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WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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NOT VERY CONSISTENT.

THE Salt Lake Tribune has been making itself ridiculous over the speeches made by a couple of members of the Young Men's Democratic Club, a week ago last Thursday. Had that paper not been governed as usual by bitter anti-"Mormon" bias and treated the matter with some color of moderation, its encomiums might have passed without exciting the risibilities of those acquainted with the real status of the subject. But when it not only placed Alfales Young on an equal footing in point of ability, force and inspiration with his father, the hilarity which was even joined in by some of the friends of the young man, was quite lively. Among another class—the more sedate—it had a decidedly nauseating tendency. No wonder such were the effects produced upon those familiar with the qualities of the two men by such an incongruous comparison. The illustrious father of Alfales was a man among men. His grasp of mind, force of will and inspiration have in some respects moved the world, but who ever knew of Alfales moving anything? We consider it unkind to the young man to perpetrate such jokes upon him. Whether their perpetrator knows it or not their effect cannot be beneficial to him in any respect. We have no unkindly feelings for him personally, no matter how much he may differ from us, and therefore we regret to see such extremes resorted to in placing him upon a chimerical eminence on which he cuts a very sorry figure.

The position expressed by Messrs. J. L. Rawlins and Alfales Young at the meeting already mentioned does not appear to die out. It keeps being thrust outward through the Tribune and by other means. By way of keeping the ball rolling we here reproduce a letter in point, from an esteemed lady, connected with the Church. The communication appeared in the Tribune of last Thursday:

"Eds. Tribune: It is evident you praise up Messrs. Young and Rawlins because of their opposition to the dominant church, to which they are indirectly indebted for all they possess and enjoy. Who are these modest (?) and precious (?) upstarts, if you please (?) What have they done to develop and build up Utah and to make her the prosperous Territory she is? To whom is Alfales Young indebted for his money and education? and what of Joseph Rawlins? Are they honoring their fathers in payment for these legacies? Did President Brigham Young ever talk like his illustrious (?) scion, Alfales? Do his gangrene sentiments, as vapored at the Theater, harmonize in any particular with those of his father? Anybody that knew or heard his father, knows that Alfales is fighting him in act and sentiment. What of young Rawlins? Is he an improvement on Alfales? If so, in what particular? He knows that his father and mother are not pleased with his course; that he is opposing them as with fire. What filial affection! What a reverence for parents! What dutiful, loveable and noble sons! But they contend that their sires were and are in the dark; that they know a great deal more than their sires; that they have drunk longer and dived deeper for the jewel of inspiration, and consequently they are better posted. Are they better posted? Do they know more? Are they better and more competent teachers than their parents? If left to be answered by the thousands who knew their sires, what answer do you think would be returned? Poor, simple, theoretic, impracticable, unbaked, unripe simpletons! One square rod of Brigham Young's counsel and example is worth more, and will yield infinitely richer and more lucious fruits to a community, or State or nation, than one thousand acres from these mewing and babbling seceders from the faith of their venerable and esteemed fathers, to whom they owe their lives, their talents and their money. If Alfales Young has ever done a day's work, has ever driven a pound of nails, has ever produced a utilitarian article, let him announce it. And has Rawlins done much more? But he is an orator; a kind of Demosthenes. In all the practical values of life, one good young mechanic or farmer is worth an acre of such 'fried froth' infidels. This is the first time I have ever troubled a newspaper with my sentiments, consequently I trust you will give them place in your journal, and not throw them aside because they are in opposition to yours.

MRS. J. L. MILLER.

MILL CREEK, Jan 12th, 1885.

In an attempt to diminish the force of that caustic and incisive communication the paper which originally published it made this statement:

"But, did the good woman who wrote the above letter to THE TRIBUNE ever stop to think how different the Utah of to-day would have been had the Elder Young been like the younger? Would men and women have blindly obeyed men no brighter than themselves, and would there have been a shame-mark on three-fourths of the children here?"

The "good woman" might consistently answer that if the elder had been like the younger, Utah would have been, so far as he was concerned, a barren wilderness to-day. Besides, blind obedience is a myth, so far as the "Mormons" are concerned as a body, but is advocated in a certain shape in Mr. Rawlins' speech, he taking the ground, that every law should be obeyed, no matter how repugnant to the intelligence or conscience of those to whom it is applicable. The Tribune to brand its hero of the hour with a "shame-mark" seems out of joint with its fulsome eulogies. But probably the person at whom the approbrium is flung doesn't mind it much.

Just read this rubbish:

"She forgets that the business of the elder Young was not to work, but to make others work for him; the business of Alfales Young is to teach people to work for themselves, and to think for themselves. Which is the more noble and holy employment? Mechanics and farmers are good, but if Messrs. Young and Rawlins are only true to themselves, they will be of infinitely more value to their people than their fathers ever were."

President Brigham Young had not only the ability to direct and advise as to the labors of others, being phenomenally familiar with the general affairs of life, as evinced by his long and useful career, but he was himself one of the most indefatigable workers. What Alfales can do in the matter of teaching others to work is one of those things that, up to date, are past finding out.

The statement that those young men will be "of infinitely more value to their people than their fathers ever were," is surpassingly rich. It may be pertinent to ask who "their people" are. We presume it is the Latter-day Saints that are meant, but those young men have not only practically cut themselves adrift from the people, but turned their backs upon them in the hour of trial. To talk about "their people" under the circumstances is indeed curious. Would their fathers ever be found in such a position? It is unnecessary to answer the question. These young men may be exulting in the patting on the back they are receiving from the unscrupulous enemies of the people. They may think they present a fine spectacle in the enunciation of their proposed liberalism, and in making it appear that they are boldly fighting on the side of an infinitesimal minority. In reality they are in the ranks of the overwhelming majority, and it is the "Mormon" people who present the noble picture of a minority battling for right, conscience and freedom against overwhelming numerical odds, seeking to rob them of their freedom.

THE CLAWSON CASE DECISION.

THE delay of the United States Supreme Court in rendering a decision in the Clawson habeas corpus case was generally considered ominous, that when given it would be unfavorable to the petitioner. It is unnecessary for us to explain the cause of this anticipation, which has been realized. The points favoring the granting of the petition of the prisoner have been already presented in great strength and fulness, and it is not requisite to enter into a discussion of that character at this juncture. It is a somewhat refreshing fact that two of the Supreme Judges dissented from the decision, and our unqualified conviction is that the minority were in this instance in the right. The action of the court is calculated to work a great hardship, not only to Mr. Clawson, but others, who have been illegally convicted beyond a doubt.

A process has been inaugurated here by which any citizen against whom an accusation is liable to be placed by his enemies, can be indicted, the open venire jury plan being admirably adapted for the accomplishment of that object, an then open venire trial jury system gives almost as firm an assurance of conviction as of previous indictment. Evidence in such a condition of jurisprudence is a secondary consideration. The jury that will convict is the chief object, the evidence that will furnish a color of guilt coming next. The decision of the Supreme Court of the United States in the Clawson Case, confirming that of the Supreme Court of the Territory, keeps open the avenue that has been opened for the purpose of summarily thrusting people into prison pending the appeal of their cases to the higher tribunals.

It is a common sense proposition that the law was never intended to be used as an engine of oppression. To punish a man convicted of a bailable offense pending a decision as to the legality of his conviction, is not good sense, and therefore not good law. It is now decided that the matter of bail is discretionary with the judge who tries the case. This power in the hands of a Court whose discretion is exercised in opposition to the commonest right of humanity, is a power calculated to work

serious wrong in any community, especially where judicial benches are occasionally filled by missionary judges.

FREE DELIVERY FOR SALT LAKE.

THE steps that were taken some time ago to secure a free postal delivery for this city are fresh in the minds of the people. Considerable disappointment was felt when the announcement was made that the department at Washington had postponed the granting of the promised boon for an indefinite period. The hopes that were awakened in the first place can now be revived, as we have information from a reliable source that a Salt Lake free postal delivery will go into effect on the 4th of next March.

It will be as well for the people who have not already done so, to furnish their correspondents with their full addresses, so as to insure the benefits of the delivery system.

Developments are steadily pointing to the fact that this is one of the most progressive cities of its size on the continent. Most of the more modern improvements, such as the telephone, electric light, etc., have been adopted here, and now it is the first of all the Territorial towns to have a free postal delivery.

We understand the city to be considerably indebted to the efforts of Hon. John T. Caine, our Delegate to Congress, for the promised early addition to the local postal facilities.

UNWARRANTABLE INTRUSIONS.

IN view of the outrageous conduct of a Deputy Marshal at the residence of President Angus M. Cannon yesterday, and other proceedings of a similar character, it may be well for us to reiterate some statements we have already made on this subject.

An officer having a warrant for the arrest of an alleged criminal may, perhaps, under the common law, (but how far that will lie in presence of our written statutes remains to be proven) enter premises where the accused is supposed to be. Without such warrant he has no right to enter except by the permission of the inmates. A "search warrant" is not authority to search for an individual, it is for the recovery of stolen property, which must be described in the warrant.

An officer has no right to forcibly enter a house to serve a subpoena on a witness. This should be understood by every citizen, to prevent intrusion and imposition.

People should not be scared by the pretensions of impertinent persons claiming to be officers. A Marshal, Sheriff or other court official is required to keep within defined bounds or he is liable to punishment. And he has no right to put on airs because of his position. He has no right to question people in regard to their private affairs or those of their neighbors. If a witness is wanted there is a proper way and a proper place in which to obtain his testimony. The witness must be summoned by legal papers and questioned, if at all, in court. A witness or a prisoner is not required to answer the questions of an officer anxious to get hold of something to criminate the accused.

We advise the people of this city to stand upon their rights. We counsel no violence, but we do not want to see peaceable people abused and insulted. No person claiming to be an officer has any more right than a private citizen to enter any one's dwelling without the consent of the owner, unless he has a warrant in proper form authorizing him to make a search. People are not required by law to answer the impertinent questions of any man claiming to be an officer either of the United States or of this Territory.

The intrusion of Deputy McCurdy into a lady's sick chamber, without a color of legal or any other right was unqualifiedly brutal, and would have justified his ejection from the premises at the pointed end of a stout boot. An officer should never forget that his official capacity does not necessarily deprive him of the ability to preserve the demeanor of a gentleman. In this instance the deputy referred to appears to have been totally oblivious to that important fact. Conduct such as he was guilty of renders it still more strongly important that citizens should be informed in relation to their rights in protecting themselves from unpardonable impertinences and brutal intrusions of contemptible miscreants dressed in a little brief authority.

THE CRUSADE REVIVED.

YESTERDAY the official anti-"Mormon" crusaders gave an additional evidence of their purpose to inflict illegal punishment upon the objects of their hatred. They made it unmistakably clear that their object is to convict and imprison, if possible, whether sustained by law or otherwise. If persons convicted under the open venire and one-sided evidence system were to be admitted to bail, the purpose of the present conspiracy would fall through, because no sane person

believes that the parodies on legal procedure enacted in the District Court would hold good when taken up by regular process to the Supreme Court of the United States. This being the case, if the victims of this extraordinary and cruel legal persecution were admitted to bail pending the final adjudication of their cases, their freedom would be the next thing to assured, so far at least as the proceedings to which they are now being subjected is concerned. When bail is not allowed, however, these victims of a villainous and persecutive conspiracy can be placed in the felon's cell and compelled to associate with the most depraved criminals, lawfully or otherwise.

Evidently then the crusaders temporarily suspended operations pending the decision of the Supreme Court of the United States in the Clawson habeas corpus case. This was made strikingly evident by yesterday's raid upon respected and honored citizens. Had the decision directed the admission of the petitioner to bail, very likely the crusaders would have been demoralized, but being otherwise their backbones were stiffened. The demoralization would have been caused by the prospect, amounting almost to a moral certainty, that the present onslaught would only incur to its victims temporary inconvenience, vexation and some expense, but they would have retained their liberty permanently so far as these extra-legal doings are concerned. But the almost sure prospect of the process now adopted in cases in which "Mormons" are accused of offences against the law being finally overturned does not hinder the infliction of severe punishment in the present situation.

If the parties who are working up this crusade were actuated by a desire to uphold, sustain and enforce the law, they would not resort to extraordinary or cruel methods. The cases would be allowed to go up to final adjudication, pending which the accused would not be subjected to inexcusable harsh treatment. There is nothing in the spirit or intent of the law to warrant the punishment of a person before a decision in his case is reached.

To talk of the present crusade as being in the interest of morality would indicate the presence in its advocate in that line of argument of symptoms of insanity, or warrant the assumption of his being an arrant hypocrite. Take this community as whole and in no other in the civilized world will be found a higher standard of morals, while in many instances their enemies and detractors are steeped in the filth of corruption. When the proper time comes, however, we may be able to exhibit the extent of the regard which certain parties have for either law or morality, as shown by instances with which we happen to be thoroughly familiar.

The methods by which cases against "Mormons" are worked up—the sneak and informer system—is of the most debased character. Men, women and even children have been utilized for the purposes of the prosecution. Persons who have assumed the roll of peddlers and itinerants of various kinds have called at the houses of different people, in the absence of adult male members of the household, making impertinent inquiries into the affairs of the family, and practically forcing themselves into private residences. Individuals have been discovered prowling around private residences at night. This latter class, as we have stated previously, are liable to be mistaken for sneak thieves or burglars, and it is justifiable to treat them accordingly. It is not difficult to decide what kind of a regime they should be subjected to. Our views on that subject have already been expressed.

The crusade strikes a blow at two of the most sacred rights of man—religion and the family. If it were directed at infringements of the law against plural marriage, there would be some color of justification from the opposing standpoint, but when it aims to break up existing family associations it is nothing short of infamy. It is a bid for men not only to prove recreant to their religious convictions, but to eliminate from their hearts the affections growing out of the most endearing family ties, and cut loose from those dependent upon them by the most binding and sacred obligations. The persecution may cause much annoyance, vexation and suffering among innocent people, but it will never change the views or obliterate the nobler instincts and feelings in the hearts of the Latter-day Saints, and the day will come when the doings of those who seek to heap affliction upon them and to scatter and peel the flock will be held up as examples of infamy, to be viewed with unutterable disgust.

POLYGAMY IS NOT BIGAMY.

A FEW days ago eastern papers gave an account of the trial of an officer of the Russian army named Stchebrovsky, at Odessa, on a charge of polygamy. Within three years he had married three wives, all of whom were living and undivorced. The second wife, on being brought into court as a witness, refused to testify against her husband whom she pronounced the best man in the world. She declared that she loved him and had nothing to say against him. Unlike the enlightened and maganimous courts of the United States in the Territory of Utah, the Russian authorities, semi-barbarians as they

are supposed to be, did not send the second wife to a prison for convicts because she refused to speak against her dearest friend.

The prisoner found an able counselor for his defence in Prince Mestchersky who boldly declared that polygamy was not unlawful in Russia. He admitted that there was a law against bigamy. But polygamy, he claimed, was not bigamy. They were essentially different. One was a penal offense, the other was not known to the law. He cited the practice of Ivan the Terrible and other historical celebrities, to show that a man may rightly have several wives at the same time. A union of this kind with the consent of all the parties, was not to be confounded with the fraudulent and deceptive crime of bigamy.

The jury took this view of the case and acquitted the defendant. The public endorsed the action of the jury and applauded the verdict, and amid the cheers of the crowd the three-wedded Russian officer left the court triumphantly, his second wife hanging lovingly on his arm.

Contrast this with the course pursued towards men similarly accused in this free and liberty-boasting land! Here—that is in Utah—not only is the plural wife husband thrust into prison, if strong suspicion points against him, but a woman supposed to be connected to him by the dearest ties that bind mortals together, if she declines to explain the nature of her associations with him, lay bare her most private doings and relations, and answer questions, that are to her indelicate and offensive, concerning her personal affairs, is thrust into a prison intended only for convicts, and thus punished as one found guilty of crime. This is done under a Government that makes religion free, with the avowed object of breaking down a religion which admits of plural marriage under ecclesiastical regulations and sanctions it as divine.

Prince Mestchersky and the jury at Odessa had sense enough to perceive and appreciate the difference between the crime of bigamy and the practice of polygamy. This difference has been frequently pointed out in these columns, and the attempt to confound them and make them identical is prompted by the same motives as actuated the hypocrites of old, who sought to make the servants of God offenders against the civil law because of their religion. In the plural family relation the parties are all consenting to the contract, and if neither of them complains or is conscious of any injury, why need others cry out? Laws against plural marriage can only be justified on the plea that some one is injured by the practice. In bigamy the lawful wife and the unlawful wife are both injured, deception and fraud from which they both suffer being the essential feature of the offence. Society is hurt by the wrong done to its members, and properly resents the wrong by punishing the offender. But society has nothing to complain of in the plural marriage of the "Mormons." Mutual consent and religious sanction make it essentially different from bigamy, and society cannot complain that it "breaks out into overt acts against peace and good order." The Supreme Court of the United States in the Reynolds case, reasoning on this very question, laid down the rule that it was "time enough for governments to interfere with religion when it breaks out into overt acts against peace and good order."

Laws should not be enacted to restrain liberty but to protect it. The freedom of the individual is the aim of just legislation. And it is to secure this that checks have to be placed on those who, while exercising their own liberty, attempt to infringe on the liberty of others. If the practice of "Mormon" plural marriage invaded natural or legal rights, it might be properly punishable by law. If it created social disorder there might be some excuse for legislation against it. But as it is promotive of good order and calculated to prevent much disorder, vice and crime, it cannot be assailed on that ground. As a religious establishment that infringes upon no human rights it is placed beyond the purview of constitutional enactments, and legislation directed against it is an invasion of that liberty which is guaranteed to American citizens, and a violation of the most sacred contracts and relationships into which enlightened men and women can enter. The broad distinction between bigamy and "Mormon" plural marriage will some day come to be generally distinguished.

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