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POOR EXCUSES FOR INTENDED WRONG.

We have received from Washington the report of the Judiciary Committee of the House of Representatives on the "Tucker Edmunds bill" recently published in the *Deseret News*. The bill Report will be found in another part of this paper. It is an explanation of the changes made in the Senate bill, which will be found to correspond with these pointed out in our remarks accompanying the bill. It

also offers some reasons for those changes and additions and these require a few comments, as several of the statements are untrue and many of the arguments are unsound.

The modification made in the first part of the bill is praiseworthy, and the reasons offered therefor are clear and explicit. There are three sections, however, that indicate the ignorance of the committee concerning some of the subjects on which they propose legislation; they are the sections that essay to repeal the Utah statute providing for a "divorced" or "marked" ballot; that which forbids prosecution for adultery except on the complaint of the husband or the wife; and that which grants to private persons or corporations rights in and to the public domain. There are no such laws upon our statute books, therefore the sections aiming to repeal them are marks of that lack of correct information on Utah affairs, which distinguishes both the special legislation that has been established and the arguments of most members of Congress in relation to proposed laws.

The compiled laws of Utah of 1876 contain all the living enactments of the Legislative Assembly up to that date. No such laws as are proposed to be repealed can be found in that volume or in any of the subsequent laws of Utah. The committee have been imposed upon by the misrepresentations of unreliable persons, and have taken for granted what has been told to them, although the means of disproof were placed within their reach. But these are unimportant blemishes on the bill, and we point them out merely for the purpose of showing how superficial is the understanding of the committee of the subjects of their proposed legislation.

The provision making the status of polygamy criminal, simply crystallizes into law the practice of the Utah courts. It shows that the construction of those courts that makes that status unlawful is illegal and therefore oppressive, and that those who suffer from that construction are unjustly imprisoned. For, if the law already makes the status criminal there is no need for the committee's new section, and if it does not, then the rulings of the courts on that question are lawless and iniquitous.

The intimation of the committee that the amnesty powers contemplated in the bill imply the renunciation of their plural wives by men who, it is admitted, have broken no law, shows that there is no real mercy or actual clemency in the proposition. That men should be required to proclaim as only kept mistresses the wives with whom the committee acknowledge "relations of interdependence have been established and feelings of affection have grown up" for many years, is something that no true man can consider with patience and no human law or authority would demand. Certainly it is a condition with which no Latter-day Saint could comply.

The statement that "the 'Mormon' system is directly antagonistic to all ideas of European and American civilization," is untrue. It is made in ignorance of the spirit, theory and practice of that system, and is based on the incorrect notion that polygamy comprehends the whole matter. The argument that follows, too, flows from a misconception of the elements and workings of plural marriage. It is unfortunate in referring to the Bible, as that sacred record provides for, sanctions and regulates both monogamous and plural marriage, and shows that, contrary to the committee's statement, "the two types of domestic life are not absolutely irreconcilable and inconsistent," but that they have existed and continued side by side together, in the same nation and community for hundreds of years. The same lesson may be learned from the practice of the two "types" in Utah for over a third of a century. They can and do "coalesce," there is nothing in their relations that require them to be placed in "separate nationalities," and there is nothing in the nature of either which renders it antagonistic to the other. It is a sub-

ject that the committee evidently do not understand, and history flatly denies and irreversibly refutes their assertions and conclusions.

In treating of the incorporation of the Church of Jesus Christ of Latter-day Saints, the matter is unfairly and incorrectly presented, in order to give legal color to the provision for its dissolution. An attempt is made to show that it was enacted by the State of Deseret in opposition to the law of Congress organizing the Territory of Utah. The facts are, that it was impossible under the Organic Act for the Legislative Assembly of the Territory to exist and assemble until September, 1851. The State of Deseret was only a provisional government which the people here had a right to organize pending the establishment of a form of government sanctioned by Congress. It was dissolved as soon as it was possible to organize the Territorial Government. The dissolution took place April 5th, 1851. Pending this, the incorporation Act was passed. It is claimed by the committee that the act was void, *ab initio*, because it was passed by an Assembly that had no legal existence. But that Ordinance of the State of Deseret was re-enacted by the Territorial Legislature, and was not only not disapproved by Congress but was recognized as valid by that body in the act of 1862 which repealed a part of it, and expressly provided that the act only intended to repeal that portion of it that was specified. And if the law, or the charter, was void from the beginning, can the committee tell us why they now seek to repeal it, and to take legal measures to dissolve a corporation that never legally existed?

The committee further state in relation to the P. E. Fund corporation that it was "incorporated by the State of Deseret, September 14, 1850." But the existing law in relation to that Company was passed by the Legislature in 1856, and has never been disapproved by Congress. And according to rulings of the Supreme Court of the United States, it has therefore received the tacit approval of the National Legislature.

As to the argument that the Act incorporating the Church is a law "respecting an establishment of religion" (not "the" establishment, as the committee incorrectly quote the Constitution all through their report) it is one of the most childish ever offered by men supposed to be versed in the law. According to this, every Act of every State in the Union, in regard to the incorporation of religious bodies, is an infraction of the Constitution, and the committee's original section in regard to the property of churches in Utah, is open to the same objection! Nobody will surely dispute that the clause in the Constitution that relates to this matter, is to prevent Congress from restricting, preventing or proscribing religion, and setting up a religion to be supported or regulated by the Government. The Utah act authorizing the incorporation of the Church did not establish any religion, neither did it interfere with the free exercise of any religion. It simply permitted a Church that had been in existence for more than twenty years to exercise corporate powers, so that it might be legally recognized in relation to the holding and disposing of property.

It is not true, as stated by the committee, that it was "The Church of Deseret." It made no such claim, and was not called by that name nor recognized in any way as connected with the State. Neither was it the Church of Utah. The very genius of the Church and its institutions precluded such a connection or title. It claimed to be established by Almighty God through Jesus Christ His Son, and to be independent, as a Church, of the power of the State.

The fact that the incorporation was not "decried" to other churches, as claimed by the committee, and that no special powers were granted to it in regard to marriage or other ecclesiastical ordinances, is seen in the language of the law. Its rights in this respect are only recognized "in common with all civil and religious communities," and as are "not inconsistent with or repugnant to the Constitution of the United States."

The committee do not attempt to disprove the argument that the Church corporation is a private corporation and therefore cannot be annulled by Act of Congress, but say they are "not willing to concede" that it is a private corporation. Perhaps not, but whatever they may concede or refuse to concede, no evidence is given or can be given that it is a public or quasi public corporation. The committee say that "nothing can bar the right of Government" to disincorporate it, "so far as it has powers which are political in their nature," etc. But they do not and cannot show wherein its powers are political. And the proposition is not to destroy its political powers, but to destroy the corporation altogether.

The statement that the Legislature "lavished upon the chiefs of the Church timber, water and herd privileges and large landed estates," and that it "gave large portions of these to the Church" is partly misleading, and the other part utterly false. Temporary control of certain cañons, ranges and ferries was assigned to individuals who had expended or were required to expend large sums for the public benefit, not as heads or officers of any church, but as private citizens, and this could not convey ownership and title, for the land laws were not yet in operation, and when they came into force those

individuals and those lands were just as much subject to the laws as any other persons and parts of the public domain. No grants of land were made to the Church. That is an assertion that is entirely groundless. The whole statement is incorrect and merely a repetition of the clap-trap of anti-"Mormon" prevaricators.

The pretended account of the Buchanan raid upon the Territory is partial and one-sided. It does not attempt to quote from public documents as easily accessible as those referred to, which would prove that the whole movement was based on misrepresentations to the Government. The committee say, "Prudence prevented the conflict of arms." Yes, it was that kind of prudence which found out the falsehood that promoted the campaign, and which, exercised before and instead of after the mischief was done, would have been real prudence, for it would have prevented the expedition. A little prudence on the part of the committee would have caused them to give the whole story or to abstain from any reference to it.

Their comments upon a number of the provisions of the bill are unimportant and need no particular notice. But the provision requiring every male person to register himself before the clerk of the probate court and give, if married, the name of his lawful wife, it is claimed will "make a record of all marriages heretofore in the Territory." But the requirement includes the taking of a test oath that no polygamist will subscribe to, and the only penalty is disfranchisement from which he already suffers. Now, then, will this make a record of all marriages heretofore in the Territory when it is doubtful whether more than one fifth of the people will register? The object of the oath is to prevent the "Mormons" from registering and voting, and yet the register is dependent upon for a record of all previous marriages. Were the committee dreaming, or what was the matter when they drafted that section which they worded so as to defeat its own object?

As an apology for the unrepresentative, undemocratic proposition to make nearly all the offices in the Territory and one branch of the Legislature appointive instead of elective, giving to the executive power that which inherently belongs to the people, the committee say, "The United States and the people thereof are deeply and directly interested in the molding of the policy of the new State. They are unrepresented." Merciful powers! "Unrepresented!" When the Government appoints the Governor, Judge, Attorney, Marshal, Commissioners, Postmasters, etc., and the appointee Governor can veto, without restraint and without remedy, all the Acts of the people's elected Legislature! The committee speak of the necessity of "a fair representation" of the United States "in the Legislature." Is not the absolute controlling power of the Governor, and the authority of Congress to disapprove any act of the Legislature, even if signed by the Governor, representation enough? And cannot the committee see that if the "Mormon majority" represented in the lower House, can check proposed legislation by their enemies in the upper House, it would only make an impregnable deadlock? The scheme is chimerical and unworthy of a committee of rational men.

The apology for taking away from the people the right to elect their own Superintendent of Schools is equal to the other. The committee say, "This will be in the interest of fair dealing and justice to the children of all classes of the population." Pshaw! The arbitrary appointment of a person chosen from a small minority, will be "in the interest of fair dealing and justice" to the majority, will it? Where is there a single element of fair dealing in the measure? The children of the majority outnumber ten to one the children of the minority, for many of the latter have no children, and it is in the interest of justice and fairness to authorize one of the minority, to appoint another of the minority to manage the educational interests of the great majority and arbitrarily decide as to what text books they shall or shall not use!

This caps the climax of the injustice and wrong of the Tucker-Edmunds bill and the fallacy and puerility of the arguments contained in the report which apologizes for it. We are gratified that no valid reason can be offered for the assault proposed upon the large majority of the people of Utah, but feel grieved that American statesmen are so blinded by prejudice against an unorthodox religious body, that they can seriously recommend such rash and despotic measures to the Congress of the United States, supported by such hollow pretenses, urged by such shallow arguments and bolstered up by so feeble an apology for half-admitted wrong.

GRAVE ERRORS IN A LEARNED LECTURE.

The tendency of modern thought is in the direction of skepticism. Many adepts in scientific research and experiment appear to devote the energies of their minds to the production or support of theories which will explain the causes of things without reference to a Divine Personality. Evolution, which is not a science but only

a philosophy largely based on conjecture, attempts to trace the origin of all things to self-existent animate matter from which has sprung, without exterior aid, all the forms and features of vegetable, animal and human life, with all the exhibitions of intellectual and spiritual power which grace the soul and shine in the eyes of the believer as evidences and manifestations of Deity. Accidental generation, natural selection, differentiation, the survival of the fittest and other alleged spontaneous, unplanned, undirected causes and agencies are taking the place in latter-day ethics of an Almighty, Omnipotent and Designing Creator. From spiritual, intellectual and physical man back to the ape, then to the quadruped, thence to the reptile, the fish, the mollusc and down to a piece of slime floating in a stagnant pond, so-called science traces the source of the crowning work and masterpiece of Nature, the image and offspring of God.

As the politicians posing as statesmen, have ruled God out of human government, so the philosophers, figuring as scientists, have banished God from the physical and intellectual universe. To the Latter-day Saint or "Mormon," this is ignorance and fatuity instead of knowledge and wisdom. To acknowledge the hand of God in all things is one of the fundamental requirements of his religion. Anything that leads in the direction of modern skepticism, agnosticism or atheism is to be discouraged by those who consider faith in God the very mainspring of proper human action.

A watchful care should be exercised over all departments of learning, so that the youthful mind may not be tainted with the increasing heresy, and that not only such teachings as boldly enunciate the non-existence of a personal Deity, but those that are calculated to insinuate the non-necessity of a Supreme Creator and Governor, may be suppressed or refuted. It is on this account that we offer some remarks in relation to a lecture recently delivered in this city, a synopsis of which has appeared in the public prints. We do so with some reluctance, lest we should be misunderstood as intending something personal when we only design to defend principle.

At the Summer Institute, in which school teachers have assembled for a most worthy object and which has been attended with many excellent results, some remarks were made by a very estimable gentleman and learned preceptor which, as reported, are, in our opinion, liable to mislead, and we therefore express our dissent from some ideas therein advanced. It is possible that the report does the speaker injustice, but as it was furnished by authorized persons and has been given to the public, we take it as it appears in print. As the report in the *Herald* was fuller than what appeared in the *News*, we copy from the former in order not to do any injustice to the lecturer.

"Life, which term I shall use here as identical with mind, or soul, or spirit, is exhibited in its simplest form in a little lump or dab or unorganized matter called protoplasm. This protoplasm, when isolated, or existing independent of, or unassociated with organized matter, has been given the name *amoeba*. It is simply a homogeneous mass of slime, without organs and without the least trace of organization, and still it lives, and moves, and eats, and grows and feels; and all this without mouth, or stomach, or muscles, or nerves. It seems to be nothing more than a fluxing piece of jelly; but in it, simple as it may seem to be, has been solved some of the great problems of life and mind. This substance abounds as slime in every stagnant pool, and is found in large quantities in the blood of every animal, under the name of plasma.

"Now, if this bit of animated matter should be touched by any foreign substance, it will shrink from and perhaps move away from the encroaching body. Besides using its contractile power in fleeing, it will exercise it in its search for food. Having come in contact with some substance proper to maintain its body, it will so shape itself as to envelop the substance, thus improvising a temporary stomach. Having dissolved and absorbed all the soluble parts of this foreign dead matter and converted it into its own substance, it will again change its form, or unroll and thus expel the indigestible and useless fragments. In these exhibitions of the animal we have shown in a primitive way, all the essential properties of life and mind; that is intelligence, or knowing, emotional, or feeling and volition, or willing."

So we find the three essential qualities of the mind manifested in this bit of unorganized protoplasm. This is where all animal organization originates. It proves that life is the cause of organization, and not organization the cause of life. Protoplasm at first is one homogeneous mass; but finally there makes its appearance a little spot from which will be thrown out a sort of blister, forming a cell and its nucleus. There will spring up in this cell a circulation, constantly moving to and from the nucleus. In the same way other cells may be formed, or one cell may divide into several. A new nucleus may spring up in the old cell, which will die. These processes go on until many cells are formed. These cells arrange themselves in a certain way to perform certain purposes. All animal life commences in this unorganized protoplasm; cells are formed and multiplied, by differentiation they arrange themselves in certain orders, forming bone,

muscle, and all other tissues of the body. The senses, the most important organs of the body, have been formed in this way, and through the senses the mind holds communion with the outer world."

Although it may not have been intended by the lecturer, it appears to us that the three preceding paragraphs point directly in the line of the modern evolution heresy in its extreme form. If "unorganized matter" contains within itself all the essential qualities of mind, and power to improvise cells, which reproduce themselves and arrange themselves in such a manner that all animal life is thus formed, and the human organism and the intellectual powers of man have evolved from this self-moving, self-adapting, unorganized matter, what need is there for any organizing power outside of it, and is not a foundation thus built for a Godless creed to stand upon?

We think the grand mistake of the theory lies at its beginning. How can that be "unorganized matter," "without the least trace of organization," which "lives and moves and eats and grows and feels?" What is organized matter? Is it not that which has an arrangement of parts and is animate? Organic matter is defined in chemistry as that which is produced by life, in contradistinction to inorganic matter which is said to be not produced by life; that is unorganized matter. Steel's chemistry and Webster's dictionary support these definitions. To organize, in this sense, is to arrange and endow with the capacity for the functions of life. Coleridge asks, "What is organization but the connection of parts in and for a whole, so that each part is at once end and means?" Now apply that to the lecturer's "bit of slime" with "all the essential qualities of mind," and is not this protoplasm organized matter? If so it had an Organizer, and that is the vital point in the whole argument.

But the lecturer will perhaps claim that it is unorganized matter in the sense that it does not contain organs. But that which can contract, and seize food, extract nutriment, expel the refuse, and grow on what it appropriates—powers which he gives to this "unorganized" animal, is, and exercises the functions of, an organ. It is not only *organizable*, but *organized* matter, a living, moving, feeling body. "Life," says Beclard, "is organization in action."

The *Amoeba*, as the lecturer designates these "unorganized" animals, actually have organs of a very low type. They have a single or double nucleus and a temporary cavity, and sometimes also a contractile vesicle. They are something more than simple protoplasm. There is an order still lower than the *Amoeba*, namely the *Gregarina*, and even they are one step in advance of simple protoplasm. But even protoplasm, which he has confounded, or which the report confounds, with *Amoeba*—organized creatures in every sense of the term—possesses animate powers and is not unorganized. It is organic matter. Protoplasm is defined in Marshall's *Physiology* p. 67, as, "The soft granular substance so universal in both the animal and vegetable kingdoms, and the earliest recognizable form of organic matter." As the lecturer shows, it has contractile force. Marshall says, p. 13, "Contractility is that property by which a living tissue is capable of shrinking in certain directions so as to undergo a spontaneous change of form." It is "distinguished from mere elasticity by the fact that it is a property of living tissue only."

The eminent Dr. Stirling, in his refutation of Huxley's protoplasmic sophisms, remarks: "One step farther, and we see not only that protoplasm has, like water, a chemical and physical structure; but that unlike water it has also an *organized* or *organic* structure." Again he says: "Water, like its constituent elements, has only chemical and physical qualities; like them it is still inorganic. But not so in protoplasm, where, together with retention of the chemical and physical likeness, there is the addition of the unlikeness of life, of organization, and of ideas." (*As Regards Protoplasm*, p. 41.) Thus, protoplasm is not unorganized matter, neither can it be and have the properties which the lecturer claims for it.

We contend that protoplasm is organized matter, because it is an arrangement of granules animated with life, and if endowed, as the lecturer claims, with mind, it has a still stronger claim to be called organized matter, for mind is only manifested through organisms. The protoplasm needed a Creator or Organizer, and when it is represented as "unorganized," the claim is set up by implication, that animate matter with all the essential qualities of mind, soul or spirit, exists without an Organizer. Indelibly could claim no more.

The idea is incorrect, too, that "all animal organization originates" from this one substance—this bit of slime floating in a pool. Protoplasm is various in form and essential qualities, although to the superficial observer it is always the same. Professor Stricker, whose genius is acknowledged even by Huxley, says: "Protoplasm varies almost infinitely in consistence, in shape, in structure, and in function." (*Critiques and Addresses*, p. 39.) According to Dr. Stirling, there is nerve protoplasm, brain protoplasm, bone protoplasm, muscle protoplasm, and protoplasm of all the other tissues, "no one of which but produces its own kind and is uninterchangeable with the rest." (*As Regards Protoplasm*, p. 30.) Is not this, then, organized matter, each different