

courts in Utah; in which all the machinery and presumptions have been turned against defendants accused of lust offence.

The term has had a settled significance in criminal law for centuries. But that has been set aside by the courts in Utah. Every student of law knows that it is understood to imply something more than mere association, or even than living under the same roof. It means that intimate relation which should only exist between persons of opposite sexes who are married to each other. But in Utah many "Mormons" have been sent to a filthy prison when no evidence of such intimacy could be adduced, and even when it has been proved that it had ceased with the passage of the act of Congress constituting it a crime. That law provides against a certain known offence, the courts have made it apply to something that is not and never was an offence.

In order therefore to understand what is meant by "obeying the law as construed by the courts," we have to take the most recent utterances of the courts, with such fragments of former decisions as are not entirely set aside by "the latest guess." From these it is required of a man who has more than one wife, that he shall repudiate all but the legal wife—in some way not defined by any law or any court; that he shall not associate with a plural wife in any manner whatever; that he shall not be with her in public or in private; that he shall not treat her with as much courtesy as he would a stranger; that he shall not visit his and her sick or dying child in her presence; if she is dangerously ill herself he must not visit her; no matter how rigidly he abstains from the intimacy which has always been understood as essential to that which is known to criminal jurisprudence as "cohabitation," he is guilty of that offense as "construed by the courts." If he has associated in the most blameless manner with the woman who has borne him children, under a marriage bond which all the parties to it consider sacred and binding upon them for ever. In other words, he must act like a brute and forfeit the character of a man if he agrees to "obey the law as construed by the courts."

This, further, should be explained: In order to punish a "Mormon" beyond anything provided by law, in separate cases against the same defendant it has been assumed for the purpose of one prosecution that a certain woman was the legal wife, and when that was decided against him that for the purpose of the next prosecution another woman was the legal wife, so as to convict him again. And this was done in the case of Hon. Lorenzo Snow and the prisoner sentenced to three full penalties of fine and imprisonment. The segregation was set aside by the Supreme Court of the United States, but not until the defendant had served out a considerable portion of the illegal imprisonment in addition to the full term prescribed by law.

To make the bearing of this clear, it is necessary to explain that, "as construed by the courts," the legal doctrine of presumptions has been subverted "for the purposes of the prosecution." Cohabitation with the legal wife has been presumed, although indisputable evidence was offered to disprove the presumption. This was decided so as to make a man guilty of cohabiting with more than one woman who, as a matter of fact proven beyond doubt, lived only with one woman, but not the legal wife because intimate relations with the latter had ceased by mutual consent for several years. Thus presumption has been made to stand above facts and in direct opposition to undoubted evidence, in order to convict the accused. The courts have thus presumed to lie and they require men to obey, not the law, but their false and unprecedented constructions of the law.

The trouble is that officials appointed by the Government, instead of endeavoring to administer the laws impartially, come here in a missionary spirit to convert "Mormons" by coercion. Judges who at home or in other cases than those relating to the "Mormon" question are fair, unprejudiced, consistent and regardful of precedent and equity, become angry, vindictive, abusive and rabid with fury in dealing with men who have become involved in the grave responsibilities of plural marriage, with wives and children dependent upon them for support and affection. Let it be understood that a case of polygamy is a very rare thing in court. The vengeance of perverted law is inflicted upon families that have dwelt in peace and union for years. When people talk about summarily "abolishing polygamy," they do not stop to think what that means. The arrest of polygamy beyond present limits is one thing, and the crushing out of families and homes that have long existed with all the endearments and interests and relationships naturally connected therewith, is another and totally different thing. It is the former that the country wants, it is the latter that the courts and their officers here have been engaged in.

The monogamic men of Utah, who now form the entire voting population, have taken an oath to obey the laws of the United States. They could do so consistently. They are not required to bow to the absurd and inhuman constructions of the courts. They have no ties to sever like those that bind their polygamic friends. But the men who have in times past formed those relationships that seem so acute-

ly to hurt people who are not at all connected therewith, and upon whom they have not the remotest bearing, are placed in an altogether different position. And no matter how wild many of them might be to "obey the law in future," there are not many who could bring their minds down to make promises to obey the constructions of the courts, for, besides being contradictory, uncertain and clearly in excess of the statutes, they are inhuman, vicious and impossible to respect.

The statement, then, that all the men who have been hounded and hunted by the spotters and spies working for blood-money, have to go in order to relieve themselves from trouble is "to promise to obey the laws," is false both in letter and in spirit, and they who are deceived thereby are not wise.

GENERAL DONIPHAN.

A DISPATCH to the *Denver News* from St. Joseph, Missouri, dated August 7th, stated that General Alexander W. Doniphan was dying, and had evidently, owing to his advanced age, but a few hours longer to live. Although not yet advised of the fact, there is scarcely any room for doubt that he has ere thus succumbed to the grim monster.

General Doniphan was born near Mayaville, Mason county, Ky., on July 8, 1808. He was educated at the Methodist Episcopal college of Augusta, Ky., and studied law in the same town. In the fall of 1829 he left Kentucky for Missouri, where he was engaged in the practice of law in various places, finally settling in Liberty, Clay county, in that state, in which town he has resided ever since. His standing as a lawyer was eminent, and he served in the legislature from 1836 to 1840. His talents for military matters made him prominent in the militia organization of the state, in which he held the rank of brigadier general. His first campaign was not one in which there was any glory for the participants, being that instituted against the Latter-day Saints under the infamous exterminating order of Governor Lilburn W. Boggs. An incident occurred in connection with that diabolical movement, however, which served to exhibit the comparatively magnanimous and humane nature of General Doniphan. Joseph Smith, Parley P. Pratt, Sydney Rigdon, Hyrum Smith, P. P. Pratt, Lyman Wight and George Robinson had, on demand of General Lucas, surrendered themselves to the militia. A council of the general officers decided that these men, innocent of any crime, should be summarily shot in the presence of their families. Against this inhuman proceeding General Doniphan vigorously protested, saying: "It is cold blooded murder, and I was my hands off it." General David R. Atchison, Doniphan's law partner, took similar ground. Doniphan went so far as to threaten to withdraw his division in the event of the decision being carried into effect. These gentlemen doubtless were thus the means of preventing the assassination of the proposed victims, the intention to carry it out being finally abandoned. For this act the Latter-day Saints have always cherished a kindly feeling toward General Doniphan and his old law partner, who died within the last two years. For this reason they will be interested in learning something concerning his last hours and demise.

General Doniphan went into active service in the Mexican war in 1846, having entered it at the head of a regiment of Missouri volunteers, his career throughout being characterized by courage and military skill. One of his exploits was the defeat of a force of over 4,000 Mexicans, near the city of Chihuahua. The fight occurred on February 28th, 1847. The story of the part he took in the campaign throughout is one of considerable interest, but would make a narrative of too great length for publication in these columns. In politics he was an uncompromising adherent of whiggism.

VALUE OF A TRADE.

A GOOD education is of great value, but often, in a practical or pecuniary sense, a trade is probably more so. The fact that college graduates make excellent street car drivers is a staple groundwork for paragraphs' jokes, and the observation that few college-grads are found among successful journalists is constantly reiterated, and is significant. Our age makes the practical a secondary consideration in the education of the youth. The following remarks by a master car repairer contain suggestions worthy of being thoughtfully considered by parents who may be hesitating about deciding whether to send their sons to college or have them taught a good trade:

"I have had some very intelligent men at work in the yard cleaning cars; men who have been educated at Oxford, Cambridge, Yale and Harvard, who have held high and responsible positions in banks and well known commercial houses. There was one time that I could have supplied a man for any profession or trade, from a minister of the gospel to a hod carrier,

I had one graduate of a European university cleaning cars for a year. He afterwards taught a country school, studied law, and is now admitted to practice, with a good prospect of eminent success in his profession. Another car-cleaner is a prominent lawyer. He was a first rate car cleaner. I had three ministers of the Gospel working for me at one time, and they are all doing well in their profession now. I am compelled to refuse work continually to men whom misfortune has reduced to such straits that they are willing to perform any honest labor, however menial. No, I do not recollect that I ever employed a newspaper man to clean cars."

Wisdom suggests that a child be first taught such knowledge as its welfare and happiness first demand. Unless life-long obedience is assured, it is well to see that every child is put in possession of such knowledge and skill as will insure future self support. Such other accomplishments as time and opportunity afford may be added. The necessities first, the luxuries afterwards, is as good a motto in the preparation of children for the battle of life, as in any other branch of economics.

SOMETHING ABOUT SLATE.

THERE are many branches of home production that have not yet been inaugurated here that might profitably be introduced if properly managed; among these is that of the quarrying and manufacture of slate. There seems to be a popular impression that slate is suitable only for roofing and school purposes, and that the scope of its usefulness is consequently quite limited, but this is a great mistake, as there is probably no kind of stone that is in greater demand for a variety of purposes. It is used for flagging, flooring, tiling, moulding for tiles, vegetable trimmings, wall-casing, mantels, hearthstones, steps, platforms, sills and lintels, turned balusters, laundry and bath tubs, sinks and water trays, meat and water tanks, refrigerator and cooling-room linings, cistern linings, brewers vats, butchers' and currier's tables, bar fixtures, billiard tables, urinals, school slates and blackboards, counter-tops, vault work, grave-stones, memorial tablets and other purposes. At one town in Pennsylvania they have an annual output of 108,000 squares of roofing slate; there were also made (in 1885), in round numbers, 39,900 cases of school slates, 81,850 pieces, or 1,420 cases, or 27 carloads, of flagging, 5,000 cases of blackboards, 30 cases of mantels and hearths and 47 carloads of shaved slate. In composition and texture, slate is admirably adapted to the reception of carved and molded designs, is susceptible of a high polish, and possesses great power of resistance to the principal destructive elements, besides having the additional merit of wide range of color, embracing black, dark blue, purple, purple-clouded green, gray-clouded green, light green, and a clear, bright red. We have the material all around us and skilled labor is abundant. Why not make the combination?

WHEN WILL THEY LEARN?

THE "Invincible Ignorance" of American editors in regard to "Mormonism" has received another illustration. *Leavitt's* weekly of August 6th, contrasting President John Taylor with his predecessor says: Brigham Young "did not owe his influence and power to his official position; he was at the head of the Mormon Church because the organization and the entire system of civil and industrial institutions in Utah, were the fabric of his creation." The italics are ours.

An editor who does not know that the so-called "Mormon" Church was organized by Joseph Smith before Brigham Young was baptized into it, ought not to put pencil to paper on the subject. President Young made it the chief object of his official labors to build according to the pattern made known by the Prophet Joseph Smith. The whole organization of the Church was given, by revelation, long before Brigham Young succeeded to the Presidency, and he directed its affairs according to the plan and design and institutions that were already established.

Joseph and Brigham and John were co-laborers in the great work, and each performed his part and filled his mission worthily and well. But the whole scheme of "Mormon" organization came by revelation through the Prophet Joseph, and his successors who have departed built upon the foundation and according to the rules he laid down, and these will guide in the future as they have done in the past. The laborers are human, the institutions they work for are divine.

AN IMAGINARY DILEMMA.

THE *Washington Post*, after discussing at some length the Statehood proposition for Utah, concludes the article as follows:

"It is hardly necessary to say that there is no objection to the admission of Utah outside of the abomination of

its so-called religious practice. Otherwise the enterprising community that under the shadow of bleak mountains has created a commonwealth and that has literally caused the desert to blossom as the rose is entitled to recognition in the great organized sisterhood of such communities. But Utah can neither force itself into the Union nor win its way by specious pretences.

Yet it is in a manner intolerable that a community so prosperous and important should be doomed to a sort of perpetual minority and Territorial tutelage. Thus are presented two horns of a dilemma, and altogether the problem is one which will require for its solution the wisest statesmanship, the greatest prudence and the most skillful application of Constitutional methods and principles.

The dilemma is manufactured by those who find themselves between its horns. There is no earthly reason why Utah should be doomed to a "perpetual minority and territorial tutelage." A community of the character described by the *Post* cannot be doomed to "a perpetual minority." It must be clothed with the garments and be permitted to assume the powers of that maturity which it has actually reached. Utah does not want to force its way into the Union nor gain its rights by any "specious pretences," there is nothing constitutional to bar its way to Statehood, and the *Post* should not echo the howl which has been set up by bigots and swelled by the screelings of plotting politicians who oppose right with noise and justice with foul epithets. The straight way is to put prejudice and calumny aside, stick to the general rules for the admission of new States, and give Utah a chance.

FERDINAND IN BULGARIA.

AFTER vowing he would never consent half a dozen times, Prince Ferdinand has consented and at this moment doubtless bears upon his regal brow the round and top of Bulgaria's sovereignty. He entered the principality yesterday amid the firing of guns and other expressions of popular approval, intent at last upon taking the throne which has been at his refusal during the past six weeks. He went without the permission, formal or implied, of the powers which he announced himself as entertaining such profound respect for, and made the excuse that in so doing he was sure the opposition manifested to him was not personal, but directed solely against the manner of his election. To a thinking person at this distance, however, the situation has less the color of the rose imparted to it than Ferdinand would have us believe. That he very much desired the position is evident from the haste which characterized his acceptance of it as soon as the offer reached him; but when he had time to think it all over and read of how the Russian bear was growling and the eagles of France were careening in the air preparatory to a downward swoop upon something, he thought perhaps the powers had better be consulted, and meanwhile the acceptance previously given was rescinded.

Then Germany came to his relief by claiming him as her own son, and thus fortified he again reached out for the prize; then came a remonstrance loud and deep from St. Petersburg and that determined him on taking a little trip in that direction to see if the acerbities of feeling on the part of the Czar could be softened down, the result being nothing vouchsafed for either good or ill. Then came charges of treachery and double-dealing from the Bulgarians, and once more the princely vertebra straightened up stiffly and its possessor departed for the debatable land on the western shore of the Black Sea, and got there, too, before the powers knew what he was doing or going to do.

The chances now largely favor the complete exemplification of the old adage—"The man that hesitates is lost." And the logic of the situation seems to be a complete reversal of the flattering uction which Ferdinand laid to his soul, that the opposition was not directed to him personally. After so much halting, hesitating and delay, professedly to gain the recognition of the great international disputants, to proceed without it with so flimsy a refuge, will in all probability focus all previously divergent antagonism upon the person of the Bulgarian throne, ignoring entirely the men and means by which such a result as is now in dispute was made possible. In any event, the young man is tolerably sure to realize, before his reign ceases, that the post of honor is not always the exalted station, and that the latter is oftener than otherwise a position of unrest, watchfulness and dread.

OUR RAILWAY FATALITIES.

HORRORS such as that of last Wednesday at Chatsworth, like Banquo's ghost will not down at our bidding. If its list of lives lost had been but a fractional part of what it was, the scenes attending the wreck of the coaches were full enough of terror even when read of at a great distance, to possess if not control our thoughts for some time to come. It is now conceded on every hand to be the worst that ever occurred in the United

States, and by no possible verbal effort can it be more strongly put and facts alone be dealt with; for the United States has buried within its confines more victims of railway disasters than have all other nations combined. Indeed, it is but rarely such an accident as we have to endure half a dozen times or more every year at least occurs abroad, that on the bridge spanning the Tay, in Scotland, in 1879 being, we believe, the last great one. This year, however, has surpassed all previous years, and it is not more than two-thirds gone; and that the remaining four months will add to the sickening list is a ghastly but irresistible conclusion.

Altogether, since the year opened, there have been previously reported ten railway accidents where the fatalities have been large enough to attract attention. On New Year's day a collision occurred at Devil's River, Tex., when fifteen men were killed, but the number of wounded was not reported. On January 4th followed the horrible collision and incineration at Republic, O., on the Baltimore & Ohio road, where sixteen were killed and twelve wounded. Next, on Feb. 5th, came the appalling bridge disaster on the Vermont Central, when the passenger part of the train went through the bridge approach and crashed down upon the ice covered river, where fire completed what the fall had left undone. Thirty-two dead and thirty-six wounded was the result. Then, on March 14, the rotten culvert on the Boston & Providence road near Boston, added thirty-one killed and one mangled at least wounded to the year's record. On March 25 eight lives and no one knows how many wounded were sacrificed to a broken bridge on the Norfolk & Western Railway. The Northern Pacific Railway, through a collision, added six killed and eighteen wounded to the railway victims of the year, and May 28 the Pennsylvania Railroad duplicated this number by a like record.

The number of fatal railway collisions in July was great. That at St. Thomas on the 16th caused twelve deaths, with a list of wounded extending beyond two hundred; one on the Erie road on the 21st is credited with thirteen dead and five wounded, and another on the Chicago & Alton on the 27th with fifteen killed and thirty wounded. Altogether the deaths in these ten disasters amount to 152 and the wounded to 149, without estimating for the unreported, which of course would swell the list somewhat, although not greatly. The Chatsworth tragedy ends the chronological statement so far as killing goes; but Arizona on Friday last contributed a smashup in which some fifteen persons were injured. Is not this altogether a terrible record?

THE UTE UPRISING.

COLORADO is indulging in a genuine Indian scare. It appears that some "bucks" of Colorow's bands were wanted by the civil authorities for offenses against the law, but the sturdy old chief would not surrender them, even going so far as to defy the State and all its officials, condemning the law itself in language much more forcible than elegant, and treating the whole matter with scornful contempt; but the aborigines were taken without his approval, and this so exasperated the old warrior that he called his clan together at once and dug up the hatchet. Reports state that considerable fighting has already occurred, but these lack confirmation; however, there may be some bloodshed if he is foolish enough to lead and the Indians are foolish enough to permit him to lead them into a conflict which can only result in disaster to them.

Colorow has shown a good deal of sagacity in the handling of his people; but he should understand that the war path is too slippery a trail for him to follow at his particular juncture of affairs. He has nothing to gain and everything to lose by such a proceeding. For a while he could compass considerable damage and make life in his neighborhood very uncertain; but he could scarcely get together enough fighting red men to make up a decent regiment—perhaps three hundred is the extreme figure of the braves subject to his command; while opposed to him are several regiments of State militia, and the certainty of a perfect phalanx of volunteers when wanted, to say nothing of the available United States forces that could be brought into the field on short notice. These, commanded by General Crook, who understands Indian fighting pretty well, would be apt to make Colorow's stand his last one; for public feeling is so wrought up against him since the Meeker massacre of several years ago that he will hardly be permitted to occupy a position in which his power could be wielded for evil, if even his life was not forfeited. He has created quite a flurry in our neighboring State, and would do well to let the matter end with that feature of it. A late account says he is trying to get into Utah, and if this should prove to be correct we have no doubt that the old son of the forest already realizes that he has raised a tempest whose destructiveness he can neither gauge nor direct.

BRADSTREET'S reports twenty-eight business failures in the Pacific States and Territories during the week ending August 13th, against twelve in the corresponding week of 1886.