

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - APRIL 2, 1884.

ANNUAL CONFERENCE.

To the Officers and Members of the
Church of Jesus Christ of Latter-day
Saints.

As the Sixth of April, the day appointed for holding our Annual Conference, falls on Sunday, we deem it proper to commence the Conference meetings on Friday, April 4th, 1884, at 10 o'clock a.m. at the Large Tabernacle in this city.

Trusting this arrangement will suit the convenience of the officers and Saints generally, and that there will be a punctual attendance at all the meetings, to which you are hereby invited,

We remain your Brethren,

JOHN TAYLOR,

GEORGE Q. CANNON,

JOSEPH F. SMITH,

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

SALT LAKE CITY, March 12, 1884.

A PUBLIC NUISANCE.

SALT LAKE is experiencing some of the inconveniences and obstructions which have been vigorously complained of for some time by larger cities. The wires that are being stretched along her streets are becoming a positive nuisance. We say nothing now about the danger of electric light wires coming in contact with telegraph and telephone wires, which has been fully discussed and demonstrated, but refer chiefly to the obstruction which these wires are causing and the position they are assuming in our public thoroughfares. Telephone wires are now commonly being stretched only fourteen feet from the ground and in some places they are so low as to obstruct the passage of a load of hay.

This is only one of the phases of the nuisance. Shade trees, which are one of the chief ornaments of our city, have been ruthlessly chopped and disfigured by the wire-stretchers, who have had the impudence to cut their way wherever they pleased, no matter whose property rights they invaded. It is surprising that people have so tamely submitted to this imposition. The company employing them has no more right to order this vandalism than to instruct their workmen to cut their way through a dwelling house. And from the complaints which have reached us, there is reason to apprehend serious trouble if this course is not stopped.

The proper remedy lies with the City Council. Some regulations ought to be established to preserve both private and public rights and prevent obstruction. In case of fire how are ladders to be placed in front of high buildings with these wires barring the way? The citizens look to our City Fathers to guard their interests and to regulate this matter before it grows to be a more gigantic nuisance and imposition.

Some years ago President Brigham Young, foreseeing many of the evils that would arise from the multiplication of these wires in the city, proposed that the poles and wires should be placed in the centre of our wide streets instead of along the sidewalks. This would have avoided many of the difficulties now complained of, but it was strenuously opposed by interested parties and was not adopted.

The true remedy for the evils generally complained of from this source seems to be a law requiring all such wires to be placed underground. The feasibility of the plan has been demonstrated, in spite of assertions to the contrary and the sophistical arguments of the various companies that oppose the plan. We do not call for this system at present, but ask our City Council to take this subject into consideration and establish some regulations for the public good and that protection of the rights of citizens which the circumstances demand.

THAT DISREPUTABLE RESORT.

ON Thursday last we published, in connection with some endorsing editorial comments, a communication showing up the dangerous and disreputable character of the skating pavilion, which is a stench in the nostrils of people of respectability. We did not anticipate saying anything more about the concern, and would not allude to it now but for the earnest solicitation of our correspondent, who furnishes us with another letter on the subject.

As an evidence of good faith he gave, in connection with both communications, his real name and address. He informs us that a small, obscure sheet published in this city known as the *Chronicle*, champions the cause of the pavilion, on the principle of "birds of a feather flocking together" and like cleaving to like, being tarred with the besmudged stick with which the pavilion is besmeared. That paper states that a Fort Douglas bandsman named Metz was the person who gave the points to the News, and our correspondent draws our attention to the false character of that assertion. We were aware of it, but did not intend to take any notice of it, and, as before remarked, only do so now at his solicitation. We do not publish his communication in full, because it is considerably devoted to showing up the inconsistency and vicious proclivities of the journalistic excrement to which we have already given a somewhat undeserved prominence by naming.

We take a concluding paragraph from the statement of our correspondent:

"It is unnecessary to say more, unless it be to reiterate our former statement in regard to the low grade of men who visit the Pavilion. Not a single moral man now goes there, and we defy proof to the contrary."

MARTYRDOM OF JOSEPH AND HYRUM SMITH.

THE following narrative of the murder, in cold blood, of the Prophet Joseph Smith, and his brother Hyrum, and the severe wounding of President John Taylor, while they were under the pledged protection of the State of Illinois through Governor Ford, is, so far as it goes, pretty nearly correct, being, in the main, in unison with the accounts of the affair already published. Being the narrative of an eyewitness to the incidents detailed, it will be read with interest:

Editor Deseret News:

A business man, now a resident of Tucson, who was raised in the vicinity of Nauvoo, Ill., to-day gave me the details of the assassination of Joseph and Hyrum Smith, at the Carthage Jail, he having been an eye-witness to the murder. It may be an interesting scrap of history to your community.

He states that after the surrender of the Smiths the Governor stated that he was going to show the Mormons at Nauvoo he was not afraid of them. He ordered out the companies of militia stationed there, and went with them to Nauvoo. During his absence my informant, who was a mere boy at the time, and employed to carry dispatches, arrived with a dispatch for the Governor. Not finding him there, he tied his horse down at the jail, which was a two-story one. He then sauntered around town, returning to the jail about 5 o'clock, as near as he can remember. When within a few feet of the jail he heard shooting and yelling. The first thing he saw was a man who played a fife in one of the companies, with his face painted black, standing in the lower door with a gun. The next instant Joseph Smith flung his leg out of the upper window, grasping the casing, and swung his body out, preparatory to jumping, when a bullet from the inside struck him in the leg, and he let go and fell to the ground, a distance of 12 feet, striking on his head and shoulders. He had raised himself on one arm, half dazed, when three men rushed out of the jail and putting their guns to his body, fired. So close were they that the smoke from the guns was blown clear through his body. They then turned to my informant and asked him if that was Joe Smith. He answered "Yes." They then asked him if he knew it was, and he again answered "Yes," and that he had seen Smith a hundred times. In an instant the assassins disappeared in every direction. My informant states that he then went up stairs and found Hyrum Smith dead, soaked in blood, lying upon the floor with a bullet hole through his body, and another man who he thinks was John Taylor, either shot through the leg or side he does not remember which. [President Taylor received three bullets in his body and another struck his watch and was thus prevented from penetrating him. E. D. N.]

He states the murderers were disguised by having their faces painted black. After viewing Hyrum Smith's body he went down stairs and on the street and found everybody in a perfect panic. They were running for the cornfields and hiding in every conceivable place, declaring that the Mormons would murder the whole town as soon as they heard of the killing of Smith. Inside of ten minutes from the time of the murder he states the whole town was depopulated.

Getting scared himself he jumped upon his horse and sought safety in flight. He states that two of the assassins he recognized as men belonging to a company stationed there, but never ascertained their names.

The reputation my informant enjoys for being a reliable and truthful man

places the statement beyond question. Respectfully yours, F. Tucson, Arizona, March 12, 1884.

ABLE DEFENCE OF THE "MORMONS."

In another part of this paper will be found the report of a discourse delivered by a Unitarian minister on the question of "what to do with the Mormons." It is full of good points and presents the subject in a light in which the people of the East have rarely looked upon it. The only point on which we should take issue with Mr. Simmons is the notion that the "Mormons" degrade their homes by their plural marriages. Of course he thinks that this is the effect of polygamy. But he does not understand its workings under the spirit and regulations of a religion revealed from on high. However we appreciate Mr. Simmons' effort and consider he has ably presented to the public that side of "Mormonism" which is rarely turned to their attention.

DIFFERING WITH THE COURT OF LAST RESORT

It is pretty well known that the Latter-day Saints consider that the legislation of Congress against their system of plural marriage is in direct violation of Article One of the Amendments to the Constitution of the United States, and this notwithstanding the decision of the Supreme Court of the United States sustaining the validity of the anti-bigamy Act of July 1, 1862. The reason for this belief, which we share in common with our co-religionists, may be briefly stated thus:

Our system of plural marriage is founded upon a revelation from God through Joseph Smith the Prophet, in which the principles of celestial marriage, or marriage for eternity, are explained. It is therefore a part of our religion. Whether other people view it in that light or not makes no difference to our faith. It is religion to us if not to them. We claim the right to choose for ourselves in matters of belief and accord to others equal rights in this respect. We would not coerce them, we deny their right to coerce us. Marriage may not be considered by some people a matter of religion at all. If they choose to degrade it into a mere civil relationship entered into under a mere civil contract, like a bargain for a house or a partnership in business, that is their affair, not ours. And if we look upon it as of divine origin and subject to divine regulations, as a sacred and holy condition to be entered into only after religious ordinances and subject to ecclesiastical rules, we think we have the right to consider it religious in the fullest sense of the word.

But we shall be met here with the hackneyed objection, adopted by the Supreme Court of the United States in their ruling on this subject, that on this principle widow-burning and even murder might be introduced under the name of religion, like the Suttee and Thuggism of East India. To which we make the oft-repeated reply that the secular law has the undoubted right to interpose when, under the plea of religion, the natural, civil or political rights of individuals are invaded. If life, liberty, property, or the pursuit of happiness is interfered with under the name or pretext of religion, human law may of right intervene to protect the citizen and restrain or punish the offender. But "Mormon" plural marriage does not act in this way, but is promotive of life and liberty and aids those who believe in its rightfulness in their pursuit of happiness without preventing others from seeking it in another direction. Therefore it is not only a matter of religion, as marriage has been from time immemorial, but is free from the objection that attaches to anything under the name of religion which interferes with human rights.

But we frequently hear a great outcry at the "impudence" and "disloyalty" of the "Mormons" in daring to hold opinions contrary to a ruling of the highest court of the land. It is asked "is not that decision final and conclusive," and if so "are not the Mormons contumacious and treasonable in still arguing against it? Well, we think we have a right to our opinions on any matter religious, social, philosophical or political, notwithstanding a decision from any human source or authority, particularly if that decision is manifestly weak and will not bear the light of reason or the logic of fair criticism. There is neither "treason" nor "disloyalty" in disputing the arguments or combating the conclusions of any man or set of men, or of any tribunal or government that men have set up. And we have just as much right as other people to dissent from, ridicule, refute and expose the decisions of a court or the official doings of any other public officials, who are all the servants, not the masters or sovereigns of the people.

The decisions of the Supreme Court of the United States are final in law—so long as they remain fixed—but they are not necessarily so in ethics. We have just as much right to an opinion after an adverse decision from that or any other court as we had before. For the functions of courts are not to coerce the mind nor to compel coin-

cidence. Their rulings have a bearing upon overt acts, and those who carry their dissent into violations of law sustained by those rulings, are liable to suffer the penalties attached thereto. But this does not take away the right of free opinion nor the freedom of speech and of the press to express it. Men are not disloyal or treasonable for differing with the President or with Congress, and the Judiciary, including the Supreme Court, is just as much open to criticism as any other branch of the government.

There is another thing to be considered, and it is this that we desire to make prominent to-day. The decisions of the Supreme Court of the United States are not infallible. They are liable to be reversed. Therefore, what is called final this year may be overturned next year, and that which silly people claim it is "treasonable" to dispute to-day, may be ruled against to-morrow by the same body that promulgated it. We have in mind the recent ruling of the court of last resort in the legal tender case. In 1870 the court decided that Congress had no constitutional power to issue legal tender notes. But in 1871 the same court, which however had changed somewhat in personnel, held that the Acts of Congress which it had pronounced against the year before were constitutional.

But these laws were only upheld by the court as war measures. They were pronounced essential to the safety of the nation and demanded by the exigencies of the times. The court agreed that, "Acts may be adapted to the exercise of lawful power and appropriate to it in seasons of exigency which would be inappropriate at other times." But now the Supreme Court decides that, whether in war or peace, whether there is or is not a public exigency, Congress has the constitutional power to issue legal tender notes and that without limit. This is a complete and entire reversal of the decision of 1870. If the highest tribunal in the land is infallible in its decisions, here are two exactly opposite rulings, each infallible, and to differ with either of which, according to anti-"Mormon" logic, would be "impudent" and "disloyal" and "treasonable."

Not only did many commercial men oppose the first of these decisions of the Supreme Court, but lawyers of experience dissented from it. When the Court took a judicial summersault, a still greater expression of disapproval was heard, and now the disapprobation of both legal and financial experts is still greater and more widely expressed. The annexed paragraph from the *Chicago News* indicates the feeling which has been aroused:

"The eastern press is as unanimous in denouncing the legal-tender decision of the Supreme Court as the court was unanimous in adopting it. The editorials of the *Boston Advertiser* and the *New York Times* are fair specimens of the attacks made upon it, and they exhaust the vocabulary of invective in their denunciations. They denounce it as unconstitutional, subversive of ordinary principles and methods of trade, and as tending to introduce into the business of the country a theory of ethics which may eventually stop at no outrage of the government upon the sacred rights of property or the honorable and honest obligation of contracts."

Now on the theory that the "Mormons" are "rebellious, contumacious, impudent, disloyal, treasonable," etc., etc., because they think and say that the anti-bigamy Act of 1862 is unconstitutional, what epithets can be properly applied to eastern editors, who express the views of many eminent lawyers, for not only maintaining that the legal tender acts are unconstitutional, but for attacking the decision of the United States Supreme Court with invectives so many and fierce as to exhaust their vocabulary of denunciation? If the "Mormons" ought to be disfranchised and relegated to serfdom for daring to differ with a court which says one thing to-day and a totally conflicting thing to-morrow, what ought to be done to those legal and literary dissenters in the East who so violently oppose the latest dictum of that august tribunal?

We have what we consider most excellent reasons for holding to our views of the unconstitutionality of the laws of 1862 and 1883, wherein they legislate against an establishment of our religion and prohibit the free exercise thereof, and the opinion of the learned Judges sustaining the validity of the Act of July 1, 1862, instead of changing our views only serves to establish and confirm them. For, if no better argument than is contained in that Opinion can be made to establish the decision, it is certainly undeserving of the endorsement of any logical mind and is strong evidence in favor of the opposite to its conclusions.

But whether that decision is right or wrong, conclusive or doubtful, wise or foolish, from its own language we have the right to believe what seems proper and just concerning it, and to express that belief. And this we intend to do as occasion offers and necessity seems to require, whether we offend or please the anti-"Mormon" bigots, who would not only exterminate our people for practising the religion revealed to us from on high, but would stamp out free speech and kill free thought, if that thought and speech differs from their orthodoxy in law or religion.

Isaac Todhunter, the well-known English mathematician, is dead, aged 64.

THE ADOPTION LAW.

WE publish to-day the Act of the Legislature providing for the adoption of children. It is a good measure but would have been more complete if it had not been shorn of an important section, which appeared in the original bill as follows:

Sec. 8. The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes, legitimate from the time of its birth. The provisions of the foregoing sections do not apply to such adoption.

When the bill was presented to the Governor, some of his advisers, imagining that there was something in the foregoing section that the "Mormons" wanted, objected to it so strongly as "Mormon" legislation, that the Governor returned the bill with the request that Section Eight be stricken out, and the assertion that "The subject is already provided for by existing laws." The section was therefore expunged. Not because it was true that existing laws provided for the subject, but because the Assembly did not want to lose a good bill for the sake of a single section. The existing law provides that:

"Every illegitimate child is in all cases an heir to its mother. It is also heir to its father when acknowledged by him."

This is quite different from the section expunged from the bill by the Governor's request. And it is evident that those who manipulate the Executive had an idea that they had in some way obtained a victory over the Assembly, for the organ of the Governor and of the most depraved creatures that bear the name of man or woman, exalted him as a fearless officer for defeating the provision and berated the Assembly for attempting by it to make a direct recognition of polygamy. With its usual disregard of the truth it printed the section, in quotation marks as follows:

"All illegitimate children should be deemed adopted and invested with every right of inheritance and other rights of legitimate children, in all cases where the fathers owned them and had them in their households, and this without any proceeding whatever in the Probate Court."

Comparison of this paragraph with the section we have quoted from the bill, will show how near it is to the text. And the wonderful victory supposed to be obtained over a "Mormon" attempt to give legislative "recognition to polygamy" will be appreciated, when it is understood that the expunged and rejected section is a verbatim copy from the Code of California. It is identical with the provision of the law now in force in that State. No doubt the lawyers who helped to compile that code will be surprised to learn that when they framed that provision it was for the purpose of making "a direct recognition" of polygamy.

Our legislators at several sessions have yielded to the pressure brought upon them by lawyers, to repeal old Utah statutes and adopt portions of the Code of California, and when they have done so and the new laws have become part of the Utah statutes, great outcry has been made against them by anti-"Mormons," and the legislators have been denounced for their labors. It was so with the Penal Code passed in 1876, which superseded the old criminal statutes of the Territory. The California statutes were held up as so greatly superior, and the Legislature was urged so strongly to make the change that the new Penal Code was adopted, as compiled from the Code of California by lawyers of this city including one "Gentile" Judge of eminence. Yet no sooner was it signed by Governor Emery than an outcry was raised because it superseded some old laws, which had been perverted from their true intent by mission judges in their crusade against the "Mormons," and when the term of the Governor expired, and he was likely to receive his re-appointment, his signing of the bill that was so much lauded was urged against him and aided in his defeat.

The only proper and consistent thing for our legislators and other people to do, at any time, is to perform their duty to the best of their ability, regardless of the opinions of the chronic growlers and indifferent to the criticism of the miserable wretches whose regular business is to abuse and misrepresent.

CONSUMPTION CURED.

An old physician, retired from practice, having had placed in his hands by an East India missionary the formula of a simple vegetable remedy for the speedy and permanent cure of Consumption, Bronchitis, Catarrh, Asthma and all throat and Lung Affections, also a positive and radical cure for Nervous Debility and all Nervous Complaints, after having tested its wonderful curative powers in thousands of cases, has felt it his duty to make it known to his suffering fellows. Actuated by this motive and a desire to relieve human suffering, I will send free of charge, to all who desire it, this recipe, in Gergan, French or English, with full directions for preparing and using. Send by mail by addressing with stamp, naming this paper, W. A. Noys, 149 Power's Block, Rochester, N. Y.