

EDITORIALS.

JUDICIAL PERVERSION OF THE LAW.

It is but a very short time since the country was informed, officially and through the press, that all the "Mormon" people were required to do was to "come within the laws." There was no desire, it was stated, to persecute or oppress them, or interfere in any way with their religious belief or membership in any Church, but they were simply asked to "come within the laws." The refusal of men who had married plural wives to promise that they would obey the law in future "as construed by the courts," was heralded throughout the land as proof of the hostility of the "Mormons" to the Government, and as reason for depriving them of the rights and privileges of citizenship. The courts berated defendants for declining to make this promise, and some judges fairly boiled over with wrath because of this alleged contumacy.

But now that a law of Congress has been enacted, which requires all voters to promise not to break the laws nor advise or assist others to break them, every obstacle that can be raised is interposed to prevent, dissuade, and intimidate the "Mormons" from subscribing to the agreement. Is not this a very singular state of affairs? To make the matter clear, we must once more refer to the difference between the requirement of the courts of polygamists, and the requirement of the law of monogamists.

In the former, men who have entered into solemn engagements, involving fealty to God and to women who are their wives before heaven and mothers of their children, are asked to agree that they will cast off and avoid those wives and treat them as worse than strangers, thus breaking their covenants and violating their sense of honor and of manhood, to escape a prison and a fine. In the latter, men who have not entered into these relations are required to promise that they will obey the laws and not aid or advise others to break them, as a qualification to vote, serve as jurors and hold office in this Territory.

Who cannot see the essential difference between the position of the two classes? The plurally married "Mormon" cannot consistently and truthfully make the pledge sought to be extorted from him by the courts, but thousands of "Mormons" who have but one wife, or no wife at all, can take the oath of affirmation prescribed for them by the law. And yet the utmost penalties possible are inflicted upon those who cannot make the promise, while obstacles are placed in the way of those who can agree to observe the law, to deter them from taking the oath. How much consistency is there in this?

"Force them to take the oath!" was the cry when it was supposed that it would be rejected. As soon as it is discovered that it can be taken and will be taken, the cry is changed and the word now is, "Construct, threaten, deter the 'Mormons' by every possible means from taking the oath, whether as voters, jurors or office-holders!" Such sudden transmutations are to be expected from the wretched gang that are plotting to seize and despoil the Territory, but people at a distance would scarcely expect such conduct in the courts. However, we invite attention to the official utterances of Associate Justice Boreman, on the 21st inst., while holding Federal court at Beaver.

A juror, while being examined as to his statutory qualifications was questioned as to his membership in the "Mormon" Church and his ability to take the oath. He stated that he was a member but had no right to counsel or advise at all, either as to polygamy or anything else. He was ready to subscribe to the oath. Whereupon Judge Boreman proceeded to deliver a strange harangue. We take the report furnished by the organ that claims to represent the Federal officials in this Territory, lest it should be said that we have misstated the Judge's position, and present his remarks in our local columns.

We have never heard Judge Boreman accused of being much of a lawyer. It is considered in this community that the position he was best qualified to fill was that which he adorned when formerly lifted from the bench and dropped to his natural level—plate-passer in a small Methodist concern in this city. But one might reasonably expect ordinary sense from a person in his station, and also a truthful statement if not an acute construction of the law. The attempt he makes to place a member of a church, which teaches the rightfulness of a certain doctrine, and practice, who does not engage in that practice, on the same ground as a partner in a firm which receives stolen goods, is a piece of judicial pettifoggery and actual absurdity that we think cannot be duplicated from the records of any court of ancient or modern times.

Why does not Judge Boreman see to it that the "Mormon" Church is prosecuted for "upholding" polygamy? If the organization, the society, the Church is an association of partners all engaged in crime, why not have the Church indicted? And if a member of that Church, because he believes in its doctrines is on a level

with a partner in a firm which is engaged in the violation of law, why is he not prosecuted for that connection? If the Judge's logic is good, he should have directed the grand jury to indict that juror for his membership, instead of trying to dissuade him from taking the oath to obey the law. If a man aids and abets his partners in stealing, he can be prosecuted as an accessory. If he does not aid and abet, he can say that he does not and swear that he will not. It requires an overt act to constitute aiding and abetting, and some positive advice to do an overt act to constitute counseling to commit a crime.

But will Judge Boreman, or the sage Leugner that put the notion into his head, please to tell us what part of the new law or of the old makes "upholding" polygamy a crime? Or will he point out that part of the oath which requires any one to promise not to "uphold" polygamy? Has not the Judge added to the law by using the words "upheld," "upholds," "upholding" as though they formed the very gist of the test oath? And is not such wresting of the law the lowest kind of police court pettifoggery? The law does not forbid the upholding of polygamy, either by a Church or any of its members. The law deals with actions, not opinions or the expression of opinions. And the substitution of the word "uphold" for the word "commit," is the foundation stone of the Judge's whole structure of transparent sophistry. Take that away and the entire batch of rubbish falls.

Adopt Judge Boreman's own partnership illustration, and use the word "uphold" instead of "commit," and see where it would stand. A firm might "uphold" the rightfulness or the policy of receiving stolen goods. But if no stolen goods were received, no member of the firm could be prosecuted. And if some members of that firm committed larceny or helped some one else to steal, the partner who performed no overt act could not be made *particeps criminis*. It would not be for upholding the offense, but committing it or aiding in its commission that any one could be proceeded against. Yet Judge Boreman seeks to draw a parallel between a person who "upholds" a theory which some people reduce to practice, and one who aids in the perpetration of an act that is criminal. Any sane boy ought to know better than to talk such nonsense.

But even if the stuff expatiated from the bench at Beaver could be turned into sense, what legal obstacle is there in the way of any man, who is ready to make oath that he will not break the law nor aid or advise others to break it? The oath relates entirely to the present or at the most to the future. It has no reference to the past. It has nothing to do with a man's membership in any Church, society or organization. It does not touch upon what he has done or has refrained from doing. No Judge, Attorney or Leaguer has any right to question a voter or an office-holder, as to his membership in the "Mormon" Church or any church. There is no law for it. There is no legal right for its interpretation. It is nothing less than assumption, obstruction and intimidation.

Judge Boreman is not constituted the public regulator of conscience in his district. He says if he belonged to the "Mormon" Church he could not take the oath himself. For the credit of the organization we are thankful for the fact, and are fully assured that the gentleman would not attain to that position without considerable repentance and reform. As he is not a member it is not for him to decide what a member should or should not do in that capacity. God forbid that any "Mormon" should acquire that elasticity of conscience which allows Methodist col-lectors to malign the "Mormons," and raise funds by the publication of the foulest falsehoods ever invented by mortals or demons!

We understand the motive of the cross-examination of jurors at Beaver and the exhortation delivered from the bench. But the purpose will fail. A few jurors may be driven from the panel, which does not matter much, considering the methods resorted to for the purpose of securing jurors "in sympathy with the prosecution." But it will not scare sensible "Mormons" away from the polls, that their enemies may gain possession of the local offices and prey upon their property.

That which Judge Boreman tries to insinuate as the purpose of the law, was the very thing that those who framed the law would not consent to. Anything that would interfere with belief or opinion or the free expression thereof, they declared they would not countenance. The oath was not to be made a religious test but to refer solely to acts. What can be thought of a Judge who attempts to inject into the law the very purpose which its framers intentionally avoided, and to justify which there is not a sentence or a line in its language?

We say to the people of Utah that the law allows them to believe in, expound, defend, and uphold the doctrine of plural marriage freely and to their heart's content. But those who take the oath agree not to commit the offenses named in the laws and not to advise or assist others to commit them. That is all. And he who tries to make more of it than this, whether he be a Federal official or private citizen, oversteps the bounds of the law and his officiousness and deception may be viewed with the most profound contempt.

THREE IMPORTANT QUESTIONS.

SOMETIME ago a purity association was formed in Chicago—where it was needed as much as anywhere on this continent—in which the members took a vow of chastity. We do not hear much about it now, and perhaps would have heard nothing about it then except by way of novelty. We hope however that the society has not collapsed for lack of membership or continuity, but that it is working its way against the dark tide of corruption that floods the commercial city by the lake.

A new society has been started in London called "Speak No Evil." Its members are pledged to ask themselves these three questions before passing censure upon any one, either mentally or verbally: "Is it true? Is it kind? Is it necessary?" When these questions, or either of them, cannot be answered in the affirmative, censure is to be withheld. Both sexes may be enrolled in the organization, and if its members only live according to their pledge, the good that will result is incalculable.

But if society should take it up as a new craze and it should be considered "good form" to join the association, what would the tea-drinking gossips and the chronic scandal mongers find to talk about? Lad So-and-So's receptions and Madame Thingumy's "at homes" would lose their chief attraction and many of the "most charming" of conversational gatherings would be voted "a complete bawh." We fear it will not do for the *haut ton* and that it cannot flourish in upstartdom.

Would it not be very good for Utah if the rule to make the above mental queries were adopted by both "Mormons" and "Gentiles"? Of course it would not work with the League organ that lives by lying and thrives upon scandal. Neither would it work among those plous preachers who profit pecuniarily by circulating monstrous fabrications about the "Mormons," with the ever-accompanying collection plate or subscription list attached. But decent people of all persuasions might govern their tongues and pens by the answers to those questions, and the world would be much the better for it. Both the individual and the community would be vastly benefited.

There are men and women in Utah who are under special covenant not to speak evil of one another. When they are about to repeat some highly flavored piece of gossip, would it not be right for them to ask first, "Is it true? Is it kind? Is it necessary?" We believe these would form three distinct barriers in the way of slander, and be a threefold protection for the innocent from the tongue of the backbiter and the lips of the talebearer.

How many of the stories that are passed from lip to lip, gathering volume and venom as they go, are either "true," or "kind" or "necessary"? What sensations are made out of some simple facts, colored and dressed till they are perfect caricatures of the naked truth! In the vision of the damned, portrayed in the Apocalypse, torment is depicted as suffered equally by those who *love* and those who *make a lie*. If the receiver is as bad as the thief, surely the circulator is as bad as the inventor of falsehood. The intent of course qualifies and determines the status of the act.

A "Speak No Evil Society," or the practical adoption of its rules, would be a splendid thing in Utah, and if it prevailed throughout the world would prove a boon such as has not come to humanity since the deluge, and would be the harbinger of a rapidly approaching millennium. Who will pledge themselves, to themselves, to make these three queries conditions to the utterance of personal remarks and the tittle-tattle that usually constitutes what is known as small-talk?

AN URGENT NEED.

A GREAT deal has been said in these columns and elsewhere concerning the immense importance of the Teacher's office in this Church. Its magnitude can scarcely be exaggerated. But we do not wish to enlarge on that subject. We desire to offer a few suggestions of a practical character. At no period in the history of the Church, we believe, has there been more urgent need of the efficient discharge of the Teacher's functions than at the present juncture. There is no lack of public preaching, although the absence of many leading spirits is vividly felt. But that there is need of more actual teaching in private, as provided for in the revelations of God, we believe will be generally conceded.

The Doctrine and Covenants define the duties of the several officers in the Church. The Priest, among other things, is "to visit the house of each member and exhort them to pray vocally and in secret and attend to all family duties." It appears, too, that the Elders are to officiate in this capacity, for it is written: "In all these duties (that is, all the duties of the priest's office,) the Priest is to assist the Elder if occasion requires. The Teacher is to watch over the Church always, and be with them and strengthen them,

and see that there is no iniquity in the Church, neither hardness with each other—neither lying, backbiting nor evil speaking; and see that the Church meet together often, and also see that all the members do their duty." They are also "to warn, expound, exhort, and teach and invite all to come unto Christ." All these duties come within the functions of the office of Elder "when occasion requires." Many Elders are selected to act in these capacities, and that is in accordance with the revelation from which we have quoted.

But it is a well known fact that most of the experienced Elders are engaged in various callings which render them largely unavailable for visiting and home teaching duties. Thus the presiding officers of the Wards, who also act as Bishops, have great difficulty in securing the services of the class of men really needed for this purpose. The consequence is that though the visiting is done in many instances—there are frequent exceptions even to this—there is but little real teaching imparted in the houses of the Saints. But that which is omitted is the very thing that is most needed. A mere call with a question or two, which sometimes amount only to "vain repetition," is not the object in view of the revelation. Instruction, correction when needed, exhortation to duty, explanation of principle, information in a homely way different from a formal discourse, the rectification of errors in language and conduct, and the settlement of personal differences, if any, are the ends to be effected. There are many things spoken of in public that need not and ought not to come before a congregation. The officers who act as Teachers should handle them in private where they belong.

We suggest to the brethren who are called to act in this capacity that they familiarize themselves with living issues. The topics of the times that form the subject of frequent discussion ought to be clear to them, so that they may be able to explain them to the people and answer questions relating thereto. The duties of the Saints to-day should be expounded in the home circle, so that unity of sentiment and of action may be promoted. The Teachers are wanted to feed the people. There are many who from a variety of circumstances cannot often attend public worship. They need to be informed as to the questions of the hour. The Teachers should instruct them. These visits can be made so intensely interesting that they will be looked for with eagerness, and every member of the household will be anxious not to miss them.

But in order to teach, the visitor must know something. He should be a reading, reflecting, praying man. He should be abreast with the times. He can improve himself in his efforts to improve others. And the presiding officers of the Wards have here an ample field for their abilities. They can teach the Teachers. Every live issue should be grasped in their minds and made plain to the Teachers, so that they may be able to explain it in the home circles of the Saints. Thus there will be real teaching as well as visiting, and the calls of the Teachers will be made profitable instead of being a mere routine of almost useless formalities.

If the brethren who visit find themselves at a loss for subjects to talk about, why not read something to the families they call upon? There are the Bible, Book of Mormon, Doctrine and Covenants, Church works in great number, and sometimes an article in a newspaper or magazine which touches on a vital topic will be the very thing to read and explain. Provisions of law that affect the people as members of the Church should be mastered by the Teachers and made plain to the Saints. All their duties as Church members ought to be expounded. Gossip is not wanted. Sound sense, something for the mind and spirit to lay hold of for nutriment and use, imparted in a pleasant and fatherly spirit, is what is required.

It is not our province nor our purpose to find fault. Yet that there is a painful lack of genuine teaching in many of such home visits as are made to the Saints cannot be fairly denied. We desire to see this lack supplied. We know it can be done, we know it ought to be done. We therefore throw out these hints to our brethren who act as Teachers and those who direct their labors, that they may become more efficient, that the people may be instructed, and that spiritual health may abound in the Church to the glory of God and the salvation of man.

A MASKED ASSAULT.

THE Lamoni, Iowa, "Saints' Herald," organ of the "Josephites," in its issue of March 19th publishes in full an editorial article from this paper on, "The Fate of Untaught Souls." The following remarks are made by the *Herald* editor by way of explanation of the reasons for copying something from our columns:

"In another place in this issue will be found an article entitled, 'The fate of untaught souls,' from the *Deseret News* of February 15th, which we present to our readers for a number of reasons. First, it is a more than average, though brief, presentation of both sides of a question which 'has come to

stay"—that of probation after death for the unchristianized heathen, (and we use these terms in their best and truest sense); second, to show the *Herald* readers that the *News* in this matter moves in the pathway marked out by the sacred books of the Church, notably the Book of Doctrine and Covenants, thus giving evidence of their return to these teachings when they need light on an important subject; and third, that all may see how far superior in spirit, in statement and in argument, are the Utah Mormon writings of the present than they were in the times when were delivered the sermons of B. Young and others, published in the *Journal of Discourses* and *Millennial Star*."

It would be remarkable if the "Josephite" organ were to make any reference to us and the people and faith we represent, without casting some ungenerous reflection upon either of us. It agrees with the doctrines set forth in the article and seems to admire its style and spirit. Is not that sufficient? Why go outside of the subject of the article to insinuate something foreign to it entirely, to make a thrust at the dead and disparage the living?

There is no "return" in the article to any teachings of a book or books because there has been no departure from them. The doctrine briefly expounded in it has been held by this Church and by this paper without change from their first utterance on the subject. The Book of Doctrine and Covenants has been quoted, too, as a written authority without departure. Not a volume of the *Deseret News* can be produced without some reference to the sacred books containing the word of the Lord. They are quoted in that light by the leaders and preachers of the Church as well as by this paper.

But, as stated in the article which the *Herald* approves: "Books alone cannot determine a religious controversy. Authority is absolutely necessary, to a settled decision. There is something higher than all books and all instruments. The Spirit by which the Scriptures were written is greater than the letter." So that while we give due respect to the written word, we do not place it above the Spirit and authority by which it is produced, and which alone can become the end of controversy as to its true signification. That is the position which the Church and this paper have always maintained.

Singular to say, the article which is praised as a "return" to something from which it has never departed, does not contain one direct reference to the Doctrine and Covenants, specially mentioned by the *Herald*, while frequently in other articles which are not reckoned in the "return," we have given copious quotations from that authority. Has not our critic strained himself in his needless endeavor to throw a dart at the Church through the *Deseret News*?

The doctrine explained in the article, too, is that which was taught by President Brigham Young and published in the periodicals named, above. It has had no more emphatic, lucid and forcible expounder than the late valiant leader of the Church. He made frequent citations of the Bible, Book of Mormon and Doctrine and Covenants in his discourses and arguments. He believed in them and accorded them all the authority they claim for themselves. Besides this, he saw with prophetic vision the glories and gleams of the spirit world and the fate of souls in the great hereafter, which he portrayed with voice and spirit of inspiration. "The sermons of B. Young and others published in the *Journal of Discourses* and the *Millennial Star*" are many of these models of terse and eloquent language and full of grand thoughts and lofty sentiments, in line too with the spirit and teachings of the sacred books.

We are pleased at the appreciation expressed of our simple position of doctrines taught by the leaders of this Church continuously, but deny that it is any "return" to books or teachings that are authoritative, and we repudiate the reflection cast upon a great man and his compeers, who were called and inspired of God to carry on His latter-day work, and who were the living expounders of the principles declared in the letter of "the word."

A SERIOUS CHARGE.

THE following appears in the *Utah Christian Advocate*:

"Gambling, drinking, profanity and Sabbath breaking are so common to excite but little attention, and many of those who are most vehement in their reform of the Mormons, are constantly absent from all the churches."

The Gentiles, who have the most wealth, and a large number of office holders ignore the churches; and hence the battle is, for the churches, a hard one.

In the work of bringing the Territory into line with American ideas and laws, the *Democrat* is doing its might, and the morning thunderer, the *Tribune*, is earning the gratitude of the republic."

This is a terrific charge of criminality against the anti-"Mormon" political conspirators and hacks. They could well be excused for their contempt of the churches, which have, as a rule, joined in the crusade against a conscientious body of genuine Christians like the Latter-day Saints, but the mantle of charity is scarcely