

proper also to take into consideration the conditions as the National Legislature anticipated and understood them—in which the law was to be applied and enforced. They knew the time had elapsed within which a very large portion of those living in polygamy could be punished for that offense, and that many of these were among the most influential men in society, being the heads of the church; and that the example of their continuing to live with their plural wives under a claim of divine right would be a scandal to society and a menace to the lawful marriage; that such examples would be a continuing invitation and an apparent justification for their followers, either secretly or openly to violate the law. Congress therefore forbade plural marriage in appearance only, as well as in form, and by the example of punishment it doubtless intended to eradicate the example of apparent plural marriages, as well as the plural marriage in form.

The evidence against the defendant shows one of the most aggravated cases and worst examples of polygamy. He has one lawful and six plural wives living, and all of them he maintains and publicly acknowledges by introducing them as such; but claims that he is cohabiting with but one and visiting the others when he pleases. We are of the opinion that the evidence was sufficient to justify the verdict.

The defendant excepted to certain parts of the charge given in the lower court, and assigns the giving thereof to the jury as error. The charge appears to have been an oral one and does not consist of separate instructions. Each part of it should be regarded as qualified by the other portions. If the paragraphs excepted to were not misleading when so considered, they should not be regarded as erroneous. The portion first excepted to is, "It is not necessary that the evidence should show that the defendant and these women, or either of them, occupied the same bed, slept in the same room, or dwelt under the same roof; neither is it necessary that the evidence should show that within the time mentioned in the indictment, the defendant had sexual intercourse with either of them." This was a statement of facts not necessary to be shown by the evidence and was immediately followed by a statement of essential facts as follows: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances is living and associating with two or more women as wives." When the portion of the charge objected to is taken with that which immediately followed, the jury must have understood that if the defendant and any two of his wives were living in the habit and repute of marriage, and to all outward appearance they were living and associating together as man and wife, it was not necessary to show that they occupied the same bed, slept in the same room, dwelt under the same roof or that they were guilty of sexual intercourse.

The jury must have understood that it was necessary for them to believe from the evidence that the defendant and at least two of his wives lived and associated together as man and wife to all outward appearances, and that it was not necessary that he should board and lodge under the same roof with or have sexual intercourse with them. I say so understood they were not misled. Counsel for appellant also assigns as error the giving of the following as a part of the charge: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances, is living or associating with two or more women as wives. If the conduct of the defendant has been such as to lead to the belief that the parties were living as husband and wife live, then the defendant is guilty." This paragraph must be considered with the one in which the jurors were instructed that they must be satisfied of the defendant's guilt beyond a reasonable doubt before they could convict.

The defendant also excepted to the following clause of the charge and assigned the giving thereof as error: "Of course the defendant might visit his children by the various women, he may make directions regarding their welfare; he may meet the women on terms of social equality; but if he associates with them as a husband with his wife, he is guilty." The Edmunds law says there must be an end of the relationship previously existing between polygamists. It says the relationship must cease. So much of the clause as stated that defendant might visit his children, make directions regarding their welfare and might meet his wives on terms of social equality was quite as favorable to the defendant as it could ask; and the further statement "But if he associated with them as a husband as a husband with his wife he is guilty," was a rather meager statement. It had been stated more fully in the preceding part of the charge. The remark that "the Edmunds law says there must be an end of the relationship previously existing between polygamists" and that "it says that the relationship must cease," was evidently made inadvertently. It was a disconnected allusion, intended to be a declaration of the general intent and purpose of the law known as the Edmunds law. As a statement of the purpose of the law it was correct. That act was doubtless aimed at polygamy and intended to put an end to it. The statement could not be understood as a definition of the crime of unlawful cohabitation. And the jury could not have so understood it. That offense had been fully described in the preceding portion of the charge. We do not believe that this statement of the purpose of the law misled the jury and therefore it is not ground for reversal.

We are of the opinion that the exceptions of the defendant to the ruling of the trial court in admitting and refusing evidence are not well taken.

The action of the Court in refusing certain requests asked by the defendant is also assigned as error.

The second, third and fifth of them related to the definition of the term cohabitation as used in the law which the defendant was charged with violating. That term was defined in the charge with sufficient clearness to enable the jury to understand its meaning in view of the evidence. In the fourth request certain conduct was mentioned that would not constitute the offense and the request was not necessary to be given.

The sixth request was given in substance in the charge, so far as it was proper. And we are of the opinion that the seventh and eighth requests referred to matters, in regard to which it was unnecessary to charge the jury. The charge as given covers all the points upon which it was necessary to instruct the jury and was quite full and substantially correct.

After a careful examination of this record we find no ground sufficient to reverse the judgment of the District Court, and it is therefore affirmed.

POWERS, A. J. concurs.
BOHEMAN, J. concurs.

BOX ELDER STAKE CONFERENCE.

The quarterly Conference of this Stake was held in the Tabernacle at Brigham City on the 30th and 31st of January, 1886.

On the first day the general condition of several wards, and also of the Stake were reported. All of which had in them the gratifying intelligence of progress, and of increased union and peace; and that the present weak and vain efforts which are being now made to overthrow God's rule and government, only tend to intensify that undying love which lives in the heart of every Saint for the eternal principles of truth, virtue and justice so eloquently set forth in the doctrines of the Church of Jesus Christ of Latter-day Saints.

Apostle H. J. Grant during conference delivered three highly instructive sermons, which were pitiful and to the point, in his quaint comparison of "cheap slick words" and "solid good works," he was strikingly convincing, and his definition of the boasted liberty and freedom enjoyed in Idaho by the poor "Mormon" as compared with the liberty in the most despotic nations of Europe, was caustic indeed. In Idaho the poor Latter-day Saint's mouth is forced open to make oath to what he believes, after that, he has granted unto him "the glorious liberty and freedom" to pay taxes and die. In closing he bore a powerful and impressive testimony to the truth of the divine origin of the Latter-day work and of its ultimate triumph over every opposition and over all who fight against it.

The sweet rendition of choice anthems and songs of Zion by the choir, under the efficient leadership of Elder S. N. Lee, had a very happy and cheering effect upon the assembled Saints.

JAMES BYWATER, Clerk.

EXPRESSIONS FROM THE PEOPLE.

RELIGIOUS ANTAGONISM, ANCIENT AND MODERN.

History Repeating Itself.

CITY OF MEXICO,

Jan. 23, 1886.

Editor Deseret News:

From the earliest period of the world's history, strife and contention have existed between man and man, caused generally by adherence to different religious views and antagonism towards others. At different ages of the world God has had a people whom He acknowledged as His people and with whom He communicated and made Himself personally known. Moses, it appears, was a chosen instrument in the hands of God in delivering the children of Israel. Pharaoh and the "wise men," however, did not consider him. They could not tolerate his doctrine, for it differed materially from that of their fathers, consequently it was erroneous and repulsive. Yes, as Senator Morgan says, "it was a stink in the nostrils of civilization." Through succeeding ages, to the time of Christ, we find certain religious bodies who were

PERSECUTED AND HUNTED DOWN

by the wise men, and were thrown into dark dungeons, lions dens, fire furnaces, etc., because they dared to worship and pray to God contrary to the edicts that were made against them. Christ came, and at twelve years of age we find him among the still "wise men" teaching and talking to them. He established a religion among them with apostles, prophets, etc., as officers of the same. Poor fishermen were chosen to carry the news from city to city, and it grew with wonderful rapidity. There was a oneness, a unity, a sort of united order of things among them, and their influence began to be felt. The "wise men" viewed its growth and prosperity with serious apprehensions, thinking that in time it would take their name and nation. Like their Pagan ancestors, they began their persecutions to save the morality and name of the nation. In their zeal for the welfare of humanity, they crucified Christ, and, of course, saved the nation. Shortly after this a number of apostates from the Church of Christ, styled the Gnostics, came into public view. They denied the divinity of Christ, and rejected many parts of the Scripture. They proposed to explain the great religious problems and mysteries by Platonic philosophy, Jewish theology, and old Oriental theosophy. They introduced the philosophical ideas of other sects, and in the second century assumed the name Eclectic Ebionites, on account of their many selections from other sects.

ORIGEN

was a philosopher, educated by the "wise men," and thought all religions meant about the same thing. "The grand idea which he seems to have had in view, was to bring all sects and religions into harmony, by converting paganism into an allegory, conveying under its mythology important truths; and then, on the other hand, by robbing Christianity of all its high and holy principles, he endeavored to make the two extremes meet, and to amalgamate Christianity and paganism into one system. This he effectually accomplished in what was called the 'Catholic Church' in his time." (See Faiths of the World, vol. 1, p. 58, 51.) History informs us that the Church

of Christ still existed, but that it was very poor and very weak, almost afraid to show its face because of the oppression of the enemy. "The heathen Roman rulers, under the name of Christians, drove their haughty chariots over her like the mire in the street. And political power put its heel upon her neck; yet, she prayed in lonely rooms in Jerusalem, looked in the back streets in Alexandria and Antioch, and hid herself in the dark catacombs of Rome. All other religions, however gross, were tolerated; all the varieties of pagan superstitions received the formal sanction of Rome; but the followers of Jesus of Nazareth were persecuted to death in the ten general persecutions of the three first centuries, as the

MOST PERNICIOUS OF HERETICS.

The bishop of Rome, through Austin and forty monks, backed by force, established the church in England A.D. 597, and thus paganized the world. For centuries the bands grew tighter and tighter until the old Gnostic, Eclectic and Catholic system gave birth to the Reformation. The land of its birth could not tolerate religious liberty, and the Puritans finally emigrated to the American wilderness to make a home among the more human savages. Heretics, however, were tortured in the new world until common sense forbade. That inspired instrument, the American Constitution, was framed, and America was a light to the world. Her statesmen did not paddle around in religious broils, but remained true to the Constitution and the country.

France has shown her appreciation of our Republican principles by her generous gifts. The Bertholdi statue of "Liberty Enlightening the World." But religious liberty in the United States of America is but a name, there is as much in Italy or Russia. She has reached her zenith, and many of her Senators are the fossil remains of ancient Paganism, with her hereditary principles.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," etc. Some say "polygamy is not a part of religion." That is true pagan argument, and has always been the battle cry of crusaders and inquisitors.

Let us examine some laws of darker ages and see if our American Government is not on the decline. Austin in introducing Catholicism into England in the sixteenth century addresses the Britons thus: "You act in many particulars contrary to our customs, and yet, if you will comply with us in three points—viz., keep Easter, baptize as we do, and preach the gospel with us, we will readily tolerate all other things you do contrary to our customs." The first penal law against religion ever known in England reads: "Let a child be baptized within thirty nights. If he be otherwise let the father make satisfaction with thirty shillings. If he then die without baptism let him make satisfaction with all that he hath." Forfeiture of lands, goods or chattels, for neglecting to baptize, preceded confiscation for heretics 715 years.

"POLYGAMY EDMUNDS"

confiscates "Mormon" property because they gather their poor converts. A. D. 1833, 5th Richard II., Cap. 5, says: "Forasmuch as it is openly known that there be divers evil persons within this realm, who, by their subtle and ingenious words, do maintain the people in their errors; it is ordained in this present Parliament, that the king's commission be directed to the sheriff to arrest all such persons, preachers, their factors, maintainers and abettors, and to hold them in arrest and strong prisons till they shall justify themselves according to the law of the Holy Church."

13 Charles II., statute 2, ch. 1, A. D. 1681: "No person or persons shall hereafter be placed, elected, or chosen in or to any office of mayor, alderman, recorder, bailiff, town-clerk, common councilman, or any other place of magistracy or trust, or employment relating to the government of cities, corporations, boroughs, cinque, ports, or other port towns, that shall not, within one year next, before such election or choice, have taken the sacrament of the Lord's Supper, according to the rites of the Church of England."

Here are the

TEST OATHS:

"As well peers as commoners, that bear office, civil or military, shall receive the sacrament of the Lord's supper, according to the usages of the Church of England, in some parish church, immediately after divine service and sermon, and shall likewise make and subscribe this declaration: 'I do declare, that I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of the bread and wine, at or after the consecration thereof by any person whatsoever.'"

"No person that is, or hereafter shall be, a peer or member of the House of Commons, shall vote or sit till he shall audibly repeat the declaration—'I do solemnly and sincerely, in the presence of God, declare that I do believe that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof, by any person whatsoever.'"

Other equally silly laws might be quoted, but these are sufficient to show that Edmunds is actuated by the same spirit of persecution that prompted tyrants to deeds of cruelty in all ages of the world.

Yours,

J. S. MEXICANO.

VISIT TO THE B. Y. COLLEGE.

LOGAN CITY, Utah,
January 2, 1886.

Editor Deseret News:

The name of Brigham Young is ever dear to every true and faithful Latter-day Saint. I was forcibly reminded of this fact, as well as his generosity, broadness of views and foresight so well developed in his life and character, while on a brief visit to the B. Y. College, of Logan City, which, in connection with the Provo Academy, stands as a monument of his greatness and goodness.

There is not the least reason to doubt that the Prophet Brigham Young foresaw the time that our religion would not be popular in our common schools, because of the influx of non-professors, and more especially opposers of a God of revelation; hence he could not feel to lay his body down to rest without liberally providing from the wealth that the Lord had given him, for those institutions, the Provo Academy and the Logan College.

I was very much interested with the review of the latter, through the courtesy of the principal, Brother J. Z. Stewart. The various classes, from the primary up to the theological, were so well conducted and orderly, that I became so fascinated that I could scarcely refrain from wishing myself reduced in age from 66 to sweet 15, that I could spend 5 or 6 years with them.

After an invitation to address the school and a good, substantial dinner in the basement with friend Haines, his genial wife and amiable daughter, who, by the way, provide the temporal and substantial staff of life for the students, and after being refreshed I resumed my genial visit.

At precisely 10 a.m. the combined classes are called to order and music on the organ and singing, in which all join, follow, after which some one of the students is called upon to offer prayer. After singing again the primary class is marched to its department and the remaining classes are then formed into a theological class for one hour.

This morning, essays on Celestial Marriage, or polygamy, as it is sometimes termed, were in order, and the efforts of those who responded with candor and promptness, were not only creditable, but encouraging to the principal and the Institution, as well as to the Prophet, who doubtless looks back upon his works that he has left behind him, and is proud to know that a class of young ladies and gentlemen are being educated to believe in a God of revelation.

The completion of the tower of the grand stone tabernacle makes it one of the loveliest meeting places outside of Salt Lake City. This, with the heavenly temple, adds to the grandness and beauty of one of the fat valleys of Ephraim.

E. STEVENSON.

Items From Emery County.—From a gentleman who resides in Price—the principal railroad station of Emery County, we learn something of the condition of matters in general in that part of the Territory.

More snow than usual has fallen in Castle Valley, which embraces nearly the whole of the settled portion of Emery County. This gives great satisfaction to the people, because abundant snows mean an increase of the water supply and a more abundant crop of grass on the ranges.

Large herds of cattle and sheep are being wintered very successfully in Emery County. The snow has not been deep enough to interfere with grazing, and the cattle, sheep and horses are doing remarkably well on the ranges.

Even during the winter months settlers have come in, and during the coming spring and summer it is expected that a considerable increase in the population of the county will take place. There is an abundance of land and water to be had by new settlers, and parties seeking new homes would do well to make themselves acquainted with the attractions of Emery County.

At the present time the mail for Ashley and the Uintah and Ouray Indian Agencies is carried from Green River station on the U.P. R. R. over a very long, rough, mountainous route, while freight for those points is conveyed by teams from Salt Lake and Provo over what is known as the Strawberry route, an exceedingly hard road to travel. The matter of a road from Price to the points named, over which to convey mail and freight, has been agitated for some time and it is believed that interested parties will begin to construct it as soon as spring opens. The distance from Price, by way of the proposed road to the Uintah agency, will be about 90 miles, and to Ashley from 10 to 20 miles further. The road, if put through, will connect the Indian agencies and the settlements in Ashley Fork with a railroad station by a route much shorter and easier than either of those now being used. The proposed road leads through and over the Book Mountains, but considering the great distance of mountainous country traversed, it will be a remarkably smooth and easy road.

Ecclesiastically, the people of Emery County are manifesting a steady and gratifying improvement. Price Ward has lately been put in a condition of thorough organization, the meeting house has been so improved as to be a creditable place of worship, and is shortly to be provided with new seats. The influence of Bishop Frantzen is increasing, as is a spirit of interest in Gospel matters throughout the whole ward. D. J.

Williams & Co. are putting the finishing touches on a handsome store near Price depot, which, when finished, will represent value of about \$4,000.

EXCITEMENT UNABATED.

PROOF THAT THE PHYSICIAN'S TERRIBLE CONFESSION IS TRUE.

Cleveland, O., Herald.

Yesterday and the day before we copied into our columns from the Rochester, N.Y., Democrat and Chronicle, a remarkable statement, made by J. B. Henion, M. D., a gentleman who is well known in this city. In the article Dr. Henion recounted a wonderful experience which befell him, and the next day we published from the same paper a second article, giving an account of the excitement in Rochester, and elsewhere, caused by Dr. Henion's statement. It is doubtful if any two articles were ever published which caused greater commotion both among professional and laymen.

Since the publication of these two articles, having been besieged by letters of inquiry, we sent a communication to Dr. Henion and also to H. H. Warner & Co., asking if any additional proof could be given, and here it is:

GENTLEMEN: I owe my life and present health wholly to the power of Warner's Safe Cure, which snatched me from the very brink of the grave. It is not surprising that people should question the statement I made (which is true in every respect) for my recovery was as great a marvel to myself as to my physicians and friends.

J. B. HENION, M. D.

ROCHESTER, N. Y., Jan. 21.

SIRS: The best proof we can give you that the statements made by Dr. Henion are entirely true, and would not have been published unless strictly so, is the following testimonial from the best citizens of Rochester, and a card published by Rev. Dr. Foote.

H. H. WARNER & Co.

To Whom it may Concern:

We are personally or by reputation acquainted with Dr. Henion, and we believe he would publish no statement not literally true. We are also personally or by reputation well acquainted with H. H. Warner & Co., proprietors of Warner's Safe Cure, (by which Dr. Henion says he was cured) whose commercial and personal standing in this community are of the highest order, and we believe that they would not publish any statements which were not literally and strictly true in every particular.

C. R. PARSONS, (Mayor of Rochester.)
M. PURCELL, (Editor Union and Advertiser.)

W. D. SHUART, (ex-Surrogate Monroe County.)

EDWARD A. FROST, (ex-Clerk Monroe County.)

E. B. FENNER, (ex-District Attorney Monroe County.)

J. M. DAVY, (ex-Member Congress, Rochester.)

JOHN S. MORGAN, (County Judge, Monroe County.)

HIRAM SIBLEY, (Capitalist and Seedsman.)

JOHN VAN VOORHIS, (ex-Member of Congress.)

To the Editor of the Living Church, Chicago, Ill.:

There was published [in the Rochester (N. Y.) Democrat and Chronicle of the 31st of December, a statement made by J. B. Henion, M. D., narrating how he had been cured of Bright's disease of the kidneys, almost in its last stages, by the use of Warner's Safe Cure. I was referred to in that statement as having recommended and urged Dr. Henion to try the remedy, which he did and was cured. The statement of Dr. Henion is true, so far as it concerns myself, and I believe it to be true in all other respects. He was a parishioner of mine and I visited him in his sickness. I urged him to take the medicine and would do the same again to any one who was troubled with a disease of the kidneys and liver.

ISRAEL FOOTE, (D. D.)

(Late) Rector of St. Paul's Episcopal Church, Rochester, N. Y.

It seems impossible to doubt further instances of such conclusive proof.

WILLIAM'S PILES!! PILES!!!

Sure cure for Blind, Bleeding and Itching Piles. One box has cured the worst cases of 20 years' standing. No one need suffer five minutes after using William's Indian Pile Ointment. Its absorbent tumors, allays itching, acts as poultice, gives instant relief. Prepared only for Piles, itching of the private parts, nothing else. Sold by druggists and mailed on receipt of price, 50c. and \$1.00.

For sale by Z. C. M. I. Drug Dept. FRAZIER MEDICINE CO., Prop's, Cleveland, Ohio.

NOT THAT COUGH.

By using Dr. Frazier's Throat and Lung Balm—the only sure cure for Coughs, Colds, Hoarseness and Sore Throat, and all diseases of the throat and lungs. Do not neglect a cough. It may prove fatal. Scores and hundreds of grateful people owe their lives to Dr. Frazier's Throat and Lung Balm, and no family will ever be without it after once using it, and discovering its marvelous power. It is put up in large family bottles and sold for the small price of 75 cents per bottle. For sale by Z. C. M. I. Drug Dept.