# EDITORIALS.

## "CONCLUSIVE" TESTIMONY.

SEVERAL papers are making comments on the Miles case, but few of them seem to have taken the trouble to investigate it. The "Mormon" question, however, is always a tempting subject to a certain class of editors, and their rashness in plunging into it is only equalled by their ignorance concerning its merits. The San Francisco *Bulletin*, referring to the trial, makes a number of very foolish remarks betraying a lamentable lack of knowledge of the matter. We make the following extract:

"The jury in the Miles case were not long in considering their verdict. Ten minutes sufficed for them to make up their minds The testimony was clear, and conviction appeared almost certain from the time the jury were impaneled. There was the utmost difficulty in obtaining a jury, and the number of challenges for bias was almost unprecedented in any trial. The only hope for the defendant was in raising the issue that the first marriage must be conclusively proved before the victim of the polygamous marriage was allowed to take the stand. This appears to have been overruled by the court, and Miss Owen was allowed to testify. Her testimony of the proceedings at the Endowment House was conclusive of the first marriage, and also that of her own. With the uncontradicted evidence of two marriages before them, there was no course left to the jury but to return a verdict of guilty."

The reason that the jury required no time for deliberation was not in consequence of the plainness of the evidence, but because their verdict was "a foregone conclusion," as the *Bulletin* tacitly admits in the remark that "conviction appeared almost certain from the time the jury were impaneled." Was this in consequence of the testimony? None had been introduced. Why, then, was conviction "almost certain" before a single witness was placed on the stand? Simply because the defendant was to be tried, not by a jury of his peers, but by a body of men picked out and chosen for their known antagonism to him and his religion. What caused the great difficulty in obtaining a jury, and why was the number of challenges "almost unprecedented?" The answer is, because no one but the defendant's political and religious opponents were permitted to serve on the jury. We go further than the *Bulletin*, and say such a course was entirely unprecedented. And it will be a very bad precedent to establish in any country. It remains to be seen whether it will be sustained by competent judicial authority. Such proceedings were never known before and ought never to be known again. A religious test was applied, in violation of a well known constitutional prohibition, and jurors were not only made to answer under oath in regard to facts which might tend to their own depreciation, but in reference to their religious belief.

The *Bulletin* speaks of the testimony of the chief witness in relation to proceedings in the Endowment House, as "conclusive of the first marriage." What was her testimony? Nothing more than that she saw the lady in that house on the day she was herself married to the defendant. Scores of people were there also. Marriage is only one among a number of ceremonies frequently performed there without marriage or being connected therewith. Not another soul but the witness, who in testifying was carrying out her admitted vow of vengeance against the accused, saw the alleged first wife at that place, and not even that willing witness saw any ceremony performed between that lady and the defendant. Very "conclusive evidence," certainly.

The truth is, the defendant was convicted on the strength of popular rumor. It was commonly talked of in the community that John Miles had married two wives—at first, report said three—on the same day. That was the chief "evidence" that brought a verdict of guilty. We hear of a similar influence at work in the recent Shurtliff case. Whatever may be the facts, the evidence adduced was insufficient to convict the accused. But "common fame" had attached guilt to the defendant, and we are reliably informed that the grounds on which some of the jury held out for a verdict of guilty, was the reputation of the prisoner.

Is it not time that this way of trying an accused person was put a stop to? If it is to grow into a custom, what innocent defendant will be safe? Whatever opinion might be formed of the person at bar, and however dark the clouds of suspicion that had gathered around his head, it was the duty of the jury to consider the evidence adduced at the trial and that alone, and from the sworn testimony, not from outside considerations, they must be convinced beyond a reasonable doubt or they had no right to pronounce a verdict of guilty. If a defendant is popularly charged with cattle stealing, that is no proof that he is guilty of robbing a train; and a common report that a man has married two wives on the same day is no legal evidence that he is guilty of bigamy or polygamy.

As a further proof of the ignorance of editors in handling "Mormon" matters, we take the following from the same article in the *Bulletin*:

"There is no excuse for this defendant. The polygamous marriage was not consummated until October last, two years after the passage of the statute by Congress.

The law that Miles is accused of breaking was passed in 1862, more than sixteen instead of two years before the alleged dual marriage And are we to understand from the *Bulletin* that if it had only been one year after its passage that the wedding took place, Miles would have been excusable? The *Bulletin* says further:

"The attitude of one of the Mormon elders in refusing to give testimony, inicates a spirit of hostility to the United States Government."

What a terrible strain editors are put to in undertaking to make the "Mormons" appear "hostile to the Government!" A curious and impertinent attorney, a sort of legal "Peeping Tom," who had boasted that he would have the secret religious ceremonies of the "Mormon" Church exposed in open court, undertook to badger an honorable gentleman on the witness stand and force him to divulge things which he considered himself religiously and sacredly bound to keep secret, and which had no more bearing upon the case at bar than the Masonic sign of distress, or the cut of a Masons's apron.

The witness declined to answer, and O ye gods and little fishes! that refusal "indicated a spirit of hostility to the United States Government." To what desperate straits are small-brained anti-"Mormons" reduced, when they wish to stir up the powers that be against a doctrine which they cannot refute by argument, and a people whom they cannot convict of evil by any fair, legitimate or constitutional method! If the conviction in the Miles case is a "victory for the prosecution," it is a victory over the established rights of the humblest person accused of crime, and over the plainest principles of constitutional law. It is not yet assured, but if it were, it would be no triumph to a just and honorable officer or tribunal.

## CRIME AND RELIGIOUS BELIEF.

EVER since the news was received of the tragedy at Pocasset, when Freeman, the Adventist, crazed by fanaticism, killed his own child under the mistaken belief that he was required of God to offer her up as a sacrifice, we have been expecting to see attempts by goose-brained writers to draw a parallel between that homicide under a "religious" impulse, and the "Mormon" practice of polygamy under the claim of a divine commandment. We are not disappointed. It afforded a good opportunity for those who jump at every chance to cast a dart at "Mormonism," but who cannot see the armor of truth with which it is protected. They have commenced the attack. But they only succeed in showing their own imbecility.

Freeman plunged a knife into his little daughter's side and killed her. He claimed that he was required to do this by the Almighty. It is generally admitted that he was sincere. He really believed that it was his duty to perform this unlawful and unnatural act. The question is, should that belief or the claim of a religious obligation exempt him from the action of the law? And the shallow-minded anti-"Mormon" cries out, "If a Latter-day Saint may practice polygamy under the plea of religion, may not the Adventist offer human sacrifices on the ground of religion?"

It would seem that the question requires no answer. There is nothing in common between the two things which it attempts to associate. They are in complete opposition to each other. They are totally unlike in essence and effect. One destroys life, the other produces it. One is a wrong in itself, the other can only be construed into a wrong by edicts based on mistaken opinion. Shedding blood, except judicially, is forbidden of God and is a crime against the individual and against society. Plural marriage has never been forbidden of God, but on the contrary, has been countenanced and commanded by Him, and it is not a crime against the person nor against the community. The same divine law that said, "Thou shalt do no murder," and the same voice that pronounced the death penalty for that crime, directed and provided for the practice of plural marriage and confirmed blessing and honor upon its supporters and their posterity, its offspring.

Because a devotee of any faith may not kill or steal, or commit an offense against person or property under the plea of religious belief, does it follow that nothing may be done under that plea that does not comport with the views of the majority? It might as well be argued that monasticism should be punished by the law, as that polygamy should be so treated. Indeed, there would be more show of consistency in legal suppression of the former than of the latter. For, while it is contrary to general custom and popular opinion, it is opposed to the laws of nature and the divine fiat against "forbidding to marry." But it is a matter with which civil government has nothing to do unless it is enforced against the will of the individual. If a man chooses voluntarily to enter a monastery and remain celibate, or a woman to enter a nunnery and do likewise, the religious acts of both, including their self-castigations and severe penances, are left free and uncondemned by the law. The reason is, because their peculiar doings are not infringements upon the rights of others. The same rule holds good, logically, in the practice of "Mormon" marriage.

The shallow reasoner says: "If murder, under the plea of religion, is punishable by law, polygamy under that plea is also punishable by law." Why not continue the absurdity and say baptism, and circumcision, and revival antics, and penitential flagellation, and spirit invocation, under the plea of religion, are also punishable by law? The same rule that exempts them from the control of the State, would, if consistently extended, also exempt therefrom our religious plural marriages. But when the learned Judges of the highest court in the land adopt such sophisms as appear in their decision on polygamy, and can see no difference between Thuggism and the Suttee and plural marriage as subjects for legal action, there is no wonder that simpler folks fall into similar errors and exhibit equal mental blindness.

The question as to the extent of Freeman's guilt is one for the jury before whom he will be tried. The law against such acts as his stands undisputed. It was divinely formulated in the earliest ages. It is stamped upon the soul of man. It is established in all nations. It is well known and universally acknowledged. It is absolutely necessary for the welfare and protection of society. Freeman has broken the law of God and man and is now subject to its penalty. But enlightened justice will determine the extent of his guilt by judging of the condition of his mind at the time of the dreadful act, and by weighing all the attending circumstances and prompting motives. Popular anger and general execration of the deed should have no bearing upon the decision, but unimpassioned judgment should pronounce the verdict.

But whatever may be the punishment meted out to the fanatical destroyer of his own flesh and blood, there is no relation or shadow of similarity between his lawless violence, and the practice of plural marriage, under established regulations. And the fact that he makes the same plea of a divine command for his bloodshed as we do for our marriage system, establishes no more connection or likeness between them, than between murder and celibacy, nor furnishes any more logical reason for punishing polygamists than for putting into a lunatic asylum the newspaper writers who attempt to draw such absurd parallels and such ridiculous conclusions.

## EDUCATION IN UTAH.

THE late President Brigham Young has frequently been accused by his enemies of hostility to education Every impecunious lecturer on Utah affairs who has passed round the plate in eastern cities, and filled his pockets with the contributions of benevolent victims, whose sympathies have been excited by absurd stories of the absence of schools in this Territory, has made capital out of the alleged opposition of the "Mormon" leaders to the cause of education.

Here it is well known that President Young was an earnest advocate of practical instruction for the youth of both sexes. He not only urged this upon the people, but spent considerable means to aid in the good work. The Brigham Young Academy at Provo has received frequent mention in this paper as an institution established by his bounty. There is another educational establishment founded by him which is destined to accomplish grand results, but which is not named so often. We refer to the Brigham Young College, at Logan, Cache County.

This institution is yet in its incipiency, although it is in working order, and is accomplishing much for the benefit of our youth. It is organized with a President and Board of Directors, and is supported by an endownent from President Young of a large tract of valuable land in Cache Valley. At present it has no building of its own, but occupies a commodious structure, rented from Logan City Corporation, in which is held a High School, with Miss Ida I. Cook as principal. The academic year commences on the first Monday in September, and closes at the end of June. It has already prepared several teachers for District Schools in the County, and under its accomplished principal, who is a thorough disciplinarian as well as an experienced preceptor, it is an institution of which the people of the north have occasion to be proud. The scholars are required to pay a portion of the tuition expenses; the rest is paid out of the fund raised by rental of the land referred to. Much of this has not yet been productive of revenue. But each succeeding year brings more of it under cultivation and adds to the opportunities of the College for usefulness. As soon as circumstances will permit a suitable building will be erected, and the plans of the founder will be carried out more fully.

As a step in advance the Directors have secured the services of Brother C. H. M. Agramonte, who will open another department in the College at the beginning of the new term. In addition to the studies in the regular course, he will give instruction in vocal music, analysis of language, natural philosophy, history and the modern languages, including Spanish, for which we understand he is thoroughly competent. Other improvements will be added in due time, so that the Brigham Young College at Logan will become a University in which advanced students from our northern District Schools may finish their education.

It has been frequently alleged with a sneer that Brigham Young's ideas of instruction for the youth was "teaching boys how to saw off the end of a board, and the girls how to sweep a room." We admit that his theory of education included those useful branches of practical knowledge. He deprecated the system of so-called education which turns out an army of "learned fools" unfit for the duties, cares and struggles of life and suited only for eating out of the public crib. We must say that we fully agree with his ideas in this respect. True education does not consist simply of book learning or the cramming of the mind with theories and rules. Boys should be taught something which will make them useful and productive to the community, and girls should be instructed in household duties, that they may be something more than mere ornaments of society. But he who says Brigham Young was opposed to the general diffusion of the knowledge that is usually imparted in schools, grossly misrepresents his actions and teachings.

The present leaders of the "Mormon" Church, with President John Taylor as a notable example, are earnest advocates of education for the entire community. They sustain it by word and deed. Under their influence its importance is growing in the estimation of all classes of the people, and improvements in the methods of instruction and increase in the facilities therefor, are observable all over the Territory. But they clearly perceive the necessity of encouraging the employment of teachers of our own faith in preference to those who are opposed to it. We are with them in this, fully and entirely. Any other course would be extremely foolish and inconsistent, and if anything were wanting to make this clear to an ordinary mind, the course taken by men whom some of our people have encouraged as teachers is amply sufficient. After obtaining enough means to leave this Territory for awhile, they have devoted their energies to circulating abroad the most abominable falsehoods in regard to the Territory and the people, and to the publication of such monstrous untruth that the only wonder is they can find any one simple enough to give credit to them at money to their propagators. Are such persons fit to act as preceptors of the youth of any community? They are unworthy of recognition by any individual of any creed who retains a particle of self respect, and men of influence in this community would be sadly lacking in their duty if they were to give confidence and support to beings so degraded and contemptible.

The "Mormon" leaders are and always have been sustainers of the cause of education. They must be, or act in practical denial of the religion they are endeavoring to promulgate, which includes all branches of learning among its essential principles. But they are and should be opposed to those professed educators who would train our children away from the path marked out by the God of their fathers, and while eager for money in payment or leading them astray, would brand them before the world with a name of infamy. Such institutions as those established by the munificence of our late President will teach correct principles and train up consistent educators of our own faith, and we cordially endorse them, and hope they will be multiplied throughout the Territory.

## THE "WICKED" IMITATORS OF THE PATRIARCHS.

REFERENCE has already been made in these columns to a review of the decision of the Supreme Court in the Reynolds case, by "An Old Lawyer" of New York. We give below an extract from the pamphlet containing his argument, and may quote from it further on other occasions. The fine vein of irony that runs through these paragraphs is particularly sharp, and will commend itself to all who are familiar with the situation in Utah, and understand the shallow pretence of piety and purity which is put forth by the prominent champions of extreme measures against the "Mormons."

Between official and individual knowledge there is a debatable land free to judicial discretion. A court may know much that it does not know, and not know much that it knows. The court, in the case in question, may have preferred to be ignorant of the fact that the plaintiff in error was one of a large community, the legal status of whose members would be determined by the conclusion to which it should arrive