

[Written for the DESERET NEWS by Elder John Nicholson.]

STAKE HIGH COUNCILS.

Numbers of the members of the Church have merely a general and perhaps not a very distinct understanding of the procedure of the several ecclesiastical courts that exist within the body-religious. Fortunately this lack of information is the result of the number of communicants who have recourse to those tribunals being few, compared with the bulk of the people. As a consequence, the opportunities for observation by means of close contact are not numerous. This thought has suggested the advisability of making one class of Church courts—Stake High Councils—the subject of a brief article.

The construction of a Stake High Council is simple, yet its form is remarkably effective for the prosecution of its purpose. It is composed of twelve High Priests who are ordained and set apart as High Councilors. Over this body it is the duty of the President of the Stake to preside, and it is his privilege to be assisted by his two counselors. "In case of the absence of one or both of those who are appointed to assist him, he has power to preside over the Council without an assistant, and in case that he himself is absent," his counselors "have power to preside in his stead, both, or either of them."

Associated with the regular members of the Council is a number of other High Priests who have been ordained and set apart as alternate High Councilors. It is their duty to be present at all the meetings, and to take the places of any of the members who may be absent from any cause.

This tribunal has appellate as well as original jurisdiction. The appealed cases originate in the Bishop's courts. When either of the principals in a trial before one of the latter courts is dissatisfied with the Bishop's decision and desires to appeal to the High Council of the Stake, he must show proper grounds as a reason for the appeal and if they are deemed sufficient the minutes of the proceedings are sent up to the appellate court. Unless the reasons given for the action of appeal are trivial or frivolous the request is granted. Should the Bishop, however, decline to grant an appeal, the applicant may complain to the President of the Stake, by whom it will be submitted to the High Council. If that body decides that an appeal should be granted, the President will direct the Bishop to show cause why he should not be required to grant it and to send up the minutes of the proceedings had before him in the case.

In a case which comes up in the Council on appeal, the minutes of the trial before the court in which it originated are read. If it appears to the court that the papers are insufficient to give a full and clear understanding of the matter, it is decided to investigate the case on its merits, but no witnesses who were not examined before the Bishop's court are allowed to be introduced, the object of the appellate proceedings being to determine whether or not the decision of the original court ought to be sustained or otherwise.

If during the investigation it should appear that either of the parties can and desires to introduce new witnesses who can give additional and vital testimony, the case may be sent back to the Bishop's court in order to give that tribunal an opportunity to determine whether or not the new evidence would cause him to change or alter his decision.

Before entering upon the trial of a case, the Council is duly organized. The twelve High Councilors are ranged in two semi-circles, each comprised of six members. In this shape one-half the Councilors face the other half. Each regular member has a permanent number—from one to twelve—and he occupies a position according to it. The six odd numbers comprise one half circle and the even the other. There is a space between the ends of the two semi-circles, and the Presidency of the Stake are seated at the upper opening, while the lower one is reserved for the witnesses while they are engaged in giving testimony. After the work of organizing is completed, the proceedings are opened with prayer.

The President asks each of the parties to the case if he is ready to proceed to trial. When the answer is affirmative, as it usually is, the complaint, or charge, which is in writing and has been previously placed in the hands of the clerk of the Council, is read. It is decided by vote of the Council how many speakers there shall be on a side. When the case is important it is usual to have two. The speakers are selected in rotation, according to number. The accuser takes a position in the odd number semi-circle, between his speakers, while the accused is similarly situated on the even number side.

The duty of the speakers is to advise the respective parties as to their rights and privileges and to protect them against irregularities and injustice. The accuser is given the privilege of making a general statement of his case and the defendant is accorded an opportunity to speak on his own behalf in reply to case he does not admit the correctness of the charge. Then follows the examination of witnesses, first for the accuser and then for the accused. Each witness is subjected to such interrogation as may be necessary, by the party introducing him, and may be cross-examined by the other side upon any matter introduced in the course of the examination in chief. These proceedings are participated in by the respective speakers and also, under proper rules, by other members of the Council and by the Presidency, the object being to obtain a clear understanding of the case, that the decision may be according to equity and justice.

After all the testimony is in, the President announces that the Council is ready to hear the speakers. It is deemed improper and inconsistent with the genius of the tribunal for the speakers to strain after points in favor of the particular side of the case represented by them, the central object being the ultimate arrival at a just conclusion as to the merits of the matter in dispute. They are expected, however, to briefly review the evidence and fairly explain points that are

favorable to the side of the controversy with which they are, for the time being, associated.

When the speakers conclude their remarks the President informs the accuser that he has the privilege of presenting his own case, in a brief summary of the testimony. The accused is then accorded a similar opportunity.

It is the duty of the President to formulate and announce the decision, which must be justified by the evidence. Without sufficient proofs—no matter what may be the private opinions of the members of the court as to the guilt or innocence of the accused—no man can be properly condemned. When the decision is announced it is determined by vote of the Council whether it shall be sustained. When a majority vote is in favor of it, it stands.

Among the functions of Stake High Councils is the preservation in the community of peace and goodwill, and pure morals. They are in the nature of courts of arbitration, which save those who have recourse to them the expense, vexations and heart-burblings that frequently attend litigation. In all their proceedings they are careful to guard against the impairing of the obligations of contracts and they aim to operate in unison with the genius of the law of the land. The members of these ecclesiastical courts give their services absolutely without compensation. Some of the questions submitted for their consideration are intricate and complicated, requiring careful investigation and scrutiny, and the expenditure of considerable time. They are composed of men who are familiar with various departments of business. Some belong to the professional field while others are merchants, mechanics, etc. They are therefore in possession of practical information which is of great value in reaching correct conclusions in matters of dispute. They impose no penalties save those which relate to the religious fellowship and standing of members of the Church.

Written for this Paper

STRIVING AFTER EXCELLENCE.

It is many years since we listened to President Brigham Young, who while instructing the first buyer then going east for Z. C. M. I. used the following words: "When you begin work see that you buy a really first-class article of each particular kind, for nothing is too good for the Latter-day Saints." That is twenty-five years ago, and if the great leader were still living, no doubt he would be as decided now as then, and there is yet a wonderful philosophy in the sentiment and its expression. President Young knew of the toil and suffering and sacrifices of his people. He held that they had earned a right to blessing, and that the promises inspirationally pronounced were sure of realization. But he also knew that they had been favored beyond the world in the revelation of their religion—it was the best; an ideal probably, and only in part comprehended, but it had value, it was an efficient order, it would accomplish all it was sent to do; it had wearing qualities, would stand any test, and its original force and character would