number of issues that have no bearing upon the question. It also, as usual and a matter of course, entirely misrepresents our position in regard to it, and continues to claim that it is "a perfect vindication" of the defunct official. It fails however to show how the decision "vindicates" him in the least particular, and is as mad as a hornet because we have proven that its apology is no vindication and that its pretences only put the deposed officer in an unfortunately conspicuous position.

We repeat our advice: If the fellows who led the man by the nose to his ruin don't want anything said that is disagreeable, to him and to them, they should cease slandering him over with false adulation, and stop claiming "vindications" for him which do not vindicate but only occasion comment that might not have been provoked. As to their abuse, if the poor creatures had not the News to curse and revile they would print many columns of mighty uninteresting matter.

The end is not yet by any means. And it is no indication that "a community determines to become a law unto itself" because it exercises all the rights which belong to it under the law, for the purpose of maintaining rights that are regarded as the inheritance of all free people in every free country.

Since the above was in type we have received the ruling of the Territorial Supreme Court denying the appeal. We have no space for comment on the decision.

IN REGARD TO "UNORGANIZED" MATTER.

In the EVENING NEWS of Wednesday we published a letter from Dr. John R. Park, in which he essays to reply to our article reviewing a lecture delivered by the Doctor before the Summer Institute. He seems to feel hurt at the criticism and to make

of it a personal matter, something that we studiously avoided, not even mentioning the gentleman's name. He complains that the report was only a summary of the lecture. This we explained to our readers, and repeatedly referred to the report in order not to blame the lecturer. But he says: "From such a report it is not likely that the sentiments of the lecturer could be fully or properly communicated either in their spirit or intent." That is something which we fail to see. We can understand that in a synopsis injustice may be done to a speaker and we so intimated in our criticism. But if a speaker's sentiments cannot be properly communicated either in spirit or intent in a summary, the sooner all summaries are abolished the better for the public.

But the Doctor does not point out the portions of the report that are incorrect. His fault is found with the article in the News, which he says "abounds in gross errors." Yet he fails to cite a single error that we advanced therein. We can readily understand his irritation under the circumstances, particularly if he was misapprehended or misrepresented. But we wish it to be understood that the fault, if any, was with the report and not with the News. The report was official. It was not taken by a newspaper man, but was furnished by the Secretary of the Institute. And it was so erroneous as now intimated, would it not have been better to point out the errors which must have been so palpable in the report, before the fallacy of its assertions were exposed in our columns? If the lecturer was so greatly misrepresented there was ample time for full correction long before we attempted any comments on the subject.

And yet, according to the Doctor's own admission, the report was "in the main correct as reports of this kind go," and the deductions are said to be incorrect. First the complaint is against the report, on the ground that such a report could not properly represent either the spirit or intent of the lecturer's meaning, and then it is admitted that the report was in the main correct and the fault is put upon the deductions. We submit that nothing appeared in the News but what was the logical and inevitable outcome of the statements and theory given in the official report of the lecture. And we consider the report a well written and succinct synopsis, every point touched on being clearly stated in simple language.

But here is the Doctor's explanation:

"The object of the lecturer in referring to protoplasm was to place mind before his hearers in its simplest known medium of matter, whether organized or not being unessential to the purpose in view, that they might perceive there the same general characteristics, that is, sensibility, comprehension and will, that are found in the higher and more complicated forms of animal life, and thus show that mind is an endowment from the Creator and the cause of organization and not the result of it, and that the higher organization of the matter enveloping the mind, the greater is its power of manifestation. How can there be anything atheistical in this?"

We answer there is nothing atheistical in that which shows that mind is an endowment from the Creator, but unfortunately no such idea was conveyed, either directly or by implication, in the report of the lecture. Almost every point in it carried a contrary impression. It made "unorganized matter," "homogeneous slime," protoplasm "existing independent of or unassociated with organized matter," the foundation and source of all organisms. It gave the unorganized matter to form a cell, that cell to form other cells, those cells to "arrange themselves" until all the forms of animal life and the wonders of mind were produced, and that without a hint of anything above, beyond or outside of the unorganized matter or its wonderful products. If the lecturer intended to convey the idea of the works of a Creator, the reporter must have studiously expunged the idea and so arranged the speaker's argument as to establish the very opposite.

We fail to see how "unorganized matter" containing "the essential elements of mind," can show that "mind is an endowment from the Creator. If a 'bit of slime,' 'unorganized,' 'unassociated' with organized matter is 'where all organized matter originates,' and it is in that that 'some of the great problems of life and mind are solved,' does it not appear as if a Creator is thus dispensed with and the extreme doctrines of evolution sustained?"

We are sorry to see that, notwithstanding his disclaimer, Dr. Park still holds to this "unorganized matter" theory. If he was not properly reported in the synopsis, he certainly does not misrepresent himself. Yet he speaks in his letter of "development from the structureless *Amoeba*." This brings us back to the gist of our whole argument and, as we view it, the fundamental error of the lecture. Structure means "arrangement of parts or of constituent particles in a substance or body." (Webster.) That which is structureless has no arrangement of parts. It is unorganized. We have already shown that the *Amoeba* are not structureless, that they are organized animals, and that they are something more than mere protoplasm. But that does not affect

this vital question. If *Amoeba* are structureless, unorganized, and yet contain all the essentials of mind, and from them the "higher forms" of life are developed, by cells that "arrange themselves" into bone, muscle, nerve and also the organs of sense, what need is there to dispute over the fact of a Creator? The infidel asks no more for the foundation of his Godless creed.

We have found no fault with "development." We have not said there is any "harm in stating it." The development of "man or woman" from the "infant child" has not been disputed. That is not the question. It is but an evasion of the question. The "harm" done is in asserting, that any animal structure evolves or "develops" from a "structureless" substance. We say it has never been done. It has never been seen. An unorganized substance never improvised a cell. Every organism has sprung from, or is the production of, an organism. It is this claim of structureless unorganized jelly as the basis of all life and mind to which we object, and it is set forth as directly, but not so fully or clearly, in the Doctor's letter as in the synopsis of his lecture. He asks, "What higher conception can we have of God and the human spirit than that He is the author of our being and that we are His progressive children?" We answer, that depends upon the meaning of that conception. If it means that we have sprung, body and spirit from "unorganized" protoplasm, even if under the direction of a Supreme Power, there is a higher conception. And that is, that our spirits are the offspring of God, and that our bodies have come from an eternal line of ancestry always of the same species. That however degraded man may become from his own departure from Divine law, he is still the offspring of Deity.

The Doctor states that much of our criticism is "taken up in an argument with Darwin and Huxley." That is a most unfortunate assertion for him to make. For we did not offer a single quotation from either Darwin or Huxley, and every argument we used was in reference to the theories advanced in the lecture as reported. The connection of those theories with the heresies of the noted agnostics is thus established by the Doctor, and he must not blame us for the damaging association.

As to the confounding of the "senses" with the "organs of sense," the Doctor claims to have made the proper distinction, and says we can discover this by examining "the notes taken by any one present at the lecture." We did examine the official notes furnished by the secretary, who was present at the lecture, and found this confusion of terms in two separate reports of different portions of the same lecture. And surely it is, as a general proposition, safer to rely on something that the Institute has furnished for publication, than on private notes taken by some one unauthorized to report.

But we are pleased to give the efficient preceptor credit for the mistake of the secretary, and also for his indirect acknowledgment, of the Creator as the Author of our being and of the endowment of mind. The difficulty is, the incompatibility of that admission and the theory of life and mind in "structureless" matter, and that "unorganized mass being the source of development into all the higher forms of animate nature. We cheerfully give prominence to this feature of Dr. Park's letter, and wish that it had formed part of the report of the lecture, when it would have given a different color to the whole subject.

As to the alleged "ridicule," if our friend will read the article without haste or irritation, he will discover very little that can be justly subject to that term, and that little is simply a connected summary of the theories advanced in the lecture as reported. We have no words approaching to ridicule of the gentleman himself nor any feeling but one of kindness. He has mistaken our motive in criticizing the lecture. We have personally and in this paper defended him, and the excellent institution of which he is the Principal, from nasty charges and insinuations, and were careful in the article not to impeach him or his intentions. And we remind him that all we had to comment on was the report which he acknowledged "was in the main correct as such reports go," and could have no knowledge of or guile to his "intentions" except that which was furnished in that report.

The tendency of our article was to show that "unorganized matter" endowed with "all the essential qualities of mind" is an error; and that such matter cannot of itself put forth a cell which, developing others "arranging themselves" in various forms, thus constitute everything in nature through which mind is manifested; but that there is a Power beyond and superior to all things which gives life to and is the Organizer of all things. If the tendency to this appears to the Doctor "not good," we are sorry for his failure to apprehend both our motive and the tendency of our criticism.

The report of the lecture had gone out in two popular newspapers. It remained for several days uncorrected and unobjected to by the lecturer. It had provoked comment as conveying erroneous ideas that were likely, reported as coming from so eminent a public teacher, to do great injury. It became our duty to point out what we considered incorrect, and we per-

formed that duty with as careful a regard as possible for the feelings and reputation of the lecturer. Under the same circumstances we should do the same again if able, and do not think that any one need make of it a personal matter. If we have advanced "gross errors," of course they are open to refutation.

All we want is the truth and liberty to declare it, and this we expect to strive to maintain, according to the motto which has been carried so long at the head of this paper. We believe in development, we believe in progress, and we also believe in a God who is to us all the Author of life, light, truth and the power of advancement, who is literally Our Father and to whom we owe the highest allegiance as Parent, Director and King.

ANOTHER JUDICIAL TWIST.

THE decision of the Supreme Court of the Territory in the cases of the Auditor and Treasurer denying an appeal to the Supreme Court of the United States, appeared in Wednesday evening's DESERET NEWS. We have no comments to make on any part of it except the last paragraph but one. The vital point in the application for an appeal is there referred to, but in a casual and indifferent manner. It is in regard to the authority exercised by the late Governor in making the appointments of Auditor and Treasurer.

It cannot be disputed that this was "an authority exercised under the United States;" we presume no one will question that. The Act of Congress under which the appeal is claimed provides for an appeal when "an authority exercised under the United States" is "drawn in question." Was that authority drawn in question in the cases before the court? If we concede everything that the court declares except that, there lies the gist of the whole question of the right of appeal. And that point was presented to the court by Attorney F. S. Richards and afterwards argued by Judge Sutherland.

The court say: "The action of the Governor cannot be properly criticized by the defendants. While this Court expressed its opinion, which it now reaffirms, that the Governor was authorized to do what he did do, we were not required to pass upon that question in disposing of the appeal of the defendants."

This is an ingenious but not very creditable way of getting around the appealable point in the question at issue. When the suit was pleaded in the District Court, it was not only to oust the incumbents but to install the Governor's appointees. But when the defendants by counsel commenced to argue against the right of the Governor to exercise the authority to appoint, the Court ruled that they had no right to do so; they must simply show their right to hold the offices. After stopping argument on the question, the Court, in addition to deciding against the defendants, declared the right of the claimants to the offices under the Governor's appointment. From this decision the defendants appealed.

Now it must be understood that the appeal was from the whole judgment. It was not merely against that part of the decision as to the ouster, but included the ruling as to the installation of the claimants. The appeal was to test both questions. In the former the validity of the action of the Legislature under the Organic Act was in question. In the latter the exercise of an authority under the United States was in question. The court answers and settles the arguments as to the first point, but ignores and refuses to notice the arguments as to the last point which is one on which an appeal can be taken, under the congressional statute, to the Supreme Court of the United States. Yet the court affirms the decision of the lower court on both questions, and when denying the appeal based on the latter question on the ground that it is not an issue before the court, actually reaffirms its decision on the merits of that question.

If this is not the most miserable kind of pettifoggery, what is the proper word to use in regard to it? No one who understands the situation can fail to think that it is a wretched shift, a tricky expedient to prevent, if possible, the review of the question by the highest court of the country. That the whole case turned on the right of the Governor to appoint instead of the people to elect the Auditor and Treasurer, cannot be fairly disputed. And that the Court has taken a twist to hinder the adjudication of this question as provided for by the law of the land, is patent to every one who is not blinded with the dust of the latest local judicial decision.

EXULTANCE IN TEXAS.

Great excitement has been caused in the vicinity of Paris, Tex., by the remarkable recovery of Mr. J. E. Corley, who was so helpless he could not turn a head, or raise his head; everybody said he was dying of Consumption. A small bottle of Dr. King's New Discovery was sent him. Finding relief, he bought a large bottle and a box of Dr. King's New Life Pills; by the time he had taken two boxes of Pills and two bottles of the Discovery, he was well and had gained in flesh thirty-six pounds.

Trial Bottles of this Great Discovery for Consumption free at Z. C. M. I. Drug Store.