

Justices of the Peace cannot, as authorized by statute, try cases of resorting to houses of ill-fame, have given license to the lecherous and bound securely the hands of justice in their favor. The local authorities must not punish them, the Federal authorities will not. The power that refuses to prosecute the corrupt, prevents the exercise of the power that is ready to act for the public welfare, and thus crime is encouraged and criminals snap their fingers and sneer at the law.

When the statement has been made in Congress or its committees that the law is executed in Utah against "Mormons" and to shield "Gentiles," it has been received with credulity. A denial obtains more favor than the assertion. It seems incredible that officers and courts supposed to be working energetically in the interest of morality, should be hounding men for taking care of plural families, and shielding wretches steeped to the ears in debauchery. But the statement is capable of unimpeachable demonstration.

A "Mormon" who has more wives than one is sent to prison for a protracted term, three times the period that the law provides as a maximum, because he acknowledges and supports though he does not live with more than one of them, and this under a law which makes living with more than one woman the gist of the offense. And at the same time a "Gentile" who seduces his wife's sister and becomes the father of a child of shame, is turned loose by the same court that unjustly punishes the other, on the ground that his illicit relations do not amount to unlawful cohabitation. A "Mormon" who has had two wives but has separated from one of them ever since the passage of the Edmunds Act, for calling at her house in order to receive his own child voluntarily surrendered by the mother, is convicted of violating the law; and a villain who, though a married man, has been seen by uncontradicted witnesses in acts of most debasing sexual infamy, is set at liberty because his detestable doings were not performed before the public gaze!

That is how law is interpreted by United States judges in the Territory of Utah. That is how society is protected from immoral assaults upon its peace and good order. That is how "Christian institutions" are upheld. That is how "Christian civilization" is fostered. That is how the "benighted Mormons" are made to see the majesty and purity and justice of the law, as enforced by the authority of this great and mighty Government!

And now that the local authorities are forbidden to punish the supporters and practitioners of the social evil, which the "regenerators of society" have introduced into the Territory, is nothing to be done to restrain the wrong-doers and repress the wrong? When the District Courts were reproached with their partial and immoral construction of the Edmunds Act, by which living with wives was severely punished, and cohabitation with any number of women outside the marriage relation was condoned, the answer was given, "the law was not aimed against common sexual crimes, they are left to local laws." But the same voice that uttered this shameful edict, now forbids the local authorities to execute those laws. It charges as a matter of fact that grand juries should investigate such crimes, but what grand jury has attempted to indict any one for these offenses?

What prosecuting officer has interested himself in procuring an indictment against a moral leper, whose bestiality has been witnessed beyond dispute. What resort to or keeper or dweller in a house of ill-fame has been indicted? Which of the guilty beings whom the Police and Justice's courts have been restrained from trying has been prosecuted in the higher court? Have not the officials who are bent on harassing "Mormons" and breaking up "Mormon homes" proven beyond doubt that they have no desire to punish sexual criminals? Is it not clear that it is not vice they are after, that it is not society they are protecting, that it is not purity they are promoting, but that it is a religious system they want to crush and a religious creed they want to destroy?

What are our local courts to do under these circumstances? They should exercise all the limited powers which the higher courts permit them to retain, in the interest of public morality. Punish the guilty so far as their jurisdiction extends. And turn over to the action of the grand jury all persons, who, under the latest absurd and vicious ruling, must be indicted before tried for misdemeanor, and take care that if there is a failure of justice it shall not be through any shrinking from duty on their part. And let all who have any sense of justice and desire for the promotion of social order, aid in letting the world know that the crusade against the "Mormons," supposed to be for the purpose of maintaining the sanctity of home and the purity of the family circle, is striking at the very basis of the family relation, introducing discord to disrupt peaceful homes, and shielding and supporting those damning and festering influences, practices and institutions that fill the world with disease and shame, being a blight upon the physical and spiritual nature, and tend to wide-spread corruption, misery and decay.

Eight hours work, eight hours play, eight hours sleep to make out the day, is an old song set to new music by the Knights of Labor.

"OUT OF THEIR OWN MOUTHS."

In the Salt Lake Tribune of Sunday, the following appears:

"The News has an article deploring lying, and closes with a charge that this journal 'unblushingly advocates or threatens a resort to murder as a means of obliterating the Mormon religion.' How is that for a journal that affects a horror of meadacity?

We have made a good many charges against that paper—the organ of a black conspiracy—and have always been careful to be in a position to make its own columns sustain our statements. The public are aware that it has advocated the house of prostitution, the gambling hell and drinking saloon as a means to be used for corrupting the ranks of the "Mormon" Church membership, to be specially applied to the youth of the community. Its own columns supplied the proof. When those damning evidences of the malevolent character of the sheet were produced before the judiciary committee, in the late controversy, over the request for special anti-"Mormon" legislation, they so overpowered even Mr. Baskin that he repudiated them as contrary to his sentiments.

The advocacy of assassination, and threats of its application can be proved with equal force, from the same quarter. We produce here, an editorial paragraph from the Tribune:

"The Pope of Utah should, in his underground retreat, read thoughtfully one sentence in the late letter of the Pope of Rome to the Spanish bishops. It is this: 'I would strongly impress upon you that, although politics are based upon religion, you must not engage in politics.' When the Pope of Utah sends a message like that out to the shepherds of his flock, the troubles here will nearly all pass away. The interfering with politics in Illinois is what cost Joseph Smith his life; the anger which is caused—the anger and fear caused by all the thousands of Mormons in Utah voting solidly as directed, will never cease until that rule shall be relinquished. It is a menace to free government which Americans will never submit to. When it grows dangerous enough, if no other remedy can be found, the one resorted to in Illinois will be invoked again."

That simply means that if other measures fail in enabling a small minority of political conspirators to seize the reins of local government, assassination will be resorted to for the purpose of attaining the desired end. Language can make it no plainer.

Some people have said: "Why don't the leading authorities of the Church come out of their retirement and face the courts?" Under the circumstances it would be almost if not quite criminal for them to do so, of which the foregoing is an additional evidence. Joseph Smith was murdered in cold blood, while in custody, on a trumped up charge. The present leaders are promised by the organ of the anti-"Mormon" crusade, the same kind of treatment. Even if they were willing to expose themselves—in addition to the gross injustice of the courts—to the danger of being assassinated, the people would most decidedly object, and would doubtless make their dissent unmistakable.

We have sustained the charge that "the Salt Lake Tribune unblushingly advocates or threatens a resort to murder as a means of obliterating the Mormon religion."

THE LATEST "COHABITATION" CONSTRUCTION.

AN attempt was made by Judge Zane on Tuesday to give another definition of the term "unlawful cohabitation" under the Edmunds Act. This, as he understands it, is the ruling of the Supreme Court of the Territory, now the court of last resort in cohabitation cases. It means, when stripped of the rags of verbiage and circumlocution thrown around it, any association whatever of a man with a woman claiming to be his plural wife. After all the changes and vicissitudes to which this simple phrase in the Edmunds law has been subjected since its premature birth amid great excitement, it now stands before us to be viewed as it is to-day. What it may be made to look like to-morrow, no mortal being can predict with certainty. It is doubtful if even the Supreme Court, with whom Judge Zane differed at the time of their ruling, will accept his explanation of their construction.

For the present we know what a "Mormon" is expected to promise when he agrees to "obey the law as construed by the courts. A man who has married a plural wife for time and all eternity must pledge himself not to associate with her any more even under the most harmless conditions. Anything "indicating that relation," Judge Zane says, would be evidence of cohabitation. That is, whether the man and woman actually cohabited—lived together, or not, "any association of any kind," such as "visiting the house, or associating with her in public places—at church, or the theatre or other places," would be evidence of cohabitation. And to sum it up, the Judge admits his inability to say what would or would

not be construed to mean cohabitation in a case before a jury. So after all, no man who has a plural wife alive can tell what his conduct must be towards her, to escape the twists and quirks and traps and snares of the law as construed by the courts.

Judge Zane says the decision of the Supreme Court of the Territory is that, "A lawful marriage and the acknowledgement of that relation, in this district, is conclusive evidence of cohabitation as to the lawful wife and no evidence can be admitted to contradict cohabitation." That is the kind of law as construed by the courts dealt out for the special prosecution of "Mormons." We challenge the production of any precedent for such a ruling. Never since courts have been empowered to define laws has a declaration like this been made from the bench. It is contrary to well known and undisputed rules. It violates the jurisprudence of centuries. Presumption that may not be disproved by evidence is a new thing under the legal sun. It is fabricated and fashioned especially for the prosecution of "Mormons" and is a monstrosity and an absurdity as well as an outrage. Marriage and cohabitation are two different things. The latter may be presumed from the former, but every presumption may be combated by evidence. A ruling that says such evidence shall not be introduced, is equivalent to saying an accused person shall be prevented from offering evidence in his own defence.

Cohabitation with the legal wife being thus presumed, whether it exists or not, and the defendant being debarred from disproving its existence, all that is necessary to convict a "Mormon" of unlawful cohabitation is to prove that he has visited or associated with a plural wife, or as Judge Zane puts it, "with one claiming to be his plural wife." That association may be simply at church, or at the theatre or other public place. Thus a married "Mormon" if he goes to church or the theatre or some other public place with a woman who claims to be his plural wife, can be put to prison for any length of time the prosecution may please and to pay any amount of money that might be named, if he never meets the woman alone for a second under any circumstances whatever!

This is no fanciful view of the matter, but represents the facts. An indictment may be found for every day in the year, as ruled by Judge Powers, and penalties may be multiplied till imprisonment runs beyond the term of a man's natural life, and fines are imposed enough to swallow up a fortune, if a married "Mormon" associates even in public with a plural wife, or one who claims to be his plural wife. That is all in the decisions of the Utah courts in regard to the law which the "Mormons" are abused for not promising to obey.

In Judge Zane's harangue to Royal B. Young, in response to the defendant's manly and quiet explanation of his position, he contradicted his own definition of the requirement of the law. Seeing the ridiculous consequences of that explanation, he said: "It is not necessary, Mr. Young, that you won't speak to these women, or that you won't attend the same church with them or that you won't even call on them under circumstances that would not indicate that they were wives." And yet he had but a few minutes before stated that such "association" with them would be sufficient evidence of unlawful cohabitation. And hastening to qualify his remarks, he added: "The fact of your associating with a polygamous wife colors all your association with that woman who claims to be your polygamous wife, and all your associations—speaking to her, meeting with her—are attended with great difficulty, and the only sure, safe way would be to keep away."

Thus, after all, a "Mormon" who has a plural wife is in danger of indefinite imprisonment and fine, if he is seen to speak with her or should meet her in church or the theatre or any other public place. And bear this in mind by the ruling of this same judge, if a "Gentile" who has a wife should commit the most debasing and infamous acts of debauchery with a woman not claiming to be his wife, he cannot be punished unless his lewdness is committed in open view of the public. This is how the law is construed by the courts in Utah.

Royal B. Young said rightly, when asked to promise to obey the law so construed, "I could not, your honor, make such promises as that." "I would be promised as a coward." My own conscience would smite me thus." So will every defendant say who is a man. A "Mormon" who has married wives under sacred and eternal covenants, and who for the sake of escaping fine and imprisonment will promise to cast them off with their children, never visit them in the direst affliction, refrain from going near them at the death or sickness of their and his own offspring, would be deserving of far more vigorous epithets than those premised by Mr. Young.

We are ashamed to think that a Judge, in this boasted land of liberty and justice, would utter from the bench such monstrous edicts and call them law, as Judge Zane pronounced on Tuesday. He gravely sat in court and explained as the terrible crime of Royal B. Young, for which he multiplied upon him the penalties of the law, that he had visited his plural wife while she was in the throes of child-bearing, and at another time when his child was dying. Has humanity fled from the courts of Utah? Is the administration of the

law here a tragedy or a farce? Can any respect be felt for a law capable of such villainous perversion, or the officers who administer it in so despicable a manner?

We hope this decision and that speech of Judge Zane's will find their way into the hands of all the leading men of the general government. An administration that will sustain such doings is unworthy of the support of the country and will certainly arouse the displeasure of the Great Ruler of the Universe.

We find it difficult to repress the resentment that naturally arises over such perversions of law and outrages upon justice as are becoming common in this raid against the Saints. But we know that redress will come in due time, and that He who knows and judges all things will in His own way make manifest His anger, and smite with His mighty hand the wicked and unjust from the judgment seat. We are willing to wait with patience and bide our time.

JUDGE ZANE'S FALLACIOUS DISCOURSE.

IN a religio-judicial discourse from the bench of the Third District Court on Tuesday, Judge Zane repeated the sophistical pretext for the suppression of plural marriage, which was started many years ago and has been used in every shallow argument on his side of the subject ever since. It is this: If plural marriage can be practised as a religious system, then murder, human sacrifice, robbery and other crimes may be perpetrated in the name of religion. And if laws may not be passed and executed against plural marriage because it is a feature of a religion, then the offenses named may not be proceeded against if perpetrated as religious practices.

The fallacy of such reasoning has been pointed out almost as often as it has been advanced by prominent persons. There is no parallel between the custom and the crimes thus coupled. Murder, personal violence, theft, etc., are crimes in and of themselves. They would be criminal if no human enactment had ever been made against them. They are *malum in se*. They are infringements upon natural rights. Anything that deprives an individual of life, liberty or property without due process of law is essential crime. Society, for its own protection, has the right to punish persons guilty of such crimes. There is no dispute as to that right. Every form of human government recognizes this. All nations and organized communities provide for the protection of their citizens in this way.

But marriage is another matter altogether. If the parties are free to make the matrimonial contract there is no invasion of human rights in its consummation. In plural marriage, if each individual immediately concerned agrees to the transaction, no natural right is trespassed upon. He who cannot perceive the difference between this and the offences described must be blind indeed. And he who seeks to jumble them together and make them appear alike, is a sophist and a deceiver, and in trying to palm off his imposition on the public descends to the level of the juggler and the thimble-rigger.

If a man forces a woman to become his wife, or submit to his assaults upon her in any way, he violates her personal liberty. If he takes anything belonging to another without the owner's consent, he violates the right of property. He is then a criminal, law or no law, religion or no religion. Society, protecting its members, rightly provides for the punishment of the criminal. But if a man having a wife marries another, the first consenting and the second voluntarily taking part in the union, neither life, liberty nor property is infringed upon and no right is violated.

When a public teacher, then, pretends to class marriage—whether monogamous or polygamous, with murder and robbery, he manifests singular stupidity or shameless mendacity. And when such "arguments" are used by a Chief Justice in open court, the situation becomes so much worse that language fails to describe its folly or dishonesty.

Blackstone says the Bible is the basis of human law and civilization. All modern jurisprudence is founded on the principles and precepts in that divine record. Murder and robbery are denounced as crimes therein, and marriage—both monogamous and polygamous—is exalted as a virtue. There is not a passage in the volume that forbids plural marriage. But it teems with repetitions of the divine decrees, "Thou shalt do no murder" and "Thou shalt not steal." Taking another man's wife is a double crime. Intercourse outside of marriage is strenuously prohibited. But the marriage of a man to more than one woman is countenanced, provided for, and in some cases commanded, in the Book from which the nations of today have derived their guidance and inspiration.

What can be thought of a Judge who can gravely attempt to identify that which destroys life with that which promotes and increases life? And to argue that because murder may be punished by law, marriage can also be punished by law? Does it follow because crimes against life, liberty and

property may not be practised under the plea of religion, that a custom, ceremony, domestic relation, that interferes with neither life, liberty nor property may not be practised under religious direction and influences? The mental calibre of a Judge who officially utters such puerilities must be extraordinarily light.

Judge Zane said: "Now, this sect claims the right to overthrow the monogamic marriage by substituting polygamous marriage." Using the Judge's own language we have to say, "That is a false statement." "Mormonism" claims to do nothing of the kind. There is nothing in it which warrants the assertion. It is untrue in both letter and spirit. "Mormonism" neither claims nor attempts to do this or anything like it. Under given conditions qualified persons are permitted to contract plural marriages, sanctioned and solemnized by religious ordinances. But "Mormonism" also maintains, directs, enjoins and solemnizes monogamic marriages, and the two conditions—monogamic and polygamous, exist side by side, harmonious, correlative and mutually supporting, the former being the rule, the latter the exception. It was so in elder times when marriage, as among the Latter-day Saints, was regarded as a divine ordinance and the institution of marriage was regulated by divine law.

The attempt of Judge Zane to misrepresent the facts is unworthy of his high calling and suitable only to the defamers and maligners of the "Mormons," who, from press and pulpit, seek to deceive the public, and being unable to assail our system with truth, set up an edifice of error of their own manufacture, pretend it is "Mormonism" and proceed to belabor it to their own heart's content.

Such discourses as those delivered by Judge Zane have one good effect, however. They tend to confirm the convictions of his victims and of their co-religionists. It is clear to them that if valid arguments could be advanced against their religion and their religious rights, a judicial officer would not stoop to such sophistries and fallacies and erroneous assertions as are and have been set forth from the bench of the Third District Court. All that is being done, and all that is being said, against the divine and eternal order of plural marriage, which has become interwoven with the lives and liberties and destiny of the Latter-day Saints, only serves to strengthen their faith, deepen their devotion and intensify their conviction, and make them more than ever determined to serve God and keep His commandments, in spite of all that short-sighted, cruel or heaven-defying men may attempt or accomplish.

CONGRATULATORY.

At last President Cleveland is married. The public will now be spared, it is to be hoped, the daily rubbish sent over the wires about the most ordinary movements of his bride, the clothes she wears, the food she eats, the rooms she occupies, how she walks, sleeps, smiles, talks and sneezes.

The President has done a proper thing in emerging from the unprolific ranks of bachelorhood, and, although rather late in the day, has set a good example to the unmarried men of the nation. Matrimony is a duty as well as a privilege. No man is perfect alone. No single man is fitted to occupy a prominent public position. Every man who remains in that solitary condition does injustice to some daughter of Eve, who desires to "fill the measure of her creation." Protracted bachelorhood is a wrong to society and a defiance of a divine decree. Honorable wedlock is according to the laws of nature and of God, and is the happiest and most beneficial condition for matured humanity.

The President seems to have made a suitable selection. The wedding has been duly celebrated, the parties concerned appear to be thoroughly satisfied, the nation applauds and the world approves, and we join in the general congratulations, and wish the wedded pair all the happiness and joys and benefits and increase, that should flow from matrimony in which hearts as well as hands are joined while life shall last.

BIRTHDAY ANNIVERSARY.

This is the 85th anniversary of the birthday of President Brigham Young, one of earth's greatest sons. The occasion is being celebrated in the Salt Lake Theatre this afternoon, in the shape of a family re-union. It is fitting that this recognition should be given to the noble spirit who left an impress upon the world that will never be wiped out. No efforts of his detractors can efface the monuments of his far-reaching and able mind, which are everywhere visible, causing his memory to be perpetuated in the hearts of a people who appreciate beyond estimate the many virtues he exhibited in connection with a most remarkable mental capacity intensified into wider scope and irrepressible activity by Divine inspiration.