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The Laws of the Nephites: Nephite Law in the Days of the Judges

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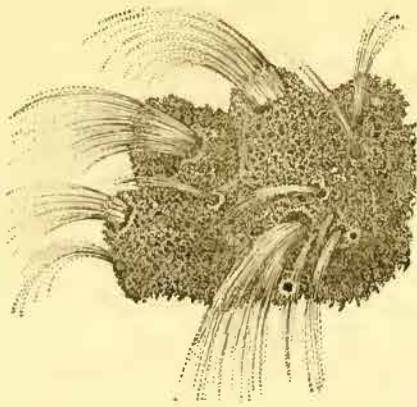
Abstract: Discusses the Nephite political system under the monarchy and judges. Also considers legal matters under the judges, such as procedures for being heard as the “voice of the people,” various sanctions for crime, and treatment of prisoners of war.

SPONGES.

As before noticed in our columns, the sponge belongs to the animal kingdom. For a long time the nature of this creature was problematical, but now zoologists have thoroughly examined the animal and determined its true position among organized beings. The sponge structure consists of two distinct parts: the tough mass, which is the skeleton of the animal, and the soft, semi-transparent, milky mass, which can be pressed out of the living sponge by stamping upon it with the foot, or by pressing under any hard substance. This is the way in which the sponge is prepared for market when it is obtained by the sponge fishers. It is then washed and dried for market. It is, when first found, a very different thing to the sponge which we are used to procuring for toilet or other use. To prepare it properly it has to be freed from sand, slime and other impurities.

By noticing the structure of the piece of sponge here represented it can be seen how the water currents pass out of the larger pores of the animal. The interior cavities keep up a circulation by ciliary action, that is, hair-like filaments are kept in constant motion by the animal, by which the water is drawn in through the smaller pores and pushed along in a current.

In reality, the sponge is composed of a multitude of small animals, which are all laboring for the benefit of the entire community; and yet each tiny animal has its own individuality, the whole of them being held together by the living soft mass of matter, somewhat like the white of an egg in consistency.



A PIECE OF SPONGE, SHOWING THE OUTGOING WATER CURRENTS.

The object in keeping up a continuous current of water is to obtain food. Minute spores and fragments of matter fit for sustaining life are absorbed into the spongy mass, to build up its tissues, the same as with other and higher beings in the scale of animal existence.

Professor Huxley compares the sponge to "a sub-aqueous city, where the people are arranged about the streets and roads in such a manner that each can appropriate his food from the water as it passes along."

If we look at the picture we shall see how the waters empty themselves again into the sea, into which they carry off impurities and waste materials of no use to the sponge animal for food.

There are many names given to sponges to designate the different varieties. Some are called "cups." These are ordinarily cup-shaped, such as the "Neptune's cup," shown in our last number. Then there are "toilets" of all sorts and sizes, and "honey-combs," which are used for baths. Again we have "carriage sponges" and "brown turkey." These two kinds are of coarser consistence, varying greatly in size, toughness and appearance. Then there are the common or "boat sponges," from the West Indies, of white or yellow tissues, known as "sheep-wool," "velvet sponge," a sort with brown

tissue, coarse "hardhead," "grass sponge," "glove sponge" and "reef sponge." These two last are regarded as the best sorts; but the finer kinds of "turkey sponges" are considered the best in the market.

THE LAWS OF THE NEPHITES.

BY G. R.

WE next enter into the consideration of the law as it existed under the judges, gathering our information from various passages in which it is directly referred to, or wherein some historical incident is narrated which throws light on its powers and manner of execution.

NEPHITE LAW IN THE DAYS OF THE JUDGES.

From the death of King Mosiah II. (B. C. 91), the governmental authority was vested in a chief judge and other subordinate judges and officers, all of whom were elected by "the voice of the people," to judge according to the laws which had been given to, and accepted by, the people. Their authority was defined by the law (the code of Mosiah), but within the bounds therein prescribed, they appear to have held unrestricted powers. (This was especially so in the case of the chief judge.) No civil council or parliaments divided with the chief executive the authority to make war or conclude peace, to decide the terms of treaties or frame enactments for the regulation of public affairs. No direct statement is made of the length of the term that a judge remained in office, but from the historical narrative we gather the idea that they were elected for life, or during good conduct. We have instances of judges resigning, but none of their removal by the people because their term of office had expired. Each city or "land" appears to have had its chief judge or ruler as well as its inferior magistrates, all of whom were responsible to the chief judge of the whole nation, whose seat of government was located in the Nephite capital, Zarahemla, when the city was not in the hands of Lamanite traitors.

The manner of conducting elections is not clearly defined. The result is always spoken of as "the voice of the people." The mode of procedure was uniform, that is, it was the same "throughout the land" (p. 232). In the election of the first chief judge (Alma the younger), the people "assembled themselves in bodies throughout all the land to cast in their voices" (p. 232), which conveys the impression that they declared their choice *viva voce*, or by acclamation, rather than by lot or ballot. It is quite possible that the methods were entirely dissimilar to any known at modern elections; this, however, is but conjecture.

When the sentiments of the people were greatly divided and party feeling ran very high, the opposing factions assembled in separate bodies throughout the land to cast in their voices, as in the attempt to make Amlici king (p. 237). The decisions of the people in these assemblies or mass meetings "were laid before the judges" (p. 237), who proclaimed the result. In cases where the petition was made for any particular object, or for a change in the law, the judge directed that a special election (if we may so term it) be held, and the results were proclaimed according to the voice of the people, as a whole, or if they were divided, according to the voice of the majority.

Under the code of Mosiah, the judges received wages "according to the time which they labored to judge those who were brought before them to be judged" (p. 261), and their wages were a sennine of gold, or its equivalent, a sennine of

silver, for each day that they were thus employed (p. 265). As the Nephites had changed the names and values of their coins from the old Hebrew standards, we have no direct way of judging from the record how liberally these officers were remunerated. Lawyers, also, were "hired and appointed by the people to administer the law at the time of their trial;" it is presumable these acted in behalf of the republic in the capacity that a prosecuting attorney of the United States does. If trial by jury was in vogue among the Nephites, we have not been able to find any reference to that method; indeed the evidence is altogether in favor of the idea that the judge decided on the guilt or innocence of the accused, and, if adjudged guilty, passed sentence on the culprit. The corruptions of these lawyers and judges, early became, in some portions of the land, the foundation of the destruction of the government (p. 264).

When the chief judge was elected, he took an oath of office, and it is presumable that the lesser officers did the same. The nature of that oath can be easily understood by referring to the case of Pahoran (p. 386). "He was appointed chief judge and governor over the people, with an oath and sacred ordinance to judge righteously, and to keep the peace, and the freedom of the people, and grant unto them their sacred privileges to worship the Lord their God; yea, to support and maintain the cause of God in all his days, and to bring the wicked to justice, according to their crime."

The punishment of corruption, or malfeasance in office was especially provided for. King Mosiah explains the provisions of the law on this subject in the following language (p. 231): "And now if ye have judges, and they do not judge you according to the law which has been given, ye can cause that they may be judged of a higher judge: if your higher judges do not judge righteous judgements, ye shall cause that a small number of your lower judges should be gathered together, and they shall judge your higher judges according to the voice of the people." These safeguards became strong bulwarks for the protection of the rights of the individual and the preservation of the liberty of the whole people.

When Alma, the first chief judge, resigned that office, so that he might devote all his time and energies to the work of saving the souls of men, he nominated or suggested his successor; but whether this was simply a courtesy extended to him by the people, on account of their great love for his person and respect for his judgment, or whether it was a provision of the law, is not plain. The passage states that Alma chose Nephiah as his successor, and gave him power, according to the voice of the people, to enact laws, according to the laws which had been given, and to put them in force according to the wickedness and crimes of the people (p. 244).

The rights of the people were:

PERSONAL LIBERTY:

It was contrary to the law of Mosiah "that there should be any slaves among" the Nephites (p. 315).

EQUALITY BEFORE THE LAW:

No privileged classes. Every man to "enjoy his rights and privileges alike."

UNIFORMITY OF TAXATION:

The burden of supporting the government fell on all the citizens, "that every man might bear his part" (p. 232).

THE ELECTIVE FRANCHISE:

Whether the suffrage was confined to men, or universal, or limited by any particular restrictions does not plainly appear.

*—The people had doubtless other rights which we have failed to notice, that are not mentioned by the writers in the Book of Mormon.

THE RIGHT OF PETITION:

As examples of the exercise of this right we introduce the following: At the time when Pahoran was chief judge a part of the people desired "that a few particular points of the law should be altered" (p. 387). The chief judge refused to alter the law, whereupon a portion of the people petitioned him, and he directed that an election be held, or rather that the voice of the whole nation be appealed to. This being done, the result proved that the majority of the people objected to a change. Again, Moroni, the commander-in-chief of the Nephite armies, sent a petition to the chief judge for power to compel certain dissenters to help defend their country against national enemies, or to put them to death. His request being according to the voice of the people, the desired power was given to him. Here we have instances of the right of petition exercised, in one case by a large body of the people, and in the other by a single though important individual. Both were extraordinary circumstances, and in the latter case it appears to have required the all-powerful *vox populi* to give validity to the action of the executive.

To be Continued.

Travels in India.

BY WILLIAM FOTHERINGHAM.

(Continued.)

MESSRS. Booth and Collis were partners in the indigo business, having two plantations across the River Ganges, named respectively Koorsun and Thurroa. Mr. Collis resided with his family at the former, and Mr. Booth at the latter. Their bungalow in Allahabad, known by the name of Sallooree, was situated on an eminence, beyond which was an extensive, low sand plain, that came to an acute point where the waters of the rivers Ganges and Jumna mingle together.

In addition to these two sacred rivers the more knowing among the Hindoos, claim that an invisible river flows from heaven and mingles with the others at this point, which can only be seen by the very faithful. During the months of January and February of each year, Hindoos gather from all parts of India, for the purpose of attending to certain ablutions for their own sins, as well as for the benefit of their dead relatives.

Our sojourn in Allahabad happened to be in February, when the festival was at its highest point of excitement. The plain nearest the confluence of the rivers was packed with pilgrims (a great many of whom assumed the role of beggars), and dotted with booths and tents, which were principally occupied by barbers and fakirs. The former attended to the hair cutting and shaving, while the latter said prayers for those of the pilgrims who had no faith in their own petitions. The labor performed, in shaving and praying, had invariably to be paid for in advance. On the arrival of pilgrims, they generally looked dirty and jaded, and as if neither scissors nor razor had been used upon their heads and faces for years. From forty to fifty thousand attended this festival daily.

A part of this festival consisted in being shaved and having the hair consigned to the sacred waters referred to, and the pilgrims would emerge from the barber's booths with their newly shaven heads resembling a peeled onion.

The fakirs were a most miserable looking set of beings. They were religious devotees, who spent their lives in torturing