

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Nov. 6, 1878.

THE POLYGAMY QUESTION.

The telegraph, as usual, is transmitting exaggerated and unreliable reports of matters in "Mormondom." The Pacific coast papers are informed that a "Mormon" named Miles has married three wives at once and that there is great excitement about it at Salt Lake. Those papers thereupon proceed to comment upon this sensational news, and make some silly and some sensible remarks.

The Sacramento *Record-Union*, a strong anti-"Mormon" journal, in its issue of the 28th inst., has a well written leader on the "Mormon Polygamy Case." But it starts out with an error, the fault for which should be laid, not upon the head of the Sacramento editor, but upon the unveracious dispatcher at Salt Lake. It is not charged here that Miles married three wives at once, and, up to the present time, the prosecution have not succeeded in obtaining any definite and reliable proof that he married any one but Caroline Owen Male, who, having placed herself in the society of gossips and mischief-mongers, raised the breeze which has made the present flutter in this city.

But the *Record-Union* says very sagely:

"If this new case could be forced to a conviction it would have no practical result. It would not lessen polygamous practice. On the contrary, it would be regarded as persecution, and it would make sympathy for the Mormons. * We confess that we are tired of these abortive efforts to break down a deep-rooted and extensive system by assailing it with pop-guns. * * * Mormonism is an anomaly and a perplexity, and its existence and vitality are alike singular. But it is nevertheless a subject which demands the closest and most mature thought, and it cannot be injured, much less destroyed, by the application of a merely irritating treatment."

Mormonism is "an anomaly and a perplexity," simply because it has originated from a higher power than man, and it is rooted and grounded in the hearts and the faith of its adherents. They who do not see it in this light, and cannot believe in its divinity, do not make allowance for the singularity of those who hold it sacred. They assail the leaders as knaves, and the followers as dupes, and fail to recognize the fact that from the head of the Church down to its newest member, implicit faith that God is its author, director, and sustainer is the motive power that urges them to persistence, while it unites and emboldens them.

Persecution, the bayonet, the rifle, and the torch, or legal penalties, such as fine or imprisonment, have had no power in the past to crush out faith. They only confirm it and strengthen the determination of the true-hearted to struggle for the truth, and to suffer death for its sake rather than live to dishonor or be driven from it.

The *Record-Union* further says:

"The solution of the Mormon problem is a task from which our ablest statesmen have shrunk for many years, and while the government has been hesitating, the evil has attained larger proportions. At present it is, we think, sufficiently apparent that if polygamy is to be abated it must be attacked in some comprehensive and general way, and that no other policy will be of the least avail."

That editor is "wise in his generation," but he does not appear able to show the "comprehensive and general way" by which the "Mormon problem" is to be solved. We offer a suggestion. Concede the point of "Mormon" sincerity, proven by their sufferings and endurance of all kinds of trials for its sake. Then, approaching them in the spirit of humanity to say nothing of Christian charity—which we are aware the Sacramento editor does not take much stock in—bring

forth the strong reasonings of a better social system, and the good examples of the workings of a "higher civilization." Try fair means instead of foul, and who knows but the terrible "Mormons" might be turned from the error of their ways or, on the other hand, show to the world something that they have not yet considered, but which may be for the permanent good of all humanity. Try it and see.

SECRET ORDERS AND BOASTING OFFICIALS.

THE District Attorney is extremely anxious to drag into open court all the ceremonies and rites performed in the Endowment House. He has made his boast that the day will come when everything that is done in that sanctuary shall be told in open court.

We do not think any public official will aid in the cause of law or justice by such idle boasting, or in attempting to do anything which does not come within the lines of his duty. The ordinances administered in that House are sacred and secret. Those who officiate in or receive them have just as much right to preserve secrecy in relation to them, as the Masons or any other secret order have to keep, for the lodge room alone, the exercises observed therein. The Masonic Order is but a relic of the sacred and secret ceremonial of the Israelitish Temple, lacking the divine spirit which gave it life and heavenly significance. And the devotee of "Mormonism" is equally entitled to the protection of courts, when pressed to reveal that portion of his religion which is designed only for the initiated, as any Mason who might become the victim of an over-zealous legal examiner anxious to squeeze out the secrets of the craft.

We have nothing to say against the full performance of official duty. An officer who is sworn to prosecute criminals is worthy of the severest censure if he neglects to proceed against violators of the law. But neither the interests of society nor the letter or spirit of national or local statutes require an officer to assume the role of a Spanish inquisitor, an angry braggart or a bitter partizan. The representative of the law may be severely just, rigidly technical, and anxiously zealous, and be still a gentleman, courteous if exacting, dignified if determined, and polite, especially to ladies, if necessarily critical and pertinacious.

The "Mormon" Church will survive even if every ordinance and covenant of the Endowment House were published to the world. There is nothing evil in them, or that would reflect discredit upon the initiators or the initiated. But those ceremonies belong alone to those who receive them just like the rites of any other Order, and those who attempt to make them public, no matter how much they may come to dissent from the views which originally led them to receive the ordinances, can but be the objects of general contempt, as are those who have been Masons, Odd Fellows, Old Friends, or members of any other similar society, turn round and try to expose the secrets which they have vowed to keep sacred. Several apostates have attempted this ignoble work, and have published their professed expositions to the world. They have all gone into dishonor or oblivion, and their contradictory statements have no more force and effect than a puff of wind.

We have heard just such boasts before. Utah has been afflicted with partizan officials in shoals. Where are they? Nobody knows, nobody cares. They have passed out of sight, and are only remembered, if at all, with despatch. But that which they swore to destroy still moves forward unaffected, except to be benefited by their puny efforts, agitation keeping it prominently before the world. So it will be in the future. Let those who disagree with "Mormonism" oppose it if they so desire, but do it in an honorable way; and let those whose duty it is to act under the law, keep within the bounds of the law, and every step they take beyond will only be a sure advance towards their own discomfiture and ultimate overthrow. The past teems with proofs of this; the future will be but history repeated.

THE MILES POLYGAMY CASE.

TESTIMONY OF PRESIDENT JOHN TAYLOR.

We published on Wednesday, a very brief synopsis of the testimony of President John Taylor, who was subpoenaed as a witness for the prosecution in the Miles case. As the remarks of President Taylor refer to several points of great importance, and as the abbreviated report could not do justice to them, we here produce his testimony in full, as taken down at the time by Elder George F. Gibbs, photographer, for the News.

President Taylor's remarks are pointed and emphatic, and they express the views and feelings of the Latter-day Saints generally on that subject.

A history of this case which has caused so much comment is also embodied in the testimony here adduced, and we have no doubt it will prove interesting to our readers at home and abroad:

President Taylor in answer to a number of questions testified: I am called the President of the Church of Jesus Christ of Latter-day Saints; I am acting as such; I have seen the defendant once or twice; I did not see him last Thursday.

Question.—Did you see him about that time?

Answer.—If you will explain the extent of your meaning of the word about then I may be able to answer; I don't think I could tell precisely when I saw him, perhaps a week or ten days before last Thursday, I don't remember; I saw him in my office; I saw a lady with the defendant whose name I do not remember; I cannot describe her very well, am a poor hand at describing persons; she was a young lady, but I do not know what her stature was nor her complexion; I think she was medium built. My office is what is called the President's Office. I do not recollect the day of the week neither the time of day they called on me; there was I think more than two or three ladies present, but as to their being with the defendant that I could not tell, there being a great many persons constantly calling upon me, and it would be difficult for me to tell who they accompany or the business they come on; I do not remember when these parties came or how they came, I saw them there; I don't know the names of any of the ladies, not even by hearsay or of my own knowledge, they were strangers to me; I could not say whether I saw defendant or any of the ladies go away, I have a great deal of business to attend to and a great many people call upon me; my office is a large open room; I have no recollection or impression whether defendant came alone or not, in fact I don't know anything about those details; he came for consultation with me; he spoke concerning marriage and other matters, referring to himself I mean, I think the main point was in relation to his intention to get married.

Q.—State what he said? [This question was objected to on the ground that it was a privileged question, taken in the light of a confession to witness, acting as a clergyman. Counsel quoted the following from the compiled laws of Utah, Sec. 1606:

"A clergyman or priest shall not, without the consent of the person making the confession, be examined as a witness as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs."

The witness answered that the nature of the conversation was in accord with the law governing it; being in part a statement and in part a confession, in accordance with the discipline of the Church to which he (defendant) belonged, and also to which he (witness) belonged.

Court adjourned until Wednesday morning, 9.30 o'clock.

WEDNESDAY MORNING.

Examination resumed.

Q.—At the time the defendant, called upon you, were Joseph F. Smith, Wilford Woodruff and Geo. Reynolds present?

A.—Could not say distinctly; some of my friends were present, and I

think it was those gentlemen, but cannot say positively. Reynolds is usually there. There were some ladies, but their names I don't remember; I don't know whether Julia Spencer was there, as I don't know the lady's name; Could not say whether the parties named by you—the aforementioned gentlemen, and the Miss Spencers and Miss Owen—were the only persons present; my impression would rather be that others were present, but could not say who they were; I think likely I did consult with the gentlemen present, but could not say positively. I had seen the defendant before this.

Q.—Concerning the same business that you then had under advisement?

A.—Partly that and partly other things. He had seen me about the same business once before, I do not remember whether I advised him with regard to any matter anterior to this.

Q.—Do you remember whether the matter was disposed of at the prior conversation?

A.—I don't think there was anything of very great importance to dispose of; I don't think I can remember; my mind would have to be more positive than it is at present before I could give a definite answer; I don't know that I have any impression about it. Referring to the last interview, I remember a lady whose name, from what you say of her, I would judge to be Miss Owen.

Q.—Did you then say to Miss Owen, to Mr. Miles, and to others present, or to either of them, that Miss Spencer was entitled to be and must be Miles' first wife, or did you say that in substance? [Counsel for the defense objected to the question on the ground of immateriality and irrelevancy, also on the ground of the demurrer of the witness to a similar question. After argument on both sides, the Court ruled the question a proper one.] Witness then said: With all deference to the Court and counsel, whose feelings I appreciate, I do think there is something irrelevant in the question now put to me, that is, if the defendant Mr. Miles is on trial; but if the Church of Jesus Christ of Latter-day Saints and myself are on trial, of which I have not been informed, then perhaps the question might be considered a proper one. I hope you will not place me in a position to do anything that I should feel very much opposed to do. For instance, I was for years a Mason and did not under any circumstances betray my trust. I considered the obligations imposed upon me as sacred, nor have I ever been called upon publicly to divulge the secrets of that Order. I hope that the action of this court will be such as not to force me to do something that would betray my religion and my honor.

[Here Mr. Van Zile objected to the witness digressing; but the Court ruled that in the capacity in which he sat, it was a privilege.]

The witness continued: I have never been disposed, nor have I ever before been asked to expose things committed to me in confidence; nor to place myself in a position to be my own accuser. I think I am protected by the law—at least that is my view of it; and therefore, with all deference to the Court and parties concerned, I do hope that I shall not be placed in such a position as would deprive me of the enjoyment of my right.

The Court courteously intimated that he did not wish, and indeed would be very sorry to transcend his duty; but he could not see how witness could in any way criminate himself by answering the question.

The witness then said: I will state that I am an avowed polygamist and I stand here as such. I have children and grand-children born under the law governing that order of marriage. I entered into this relationship when there was no law of the United States making it a crime; the law I refer to has been enacted since. Congress by its enactments has declared it to be a crime. I understand that so far as I am concerned there is no law that can affect me, for no law can be made retroactive. But there are parties who come to me for advice and counsel, with the highest sense of obligation that any man can have on this earth—an obligation to my God. And I cannot recognize, in my feelings, principles that are contrary to the revealed law of celestial, or plural marriage, which I know to be of such importance, and which I not only be-

live; but I do know before God is true. And being brought into court, I consider that I ought, at least to have the right to protect myself in common with other citizens of the United States; and that when questions are put tending to implicate me in regard to this so-called law, that it does seem to me I have the right to fall back on the privilege guaranteed by the law of our Territory, of the United States, and as I understand it, by those of other civilized countries; that I ought not to be compelled to answer questions which tend in any wise to implicate me or those placing confidence in me. I have serious conscientious views in relation to this matter, before my God.

By the Court: If you can explain to me how it is possible that your answer could extend a meaning that would tend to convict you of any crime whatever, I would be glad to have you do so.

Counsel for defense replied that to answer that question the witness would have to forego the privilege guaranteed him by the law.

The Court held that if the Court does not see that the answer of witness would tend to convict him, that the Court must have the witness answer.

The Court remarked to the witness that it was impossible for him to see wherein his answer could in any way tend to criminate himself.

Witness: Polygamy is made a crime by United States statute; it is for that crime that Mr. Miles is before your honor, as I understand it. I am called upon to answer a question which would strictly state whether I had advised the defendant to do certain things associated with that alleged crime; which, of course, if the manner were assumed by which certain things should be accomplished, then the fact itself would be acknowledged by me, embodied in the same ideas. Therefore, as I regard it, I should be called upon to occupy the place of the defendant—the criminal in this matter, and could be arraigned before this Court for participation in the crime of which he is accused.

The Court: Plainly not, for this reason, advising such a course is not crime itself.

The witness then proceeded to answer the question, which the Court maintained he should do, by saying: In making the remarks I have offered, I have not made them particularly with a view to screen myself, because there is nothing I have done in this matter that the law could interfere with, my object being to claim my rights as an American citizen before this court. I will state voluntarily, however, that in my interview with these parties, that so far as the Church was concerned they were relieved from all former obligations, and instructed that if they did anything in relation to the matter, they would do it upon their own responsibility, and not upon mine.

By the Prosecution: What parties?

A. I refer to Miss Owen and some other ladies whose names I do not know, but whom I suppose are the same referred to by you—(meaning the Spencer girls.)

Witness continued: I have no reluctance to give evidence, only I wish to be protected in doing so; and for the information of the Court I will relate, as near as I can, the substance of a private statement made to me, which is very much in the shape of a romance, the leading features of which I distinctly remember. There appears to have been some trouble between the defendant and I think this Miss Owens, arising from some agreement with each other previous to defendant's leaving England. When he left England it was to follow the sea; and if I remember rightly; somewhere in Australia he met with some of the Elders of our Church through whom he became convinced of the truth of our doctrines, and was baptized into the Church, and afterwards came to this country, and went to live at St. George. I was never acquainted with him until he presented himself to me to make this statement. Previous to his going to St. George he wrote to this Miss Owen—I think that's her name—offering a proposal of marriage. He never received an answer to this letter, but it would seem the lady did write him accepting his proposal. But not having heard from her, neither from his parents to whom he also wrote, and some years having elapsed, I do not remember how many—the prosecution intimated some eight or 10].