

EDITORIALS.

ESSENTIAL CRIME AND PUBLIC CONSCIENCE.

We receive frequent notices from the Cincinnati *Times*, a vigorous, ably conducted evening journal which, particularly under its new management, we have considered one of our best exchanges. Occasionally, however, its lively editors get astray on the "Mormon" question, and though we cannot undertake to reply to all the mistakes and absurdities into which journalists so frequently tumble, in their haste to oppose "Mormonism," yet it is sometimes profitable to the public to have those errors corrected. A few days ago an article appeared in the *Times*, from which we make some extracts, and upon which we will offer a few comments:

"Two weeks ago the *Times* called attention to the rapid spread of Mormonism * * * and we made the assertion that 'without polygamy the sect would not hold together, and polygamy is criminal.'" The DESERET NEWS, official organ of the Church, devotes considerable space, in a late number, to reply. The NEWS is, perhaps the most candid paper on the Continent, and at the same time the most tenacious in adhering to its peculiar faith. * * *

"We quote the following from the NEWS to show the precise position of the Mormon Church on the statute against polygamy:

Polygamy is made criminal by legislative enactment and judicial opinion. It is not criminal in and of itself. And it can only be denounced as such on the hypothesis that it is not religion."

Are not all crimes made so "by legislative enactment and judicial opinion?" Will the NEWS admit that anything is "criminal in and of itself?" If not, then is not polygamy criminal, just as larceny is criminal, because it has been made a crime by competent authority? Does not the criminality rest on exactly the same ground? Carrying the comparison a little further, if polygamy "can only be denounced as criminal, on the hypothesis that it is not religion"—an absurd proposition—does it not follow that larceny can be regarded as a crime only "on the hypothesis that it is not religion?" And if a crowd of people should organize a "church," one of the corner-stones of which was the right to steal, would not the criminality of larceny, so far as they were concerned, immediately vanish?"

Our remarks on this subject were elicited by the statement of the *Times* that "this sect would not hold together without polygamy," and the argument of the United States Supreme Court that polygamy is not religion. The Court admitted that religion is "not within the cognizance of civil government." Does it not therefore follow that plural marriage can only be denounced as a crime "on the hypothesis that it is not religion?" Wherein lies the "absurdity" of this conclusion? If any can be discovered it must be laid at the door of the Supreme Court, not at ours. And if the statement of the *Times* is true—which we have not disputed, that our religious system cannot hold together without polygamy, are we not morally justified in clinging to it, and is it not an essential part of our religion and therefore outside of "the cognizance of civil government?"

But the *Times* appears to be unable to discern the difference between offences which are made criminal by statutory provisions and those which are criminal in their nature. It asks us whether we "will admit that anything is criminal in and of itself," and, answering the question for us in the negative, goes on with a statement and an argument which are equally fallacious. Now, we not only admit, but affirm that there are things which are criminal of themselves. Larceny is one of them. The *Times* says, "larceny is criminal because it has been made a crime by competent authority." Not so. Larceny is a wrong of itself without any authoritative enunciation of the fact, and independent of any pronounced penalty.

The difference between *mala prohibita* and *mala in se* is recognized by the best legal authorities,

and has been frequently touched upon in this paper, as the *Times* editors, who say they are regular readers of the NEWS, must have noticed. Polygamy belongs to the former class, larceny to the latter. Theft is wrong of itself; so is murder; so are adultery and other offences against property and person. They contain the essence of crime. They are violations of both human and divine law. But they would be evil if neither divine revelation nor human legislation declared them so. And the chief reason of this is because they infringe upon human rights. The thief willfully takes the property of another without the owner's consent. That is *mala in se*. The murderer deprives a fellow-creature of life; the adulterer takes another man's wife. These are *mala in se*. The same divine law which forbids these offences also denounces working on the Sabbath. Sabbath breaking is *mala prohibitum* under the divine law, and in some countries under human law, while in others it is not a legal offence. What is called smuggling is *mala prohibitum* but not *mala in se*. Its criminality depends upon statutory provisions. Plural marriage is of the same category. It is not *mala in se*, and is only *mala prohibitum* in some countries. It was not either one or the other in Utah until 1862, when Congress passed a law constituting that part of our religion a crime.

The criminality, then, of larceny and polygamy does not "rest upon the same ground," and "if a crowd of people should organize a church, one of the corner-stones of which was the right to steal," the "criminality of larceny so far as they were concerned" would not "vanish," because it inheres to the act, and the pretence of religion would not affect its character. The civil law could be properly exercised in such a case, because the practice of such a creed would be an infringement upon human rights. And the same rule would hold good in regard to a sect claiming as its religion, divine authority to deprive by compulsion, any person of life, liberty or property, also to any man who, under the name of religion, should invade the matrimonial rights of another. If the "Mormon" Church compelled men or women to marry against their will, it could not claim exemption from legal restrictions. But as its marriage system contains no element of force, fraud or essential crime of any kind, it is not a matter for civil legislation.

The *Times* is altogether mistaken in another statement; that is that "according to the Mormon idea, right and wrong are wholly matters of conscience." This is a bare assumption without any support in our doctrines or anything set forth in this paper. The foregoing remarks about *mala in se* are sufficient to show that we take no such ground. But the *Times* complains that "the Mormons will not admit that the public conscience is superior to their own on this question of polygamy." Just so. On religious matters we will not submit to the conscience of the American people nor of the whole world. Under the Constitution conscience in religion is free. The public conscience has no more right to prevail on the question of our religious marriages than it has in that of our baptisms for the dead. It is opposed as much to the one as to the other. We received them both from the same source. It makes no difference to us what the public conscience has to say about either. The celibacy of the clergy, a Catholic doctrine, is opposed by the Protestant public conscience. But Catholic priests on that account are not compelled to marry. If civil government has the right to legislate against our religious plural marriage, it has an equal right on the ground taken by the *Times* to legislate against celibacy. Indeed when the door closed by the Constitution is burst open on the plea of public conscience or any other pretext, there is no telling at what point the State will stop in its attempt to control religion. It was the "public conscience" that burned the martyrs, killed the prophets, crucified the Savior, and committed all the barbarities and diabolisms that have been perpetrated to put down "heresy" from time immemorial. The public conscience is not worth a cent in the argument.

But the *Times* seems puzzled where to draw the line between the rights of government and the rights

of religion under the Constitution. It is a very simple matter to do this. We accept the limits defined by Jefferson and adopted by the U. S. Supreme Court as follows:

"It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

It cannot be shown that our marriage principles "break out" in this manner in the least degree. On the contrary they are conservative of peace and good order. They are calculated to promote both in the highest degree. They tend to the prevention of crime, and in no way impinge upon the legitimate powers of civil government. Therefore on the very doctrine promulgated by the court of last resort they are not proper subjects for legislation and, consequently, the act of 1862 which attempted to do what the above rule says ought not to be done, is legally void or there is no force in logic. We recommend the *Times* on its next attempt to give the NEWS a rub, to read up a little and be sure of its premises. This time it is quite astray both in facts and conclusions.

ARCHÆOLOGY AND THE BOOK OF MORMON.

GREAT efforts are being made by the learned to discover the meaning of certain characters inscribed on tablets found in the mounds of Iowa, Illinois, Ohio, and other places in the east. Some of the curious hieroglyphics supposed to have been carved by the Indians of Utah and Wyoming, have also engaged the attention of archæologists, and the results of their labors have been published and widely circulated.

In the proceedings of the Davenport Academy of Natural Sciences, Iowa, for 1879 there are some very interesting and instructive remarks made by the president of that association in his annual address, from which we make a few extracts, as they relate to a subject of as much importance to us as those who live in the region formerly occupied by the Mound Builders.

In alluding to the tablets which have been found, on which there are representations of animals and plants, as well as of human beings, with characters resembling the sun, moon, stars and other natural objects, Dr. R. J. Farquharson, the President, said:

"No one, as yet, has suggested any reading or solution of the letters or hieroglyphics, which are also repeated, some at least, in the last found tablet. But we need not despair. That venerable archæologist, Mr. S. F. Haven, in speaking of these very inscriptions says, as reported in the proceedings of the American Antiquarian Society: 'These (hieroglyphics) are at present unintelligible, but may hereafter disclose their secrets when the habits of thought and the methods of expressing and recording facts and ideas peculiar to the American races of both continents shall be better comprehended and compared. This must be the fruit of information more accurate and general, and philosophy more profound, than has heretofore been applied to their elucidation.'"

After glancing at the fact that the bear (the grizzly) is depicted on the tablets from the mounds, together with the mastodon, and showing the reasonableness of the conclusion that the mastodon was living at the epoch of the Mound Builders, the Doctor asks the question, "Who were the Mound Builders?" He then shows the "commonly accepted" theory that they were "a kindred race to the Aztecs," and that as the traditions of the Natchez affirm, "all the valley of the Mississippi was peopled by a race of sun worshippers like themselves." "But this," he says, "was a comparatively recent event. There were a race more advanced than the Natchez, at least more expert in mining, who preceded them, and must have occupied the country for ages, as the following facts will show."

A recent writer (Jacob Houghton) states that—

"A single district of Isle Royal, 18 miles square, had produced for these ancient miners more copper than the total production of the

richest modern mines of Lake Superior for the space of 20 years! That this region supplied not only this country, but Mexico, the Antilles, Yucatan, Central America, and probably even South America."

Another theory is that of Rink, a learned Dane, who has spent many years among the Esquimaux, and is quite familiar with their language and traditions. He, Rink, says:

"The Esquimaux, as we know them, are an expiring race, that they did not always live by the sea shore and on the products of the seal fishery; that they once had other habits of life and were forced to migrate northward, having at one time occupied the most of this continent."

A great deal more was said to show the extreme probability of this being a correct theory. To us who are familiar with the history of the Nephites and Lamanites as recorded in the Book of Mormon, this is easy to be understood. When the truth of that inspired book was challenged by the learned because it tells of elephants, horses, and other large mammals having been contemporaneous with man, seeing that there were none of those large quadrupeds found on this continent when the Spaniards first came here, it seemed to receive general assent as a scientific conclusion, at now, the Rev. Mr. Goss, and other gentlemen of undoubted veracity have exhumed pictorial tablets with characters upon them, in which it may be seen that these higher mammals were contemporaneous with the Mound Builders, no one appears to doubt it.

It is pertinent to the question, "Who were the mound builders," to ask who were the engravers of plates continually being found on this continent? The Kinderhook plates, for instance, named in these very proceedings. Who were the people that made the curious metal figures found by Dr. Van Patten, of Costa Rica, and other explorers of the ruined cities of Central America? Who told the Prophet Joseph Smith there were elephants, horses and other large mammals in the days when the ancient Jaredites lived? If he knew that there were none of these creatures on this continent when the Spaniards came, how did he learn the fact that there had been?

The answers to these questions, as well as to the queries of the archæologists and antiquarians who are puzzled over the mounds and tablets, and hieroglyphics and other relics of the ancient inhabitants of this country, will be found in the Book of Mormon and in no other work now known to mortal man. And if that invaluable record had been presented to the world as a translation of hieroglyphics, without any mention of divine assistance, it would have been welcomed as the true key to the Archæology of the Western Hemisphere.

TOOELE STAKE CONFERENCE

The Quarterly Conference of the Tooele Stake of Zion was held at Tooele City, Saturday and Sunday, April 26th and 27th, 1879.

Saturday, 10 a. m.
On the stand—Albert Carrington, of the Council of the Twelve Apostles; Counselor D. H. Wells and Elder C. W. Penrose, of Salt Lake City; the Presidency and Patriarch of the Stake, the Bishops of the various wards, and others.

After singing and prayer, the meeting was occupied in presenting the statistical report of the Stake, and in short addresses from the bishops of the various wards, and President F. M. Lyman.

12 p. m.
The meeting was addressed by Counselor D. H. Wells and Albert Carrington.

A conference of the Y. M. M. I. Associations was held in the evening.

Sunday morning, 10 a. m.
After the preliminary exercises, the meeting was addressed by Elder C. W. Penrose, after which, Prest. F. M. Lyman presented the General Authorities of the Church, and of the Tooele Stake, all of whom were unanimously sustained. Bro. Wm. Lee, president of the Indian mission reported the condition of the Indians under his care.

2 p. m.
After singing and prayer the sacrament was administered, the

meeting was then addressed by Counselor D. H. Wells and Albert Carrington. Prest. F. M. Lyman announced that the conference would be adjourned to meet at Grantsville on the last Saturday and Sunday in July.

A meeting of the Y. M. M. I. Associations was held in the evening, when a most excellent discourse was delivered by Elder C. W. Penrose on the subject of Faith, the existence of the Deity and of the soul.

GEO. ATKIN, Clerk.

BOXELDER STAKE CONFERENCE.

The regular quarterly conference of Box Elder Stake of Zion was convened in the Public Hall at Brigham City, at 10 a. m., April 26th, 1879.

Present on the stand—O. G. Snow and E. A. Box, of the presidency of the Stake; Wm. Box, patriarch; several Bishops and leading Elders from different wards and settlements of the Stake.

After the opening exercises the assembly was addressed severally by Bishop T. Harper, Elders J. Pett, D. Boothe and D. M. Burbank, on the finite wisdom of mankind and the weaknesses common to all; the light of truth revealed by the Holy Spirit; the varied duties of the saints, and their obligation to observe strictly God's commandments, and walk in his statutes; the gathering together of the people as prophesied by John the Revelator, and the changing of these once sterile vales to powerful fields and pleasant homes, in which abound peace plenty and contentment.

Singing and benediction.

2 p. m.

Singing and prayer.
President L. Snow was present. Bishops G. W. Ward, J. Welch and A. Hunsaker spoke on the building of temples, and the preaching the gospel unto all nations, and urged the saints to observe the word of wisdom, and abstain from the practice of every wrong habit and custom.

Elders C. Kelly, J. P. Weed and Patriarch Wm. Box, spoke on the sin of ingratitude, and of the proneness to murmur at little embarrassments in temporal matters, and counselled all to be patient. We have cause of thankfulness for the great blessings God has given us.

Singing and benediction.

10 a. m.

Singing and prayer.
Bishop H. Tingey made a few remarks on the situation of the Saints, as compared with the people of the nations.

Prest. O. G. Snow spoke on the training of the young and rising generation, and the power thereof in forming their characters for good or evil in after years; The object of our being, and of our duty to blend and harmonize our interests and feelings. Bishop A. Goodfellow and L. Lewis made remarks on obedience to the order of God's government, the healing of the sick, related incidents of their experience in the church, and bore strong testimonies to the truth revealed by the Lord.

Counselor E. A. Box made a few general remarks on the duties and obligations of the Saints, and on the great importance of properly instructing the young.

Elder S. Smith said, I have seen the time here when many of us were glad to get a little bran to eat, we were then poor and destitute, we did not murmur, but were happy and content. The possession of the Holy Spirit gave us joy.

Prest. L. Snow spoke on our dependence on God for his Holy Spirit to give us light on the principles of the gospel. God's promises to man are sure, if the condition on which they are predicated are complied with. Related incidents in Israel's journey from Egypt to Canaan, touching their rebellion and the delay caused thereby, said we should not murmur if we are disappointed in our expectations. We should confess God's hand in all things, and murmur not in the hour of trial.

Singing and benediction.

2 p. m.

Singing and prayer.
The sacrament was administered. Apostle F. D. Richards addressed the congregation on the difference of the temperaments of the human family; little inconveniences would