

theoretical, merely because your parents may believe in it. Don't continue to believe in it simply because you have done so, without looking into it from all sides of the question. Be independent. Be willing to learn. Think for yourselves. Recollect that wise men and women are open to conviction. Be open to new ideas. Talk with people who think differently from what you do, on this subject, as you would on any subject. Use your own brains. Don't be a clam."

That is very good as far as it goes, and is such advice as the writer might often hear in "Mormon" meetings if he ever attended them. Such remarks have been frequent in Mutual Improvement Association meetings which are conducted by "young Mormons" for mutual benefit.

We go further. We say, don't be a monogamist actual or theoretical merely because somebody says it is right and the other theory and practice are wrong. Be not only "willing to think for yourselves," but be thinkers. Don't condemn anything merely because it is unpopular. Don't believe anything simply because the majority accept it. Don't be ridiculed out of anything that you know or have faith in. Don't be deceived into fancying that "independence" consists in opposition. There is, at least, as much independence in unity as in division.

Moreover, beware of anyone who tries to break down the force of parental authority. "Honor thy father and thy mother," is as divine, essential and beautiful to-day as it was four thousand years ago. Beware of those who would entice you from the path of self-control into the ways of self-indulgence. Avoid those who drink intoxicants, smoke tobacco, indulge in filthy language, jest at virtue and try to induce you to follow their example. Be temperate, be chaste, be humble, be teachable. Follow good examples, and don't be caught with chaff.

A DIFFERENCE.

The editor of the Ogden Herald in alluding to his own case in the last issue of that paper says:

"The secret of his overthrow and punishment—for he has already been cruelly punished by aspersive public vilifiers—may be discovered in the fact that he ably, warmly, fearlessly, and perhaps over zealously, espoused the cause of the abused, the down-trodden and the oppressed—the cause of the Mormons. Had he uttered ten thousand libels against them, the carpet-bag statesmen of Utah and their abject satellites would never have dreamed of enforcing the libel law against him."

No intelligent person who has watched the course of events in this Territory during the past few years can honestly question the truth of this last assertion. In proof of the fact that it makes all the difference in the world whose ox is gored, one has only to think of the abuse to which the Latter-day Saints as a people have been subjected in the courts of this Territory, unsupported by testimony or warrant of law, as in the case of the assault recently made by Mr. Varian when he refused to prosecute the non-"Mormon" lechers, and then recall the snubbing which Attorney Burmeister received for merely referring to the feeling of prejudice existing against the Saints. Or, if a more extreme example is wanted, we might refer to the stream of outrageous libels against the Saints as individuals and as a community, poured forth by the anti-"Mormon" press of this city, for uttering which if the writers thereof could live to pay by imprisonment the usual penalty in libel cases eternity would scarcely be long enough for them, but which, if not endorsed is at least ignored by the carpet-baggers referred to.

PHIL ROBINSON ON UTAH.

According to the London Times Phil Robinson is said to have replied as follows to a question as to how he gained such an intimate knowledge of the "Mormons":

"I lived some months among them for the purpose of studying them and writing about them from an impartial point of view. I went to Utah Territory for the New York World, and I wrote to that paper forty descriptive letters, which created a great sensation all over America, since they entirely contradicted the generally accepted accounts of the Mormons circulated by Gentile writers, who have tried for the last fifty years by all sorts of slanders to destroy the Mormons. They have always made out Utah to be a den of infamy, where crime and vice of all kinds are perpetrated. Now, from seven months' close observation of the Mormons, I unhesitatingly say that Utah is the purest State in America. Whatever crime and vice are to be met with in Salt Lake City are perpetrated by the Gentiles, who form 17 per cent. of the population of that city, and yet furnish 95 per cent. of the criminals! In the Territory there are no Gentiles resident, and consequently there are no police required, for there is no crime. And, mind you, the Territory is as large as England in extent. My true statement of things as I found them, and my constant denial and refutation of the daily

slanders circulated about the Mormons by the editor of the anti-Mormon paper in Salt Lake, who also happened to be the telegraphic correspondent of an association that corresponds to the Reuter, of course gained for me a lot of ill-will among the Yankees in the city, and after nightfall I seldom went out without a Derringer in my pocket."

There are some inaccuracies in the foregoing, as for instance the intimation that the non-"Mormon" residents of the Territory were limited to Salt Lake City, and the calling of Utah a State, but his declaration that Utah is the purest part of America is based upon observation and a study of statistics, and its truth can be demonstrated. The same may be said as to his estimate of the ratio of criminals from the respective classes of Utah's residents.

"ONE OF THE IMMORTALS."

A FEW Sundays ago the Rev. R. Heber Newton, of New York, delivered a discourse on "the three names that represent the patriarchal period in Jewish history"—Abraham, Isaac and Jacob—the men whom Jehovah was pleased to be called after as their God. The preacher had nothing but good to say of those ancient worthies. He showed that each was unlike the other, "while each was one of the great Fathers of the people called by Providence to teach the world in conduct, each of whom was equally with the others a man of God—of the God of Abraham, Isaac and Jacob."

Here is what he said of Abraham:

"The story of Abraham is of a magnificent manhood, a nature as one of the immortals, a veritable son of the Most High. He led a migration to a new country for freedom of conscience and purity of worship. I believe our history preserves to us the dim memory of a mighty master of men, such a hero of the soul, in the father of monotheism. When Alexander Severus was filling the Pantheon with busts of the immortals of earth he passed by Moses and placed Abraham there. Moses founded a national religion—Judaism. Abraham fathered the faiths of three great religions—Judaism, Christianity and Mohammedanism. The Abrahamic type of character is that of the colossal forms of manhood, the giant figures of the earth—the immortals. Our business is to recognize and do homage to them when they come. The deepest irreverence of our age is its attitude of cynical familiarity toward our few really great men. There are spots on the sun, yet one should not think less of the orb of day because of these obscurations, or decline to walk in its light because it has shadows. The faith of the great souls of earth is not easy for us, but it is in the part of true wisdom, of a sound reason to believe in their belief, to trust the vision which opens on their eyes, though it be clouded to our sight as we walk low down in the valleys of earth. In the light of their lives we can best learn to believe in one of whom these splendid beings are the children; one whose justice and goodness is imagined in these His offspring; one whom these immortals may justly call 'Father.'"

All this is just, and nothing but what is due to the memory of the great patriarch, who had a kingly soul, was learned enough to teach the Egyptians astronomy, was a foe to idolatry, a leader of men, an owner of much wealth, the "friend of God" and the husband of several wives. Yet, if this "splendid being," this "giant figure of the earth," one of the "immortals," was living in the United States to-day, his eulogist with others of the same cloth would have him put in the penitentiary. "Distance lend enchantment to the view." What was virtue three thousand years ago, is counted vice in the nineteenth century. One of the grandest figures in history would to-day be counted as a common criminal. And the same men who revere his memory as one of the mighty dead, would spit upon him and revile him and seek his destruction if living.

We are well aware that customs and manners and laws change with the progress of time and the growth of nations; that some things which might be tolerated in one age will be condemned in another; but morality and virtue remain the same. If plural marriage is adultery, as claimed by modern ministers, then Abraham was an adulterer and could not enter into the kingdom of heaven, according to the teachings of the New Testament, and was worthy of an ignominious death according to the Old. Dr. Newton declares that we should "do homage" to such men as Abraham when they come to us. He says, "It is the part of true wisdom, of a sound faith, to believe in their belief." Well, then, the Latter-day Saints or "Mormons" should be praised instead of blamed wherein they pattern after the example of the great patriarch. They not only show "true wisdom" and indicate "a sound faith" by believing in his belief, but they show their faith by their works, and follow the injunction of Jesus, the great teacher, who said, "If ye were the children of Abraham ye would do the works of Abraham." But, in the language of Dr. Newton, it is because the light which opened to the vision of Abraham and his followers is "clouded to the sight" of modern "Christians," because "they walk low down in the

valleys of earth" that their "deep reverence" turns to evil that which the God of Abraham, Isaac and Jacob approved and regulated for good.

If the plural marriage of the "Mormons" is vice, it was vice in Abraham. The laws of a nation do not make or unmake essential evil. The lapse of time does not change purity into corruption. If plural marriage is vile in itself, it was always vile, and Abraham was defiled by it as much as any "Mormon" is said to be to-day; and if it was not inherently sinful then, it cannot be so now.

We are not arguing upon the legal aspect of this question. We are merely looking at it morally, religiously and logically, taking Dr. Newton's eulogy of one of the great characters of history as a basis.

The inconsistency of modern divines in their intemperate attacks upon the Latter-day Saints and their wholesale and unsparring denunciations of polygamy, is made plainly apparent when they go into rhapsodies over the grandeur and holiness of Abraham, and descend upon the purity and devotion of Sarah, of Rachel and of Hannah. They hold up for the admiration of modern nations the biblical worthies of antiquity and then condemn to the fate of a felon any man who exhibits faith in those examples by patterning after them in his life and conduct, and yet Dr. Newton tells us that Abraham, Isaac and Jacob were "each called by Providence to teach the world in conduct." They were not merely examples of faith but of action. Why then abuse the Latter-day Saints for their practical obedience to the teachings of those divinely called and holy "men of God?"

Verily this is a generation of humbug, and the teachers of religion, while uttering fine words to fall pleasantly on the ear, do not mean that their high-sounding sentences shall be taken for practical lessons to influence the lives of men. Truly they are but "as sounding brass and a tinkling cymbal."

LIVING WITH "AND" HOLDING OUT.

We published in Thursday evening's issue of the DESERET NEWS some correspondence between the Grand Jury of the First Judicial District and Associate Justice Powers. The subject is interesting to the people of Utah. It is the very question which the Supreme Court of the United States has shirked, if the Associated Press reports of the decision in the Cannon case are correct. The Court was requested by the Solicitor General, as well as by the counsel for the appellant, to define the conduct necessary in a polygamist in order to avoid infraction of the Edmunds law. The Court, it appears, declined to say what such a person should do, but made some remarks as to what he must not do, which did not meet the issue at all.

Judge Powers goes a little further on that ground, but not much. He says: "A man must so live that he will not cause the outside world to believe that he is living with them as wives or holding them out as wives." How a man situated as many men in Utah are to-day, can do that and be justified in law and in morality, to say nothing of religion, it is rather difficult to say. Judge Powers admits that a man who has plural wives may visit them, hold friendly relations with them, provide for them and their children, but he must not "cause the world to believe he is associating with them as a husband associates with his wife."

This is all vague and indeterminate. How is a man to know what the world will believe to believe about his actions? There was no testimony in the case of Angus M. Cannon to show that the defendant had acted as a husband usually does in associating with his wives, yet he was convicted, under an entirely new interpretation of criminal law. What is meant by "associating as a husband does with his wife?" What does it imply? Does it not necessarily convey the idea of that which the Courts decide is not an element of the offense of unlawful cohabitation?

Suppose a man's wife has a sister or other female relative whom she desires as a companion, and who lives in the same house as the pair, is provided for, eats at the same table, and is treated as one of the family. If they are "Mormons" the world might think that the man had married her, and it might be claimed that by his conduct he had caused that belief. Is he to be responsible for what gossip says concerning him? And what conduct would it take to constitute the offense of living with that woman as a husband associates with his wife? Does not the only answer that can be offered to meet this question, show the absurdity and incorrectness of the definition of unlawful cohabitation given by the courts? And if a man has a plural wife with whom he has ceased to associate as a husband does with a wife, but who treats her just the same as the wife's relative in the case supposed above, how can he be justly convicted of unlawful cohabitation?

It is very clear to those who have reflected on this subject that there can be no judicial proceedings by which a man can be divorced from plural wives, however much some judges appear to desire such adjudication. If a

woman is not a legal wife she cannot be legally divorced. That which is void *ab initio* cannot be made null by a decree of court. Judge Powers recognizes the folly of requiring any public renunciation of plural wives. The law does not demand any such thing. And the nature of the contract between "a Mormon" and his wives is such that no law made by man can have any effect upon it, as an abiding and eternal religious covenant. All earth, hell and the devil cannot dissolve it. It is everlasting, continuous and divine.

And the ruling of the courts as sustained by the highest judicial tribunal in the land, does not require a man to repudiate his wives except as to living with them in that relation. Judge Powers, if correctly reported errs in using the word "or" in the place of "and," in speaking of what a man must not do in relation to his plural wives. The change of words is small, but the difference in meaning is immense. Unlawful cohabitation, as defined by the courts, is "living with AND holding out to the world more than one woman as wives." It takes both elements to constitute the offense. Judge Powers, in his latest explanation says, "living with, or holding them out as wives."

He may not have intended to express himself in that way, for his language does not always convey his meaning, but that is how it appears in the published reports. It is wrong, in any event. Under the established ruling a man may hold out any number of women as his wives if he does not live with them as such. There can be no cohabitation of any kind, lawful or unlawful, unless the parties live together. No matter how much the word "cohabit" may be stretched or contracted to apply specially to "Mormons," its root significance cannot be changed, and that is "to live together." If the parties do not live or dwell together, there is no cohabitation, either marital or unmarried. For the purposes of the Edmunds law, it has been judicially decided that unlawful cohabitation means the living together in the marriage relation, or in the habit and repute of marriage, of a man with more than one woman.

If Judge Powers explained this matter to the jury so as to make them believe that the offense is "living with or holding out," he has misled them because it consists of living with AND holding out, according to his own previous ruling and the decision of the Supreme Court of the United States. The difference is all-important, and the public should understand the matter rightly even if the Grand Jury of the First Judicial District are misinformed.

NOT "DUE PROCESS OF LAW."

The verdict in the Hampton case is not surprising to many people. The haste with which the case was rushed to trial, so that a jury could be empaneled on the open venire method which could not have been done in the regular order, the manner in which the jury was specially selected from the religious opponents of the defendant, the acceptance of jurors who admitted they had formed an opinion before the case was tried, the course pursued in arresting and confining the chief witness for the prosecution, and impressing her with the idea that she was to be placed on trial, the animus of the Prosecuting Attorney previously displayed toward the defendant when the male lechers were freed from punishment, the whole arrangement of the prosecution, foretold a conviction, no matter how conclusive might be the defense.

This was common conversation in the streets before the evidence was offered. But when the testimony for the prosecution was all in, public opinion changed in some degree. The utter absence of proof of "conspiracy" was apparent to all. It was thought by some that no jury could convict on such diaphanous testimony. But others shook their heads and said it did not matter about evidence. B. Y. Hampton had been the means of exposing lewd frequenters of vile houses, and among them persons who had officiated as officers of the court, and he was "bound to go under."

Mr. Hampton has been convicted, and may have to suffer a severe penalty. But we do not believe that any fair-minded person who has followed the trial carefully, will say that he has had a fair trial or that the verdict was warranted by the evidence. The testimony of the poor, frightened creature who had been made to believe that she was in jeopardy instead of the defendant, the wretched prostitute who betrayed her paramours, the hounded hag at bay against her supposed ex-posers, was not worth anything in court or outside. That she lied in one part of her testimony was proven by the evidence of a deputy marshal, a witness for the prosecution. Her evidence was so palpably unreliable that it was admitted to be worthless of itself. In order to substantiate it the testimony of four grand jurors was adduced. They were called to repeat what they professed to have heard the defendant say when brought before the grand jury as a witness. Two of them stated that Mr. Hampton said he had engaged the woman to open a house; that is, that this was their understanding of what he said in the jury room. The

other two grand jurors stated that he said he had paid the woman for aiding in detecting the men, according to an arrangement for that purpose. This was what the defendant admitted in his own testimony in court. It was corroborated by all the other witnesses both for the prosecution and the defense. It is not likely that Mr. Hampton would go before the grand jury when he was not required to say anything about himself, and had been so informed, and voluntarily furnish evidence for his own conviction.

Do we say, then, that the two grand jurors lied? No, we do not say whether they lied or not. We say that if they were ever so truthful, they only repeated their impressions of what Mr. Hampton said concerning himself, and that the two other jurymen also brought for the prosecution did not agree with them, that their story is improbable and that it was rebutted by the abundant testimony against their version produced by the prosecution as well as by the defense. We say further, that in our opinion and the opinion of the public, no jury selected according to the spirit and letter of the jury law, would have been likely to find such a verdict on such flimsy evidence, notwithstanding the spiteful harangues of the Prosecuting Attorney, so anxious to punish the man who has detected crime and to keep free from punishment the criminals that man has been the means of detecting.

Mr. Hampton was ably defended. Messrs. Hoge and Burmeister did all that lay in their power to present his case in its proper light, and to show the flimsiness of the so-called evidence against him, to disprove the allegations of the prosecution and dissipate the pretense of "conspiracy." But what could they expect to accomplish with a jury selected as that jury was? The fault did not lay in the counsel for the defense, nor in the defense itself. The public know why such a verdict was found on such evidence or lack of evidence. We do not believe that a case was ever tried in these latter times in a civilized country under such proceedings as in the Hampton case.

The admissions of Marshal Ireland as to the selection of jurors from one class of the community, and his intentional omission to select any of another class, were sufficient to show that Mr. Hampton was not to be tried by a jury of his peers. It was sufficient also to prove that the jury was not drawn according to the spirit or letter of the law of Congress which regulates the jury system of this Territory. The evident purpose of the jury law is to have juries composed of persons belonging to both classes of the community, half of the number to be from the minority class, and the other half from the majority. Considering the largeness of the majority and the smallness of the minority, the injustice of even this arrangement is apparent. But what can be said of the justice of selecting all the jury purposely, specially, intentionally from the minority, and that the class which is opposed to the defendant? Is this in accordance with the traditions and genius of the jury system which has been upheld for so many centuries as a bulwark of freedom and a guaranty of justice? And then think of a jury so chosen from the class hostile to the defendant, sitting on a trial in which his liberty was involved, after having admitted that they had formed an opinion upon it before any evidence was adduced! What chance had Mr. Hampton for "an impartial trial before a jury of his peers?" That chance was prevented by the plan which rushed the case to a hearing before a jury could be drawn under the provisions of the statute and which arranged the proceedings with a view to the present result.

We consider the accused entitled to a new trial. An appeal of course is open to him, but that would be simply taken before three judges, one of whom has already ruled upon the questions of law which are involved in the case. We think, with the great majority of the public, that the defendant should be tried before an impartial jury drawn according to the law of Congress, and not be deprived of liberty or property by force of such proceedings as those by which he has been condemned, which cannot be reasonably considered as "due process of law."

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