

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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## NO LAW FOR IT.

THE preparations are complete for the application by S. A. Kenner, Esq., counsel for Belle Harris, for a writ of *habeas corpus* as soon as the Supreme Court sits, which should be on Monday, June 4th. A time will, no doubt, be set for the hearing of the case, which, apart from the point involved in the alleged contempt of court for which the defendant is now in the penitentiary, contains elements that we believe will prove fatal to the judgment, and will cause her release from custody.

We consider the question which Belle Harris declined to answer, one of privilege, for it was of such a nature that a reply to it might not lead to her legal jeopardy. Such a question she might properly refuse to reply to. The queries of the attorney were simply impertinent attempts to pry into her private affairs. They were not questions in reference to any crime or any individual charged with crime. The lady was forced from her home by process of law, taken into a room with a crowd of men, and questioned imperiously as to her social status. It was not the business of the Paul Pry attorney nor of the Grand Jurors there assembled, whether Belle Harris was married or single, and the question, she holding her babe in her arms, was an insult to her and one that she very properly refused to answer.

The Court sustaining the questions, fined her \$25 for contempt in refusing to answer, and in addition, ordered her to be imprisoned until further orders from the Court. When the Clerk made out the commitment he took the liberty to add to it an order to the Marshal that she be imprisoned "in any prison in the Territory." The Court made no such order. The defendant might have been placed in the custody of the Marshal and kept in a private house, or under the care of a deputy in any place where she would have been safe from escape. But under the document made out by the Clerk of the Court, the Marshal was required to put the defendant in some prison in the Territory. He was not compelled to place her in the penitentiary, it is true. He might have put her in the county jail of Beaver County, and even now might confine her in the county jail of Salt Lake County. But the order of Court does not require her to be put in a prison at all, and considering the nature of the case, her confinement in the penitentiary and the exposure to which she is now subjected is simply an outrage that we do not believe the Supreme Court will in any way countenance.

The complaint of the Grand Jury to the Court on which the action of the committing Judge was based, sets forth that there was reason to believe that Belle Harris was "the second wife" of a person not named. Is there any offence known to the law as being "a second wife?" We know of none, and we think the prying attorney who made out the charge will find it difficult to prove that the law has anything to say about first wives or second wives, or wives in any other order. Committing bigamy or polygamy and taking a second wife may be altogether separate and different. There is no law, human or divine, against being a second wife, or taking a second wife. Ann Eliza, of unsavory fame, has just taken her third husband, but even in Michigan there is no law against that.

There are other points in this case that, when considered by a court of competent jurisdiction, we think will be sufficient to defeat the small scheme, poorly concocted, which has so far resulted in an outrage upon a defenceless woman, to "preserve the dignity of the Court" which has let loose upon

the community persons charged with some of the worst offences known to the law, but would not take bail for a woman with a nursing babe, who had committed no crime whatever. We do not believe there is any law whatever to detain Belle Harris in the penitentiary for a single moment.

## "PAUPER IMMIGRATION."

A dispatch from Washington, which will be found in another part of this paper, speaks of "a party of pauper 'Mormons' from Switzerland," and of instructions to the Collector at New York to prevent their landing if they are paupers within the meaning of the immigration act. That little "if" cuts a big figure in the instructions. The whole thing turns on it. The fact is that there are no pauper "Mormon" immigrants from any part of the globe at any time. That is, however poor they may be, they are not dumped down in New York or at any other place, to become chargeable to the public. They are usually forwarded to Utah, where friends are ready to receive them and aid them to a start in life, by which, with prudence, industry and economy they can gain comparative independence.

There are no immigrants who land in New York from European ports who have among them so few persons that may be properly classed with paupers as the "Mormon" companies. And there are none that excel them as honest, working people, valuable to any State, Territory or community. They are chiefly from the class that form the bone and sinew of society. They are never from the criminal classes or the vicious "lower orders." Mechanics, laborers, people accustomed to gain their bread by the sweat of their brows or in some branch of skilled industry, they, in most cases, have been able to save means sufficient to pay their own way to America, and many of them the entire journey to Utah. In some instances they are assisted by friends in this country or from a fund raised by donations. But in no case are they left as objects of public charity in New York or elsewhere.

There are thousands of people, however, shipped to the ports of the United States from various parts of Europe who may be properly classed as pauper immigrants. Some vigilance on the part of Government officials in relation to them would be consistent and in accordance with law. But the attempt to hinder "Mormon" immigration, whether by silly circulars or the plea of pauperism, is altogether out of place, and will surely prove abortive. The "Mormons" are able to take care of all their co-religionists who leave their homes in foreign lands to come to America and grow up with the country. They will prove sources of wealth instead of public burdens, and the more of their number who identify their lives and fortunes with those of the United States, the better for this great and glorious nation.

## THE BELLE HARRIS CASE.

THE Sacramento *Record-Union*, a journal which no one will accuse of favor to anything "Mormon," has an editorial with the above heading which we copy below almost entire:

Belle Harris lived in Sevier county, in the Egypt of Utah. She was brought before the Grand Jury of the Second Utah District and asked, "Are you a married woman; and if so, when and by whom were you married?" She replied that this was a privileged question, and declined to answer. With her babe at her breast, and leaving another child behind her, she was brought several hundred miles to Salt Lake and confined for her contumacy in the penitentiary. Of course the purpose of the question which led her into contempt of Court was to ascertain who claimed to be her husband, in order to aid the indictment of a man for having married a "plural wife." The Mormon organ at Salt Lake lauds the courage and fearlessness of Belle Harris, and declares that she is a "lady" with strength of character, who is defending a principle; that her right as a witness is as sacred as any rights recognized in Courts; that she is a martyr to a personal right, and in defense of a vital principle of freedom. The question was not directed to her knowledge of any crim-

but to her social relation to another, she not being charged with any offense. Had she claimed that her answer would criminate her, the way would have been clear to her personal freedom; but she does not appear to have taken this ground. As a devotee of her Church, she could not admit that living in polygamy is a crime, and so she goes to prison as a religious martyr.

The natural sympathies will be shocked at the imprisonment in such a dismal and unwholesome place as the Utah Penitentiary of a woman with a few weeks old infant in her arms. The law cannot, it is true, make distinctions when contumacious conduct in contempt of its processes is to be punished. But it does not appear that the Grand Jury was under the necessity of relying wholly upon this woman's testimony, or in proceeding to the extent of reporting her for contempt. Surely polygamy is rank enough in Utah; Mormonism is sufficiently full of the corruption to enable a jury to search it out with out "fishing" for a man they declare is unknown to them.

Why was it necessary to plunge Belle Harris into prison and refuse her bail, in order to ascertain who is the father of her several children? The woman has exhibited courage in a bad cause, that nevertheless excites respect coupled with pity. We fear our Gentile friends in Utah lack discretion in their zeal.

In the same week in which Belle Harris was sent to prison, a Gentile doctor of Salt Lake openly married a young girl, though he had a wife living a few miles in the country. After much trouble, the wife managed to procure from the authorities a warrant for his arrest for bigamy, but there was such bungling work that he was allowed to escape after the service of the warrant. Very naturally, the Mormons charge, "This was because he is a Gentile; had he been a Mormon he would have been chained down before the officers would have taken any chance of his escaping." And the impartial mind must admit that there is force in the sneer of the Mormons. The two cases do not speak well for the Federal officers of Utah. Our officers must show by their conduct that criminals are not rigorously treated because they are Mormons, or the rigor is relaxed because the accused is a Gentile.

The *Record-Union* expresses the views of a large number of non-"Mormons" on this subject. It is not a case of prosecution but of persecution. And the Carrington affair, particulars of which have appeared in this paper, shows conclusively that those who make so much ado about "Mormon" polygamy are rank and arrant hypocrites, for they have not a word to say about this flagrant case of "Gentile" bigamy, and make no effort to urge the capture and punishment of the criminal. If he had made any pretense of being a "Mormon" the officers would have been vehemently censured, a full description of the scoundrel would have been published by the "Gentile" papers, and the country would have been scourged for his re-arrest. The anti-polygamy outcry is a humbug, and the Belle Harris imprisonment a lawless outrage.

## LAW AND LIBERTY OF THE GOSPEL.

A few Sundays ago the pastor of Plymouth Church announced that he would administer the rite of baptism to such children of believing parents as might be brought to him. Like some other preachers who profess to be divinely called to the ministry he is very accommodating. He will sprinkle an infant or an adult, or immerse the latter if he so desires, leaving the matter to the choice of the candidate, or in baby cases to the wishes of the parents. The ceremony, in either instance, will be administered in the name of the Father and of the Son and of the Holy Ghost. Yet the Brooklyn divine, like others who presume to use those Holy Names in this manner do not even profess to have received any authority so to do by communication from the Trinity, or either of them, or from any person who has been thus favored. Without such authority it is not very improper, nay even sacrilegious to perform any act or administer any ordinance in the name, that is, in behalf or in the stead of Deity? One man has no right to perform an act in the nam-

of another unless expressly authorized to do so. An individual who assumed to act in the name of a business firm without authority would be liable to prosecution. A false official—one administering in any governmental position without election of appointment, would not only be regarded as a fraud, but be punished with severe penalties. Yet men have the presumption to use the names of the Holy Trinity without any warrant from on high, and seem to expect that what they do in this unauthorized and presumptuous and sacrilegious manner will be accepted and acknowledged by Deity, as though God had personally conferred upon them the right to act in His name.

In this case the preacher went further. He frankly admitted that the rite itself which he was about to administer in the sacred names of the Trinity was unauthorized of God. Said he, as reported in the New York papers:

This ceremony of infant baptism does not mean anything if it is based on apostolic example. A great many of the practices of the Apostles are done away with by change of time and circumstances, and a great many practices have sprung up in the Church, which are valid and useful, although they are not apostolic. There can be no idea more puerile than that we are to follow, not the spirit of the Apostles, but their literal action. It is puerile in the highest degree. We are heirs of liberty, having the exemplar Christ, and the interpretation of Christ's life as given to us by the Apostles is to do the things which experience shall show are proper, whether the Apostles did them or not. Any practices which do not involve moral considerations we are at perfect liberty to drop, and we do drop them. But any value which the baptism of children has, has come down to us as a Romish ceremony—a ceremony of the Roman Catholic Church, and through that utterly fictitious and condemnable notion that the whole human race fell in Adam; that as a consequence of Adam's federal headship all mankind are guilty, and that gave rise to infant baptism, because it was supposed that it washed away Adam's guilt out of them. Why, the water that you could put upon the point of a cambric needle would be enough to wash away all the sin our children ever got from Adam. So we don't baptize children for the sake of washing away any hereditary guilt, or because they participate or receive any influence whatever. Why, then, do I baptize children? Why do most persons baptize them? It is simply in conformation with our church practice and to the practices of mankind everywhere for the parents to stand sponsors for the children.

"When the child comes of age he can do just as he pleases; he can say: 'I accept the agreement of my father and mother; I ratify it.' Or he can refuse to do so. It is just as though they executed a legal document undertaking to give the child certain property when he shall come of age, upon his executing certain conditions; and when he is of age he executes the conditions and claims the property. But if it is said that this is simply ingenious rather than sound, why, then, the child can be baptized again when he comes into the church, and if he thinks that sprinkling is too little water, he can have just as much as he wants. There is perfect liberty in these things."

The gospel is "a perfect law of liberty." Obedience brings redemption from the bondage of sin and the slavery of unbridled passion. But like all true liberty, it is the liberty of law. The gospel, which is glad tidings, is the good news of the divine plan of salvation in which are laws and ordinances and requirements, as essential to obtain desired benefits, as sowing seed in good soil, watering and cultivation are essential to the expected harvest. No one is compelled to yield to the conditions. Everybody is at perfect liberty to comply with them or let them alone. But without obedience there is no resultant blessing, and without conformation to the exact requirements there is no saving effect.

A religious teacher who impresses the public mind with the notion that everybody is at liberty to be baptized, or not, to be sprinkled or immersed, to receive the rite in unconscious insanity or in responsible maturity, at the choice of individuals without regard to the word of God, is a deceiver to be denounced and shunned. There cannot be

anything more plainly manifest than the demands of Deity that all things done in His name shall be performed. He has directed. Moses required to do all things which were shown to him in the mount. Jesus did not presume to do anything but that which was revealed to him of the Father. His doctrine was not his own. When he sent his Apostles to preach the gospel he enjoined it upon them to baptize those who believed and "teach them to observe all things whatsoever I have commanded you."

Baptism is a sacred right of divine appointment. It was not instituted by the Apostles. It was not a custom of their times. John the Baptist was sent to baptize for a remission of sins, and Christ said, "The Pharisees and lawyers rejected the counsel of God against themselves, not being baptized with the baptism of John." When the Apostles preached they required converts to be baptized. There was no other door of entrance into the Church. And faith and repentance were pre-requisites to the reception of the ordinance. They administered baptism, not sprinkling, voluntary believing repentant candidates, not infants who had never sinned and could not believe or repent if they had.

Every candid student of the New Testament is bound to admit to Mr. Beecher's infant "christening"—it is not baptism—many other modern rites called religious, are "practices that have sprung up in the Church" through "fictitious and utterly condemnable notions." And yet he continues the practices and conforms to individual opinions and preferences, actually calls them "valid and useful, though not apostolic." Or what validity are fictitious notions and unauthorized ordinances, and of what use are ceremonies and forms that have been invented by men? They are not more "utterly condemnable" than the teachings of professed ministers of the gospel who endorse them and help to perpetuate them.

The baptism required and obeyed by Jesus Christ, taught and administered by his Apostles, and established as the entrance rite into the Christian Church, was announced by the Savior as an essential. "He that receiveth a man, be born of water and of the Spirit he cannot enter into the Kingdom of God." The water baptism is placed on a par with the spirit baptism, and both are absolutely necessary. The authority to administer them was given to the Apostles and to those whom they ordained by the vine commandment or permission does not descend by lineage or otherwise to modern times. It must be conferred by divine appointment; it is not enjoyed. Baptism without it is void, whether the form be correctly observed or not. The baptisms administered in all the sects are useless because they are "practices which have sprung up" therein; they are by the will or whims of men, entirely unauthorized of God, utterly unknown in heaven and consequently are of no force and effect either in this world or the world to come.

In the Church of Jesus Christ of Latter-day Saints there are no ordinances or ceremonies of mere custom. They are all divinely commanded and administered by authority sent down out of heaven in the present age, and dispensation. They are therefore accepted of God, and are as valid as though performed by Himself or his son Jesus Christ in person. All are at liberty to receive or reject them. But no one can gain the blessings which they are designed to bestow without conforming to the conditions. Obedience brings the fruits of the kingdom, and he who is brought thereby out of darkness into light is also brought out of the bondage of sin into the liberty of the gospel, and is regenerated and made free indeed.

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