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CONSTITUTIONAL CONVENTION

THE Convention that met at noon today (Thursday, June 30,) is a most important assembly. Its action will be fraught with momentous consequences to the people of Utah. As we have explained in these columns, it is a political gathering, pure and simple. The people, as citizens, not as members of any church, or society, or party, have elected seventy-five delegates to frame for them a Constitution embodying those liberal and democratic principles which have always been entertained by the thoughtful people of this Territory. Those delegates have organized for this work, and their duties and the spirit that should actuate them in the performance thereof are outlined in the speech of Hon. John T. Caine, the Delegate to Congress, on taking the permanent chairmanship of the convention.

Those remarks have the true ring. The sound will be echoed in the hearts of all true friends to Utah. The position of the Convention is briefly but sharply defined. It is a secular body with secular work to do. Political issues only are before them. Questions as to what church any of them belong are altogether out of place. It might as well be asked what colored eyes or hair a member has, as what religion he professes, or whether he has any religion at all. Such questions will not be raised by the members nor by anybody else with good sense or good motives. They will be sprung by those only who are enemies to the progress of Utah, and who themselves pretend that they think religion should be excluded from politics.

The convention is called under circumstances differing in essential respects from those that surrounded its predecessors. Under the operation of the Edmunds Act and the Act of 1887 which supplements it, the political situation in Utah has been changed. The older members of the community are, most of them, out of politics. A distinction has been drawn between two classes of the citizens. The Constitution to be adopted cannot be voted upon, under the election laws of Congress and of the Territory, by a class of citizens who heretofore have moved prominently and potentially in political affairs. This, in the very nature of things, opens the way for action to be taken in reference to the situation which was never before pertinent or consistent.

The delegates composing the Convention are talented and worthy gentlemen, who understand the wants and sentiments of the great body of the citizens. They can act with a thorough knowledge of the needs of the times. They have at their command the results of the deliberations and conclusions of several preceding conventions. This to some extent will simplify their work. The provisions adopted previously are, most of them, unexceptionable. They were the result of deep and careful thought and comparison with the best Constitutions of the most progressive States. They will form an excellent basis on which to build the new superstructure.

Great care will have to be exercised in framing such new provisions as the exigencies of the period and the march of events suggest as necessary. There must be no undue haste. Deliberation and exactness are required. At the same time dilatory action will be almost criminal. The days are few before the time to give notice of the election at which the popular vote must be taken on the adoption of the instrument prepared. Every hour is precious. The delegates must be prepared to stick to their work till their task is completed. They are not on dress parade, they are mustered for action. If no time is wasted on spread-eagle speeches, bursts of eloquence and carping criticisms of unimportant things indulged in, the work can be performed with celerity as well as prudence.

We have confidence that the Convention will be conducted with honor, wisdom and that fidelity to the true interests of the people which should characterize such a representative body. And we bespeak for its members the support of all the friends of Utah in the onerous duties incumbent upon them, with the hope that they will present to the Territory such a Constitution as the registered voters in every precinct can heartily endorse, as a settlement of the question which has so long disturbed the country, and will transfer to the local government those things that properly belong to it, and thus relieve the national government of a burden that it was never designed to bear. We wish the Convention unexampled success.

VALUE OF PHYSICAL CULTURE.

Dr. Wey lately demonstrated by a very practical method the value of physical culture. Although the subjects on whom he operated were not of an attractive type, his illustration is of considerable value. They were selected from the criminal class, who, as a rule, are stunted, meagerly developed specimens of humanity. Dr. Wey formed a class of a dozen exceptionally stupid, flabby-muscled convicts in the Elmira, N. Y., reformatory. They were not idiotic fellows, but simply incapable of prolonged mental effort, and had made no particular progress in school work. The object sought to be attained was to determine whether physical culture would not arouse any dormant mental power in men who were mentally and morally obtuse.

To this end the men were put through a systematic course of physical training, athletics, gymnastics, etc. At the end of five months, when the class was discontinued, the men had made a great change physically; for the shambling slouch there was a springy, elastic step; for the hangdog droop of the head something approaching an erect carriage; the skin had become less muddy and the eyes less dull and expressionless. A similar mental improvement was also noted, although no effort was made in this direction other than that to which they had previously been subjected. They were able to perform operations in simple arithmetic—division, cancellation, etc.—a thing they had seemed unable to acquire before, as the average criminal is remarkably dull in all that pertains to mathematics. The average marking of these men for the six months preceding their course of gymnastics was 46 per cent; during the course it rose to 74 per cent.

Dr. Wey now writes to *Science* that six months later, returned to the regime and discipline observed with other prisoners, the surviving eleven—none having died of consumption—maintain their good record; the mental power developed by their physical culture has continued, "and the former shuffling gait and stooping shoulders which characterized them as a class have been replaced by an alertness and promptitude of action." He does not think that the improved mental condition of these men can be justly attributed to anything but the strengthening of brain-centres by the cultivation and development of muscles controlled by these same centres—the one participating in the improvement of the other.

This experiment shows the necessity of physical culture as an aid in the development of mental power. It is an additional argument in favor of systematic physical training in educational institutions. In this regard the method adopted in some of the British schools in exercising the students regularly in the manual of arms is most salutary. It conduces to good health, improves the general bearing, and, as good physical condition is a prerequisite to vigorous study, is an educational auxiliary. Would it not be a good thing for our Utah educators to turn their attention in that direction?

THE METLAKAHTLANS.

We are in receipt of a volume entitled "The story of Metlakahla." The book is written by Henry S. Wellcome, and narrates the manner in which a philanthropic man named William Duncan, left a lucrative position in a mercantile house, and, at great personal risk, his life having been repeatedly attempted, undertook the conversion to Christianity of several of the most ferocious tribes of Indians on the continent, inhabiting western Canada. His success was most marvelous. Within less than thirty years he transformed the Indians among whom he labored from the state of debased savagery in which he found them, into a peaceful, civilized and religious community of about one thousand souls. Under his leadership they built a village called Metlakahla, and in it erected a church, schoolhouse, etc. They reclaimed and tilled large tracts of land, built themselves comfortable homes, and adopted the dress and mode of life of civilized society.

Mr. Duncan taught them a very simple form of religion, embracing the leading features of Protestantism, but free from profound doctrinal matter. After a time the prelates of the Church of England brought to bear a pressure having for its object the compelling of the Metlakahltans to adopt the elaborate ritual of that denomination. To this the Indians and Mr. Duncan strenuously objected, but the pressure increased rather than diminished. The book referred to gives an account of the progress of the controversy; how that it passed from spiritual to temporal things, and how that the church party, by peculiar manoeuvrings, are about to dispossess the Indians of their homes and lands.

Mr. Duncan has recently been in Washington, negotiating with our government with a view to transplanting the Metlakahltans from their present location to another, within the Alaska

boundary line, from which their village is distant about thirty miles. It now looks as if the Indians would be compelled to sacrifice their lands and move their houses to the new location on United States territory, as soon as pending arrangements with our government to do so are perfected. This will entail a cost upon the tribe of about \$50,000, and for this great wrong the dignitaries of the Church of England in Canada are directly or indirectly responsible, if the history given in Mr. Wellcome's book is true.

The missionary work of Mr. Duncan is one of the most marvelous in its success that has been performed in modern times in the annals of sectarianism, and the wrong by which the Metlakahltans are about to be robbed, viewed from the standpoint of Mr. Wellcome, is of corresponding proportions.

A LINGUAL INNOVATION.

"VOLPUK" is the name of a new language which is said to be meeting with high favor in Europe. The object is to introduce a simple means of communication for all nations. Grammars of this language have been prepared in English as well as various foreign tongues. It is said to be the work of a German who has spent twenty years of study in perfecting it. Its roots have been borrowed from every language of Europe, and its chief advantage consists in its extreme simplicity, which enables any one to speedily become conversant with it. It has no irregular verbs, no artificial genders, and but a single conjugation. The action words are regularly formed from the nouns with a perfectly uniform termination. If all that is claimed for it be true it must of necessity work a great revolution in the present methods of international communication.

A GROWING QUESTION.

WHAT the question of slavery was in American politics for a decade before the war, that of prohibition is gradually becoming at the present time. Its growth proves what can be accomplished by incessant appeals to the conscience and moral sense of a free and enlightened nation. The manufacturers of and dealers in intoxicants are becoming wrought up to the necessity of doing something to protect their interests against the inroads of prohibition agitation and legislation. The Pennsylvania brewers have issued a call for a convention to take defensive measures presumably against the spread of the prohibition sentiment. In the call they say "Trade is placed in such a position that we must fight or die." A similar movement has been inaugurated by the liquor distillers and sellers in other parts of the country.

Texas contemplates a prohibition amendment to her State constitution, and the National Association of Wholesale Liquor Dealers has lately been sitting in Chicago and considering what it could do to prevent the adoption of this amendment. One feature of this contest is noticeable: The readiness of the liquor interests to organize and adopt systematic methods of defense. It often happens that the party which is in the wrong, or which seeks to do or perpetuate evil, has a better organization than have the agitators who labor to effect a reform.

The attempt is being made to entrench the liquor traffic behind the supreme law of the land. Those who oppose interference by legislation with the consumption of liquors claim that it would be an infringement of personal liberty not authorized by the Constitution, but this argument is met by another based upon the "general welfare clause" of the Constitution, and which holds that, under that clause, Congress has the right to legislate against an evil so destructive of the general welfare of society as is the liquor traffic.

PUSHING GEORGEISM.

GREAT interest is generally taken in the personality of men who take prominent parts in public agitations and questions of great moment. Their appearance and traits share largely in this respect, in the public mind, in the attention given to the principles and themes of which they are the expounders and advocates.

One of these conspicuous figures which towers head and shoulders above the masses is the now noted Dr. McGlynn, closely allied in the land and labor agitation with Henry George. If there is any difference in the interest taken in the two men it probably preponderates in favor of the eminent Catholic, whose radical attitude as a reformer reaches deeply into religious questions and circles. In all the comments upon the general question into which Dr. McGlynn has thrown himself with characteristic vigor, only spare allusions, so far as we have observed, have been made to his personal appearance and general man-

ner. They have been mostly confined to the bare statement that he is a robust man with a pleasant aspect and graceful demeanor.

In a late interview with a number of his admirers this notable agitator gave brief and direct explanations of the status of the question in which he has taken such an active interest, the essence of the main subject, the intentions of its promoters and the future prospect of success. Stated still more briefly, they are to the effect that land and labor clubs have been organized in all the large cities of the Union, with a central organization in New York. One important department of labor devolving upon them is to indoctrinate the people as far as possible with the views indicated in the movement, that the heaven may spread throughout the social body. An auxiliary to this work is found in social gatherings, to participation in which women and children are admitted.

A national convention, composed of delegates from all the clubs, or as many of them as can be represented, is to be called. This general body will nominate and elect a central committee, to whom the present one will turn over the comprehensive supervision and manipulation of the affairs of the movement. Of course it is not to be presumed that its originator and chief second supporter, George and McGlynn, will be omitted from the concentrated organization, they being recognized as and constituting its head and front.

It is proposed to make the political weight of the movement felt. A candidate for the presidency of the Republic is to be nominated. The platform of the new party will be, in its essence, the taxation of land, it being held that it can be taxed by the state to its full rental value.

Speaking of his personal ability to operate vigorously for the success of his radical views, the Doctor said he was all right financially for two years ahead. His friends had made up a purse that he thought would bridge him over that period, and he never expected to be hampered with riches.

No matter how Utopian the views of George and McGlynn may be deemed by many able men, with such capable and vigorous thinkers and operators pushing them everywhere, they appear bound to exert a potent social and political influence throughout the country.

THE STATEHOOD QUESTION

THE New York *Star* of the 24th inst., contains the following in relation to the Utah State question:

"The convention which the Mormons have called to form a State constitution for Utah will act very unwisely if it does not adopt a constitution which shall make the practice of polygamy impossible within the limits of the proposed State. It is in this way alone that the Mormons can hope to retain political control of the Territory and of their own affairs. As only about one-fifteenth of the Mormon voters are polygamists, and as the convention will naturally reflect the will of the fourteen-fifteenths who are not polygamists, there is a good reason to hope that it will submit to the will of the people of the United States and frame a constitution under which Congress will be willing to admit Utah as a State, and thereby put an end at the same time to polygamy and to the strife which is retarding the growth and prosperity of the Territory. This would be a fortunate termination of the Mormon difficulty, and one which ought to satisfy the country."

CHANGES IN GERMANY.

THE American press is commenting upon the possible and probable consequences of impending changes in the German Empire, which, in the nature of things cannot be long deferred. The great age of the Emperor brings into the near future the certainty of his being succeeded, but the son, whose right it would be to do this, is afflicted with cancer of the larynx, a disease which, in all probability will prove fatal, perhaps before the throne shall be made vacant. Bismarck is becoming aged, and is suffering from the afflictions naturally incident to his years. It is impossible for him to long continue in the active service of his government.

The present government of the German Empire is too newly organized to bear without danger of grave consequences the shocks such great changes as threaten any day to happen in the personnel of its ruler. Its population embraces elements that would only be too glad to take advantage of any occasion that might afford them an opportunity for an uprising, and France would be reluctant to let go by unimproved a chance to harm her old enemy. If governmental affairs in Germany were in a more stable condition, there would be less uneasiness in Europe.

UTAH JUDICIAL LAW AND LOGIC.

THE Supreme Court of Utah, before adjournment on Wednesday delivered some decisions in cases of unlawful cohabitation on appeal from the First District Court. Of course they were

unfavorable to the appellants. On any other class of cases some prospect of a reversal might be looked for when potent reasons are assigned. But the public has become accustomed to expect both law and reason to be strained to the utmost against any person accused of that offense.

The decisions of the Court are entitled to respect as the acts of the final judicial tribunal on the important question involved. But any citizen has the right to object to such decisions on principle and to criticize the reasoning by which they have been reached. We do not think that in the cases just decided the ruling was right nor that the logic of the Court was sound. The case of George T. Peay answers for the other similar cases. It was appealed on the ground that the verdict was contrary to the evidence. Judge Boreman, speaking for the Court, the other two Judges concurring, said:

"It was shown, the appellant claims, that the defendant ostensibly ceased living with any woman except his lawful wife, after the passage of the Edmunds law, and that no action of the defendant afterwards, towards either of his plural wives, would imply cohabitation with either of them. 'The first part of this argument,' the Court stated, 'conveys the idea that the defendant may be guilty in fact, but that if he be not 'ostensibly,' he cannot be legally convicted. She same thought is frequently presented in the District Courts by polygamists who ask how they can act towards their polygamous wives and not lay themselves liable to conviction for unlawful cohabitation. With the same propriety might a stealer of horses ask how he must act in regard to other men's horses and not lay himself liable to conviction for larceny. To tell him that he must simply cease stealing would be not at all satisfactory to him. To tell a polygamist that to escape conviction he must simply cease living with his polygamous wives is not at all satisfactory to him. The facts proven are not alike in any case of horse stealing, nor are the facts proven in any case of unlawful cohabitation alike."

The Supreme Court of the United States in an argument on this question made the gist of the offence to be the "haunting before the face of the world" the polygamous relations. In this case there was no such "haunting," the defendant had ostensibly ceased those relations which are comprehended in the offence with which he was charged. If the argument which the Court assails claims that though the defendant might be guilty in fact, yet if he was not "ostensibly" guilty he ought not to have been convicted, we think most lawyers will admit it to be sound. It is the evidence which is to determine the guilt of a defendant. It must not only be a fact that a man is guilty of an offence, it must be made to appear by proof that he is guilty.

A defendant may be innocent in fact, but if the evidence shows him to be guilty, as has been the case in many instances, a jury would be justified in convicting him. His "ostensible" position, not the actual fact, would be the determining thing. Many accused persons who were really innocent have been convicted because they were ostensibly guilty, and many guilty persons have been acquitted because the evidence did not show them to have been ostensibly guilty. And the juries in both instances were justified because they were sworn to judge by the evidence adduced.

To use the Court's illustration, a man may have stolen a horse, but if there is no evidence that he stole it he cannot be legally convicted. And if no proof was adduced that a horse had been stolen, how could a verdict of guilty be in accordance with the evidence? In this case there was no body of the offence exhibited. All that was proven was that the defendant had been seen at or near the house of a plural wife. It was not shown that he had lived with her. Therefore there was no evidence of cohabitation. Therefore the verdict of guilty was not borne out by the evidence.

Suppose a man who was known to have been a horse thief had been seen at or near where a horse was in a stable. If there was no proof that the horse was stolen, would the fact of his presence and opportunities be sufficient in law to convict him? Yet this is the kind of logic that the Court uses in regard to this case of unlawful cohabitation. The defendant was known to have recognized the plural wife as such and he had formerly lived with her. But the legal presumption was that since the passage of the Edmunds Act he had not lived with her in that relation. The evidence only showed he had not repudiated the marital relationship. It did not show that he had actually lived with her and thus violated the law. Ostensibly he was innocent, actually he may have been guilty, but who was to know the fact? The mere opportunities and the relationship, coupled with the fact that he had been seen about the premises, do not prove the alleged fact, any more than the opportunities of the horse thief and his presence near a stable where a horse is kept would prove him guilty if it was not shown that a horse had been stolen.

We do not expect either good law or sound logic from such a Judge as