

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - OCT. 3, 1877.

TO THE CHURCH OF JESUS
CHRIST OF LATTER-DAY
SAINTS IN ALL THE WORLD.

BELOVED SAINTS:

Having returned home from our mission to Europe, and having been made acquainted with the action of the Council of Apostles, at their meeting on the fourth day of September last, as appears in their published epistle to the Church in all the world, we can only say that we regret that our absence abroad prevented our signatures being attached to that epistle, as we most cordially and unreservedly endorse the action of the Council in sustaining Elder John Taylor as President of that Council, and also in their decision that the Council of the Twelve Apostles is the presiding Council and authority in the Church, as also in all measures referred to in said epistle.

Your brethren in the new and everlasting covenant,

ORSON PRATT, SEN.,
JOS. F. SMITH.

Salt Lake City, October 1, 1877.

THAT CONTEMPT CASE.

THE particulars of the contempt case, published in last evening's DESERET NEWS, throw new light upon this much talked-of affair. It has been grossly misrepresented abroad, and has evoked some censure at home among those who are not acquainted with the facts.

It now appears that Judge Elias Smith has been guilty of no contempt of the Third District Court. All he has contended for is the provisions and forms of the law. When first called on by the committee, they held no document to show their authority. At their next visit they presented a paper which was addressed to nobody, and did not certify that the gentlemen bringing it were members of the grand jury. The Judge took the ground that under the Poland bill a committee was not authorized to act for the grand jury. For this he was served with a warrant of arrest and was required to appear before the Third District Court to show cause why he should not be punished for contempt.

It will be observed that no document of any kind had been previously served upon him from the Court. He could not be in contempt of Court, because he had neither refused nor neglected to comply with any mandate issued by the Court. He was given until the following Saturday morning to appear to show cause why he should not be punished for contempt. He did so appear, at 10 o'clock on the day specified, but, though the Court had designated no hour at which he was to appear, judgment had been pronounced before his appearance. And that judgment was more than double the amount allowed by law. Further an execution was ordered which is also contrary to the law in such case made and provided.

With the question of the propriety of refusing access to the records of the Probate Court we have nothing to say at present. But it is clear that the whole proceedings against Judge Elias Smith have been informal and illegal. From the application of the committee to the pronouncing of the sentence, the course taken by the attacking party—we can call them nothing else—has been without legal form or legal authority.

Haste and temper never appear so bad as when exhibited by officials who represent the country, and in whom the calmness, justice, dignity and majesty of the law is supposed to be embodied. Let those who blame Judge Smith become familiar with the full facts in this case before they utter another word of censure.

DIVORCE.

WE publish, as an item of news, the report of the Grand Jury in relation to divorce matters in Salt Lake County. The particulars set forth in that document are of a remarkable character. Whether they are correct or incorrect we are not able to state. Reports have been previously made in this city from committees appointed by grand juries, which were absolutely false and evidently concocted with malicious intent. We have no doubt, after perusing the present committee's report as adopted by the Grand Jury, that explanations from the Probate Judge would materially alter the appearance of the case, and demonstrate the fact that a similar animus to that which prompted the former garbled and mendacious report which was almost universally condemned some time ago, has had considerable to do with the present statement. However, we leave the facts in the matter to be explained by those who are personally interested, believing that the Probate Judge is abundantly able, if proper time is afforded him, to give a sufficient answer to every allegation.

But we deem it a duty we owe to the people of Utah, to correct the public mind upon the views of the "Mormon" Church on the subject of divorce. It has been represented by many newspapers as well as by pulpit orators, that the putting away of wives is a common practice of the "Mormon" people, and that it is fully in accordance with their religious doctrines. This statement is entirely without foundation in fact.

The teachings of this Church are utterly hostile to divorce. Marriage is represented as a sacrament. It is not only binding until death, but contracted for time and all eternity, and sealed by the Holy Spirit of promise under the authority of one holding the power to "seal on earth" so that it shall be "sealed in heaven." There is nothing in any of the revelations believed in by the Latter-day Saints that encourages a man to put away his wife. The doctrine of the Church is that he is not justified in doing so except in case of adultery. And even in such cases, which we are happy to say have been of very rare occurrence, the husband has generally been advised, if the wife was repentant, not to cast her off, but to provide and care for her that she might not be impelled to travel in the path of evil.

And the general practice has been in accord with these teachings. Cases in which the husband has applied for a divorce from his wife are exceedingly scarce. Wives have applied for divorces from their husbands, and their request has been usually granted. And the women so sundering their family obligations have generally obtained such a pecuniary settlement as more than covered the demands of justice so far as they were concerned.

It may be asked, why grant divorces at all if the Church does not encourage them? The answer is for the same reason that Moses permitted them to the people in his day—"because of the hardness of their hearts." And, under the system of plural marriage practised in this Church, it would be considered a system of bondage, if women desiring to sever their relations with a husband having other wives, were refused the liberty they might demand. But it has been clearly announced, and it is generally understood, that unless for the gravest offences committed by the husband, the wife is under transgression before God who becomes divorced from her earthly head, to whom she has been united by the most sacred covenants and holy obligations.

Any departure from this course marked out by the Church for its members, no matter by whom it is taken, is contrary to the letter and spirit of the gospel taught therein, and to the sayings of Christ and the holy prophets. In adding otherwise to his family a man has no right to "deal treacherously with the wife of his youth." And, as the Bible declares, "God hateth putting away." His anger is denounced against those who violate their marriage vows by divorce, but not a single word of disapprobation can be found in the sacred records against a man's marrying wives, providing it is done in the way

marked out by Divine commandment.

The charge that the "Mormon" Church encourages or connives at the granting of secret divorces for people not residing in this Territory is untrue. If anything of this kind has been practised it is not endorsed by the teachings of the Church nor the sentiments of the community. We have no hesitation in saying that they are utterly opposed to anything of this character, and consider it unlawful, unrighteous and indefensible. The law on divorce as it now stands on the Utah statute book is imperfect there is no doubt. Some changes might be made in it with advantage. That clause, particularly, which allows divorce under certain regulations, "If the court is satisfied that the person so applying is a resident of the Territory or wishes to become one." The words in italics, in our opinion, should be expunged from the law, and we believe this is the view of the matter held by a great many members of the Legislature, who will no doubt take this subject up at the next sitting of the Assembly. But even this law, honestly administered, would admit of very little, if any, real evil. The court is to be satisfied of the facts in the case. True some persons may be more easily "satisfied" than others in regard to any matter of fact, opinion or principle, but the law when framed meant *bona fide* satisfaction. And it is but very recently that any attempts have been made to take advantage of the loophole to be obtained by wresting and perverting that one phrase of the law. It was framed in 1852 and has stood in the statutes all these years without working injury, until within a very brief period.

We are not arguing in favor of the statute as at present worded; we do not wish to defend any one who has perverted its letter or spirit to do evil for dollars, if any such there be; we do know that any one is worthy of censure in this regard; we do not accept the one-sided unanswered statements of the Grand Jury, evidently inspired with a desire to make trouble for the Probate Court; but we do wish it to be distinctly understood by Jew and Gentile, "Mormon and anti-Mormon, Christian and Pagan, that divorce in general is repugnant to the feelings and faith of the Latter-day Saints, and contrary to the doctrine of the Church to which they belong; that such divorces as are obtained by fraud, intrigue and illegal schemes and methods, wherever and whenever secured, are viewed by the Church and its faithful members with abhorrence and disgust; and that they do not fellowship the deeds and doings of any persons in or out of this Territory, if such there be, who trade upon the passions and vices of erring humanity, and lend themselves to secret schemes for the disruption of family ties that should be held as sacred, inviolable and indissoluble.

A SHAMEFUL REPORT.

WE give in other columns the report of the Grand Jury in regard to the Indians on Bear River. All who are acquainted with the truth relating to this matter know that many statements it contains are utterly false and without a shadow of foundation in fact. The few poor Indians who have been farming on Bear River, many of them holding land which they have legally entered and obtained by complying with the provisions of the laws of the United States, are not attached to any reservation, but are roving remnants of bands long since broken up, and that they are peaceable, docile, anxious to learn the arts of the white man, and to turn away from the vices and idle habits of their race.

The brethren who have, in the true spirit of the Gospel, acted as missionaries among them, are worthy of all praise for their disinterested labors in teaching them the doctrines of Christ, and showing them how to till the soil. The Indians on Bear River have worked faithfully and accomplished marvels, considering their traditions and former habits, and this attempt to again drive them from their hard-earned crops and possessions is nothing less than fiendish.

We defy any one to show where in they have done the least injury to any white person, by repenting of their evil ways and working for

a living, or their occupation of the vacant lands on Bear River, which they hold for their own exclusive use and benefit. And we protest in the name of truth, humanity, common sense and justice, against this shameful attempt to deprive them of that to which they have as good and legal a right, as any member of the Grand Jury has to any property to which he may lay claim.

We have neither space nor time this evening for further remarks on this subject, but shall allude to it again.

THE ATTACK ON THE
INDIANS.

THE report of the Grand Jury concerning the Indians who are now engaged in farming in the Malad valley, deserves more than the passing notice we gave it yesterday. The malevolence the report displays, the untruths it utters, the insinuations it contains and the hearsay statements and opinions it repeats, mark it as the offspring of spiteful bigotry and malignant falsehood. That some members of the Grand Jury have permitted the infamous document to go on the record without their solemn protest against it, is certainly a matter of surprise.

The report starts out with a brace of falsehoods. First that certain Indians who refused to stay on their reservations camped two years ago on Bear River, in the immediate vicinity of Corinne, and secondly that the citizens of that place were alarmed at their attitude. The Indians referred to did not belong to any reservation at all, their farms were not within ten miles of Corinne, and it is well known that the pretended alarm was nothing but a ruse on the part of certain lively but unprincipled business men of Corinne, to obtain the location of soldiers at that place, to put a little vitality into their stagnant town. The Governor, who was foolish enough to treat the matter seriously, became the laughing stock of the whole Territory, including some of the very men who formed a portion of the Grand Jury which issued this report.

The Indians were a few poor, roving remnants of bands that had become disorganized. They offered no indignities to any one; but instead of strolling about as mendicants, and intruding upon the citizens of Northern Utah as had been their wont, they were peaceably engaged in harvesting the crops they had raised by honest industry learned from "Mormon" missionaries. They were heartlessly driven from their only means of subsistence for the coming winter, their crops were left in the fields and would have been entirely destroyed, if what was possible to be saved had not been gathered up by a few white men who had some humanity in their souls.

The whole affair of the dispersion of the Indians was alike disgraceful to those who commenced and those who supported it, and the fact that the red men, in whom revenge is a virtue, made no retaliation, is proof positive, of the fallacy of the accusation made against them.

The statements in the report that "the legal place of residence for these Indians is Fort Hall," and that "provision for their support is made there" are wholly untrue. As we have stated, they have never belonged to a reservation, and when old Sagwitch, who, some years ago, was shot by some soldiers without provocation, becoming afraid lest he might be shot again, went to Fort Hall, at the dispersion above alluded to, he was refused any assistance because he did not belong to that reservation.

The next allegation is incorrect; there is no "Bishop George W. Hill of Ogden" either at Malad or elsewhere. The Brother Hill who has for many years been a kind friend to those poor nomads is not and never was a Bishop. That the Indians have entered land under the provisions of the laws of the United States is true. It is also true that they have paid their taxes, which is more than some white men have done, and having taken the steps required by law they are entitled to peaceable possession of their property, in spite of all the false reports of grand juries and the malice of sectarian officials.

The statement that there are no houses built on the land occupied by the Indians is also a fabrication. There are a number of substantial dwelling houses on that land, and the terms of the statute in this respect have been complied with. It is also untrue that the Indians do but little work, or that most of it is done by white men, or that any settler adjoining their farm or any one else is annoyed by them, unless it is some person who covets their land, or is filled with the same spirit of enmity against them as displayed by the Grand Jury.

The prediction in the report that when the Indians obtain the Government title to the land in question it will be transferred to some white men, is a contemptible assumption for which the jury should have been rebuked by the Court. Grand Juries are not empaneled to prophesy, nor qualified to bear false witness, based on hearsay. And their belief, or the belief of other persons about the entry or transfer of land concerning which they have no positive knowledge or sworn evidence, is entitled to no consideration, but its expression only seems to show the animus which inspired the fabrication of their report.

After inserting a "Mormon" letter of instruction to one of the missionaries, which by the by, is the only portion of the document that contains a good sentiment or a true statement, the Grand Jury affirm, on their own authority, that missionary work consisted in performing manual labor, while the Indians loafed or went to Fort Hall for supplies. We tell the Grand Jury that the whole of that statement is a wilful falsehood, and that in uttering it they have violated their oath of office as well as forfeited the respect of every fair-minded person.

Like a wasp, the report unfolds its real sting in its latter end. In the last paragraph the "Mormon Church" is blamed for all the trouble manufactured for the occasion. That Church is the target aimed at in issuing the report. We were not aware that it was the business of Grand Juries to fulminate venom against churches, nor to enunciate opinions in relation to any form of faith or its effects.

But when such bodies frame indictments on the *ipse dixit* of an Attorney, and put men in legal jeopardy without seeing or hearing a witness in their cases, there is no wonder that they play such fantastic tricks as making attacks on churches, uttering baseless prophecies of imaginary offences, and adopting in official reports the opinions and may-be-so's of irresponsible acquaintances.

We pronounce the report of the Grand Jury on the Indians at Bear River, a tissue of falsehoods founded in malice, and relieved only from unqualified evil by the copy of a letter to a "Mormon" missionary, the wording and spirit of which ought to be enough of itself to refute the allegations in the body of the document, to every fair mind with natural discernment.

The only object of the missionaries who have been sent among the outcast red men is to turn them from their evil habits, instruct them in the faith of Jesus Christ, and show them how to labor for self support. The effects of these teachings are seen in the peaceable disposition of Indians once hostile, their repugnance to shedding blood, their worship of the Almighty in the name of the Redeemer, and their plodding industry, which is the surest sign of their reformation. And that a body of men, sworn to right action in a court of law, should make an attempt to deprive these repentant people of their possessions, and to malign the Church and the missionaries who have been instrumental in bringing about this remarkable improvement, ought certainly to arouse in every true heart the warmest feelings of indignation.

OFFICIAL PHEBOTOMY.

THE published reports of the proceedings in the Third District Court on Thursday last contain the following:

The United States vs. Emma Geddes; indictment for unlawful voting; defendant withdrew her plea of not guilty and entered a plea of guilty; a jury was thereupon empaneled and returned a verdict of guilty; defendant sentenced to pay a fine of \$5 and costs.