

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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SEMI-ANNUAL CONFERENCE.

To the Latter-day Saints:

The Semi-Annual Conference of the Church of Jesus Christ of Latter-day Saints will commence at 10 o'clock on the morning of Tuesday, October 6th at Logan, Cache County, Utah Territory.

JOHN TAYLOR,

GEORGE Q. CANNON,

Of the First Presidency of the Church of Jesus Christ of Latter-day Saints.

Salt Lake City, Sept. 17th, 1885.

ON THE DEFENSIVE.

THE effrontery and squirming of the rabid anti-"Mormons" over the outrage of Sunday morning are something wonderful.

As we have heretofore stated, the deed was one of the most detestable imaginable, and the perpetrators, whoever they be, are unfit to mingle in civilized society. When discovered, as we hope they will be, they should not only be severely punished under the law, but also shunned as reprobates of the most brutal type by all respectable people. Notwithstanding that the "Mormon" community as a whole, and their leaders in particular, are known to be as much opposed to such repulsive deeds as any people could possibly be, without a particle of sustaining evidence the act was unqualifiedly charged upon them. We have no idea that those who, for the basest of ulterior purposes, take such a position, themselves believe the villainous assumption to be correct.

This unqualified and revolting charge placed the NEWS, as a vindicator of the community, upon the defensive, compelling us to take up the far more plausible theory that those who displayed such excessive readiness to lay such an abominable offense at the doors of the "Mormon" people and authorities were much more likely to be the guilty parties. That position was fortified by plain and straightforward reasoning, based upon the fact that such an act on the part of the "Mormons" would be suicidal, while to their enemies it would be turned to political advantage. Indeed they are working it in that line with great fervor and zeal, in the strong hope that they will be hoisted into political power upon bottles of filth.

The purely defensive attitude of the NEWS in adopting the theory we have advanced has caused a degree of rage that is now at boiling point, and the pot of the plotters fairly slops over while we, conscious of the innocence of those against whom their superabundance of unreasoning malignancy was flung, are calm as a summer morning. Had we known that a dose of their own medicine would have caused such dreadful contortions as they are subject to, we would, out of pity, have refrained from placing the bitter cup to their lips. We have no desire to hurt even them. They are poor fretting, frothy, misguided beings, who it is to be hoped will at some period, in time or eternity, renounce a line of conduct devoted to bigotry and injustice and try to do good instead of evil.

Notwithstanding the vicious charge made by the rabid ring, compelling us to take up a defensive theory, any individual who assumes that we have made any direct accusation against any person or class takes a totally false position, as can readily be observed by scanning the editorial comments of the NEWS on the subject. To make an unqualified charge in the absence of direct proof, is to be guilty of injustice. That would reduce us to the level, in that particular, of those miserable beings who have laid the blame of the outrage upon the "Mormon" Church. When the latter unmitigated imputation is made, however, to give reasons to show that the vile accusers are the more likely to be guilty is not an improper line of defense. And we see no cause for receding from the theory—not absolute certainty—in the absence of proof to the contrary. Should that be forthcoming, we would be under the necessity of relinquishing what, to us, appears a feasible probability, and it would be cheerfully done. On the other side it would impose, in honor, a renunciation of a vile and positive accusation. But in such an event the development

would, in all likelihood, be met on the part of the opposition by the customary brilliant flash of silence, or a qualified apology more infamous than the original offense.

In the absence of proof as to the identity of the vile wretches who perpetrated the outrage we can but reiterate the position already taken by the NEWS in the following expression:

"Basing the theory as to who perpetrated the deed on the hypothesis of who were the parties to receive the most benefit from it, there is no escape from the inference that it could not possibly have been done by "Mormon" hands, unless it were by some senseless, irresponsible fanatics incapable of ordinary powers of reason. If it were done as a matter of spite against the gentlemen who were the objects of assault, it was a most insipid as well as loathsome exhibition of the feeling, which is at all times contemptible."

The solution of the whole controversy rests in the discovery of the miscreants who did the filthy work. With the application of diligence and intelligence, combined with the inducement held out by the hope of reward, it ought to be far from impossible, and may be probable. In such an event as the detection of the perpetrators of the deed, we have no doubt that the general belief that the vile charge of the rabid class of anti-"Mormons" is utterly unjustifiable, will be verified.

INCONSTANT, UNRIGHTEOUS, UNMERCIFUL.

THE latest variation of the Kaleidoscopic Court of the Third Judicial District is as revolutionary as the notorious "holding out of more women than one to the world as wives" theory. It is another of Judge Zane's somersaults, with which the public are now becoming familiar. His course on the bench in Utah, when elaborately reviewed, as it will yet be, will present more feats of judicial acrobacy than will be found in the record of any other wearer of the ermine of modern times.

When about to sentence Rudger Clawson, Judge Zane informed him that he could not be punished for his belief, but it was for his actions that he was amenable to the law. In response to a question as to whether he had anything to say why judgment should not be passed upon him, Mr. Clawson replied that he had entered into the marital relationship for which he had been tried under the law, conscientiously, in accordance with his religious convictions. The consistent Judge then informed him that he would have been more lenient with him had he not held that the conduct for which he had been convicted was right. Consequently a portion of the sentence was imposed on account of the defendant's belief.

In the Court's instructions to the jury in the same case, it was stated that in order to justify a conviction for unlawful cohabitation, the evidence must show a probability of sexual intercourse. Subsequently, in the case of Angus M. Cannon, the same oscillating functionary, in order to cover a suit of another character in some of its phases, ruled directly to the contrary, and gave birth to the "holding out to the world" ruling.

When Parley P. Pratt was about to receive sentence on conviction for unlawful cohabitation, this versatile judge, being carried away with the holy zeal of a missionary judicial officer of the extremist type, lost sight of the law, in the blindness of his bigotry, and included "hard labor" in the judgment, which, evidently much to his regret, he had to take back.

Judge Zane, whose pre-disposition to inconstancy is phenomenal, was several times almost moved to tears of regret at the mellowness of the Edmunds law in making the punishment for unlawful cohabitation so feathery. In his wails of lamentation at the leniency of Congress on this point, he said that, in his opinion, it should have made the penalty in that class of cases as heavy as for polygamy.

The judicial exhibition of unexpressed sorrow showed plainly that his honor comprehended clearly the intention of Congress to be the infliction of not more than six months imprisonment and a fine of not to exceed \$300. And the trinity—Zane, Dickson and Varian, who conduct the court anti-"Mormon" crusade, do not wish to make any move, however desirable, under the law that is not sustained by the purpose of the National Legislature in the passage of the act. They have said so repeatedly, and based the "holding out" abortion on that ground. They are tender-footed on that point. They would not do anything contrary to the object of Congress on any account.

Doubtless this deep and lasting anxiety to interpret the law as its makers intended was the reason for the combined action of Messrs. Dickson and Zane yesterday. By it the law is construed to mean that the penalty for unlawful cohabitation is imprisonment for life. It involves another somersault, at which his honor is becoming, by practice, a wonderful adept. But what of that? The judge is getting used to it and so are his victims. This time it is not only a judicial acrobatic feat, so far as the immediate interpretation of the law is concerned, but a

mutation on the part of this fickle functionary regarding the object of Congress in the passage of that act.

The anti-"Mormon" crusaders have been agitating the question of appealing to Congress for more legislation to increase the penalty for unlawful cohabitation and to make it a continuous offense. His Honor appears to treat such tedious methods of accomplishing objects that are desired with contempt, and, together with his auxiliaries, constitutes himself a Congress and Supreme Court, done up in one parcel. It appears to be the easiest thing in the world for him to anticipate anything that Congress might do, so that, as far as he is concerned, that body might as well take a rest on anti-"Mormon" special legislation.

For the same reason the Supreme Court might as well leave decisions upon cases arising under such laws to him. In its rulings in the election suits against the Utan Commissioners it held that a man might be a polygamist and yet not be criminal under the law. In other words that the polygamist status was not criminal apart from conduct. Ignoring this fact, under the anti-"Mormon" regime, a man is held to be punishable for his status aside from any act whatever.

Returning to the decision of yesterday which renders polygamists liable to life imprisonment, what reason is there for expecting that the offense of a man acknowledging his wives shall not yet be made a capital crime? As it stands the operations of the demoniacal set who are running the crusade are liable to produce death in the ranks of the innocent, as well as among those alleged to be guilty, by wholesale. What would be the difference in point of infamy between the more open method of perpetrating legal murder and committing it under cover of a subterfuge? The variation would be in favor of the prompt execution of the death penalty as much less inhuman and quite as honorable, if not more so. In either case it is, in our opinion, murder. We believe that when the Great Judge of all—who shall doubtless include the consequences in making up the conclusion—will so decide when the perpetrators shall be taken before the bar of eternal justice.

BISHOP SHARP'S ACTION.

To state that the position assumed by Bishop John Sharp yesterday afternoon, before the Third District Court, created a high degree of interest in the public mind, tells the tale but tamely. The effect of his action amounted to a sensation.

With the gentleman named it was a supreme occasion. It was the one opportunity of his life to sustain a principle which he had accepted as emanating from a divine source in the form of a sacred obligation. It was within his power also to act in such a manner as to probably relax the general bitterness felt throughout the country toward his co-religionists, and, by the consistency of his own course, cause Latter-day Saints having confidence in his integrity to cheerfully follow a brilliant example. This culminating circumstance of a long, useful and capable career he chose to turn in a direction the antipodes of that which every true and consistent Latter-day Saint had a right to expect of him.

But, stepping aside for the moment from the obligation he was under to the religious community of which he was an official, we may be permitted to go still further and assume that an attitude the contrary of that which he chose was, to our conception, a duty owed to his fellowmen generally, outside the pale of the Church to which he belongs. His ecclesiastical position, combined with that which he holds before the country in financial and other influential circles, renders him largely conspicuous. Consider this fact together with the popular feeling toward and opinion concerning "Mormonism." It is looked upon as a religious imposture, and the claim that God has spoken in this day from heaven and given revelations as in days of old, is treated with ridicule. The effect of Bishop Sharp's action of yesterday afternoon can have but one effect in that connection—so far as its influence extends outside of the Church—it serves to intensify the inimical feeling and confirm the adverse opinion that prevail.

If, on the other hand, Bishop Sharp's stand had been in consonance with his religious obligations, men who have opposed the system with which he was connected both in their views and feelings, would have, to some degree at least, been inclined to believe that, after all, there must be something in it to cause men to brave everything for its sake. Especially for such men as he, with liberal wealth and other facilities at his command, to stand upon such noble ground.

It has been openly calculated by the opponents of the Church that whatever might be the position he should take when placed in jeopardy, it would largely influence his co-religionists in the same relation. There may be some degree of correctness in this assumption, but we are confident that its effect in that direction will be but small, and will not be of sufficient magnitude to interfere in the most remote degree with the main question, which is unalterably fixed as the everlasting hills and will never be receded from, come

what may. Neither will any person be induced to follow his lamentable example who is not already predisposed in that direction. Individuals elect their own line of conduct. They can stand by what God has revealed, or they may recede from it at the approach of danger. But let no man run away with the erroneous impression that because any person or persons—no matter whether prominent or obscure—recede from the obligations of the law of the covenant, that such a course is approved by the Church as a body. There is but one side to the question with the body-religious, and that ground will be maintained, sink or swim.

Because of the anticipated effects that a retreating action on the part of Bishop Sharp was expected to have on the leading issue, great anxiety has been manifested by the enemies of the people that he might recede from his religious obligations. Doubtless he has been powerfully and persistently advised to adopt that line of conduct. How much influence these considerations may have wielded in his case we are not in a position to state. Doubtless, he acted, after hearing statements on both sides, entirely and independently on his own volition. And it will be held by some people who have a predilection for neutral ground on strong questions, that Bishop Sharp has taken a course consistent with his religion and the law as interpreted by the Courts, and is therefore on an unequivocal base in both directions. The entire proceeding bears the marks of having been ingeniously manipulated to give the matter that appearance on the surface. But questions of this character are of too great moment to be dismissed after having been merely submitted to a skimming process.

We propose to strip the cunningly constructed skeleton of the transparent fabric in which it has been clothed and go directly to the kernel of the subject; and now lay down the incontrovertible proposition that no man can occupy the two positions in the issue. To assume that he can is no more reasonable than to maintain that a man can hold both the affirmative and the negative positions on any question at the same time. There is no neutral zone, and a person must take up his post on one side of the line or the other.

The Court is the party that imposes the conditions upon which leniency or immunity is grounded.

The condition is that the party on the other side must agree to obey the law according to the interpretation of the courts. The courts interpret the law to require that plural wives shall not be any more regarded in the wife relation, not only so far as relates to practical conduct, but also in theory. The rulings or interpretations of the court before which the Bishop appeared to be dealt with are too familiar to the public to require that they should be quoted. The judicial position in the case of Orson P. Arnold, of A. M. Musser and Angus M. Cannon comes in point. Such conditions are utterly incompatible with the most sacred obligations of a Latter-day Saint, and he can no more assume them than he can throw aside baptism by immersion for the remission of sins, or any other doctrine of the faith of the true Gospel.

But it may be held that the defendant's written statement embodies a declaration to renounce the relationship by the total severance of the marital tie. This is true, but the agreement to obey the law according to the interpretations placed upon it by the courts came subsequent to the reading of the statement, and therefore the later position, though in conflict with the other, is the one that was adopted, and will be so held by the Court.

Right here it may be proper to draw attention to the utterly unprincipled position of the Court. The defendant in his written statement actually broke the law as interpreted by Judge Zane himself, because in it he made an acknowledgment of his plural wives. Yet the Court, with this fact staring it in the face, drew the defendant along into an agreement that he would cease the acknowledgment which he had in writing expressed his intention not to relinquish.

In another particular the attitude of Bishop Sharp was at direct variance with his position in the Church. He entered into an express agreement not to "teach others to violate" the Edmunds law. This means that he will not teach the principle of plural marriage. While it might not be necessary for him to engage in that kind of teaching, if he proposed not to do so, as far as he could consistently go was simply to refrain from it. It is a doctrine, however, of the Church in which he holds an official position, and in any event to enter into such an arrangement is a species of humiliation which can only be looked upon by his genuine friends with unqualified regret. Even aside from the principle involved in other respects it was an unqualified surrender of the right of free speech.

There are many considerations that might be offered in extenuation of Bishop Sharp's line of action besides his wealth, social standing before the world, etc. They should be used and given due weight. His health is precarious, and incarceration in prison might have proved disastrous, if not fatal, to him. There are many things connected with his condition that made the ordeal one of tremendous trial for him. And no one knows the pang that it has cost us to learn of the position he has taken, and the reluctance with

which we approached this criticism of his course. We have lived under his jurisdiction as a Bishop, we have always esteemed him as a warm personal friend with whom we have ever been on the most amicable and kindly relations. We have been the recipient of personal courtesies at his hand, but friendship and every other consideration must not interfere with duty. Neither must a man's wealth, influence, social or official position, screen his public actions from being excepted to when they involve not only an eternal principle of truth, but inimical results that might follow were silence on the part of the NEWS to give even an appearance of endorsement or acquiescence.

To the Latter-day Saints we would say: No matter what position any single man or number of men may take in regard to what God has given, the truth must be sustained and vindicated at all hazards. No matter how dark the clouds that are now apparently crowning upon the people of God, the good ship Zion will weather the storm. It may rage for a season, after which the turbulent waters will subside. Meanwhile there must be, of what God has given to the Saints, no surrender.

NOT A PARALLEL.

We have learned since the judicial event of yesterday, that some persons have attempted to make a parallel of the position taken by Bishop Sharp and that assumed by President John Taylor and Brother Angus M. Cannon.

The comparison is absurd and is a reflection upon the two gentlemen named that is unwarranted by the facts.

President Taylor, while asserting that he had obeyed the law as he understood it, boldly asserted in addition that he never would renounce his wives, but would continue to acknowledge them in that relation.

Brother Cannon claimed that he had lived within the law as he comprehended it, but could not comply with it as interpreted by the court, because it necessitated a renunciation of a religious principle by requiring him to sever the marital relationship with his wives, even so far as its acknowledgment is concerned. Because of his declination to accept of the law as thus "interpreted by the courts," he is now incarcerated in a foul prison, and for the same reason inhuman efforts are being made to re-ignite him and give him another term.

If there were any parallel it may be reasonably asked why Bishop John Sharp walks the streets in freedom while the venerated head of the Church is compelled, in order so far as possible, to continue his usefulness to the people, to resort to enforced banishment, and while the other gentleman named is kept in durance vile among all kinds of criminals? Either the positions in question are as wide as the poles, or there is an unjust discrimination on the part of the courts that should—to use an expressive English political word—be "smashed," by the higher tribunals.

The question ought to be clear enough to everybody. It is simply this—Those who decline to agree to live within the law as interpreted by the courts must either keep out of the way or go to prison. Those who enter into the agreement can have the privilege of going "scot free." If there is any difference that can be more strongly marked, it is difficult to comprehend how it can be.

AN ESTEEMED VISITOR.

DR. MILLER, editor of the Omaha Herald, one of the ablest and most broad-minded journalists of the country, is now on a visit to this city, accompanied by Mrs. Miller and her intimate friend, Miss Thomas. There are few men the mention of whose name calls for a more friendly sentiment from the great majority of the people of Utah than that of the gentleman who is now briefly sojourning in this locality. While far from being in harmony with prominent religious views of the "Mormon" people, he has always been too liberal and manly to allow his opposition on those points to so becloud his mind as to cause him to ignore the fact of their being the possessors of many sterling virtues. Neither has it caused him to be blinded to their rights. His opposition has not been confined to the religious tenets of the Saints, but has also extended to the position they assume in the present controversy, he having held that they should lay aside their peculiar practices attached to their religious faith and succumb to the existing pressure. While he has not failed to openly deplore what he esteemed to be erroneous on the part of the "Mormon" people, he has also been as free to express his appreciation of what, in his opinion, is good connected with them, and to denounce the unfair and vicious attacks that have been made upon them by designing demagogues. The Doctor is a man of rare independence of character, and for this quality as well as for the friendly spirit he has ever manifested toward the people here, he is by them held in high esteem.