

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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VALEDICTORY.

By the time this reaches the eye of the public the writer will be an inmate of the Utah Penitentiary.

The power that put me there was also instrumental in placing me, during the present year, in temporary charge of the editorial columns of this journal. It drove the chief of the staff into exile and I, being his associate, have endeavored in my humble way, with the help of God, to fill his place during his enforced absence.

As to how the duty has been performed, it is left to the readers of the NEWS to judge. There is some satisfaction in knowing, however, aside from other considerations, that the work has been honestly and conscientiously done. The cause of God and truth and the best interests of the community with whom my lot is cast, are nearest my heart, and all my efforts have been in their defense.

It would be in questionable taste for me to dwell upon my individual case. I will merely say that while my love of freedom renders the deprivation of it exquisitely repugnant, and although it pains me beyond description to be torn for a season from the society of esteemed friends and the bosom of my family, yet the situation—in preference to the renunciation of any sacred principle or obligation—is accepted without a moment's hesitation.

The host of friends—here and abroad—who have manifested the most kindly and sympathetic feeling because I have been placed in jeopardy before the courts, have my sincere gratitude.

To them and the readers of the NEWS generally I bid an affectionate journalistic adieu, until I shall emerge from the corral near the south-eastern suburb of our beautiful city, whither I have gone into involuntary retirement.

JOHN NICHOLSON.

FOR A TIME ONLY.

THE valedictory of Elder John Nicholson, in this number of the NEWS, is strictly in consonance with the gentleman's private life and public deportment—modest but not affected, simple but not namby-pamby, expressive but not ostentatious, and forcible but not obtrusive. Those who were present at his trial will, if honest in heart and candid in expression, bear us out in the assertion that a more honest and determined, without being boastful or ostentatious, picture of resignation to the powers that be and bind for a time, was never placed before the public in Utah. There was no half-sickly bid for sympathy, no halting and no hesitation; it was a question of obedience to eternal principle in the face of submission to temporary power, and the edict of the court was received without a murmur.

As at the trial, so at the judgment time. What Elder Nicholson had to say when brought forward to receive sentence was said in plain language, well chosen, expressive and easily understood by all. There was no deference of the government and no disrespect shown to its representatives, merciless and mistaken though they are; nor was there the slightest cringing, apology or begging for favor. He received the extreme penalty of the law as a foregone conclusion, will patiently abide by its terms, and endure the infliction of imprisonment among the vile until the term expires or is cut short by some presently invisible means.

We have no desire to either add to or take from our departed brother's worth, nor is it necessary or proper to do so. Were his wishes in the premises regarded, even the few expressions of commendation herein contained would never have been written, certainly never published; and yet such were never more worthily bestowed nor more completely justified in advance of their appearance.

For a time only, then, we bid our friend and brother in a common cause a feeling adieu. And when his prison doors shall be unbarred and he be permitted to again mingle freely with the free, he will return to us not as one who has exhaled a crime, but as a man who endures suffering for righteousness' sake—a man whose heart is "his God's, his people's and honor's."

With reference to Elders Andrew Smith and Emil Olsen, who also received their sentences to-day, we need

only say that their conduct in court was consistent with their practices outside of it and their faith everywhere. They receive their punishment not as criminals, but as Christians afflicted for the faith that is in them. They lose nothing by their temporary exclusion from the society of family and friends but that society; and its loss for the time will be amply compensated in the consciousness of duty well and faithfully performed. Their contribution to the history of these times will be neither dim nor obscure; in it will be written: "They had the manhood to be men, the fearlessness to do right, and the courage to say 'no!'"

WRONG AGAIN.

JUDGE ZANE, in his reply to the apt and pithy remarks of Elder John Nicholson, just before the latter was sentenced this morning, showed to a tolerable certainty that his honor's supply of campaign philippics is either exhausted or in a sadly depleted condition. He had for once to fall back on the cut-and-dried platitudes that have long ago been worn threadbare, turned, cleaned up, patched together and finally tossed into the rag-basket, where we hardly expected they would ever be disturbed—the conditions of the fabrics and their receptacle being so fitting to each other. But the Judge has found it necessary to exhumate them in a dire emergency, parading before us the rags and tatters of past years and other conditions as a sophism against a real argument. We have heard times without number that story about the crushing of human beings beneath the car of Juggernaut in order that the gloomy soul of an idolatrous god might be filled with savage joy; the feeding of crocodiles with tender infants by benighted mothers has been placed before our unwilling gaze repeatedly; and the sacrifice of the widow upon the funeral pyre of her dead husband has been paraded before our eyes and dinned in our ears until the actual horror has been shorn of some of its terrors through the familiarity engendered by constant association with its verbal presentment—and yet, these things will not down though destroyed as arguments long ago. Like Banquo's ghost, and just as substantial and useful, they accomplish nothing in the direction sought.

The Judge dragged forth these hideous pictures in order that he might label them "religion," place them alongside celestial marriage, which is religion, and then request the beholder to turn from one to the other. Supposing this to be done, what then? One is no more like the other than Hyperion is like a satyr. On the one hand, we find sacrifices made to propitiate a mythical deity, to gratify the mind and soul of the barbarous devotee who worships rude images and looks blindly to a chaotic heaven for his reward. He has not received the beneficence of enlightenment and his mind grasps for something to worship and adore beyond his own creatures; his mental scope comprises only such tangible things as are ever present and visible, but that within which is hidden from mortal gaze prompts him to make sacrifices and pay homage to an infinite being whom he neither comprehends nor understands, but obeys in his crude and cruel way. He can go no further; his devotion is perfect, but his methods are bad and, in the light afforded to those whose paths lie in the field of letters and improved understanding, useless, because satisfying nothing and nobody but themselves. This is destruction in its worst form, the dissolution of soul and body following the enforced imprisonments and complete subjugation of the mind. Is the practice of the "Mormons" similar in any respect to that of the Hindoos? Do they crush out all feeling, mangle the bodies of their fellows, or bestow homage upon any other being than the One who receives the worship of Christianity in its highest and best estate? Does not the system which the Judge seeks to make analogous to the uncultured tribes of India have in view the propagation, sustenance, and training of our race? And is not this antipodal to and conclusive against the points he raises as arguments? If not, then destruction and production, barbarism and civilization, heathenism and Christianity, mean one and the same thing throughout, and there is no necessity for further attempts to suppress or cultivate one or the other. Life would then become a condition of things in which those who try to create, cultivate, improve and advance, would be wasting time and effort, since at last and all the time they would be planning and plodding and working, when listlessness, inaction and idleness would serve the same purpose because bringing no other developments and arriving at similar conclusions.

Perhaps what we have herein stated in opposition to Judge Zane's "arguments" is not itself entirely new, and to that extent only there would be no advantage; but we claim for it the merit of logic and replication, for which purpose it goes further and amounts to more.

A MODERN RABSHAKEH.

THE arrogant harangue delivered by Judge Zane yesterday prior to passing

sentence upon Elder John Nicholson has a parallel in Bible history. Rabshakeh was sent by the king of Assyria to make terms with ancient Israel or to destroy Jerusalem in case the prophet-king Hezekiah and his people would not agree to his wishes.

Rabshakeh spoke in the name of a powerful monarch.

Judge Zane presumes to speak in the name of the United States and to express the will of 55,000,000 of people.

Rabshakeh insinuated that Hezekiah was trying to deceive the Israelites, and called upon them not to be deceived, saying, "Hearken not unto Hezekiah when he persuadeth you, saying, The Lord will deliver us."

Judge Zane has many times over made the same insinuation about the leaders of the Latter-day Saints, and called upon the people to listen to him; and as often asserted the supremacy of the law of the land over what they conceive to be the law of God.

Rabshakeh, speaking in the name of the power that sent him, called upon ancient Israel to make an agreement with him and promised them great advantages if they would only do so.

Judge Zane is equally anxious that modern Israel should make an agreement with him, and often parades the discretion which he holds to grant complete amnesty for offenses committed and insure great worldly advantages for those who will come to his terms.

The alternative which Rabshakeh offered those who refused to accept his terms was complete destruction.

Judge Zane says to Mr. Nicholson and the "Mormons," "If you do not submit to it, of course you must take the consequences; but the will of the American people is expressed, and this law will go on and grind you and your institutions to powder."

Rabshakeh did not believe that the God whom ancient Israel worshiped would intercede to save them.

Judge Zane feels equally sure that no divine interposition will save the Latter-day Saints.

Rabshakeh had no idea of the power that Hezekiah could exert with the Almighty through prayer.

Judge Zane is equally ignorant of that which accompanies the petitions of the Saints.

The ancient sequel proved that Rabshakeh reckoned without his host.

The sequel in this age will prove that Judge Zane has been equally faulty in his figuring.

Let our modern Rabshakeh read of the boasting and threats of his ancient prototype and find how signally he failed, and learn of his own fate and that of those who oppose the people of God in this age.

The answer to Hezekiah's prayer was, "Thus saith the Lord concerning the king of Assyria. He shall not come into this city, nor shoot an arrow there, nor come before it with a shield, nor cast a bank against it." And the way this promise was fulfilled is told as follows: "And it came to pass that night, that the angel of the Lord went out and smote in the camp of the Assyrians a hundred four score and five thousand."

The Lord has promised in our day to fight the battles of His Saints, and to deliver His people, but says, "Let the wicked take heed, and let the rebellious fear and tremble; and let the unbelieving hold their lips, for the day of wrath shall come upon them as a whirlwind, and all flesh shall know that I am God."

The same God who heard the prayer of Hezekiah, and whose angel slew the Assyrian host, still lives, and He will soon make His power felt in taking vengeance upon those who oppress His people.

A PRECIOUS DOCUMENT.

A FRIEND hands us the following blank form, which those who wish to obtain amnesty for the crimes of sacred wedlock and the support of family, are expected to fill up, swear to and forward to headquarters, prepaying postage etc.:

TERRITORY OF UTAH, } ss.
County of.....

I,.....being first duly sworn, do depose and say: That I have not been in the practice of bigamy or polygamy since the...day of.....18...; that I am not now a bigamist or polygamist, that I have not since the...day of.....18...; nor do I now believe in, advocate, or in any way uphold or countenance the practice of bigamy or polygamy, and that in the future I will do all I can to oppose the Mormon Church in its efforts to oppose the laws and obstruct the due course of justice, and that I will not violate any law of the United States.

Subscribed and sworn to before me, this...day of.....A. D. 1885

We recommend the above named.....as a proper person to receive amnesty under the sixth section of the act, entitled: "An Act to amend section 5352 of the Revised Statutes, in reference to bigamy, and for other purposes."

.....Governor.
.....Judges of the Supreme Court.

I, Arthur L. Thomas, Secretary of Utah Territory, do hereby certify that the above is a true and correct copy of the oath subscribed and sworn to by.....and filed in my office, the...day of.....1885

Attest my hand and the Great Seal of the Territory of Utah, this...day of.....A. D. 1885

Secretary of Utah Territory.

It seems simple enough at a glance, but a careful inspection reveals some peculiar features. The applicant begins by taking an oath which binds him to the truth and makes him present all the matter following as facts; he then says he has not been in the practice of bigamy or polygamy for a certain time, naming it, following this with the totally superfluous allegation that he is not at the time of swearing so violating the law. The absence of the usual saving clause "living and cohabiting with more than one woman in the marriage relation," and of the more recent invention of the enemy, "as interpreted by the courts," is noteworthy, particularly in view of the fact that the affiant is left to determine not only the conditions of his social status, but arrive at a conclusion as to what constitutes bigamy or polygamy, for does he not say, at the end of the sentence, "I am not," thus and so, and are the constituent elements of "thus and so" defined or explained anywhere for him in the foregoing or subsequent part of the oath? Suppose the form to be taken literally, and dictionary definitions be relied upon, does such an affidavit make the person taking it a perjurer, even if he should be violating the law "as interpreted by the courts?" The practice of polygamy means the union and continuous association together of a man with two or more women as his wives; but suppose he lives with one of them this month, another one next, and a third the month following, after which he commences at the first again, and so on, he is not during any one or more of those months engaged in the practice of polygamy, because living and cohabiting with but one woman during the whole of such time and the whole of any fixed and definite time; the "holding out" scheme of the courts would have to be applied to entrap the suppliant for pardon under such a state of affairs as we have suggested, and, while his chances for the spurious redemption "held out" might and doubtless would be blasted thereby, he could not be convicted of perjury for taking the oath prescribed, since he only swears to what is before him and is left to his own conclusions in the premises.

Further on, we find the penitent sinner swearing that he "does not now believe in, advocate, or in any way uphold or countenance the practice of bigamy or polygamy." That section of the document might be swallowed by a man who has any number of wives and children; it could consistently be taken by one of those who, to escape temporary punishment by the punishing power, announces that he is not now living with his wives, that he will live with only one of them in the future, and that he will encourage and advise others to follow his example. He does not then "believe in, advocate or in any way uphold bigamy or polygamy," although he may have two or three wives to each of whom he made a vow before the Judge of Judges a few short years ago to cherish, protect, love, defend and support as his wives—and not till death did them part, but through all the realms of eternity. That was deeply sworn, and the oath was recorded in a register beyond the penetrating grasp of a judicial process—but now it is necessary to be in harmony with those who were not in harmony with us when we went against their wishes and warnings, and the everlasting becomes a nullity all at once, all to be forgiven—not forgotten; no; hardly forgotten. If a sane man can conscientiously do all this, why can he not further aid and abet the cause of those who fought him then, and will cease fighting him when he lays down the sword and shield of the cause in which he first enlisted, only in order that they may indulge in the rarer gratification of despising him? Why not swear he does not believe in what he swore and by his acts confirmed he did believe? Why not say he does not now advocate the cause he advocated year after year, by precept and practice, enforced and unbidden? Why not refuse to longer countenance those who countenanced him and looked upon him for a long time as a sincere and earnest friend as well as staunch co-worker in a cause which he has already abandoned? One only needs to take the oath or make the promise, and great will be his reward. He can then vote, even hold office if he can find enough of his own kind to elect him, and in a new sphere he can find how peaceful is the mind, how tranquil is the repose, how great the honor of the man whose mental grasp compasses all of life and all of hope within the narrow confines of mortality, whose pains and pleasures are confined to the road which begins at the cradle and ends with the grave.

Let those who think they have sinned by entering into a contract binding on both sides of the tomb, make haste to undo their sinning by re-entering the domain of full citizenship. The process is much more simple in the latter case than in the former; you have but to fill out the ambiguous and poorly-constructed blank which we have herein copied, swear to its contents and hand it in. It is as easy as lying.

A greater man than any of us was once tempted or sought to be tempted by as stupid a proceeding as the one referred to, but more plausible, perhaps; He was standing on a mount, overlooking valleys carpeted with nature's glorious verdure, replete with the perfumes of many-tinted flowers, and wealthy with its flocks and herds; He was offered all these, and great honors and privileges besides if He would but recant and serve the donor

—who, by the bye, did not own any one or the other of his proposed gifts, but made believe he did to accomplish his purpose. To the reader of the Scriptures, it is unnecessary for us to say that the offer was not accepted.

OUT-HERODING HEROD.

JUDGE POWERS, at Provo, the other day, had occasion to pronounce judgment upon a boy who had been found guilty of stealing a pony, the punishment for which offense is imprisonment in the penitentiary for not less than one nor more than five years. The youthful delinquent was brought before the bar, and his honor, after mentioning the fact that one so young should be so far astray, proceeded to moralize on the situation and in becoming and appropriate language regretted the absence of a house of correction in our Territory where such as the defendant could be incarcerated and learn a trade, perhaps become useful men, instead of being placed among the low and vile to imitate their spirit and partake of their actions. So long as the Judge confined himself to his subject and the record, he did very well for a man who deliberately chooses to look at but one side of a case; when he found this an insufficient escape valve for his anti-Mormon bile, he flew the track and resorted to tactics which distanced all other efforts; he fairly out-Boremaned Boreman, and discounted Zane at his own game. He wanted to know, among other things, why so much money and labor were spent in building temples "which are of no use to anybody," while educational institutes were neglected and a house of correction for juvenile criminals could not be found. There are several reasons for the state of things which the Judge finds, as well as those he imagines or pretends he has found, and a few of them may be stated here.

In view of the fact that we are forced into the position of being in leading-strings to the General Government—our principal executive, judicial, administrative and clerical officers being appointed and confirmed several thousand miles from here and being not us or for us when they come—it would seem no more than just that the appointing power should provide receptacles, places and institutions for the proper conduct of the offices filled. This would make it incumbent upon the administration at Washington to erect and maintain not temples of justice, but penitential reformatory institutions as well. Need and the government's representatives need, Federal court houses, better penitentiary, and a house of correction. But it neither erects nor talks of erecting one or the other. The people of Utah control none of the positions under which such structures would be conducted, and should not be asked to build them. In other words, they should not be expected to contribute to, let alone pay for, that which they cannot control as soon as it is brought into existence. A house of correction is undoubtedly needed, there is no dispute between Judge Powers and the NEWS on that point; but there is a dispute when he by inference reproaches the people of Utah for not constructing it. They would not need one now but for the changed conditions of things, a change which has involved measures, men and consequences; the needed none until power was taken from them and placed where it now rests; and if those who succeed them require more to get along with properly, let more be provided, but at the expense of those who did not require it.

As to "wasting money on temples that is a matter with which his honor has nothing whatever to do; to put plainly, it is none of his business, and he showed a plentiful lack of good taste if not of good sense by dragging such a theme into his tirade. As to whether temples are of any use or not, Judge Powers positively knows nothing, and is not in a position to learn. The people of Utah, notwithstanding their politically shorn condition, have some rights left which can be compelled to respect, whether he wants to do so or not; one of these is the spending of money fairly earned and honestly obtained as they see fit. If they want to erect edifices for the welfare of the spiritual existence or for the detention and correction of the mortal clay, they can do so without let or hindrance. And to educational facilities, what we have must be immensely practical and useful as compared with those of most of our neighbors; for the ratio of illiteracy elsewhere places us a long way ahead of three out of four States and Territories, and fairly even with half and but little below the other half of the remainder.

So much for Judge Powers; but much remains unsaid.

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