

Tuesday, August 5, 1879.

JUDICIAL FALSEHOOD NUMBER FOUR.

We have shown to the satisfaction of every candid, unprejudiced mind, that Boreman's decision contains three flagrant falsehoods, and no one doubts that they were uttered from the judicial bench to injure the cause of the defendants when it shall come to trial, and in a spirit of bitterness and bigotry against them. The fourth judicial falsehood to which we direct attention is this:

"They paid claims for which no vouchers appear to have been taken. They paid notes without taking them up."

Boreman offers no evidence of this. We denounce the statement as false and malicious. All the claims paid by the Executors are properly established and receipted for. The only notes to which Boreman's assertion can apply in the least degree, are some that were made but not drawn either in New York or Salt Lake City. They were paid in this city and the obligations cancelled here, but the notes could not be taken up in both places at the same time. But we challenge this reckless person to cite an instance of a note settled by the Executors which is liable to be collected. Such a note cannot be produced, neither is there an account in existence paid by the Executors which is not properly vouchered for and cancelled.

We have not further space at our command to-day to enlarge upon the fourth judicial falsehood, or others that we shall yet touch upon, but refer our readers to the card from Hon. George Q. Cannon, in another column, in relation to other points in the decision in which Boreman has defamed the Executors. We believe that no one can arise from the perusal of Executor Cannon's refutation without a conviction that he and his associates have been shamefully maligned as well as falsely imprisoned, and that no epithet in the English language will do justice to the character of the judicial falsifier who has so grossly perverted the authority entrusted to him for a little season.

A CALUMNY—A CAUTION.

The "Mormons" have been denounced by their enemies as a lawless, turbulent and bloody-minded community. In consequence of the rumors which have been industriously circulated by editors, preachers, judges and others, the opinion is entertained that we are a set of banditti, among whom it would be dangerous for quiet people to attempt to live.

As a proof of how much we have been maligned in this regard, we point to the fact of the patience and forbearance with which the Latter-day Saints have borne for many years the insults which have been heaped upon them by an insignificant minority right in their very midst. Our best men have been vilified, our most sacred institutions ridiculed, our daily blasphemy, our wives and children branded with the foulest epithets, our acts misrepresented, our motives distorted, every engine of command has been set to work for our injury by a few vile and contemptible persons who could have been easily visited with their just deserts, if the disposition to persecute them existed in the hearts of the people whom they have thus sought to injure. But they have remained untouched; no one has sought to retaliate. This ought to be evidence enough to convince the world of the truth of the charges against us.

During the past day or two we have seen the body of one of our faithful, honest, temperate, truthful and devoted Elders consigned to the tomb, laid low by the assassins' hand, simply for preaching the Gospel of Christ. Immediately after his funeral two would-be murderers went to the house of a respectable gentleman in this city and brutally assaulted him on the bare suspicion that he had hinted in print of something that reflected upon a woman in whom they were interested. They represented a Federal official in our city of whom only charity keeps from stating facts that might be extremely disagreeable. These ruffians only desisted when a brave woman wrested the weapon from them. Next day three of our Twelve Apostles were taken to the Penitentiary to be incarcerated for an indefinite period because they would not turn over, to be the prey of lawyers, property which they had sworn to care for as the Will of the dead provided.

How much more will this people have to bear before something is done to change the current of wrong? No people in the United States would stand what we have endured for many years. In all ages we utter a simple word of caution. We say to our enemies, "Forbear! There is a line beyond which it may be dangerous to pass. You can despise our warning if you please, but we tell you plainly that the 'Mormons,' with all their charity, patience and long-suffering, are only men and women, and should the tide of indignation in their hearts which has been kept back so long, once burst forth, the deluge will be overwhelming."

MARRIAGE AS A TEST.

Scriven's for August contains an article entitled "Marriage as a Test," in which the vagaries of some of the modern religious "reformers" in reference to social life are ridiculed rather severely. The calumny of the Shakers is thus attacked:

"Shakerism is good for nothing if it is not good universally,—if it ought not to be adopted universally. But universal adoption would be the suicide of a race, and a race has no more right to commit suicide than a man. Besides, the damning of one of the most powerful streams in human nature into a

water back to cover the banks is too late to talk about the superior sanctity of the celibate. We have no faith in it whatever. The vow of chastity simply emphasizes in the mind the passion it is intended, for spiritual reasons, to suppress, and fixes the attention upon it. The Shaker in denying love to himself and all the hallowed influences that grow out of family and home gains nothing in holiness, if he does not lose irretrievably. He is a victim of a shocking mistake, and he disgraces himself and his own father and mother by his gross views of an institution before whose purity and beneficence he and his whole system stand condemned."

Most of the above sentiments we fully endorse. Celibacy is contrary to nature and revealed religion. The intercourse of the sexes under marital relations and proper restrictions, is not only essential to the perpetuation of the race, but is consonant with the highest degree of purity, physical and spiritual. To denounce marriage or defame its relations as debasing, is to dispute with Deity and call that vile which he has ordained and commanded for the happiness, progress and exaltation of his children. What is called "the vow of chastity" is a perversion of truth and a violation of natural and divine law. People are not necessarily more chaste through remaining unmarried or dissociated from the opposite sex. Sometimes they are made mentally and spiritually impure by their unnatural condition, and in consequence of the thoughts which it suggests and makes prominent and constant. And in many cases this leads to practices which render them bodily corrupt. A vow of celibacy, therefore, is not always a vow of chastity.

But we cannot agree with the writer in *Scriven* that nothing can be good which ought not to be adopted universally. There may be cases in which celibacy might be better than marriage. Not because of a vow to remain single, but in consequence of disqualifications for the matrimonial state. Many things may be beneficial to exceptional cases which would be harmful to the multitude. Universal application is not always a true test of a system, social, religious or political. When the conditions are precisely similar, the rule of universality will hold good. That is, a system should be of universal application when all are in like conditions. For instance, baptism is a universal requirement of the Gospel. It is administered for the remission of sins, and all have sinned, therefore, it is universally applicable. But its benefits can only flow to those who comply with required conditions. They must believe and repent, or baptism will be of no effect. In one sense then, baptism is a universal law of the Gospel; in another sense it is of only partial application. But where the conditions are alike the application is general.

Marriage may be viewed in the same manner. It is an institution suited to all nations in all ages. But there are rules applying to it which must vary in different conditions. In some countries where physical development is more forward than in others, very youthful persons may mate to advantage, while in other places their union should be postponed for several years. And, as we have previously shown, there are cases in which marriage ought not to be engaged in or permitted. Plural marriage, as practiced by the Latter-day Saints, is a case in point. It is of universal application under like conditions. But some men are not qualified to engage in marriage. Indeed there are men who are not fit to be entrusted with one wife, therefore it is no marvel that all are not suited to the cares, duties and responsibilities of enlarged matrimony. All the qualifications necessary in the head of a single family are required in a greater degree in the head of a plural family. Therefore, the system of a plurality of wives, while adapted to all persons under like conditions, is not of universal application in the broadest sense of the term, and consequently, as in many other things, universality, as laid down by the writer in *Scriven*, is not a correct test to apply to it.

He says:

"Of course we do not need to allude to the Mormon. His views of marriage—revealed of course—are simply beautiful."

We have no hesitation in saying that he has no idea what are the Mormon views of marriage. All the eulogies he pronounces on the matrimonial state are really "Mormon" utterances. There is but this difference in them and ours. While he would confine the benefits which arise from the family and the home within a limited circle, we would extend them to the utmost possible limits. It is a grand mistake of the opponents of plural marriage to imagine that this system destroys the home and breaks up the family. On the contrary it makes more homes and establishes more families, using those terms in their fullest and best sense. To quote a scriptural blessing on the polygamist, "God giveth him families like a flock." All the good influences surrounding a well arranged monogamic family are multiplied and extended in a properly conducted polygamist family.

The *Scriven* writer makes what he calls "Christian marriage" his test of all new schemes or systems of religion or philosophy. He says, "If it tampers with that it is always bad, and can by no possibility be good." A little investigation will show that he assumes a great deal too much, and dogmatizes with more positiveness than authority or reason. His idea of "Christian marriage" is the union of one man with one woman and no more. But it is impossible for him or any one to prove that this is "Christian marriage," that is, the marriage system established by Christ. No such monogamic system is found in the Christian record. The New Testament does not bear out his assumption. Modern Christianity is essentially different to primitive Christianity. If the old form and spirit should be revived or restored, it would certainly "tamper" with the existing system in all its bearings, marriage included. And it is possible, notwithstanding his dogmatism, that such "tampering" might be good. Looking at the social condition of so-called Christians, it might be reasonably considered that "a more excellent way" could be adopted, one which would prevent much of the crime, bestiality and corruption which prevail and are increasing in the civilized world. And it is the want of something better which is coming to be recognized by many of the best minds of the age, that causes most "reformers" to attempt the introduction of some change which they imagine would be the better for society. If they make mistakes, and run into error, that is no reason why the true and correct method should not be brought forth. We "Mormons" claim to have it. Wisdom would dictate the policy of investigating it and its actual workings before pronouncing judgment upon it, and of giving it time to work out its evil or good results to a positive demonstration. And we can assure those who look upon it as "bestial," that they do it a gross injustice, either through ignorance or malice, and that we were inclined to do so, if we could expose the baseness of the common manner of praising enforced monogamy till its upholders would blush with shame, if they have any. If Christian or Biblical marriage is to be the test of a religious system, we are perfectly willing that it should be applied to ours, and then we shall take great pleasure in applying it to the popular forms, if their advocates are only willing to abide the issue. Let us have the marriage test by all means.

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W. A. DENIAL.

REPUTATION OF THE BOREMAN'S SLANDERS.

CARD FROM HON. GEO. Q. CANNON.

To the People of Utah and adjacent Territories and Honest men everywhere:

The decision of Judge Boreman, given on Wednesday, July 30th, 1879, in the contempt case—James A. Young, et al., plaintiffs, vs. George Q. Cannon, et al., defendants—in the District Court for the Third Judicial District of Utah Territory, is extraordinary and compelling. It takes notice of it. He charges the executors of the last will of President Brigham Young, of which I am one, with such an abuse of the trust imposed in them, as "to be unparalleled for its recklessness and utter disregard of law throughout the whole administration." In another place he repeats that "they [we] have most shamefully abused the trust reposed in them [us] by the will of Brigham Young, deceased." He also says, "The instances of the disregard of law and of duty by the executors, are very numerous—too numerous to be given in detail— and in fact the whole course of the administration shows the continual like abuse of trust by these executors."

These statements are so unfounded, so unjustifiable, and so absolutely false, that I owe it to my constituents who have elected me to the Legislature of the Territory, and to all my co-religionists in these valleys and mountains, as well as to myself, to give this public denial of them in this way. Under ordinary circumstances I would be inclined to await the slow process of investigation in the courts, and to leave my motives and my acts to be vindicated by the evidence which would be brought out in such investigation. But this whole proceeding is so extraordinary, and there is such an evident determination to anticipate the trial of the case, to have it prejudged, and by the circulation of such statements as this decision contains, to create a public opinion against us, that I feel it to be a duty to speak out at this time.

I do not think it necessary or proper at present to reply to the general charges which appear in this decision. Several of them are untrue and others are misstatements. That we assumed to ourselves, and freely admitted, certain powers as Executors, is true. We did so because we were authorized to do so by the Will. As any one can perceive who reads the Will, it is a remarkable document, prepared with great care, and it confers extraordinary powers upon the executors. President Young's estate was a peculiar one. The circumstances which surrounded him were anomalous. No one knew this better than himself. He intended that his Executors should exercise great discretion in the settlement of his estate, and had his Will prepared accordingly. Can any one who knew him suppose for a moment that he did not have entire confidence in the persons whom he chose as his Executors, or that he would not have infinitely preferred their decision upon any point to that of Judge Boreman, or the lawyers for the plaintiffs in the case?

It is well known that the Church property and his own private property were for years before his death intimately interwoven. He well understood the weighty reasons there were for this. His surviving associates and his Executors were also well acquainted with these reasons. But though this was the case, he was not satisfied to have things remain so. Upon several different occasions he seriously discussed plans by which he could safely transfer the bulk of the estate that stood in his name to the Church. To my personal knowledge it was his chief desire to give the larger portion of his property to the Church. There were reasons which interposed to prevent his doing this, though the last time he conversed with me upon the subject of his Will he proposed to change it and to give each of his heirs ten thousand dollars apiece and the remainder to the Church. I mention this, not because it so much affects the question at issue in this case, but to show that President Young's constant desire was that the Church should have a large share of his property. As this was his chief desire, and as we fully believe, equitably, we settled no claim that we thought was barred by the statute of limitations, and where there was doubt upon any we invariably referred it to the Probate Court and obtained its decision upon, and before paying it, the approval of the claim. Every dollar that we are accountable for in this case, but to show that President Young's constant desire was that the Church should have a large share of his property. As this was his chief desire, and as we fully believe, equitably, we settled no claim that we thought was barred by the statute of limitations, and where there was doubt upon any we invariably referred it to the Probate Court and obtained its decision upon, and before paying it, the approval of the claim. 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