

come guilty of such offences after arriving in this Territory?

The Secretary does not doubt that European governments when requested will not fail "to prevent the departure of those proposing to come hither as violators of the law." But no "Mormon" emigrants make any such proposition. They do not come as actual or intending violators of the law. But Evarts seems to insinuate that they become violators of the law by engaging in such criminal enterprises. Is it a "criminal enterprise" to unite with others in a company to cross the sea on the same vessel? If so, all emigration companies of whatever sect, nationality or color, are "criminal enterprises."

But we do not think it worth while to comment further on this most ridiculous letter, which before publication was severely handled by the press in both hemispheres, and will, now that its bungling and obscure phrases are placed before the public, expose its author to much stronger adverse criticism. However, we will express the opinion that the Governments of Europe, or their "considerations of comity," will not "prevail to prevent" "Mormon" emigration, and that if the diplomatic representatives of the United States, as requested, inform the Secretary truly "of the disposition shown in reference" to his letter, they will report that it was received with derision by every statesman of the old world who paid any attention to it.

#### LAND SWINDLES.

THERE is probably no one thing more important to our people who live in the settlements and on their farms, than the securing of the title to the land they cultivate. To know how to proceed correctly in this matter is priceless to them, as one false step, however well intended, may subject them to great inconvenience, delay, expense, and perhaps in the end a total loss of the land from which they draw their subsistence, and without which they would be "poor indeed."

During the last few years these western Territories have been invaded by a class of people who, while they have no object in common with farmers, are always looking out for a piece of good land, which may become an easy prey to their cunning, through the lack of knowledge or watchfulness on the part of the settler. A case lately came to our notice in a neighboring Territory where a certain "land shark," claiming to be an attorney, on being refused the exorbitant fee of \$80 for making out final proof papers, threatened "to track the settler till he'd wished he had paid it." On the party presenting his proof at the Land Office the Register and Receiver informed the applicant that an affidavit was filed for a contest against him for abandoning his entry. The proof was consequently refused, and a day set for hearing. The victimized settler was compelled to employ a lawyer to conduct his case, and to introduce some seven or eight witnesses to substantiate his claim and impeach the testimony brought against him. It was found that the disappointed "attorney" who wanted \$80 was the lawyer for the contestant, and that the names of these same parties were attached to nearly every suit for abandonment against "Mormon" settlers, who are looked upon as suitable "game" for such iniquitous proceedings under color of law.

The above shows how easy a matter it is for our people to lose their hard-earned possessions, some of which have cost their owners years of toil, and are very valuable in permanent improvements. A simple failure to regard some legal technicality, a day too late in making a filing, a slight dereliction in some particular may cost a man, as in this instance, hundreds of dollars, and not being able on the trial to thoroughly substantiate his claim under the laws, and regulations of the Department, the decision might be rendered against him, when he would lose his property.

We would recommend our friends under these circumstances to obtain proper advice how to proceed, and to seek such advice from one of our own people, one having an interest in common with them.

selves. An advertisement will be found in our columns, from one who has made a practice of imparting such information as may be needed, free of charge, simply asking compensation for services rendered. His residence has been long established in Salt Lake City, and he proposes to continue here, and employ his talents in this direction. Those who entrust their land affairs to his care may have a reasonable expectation that the business will be attended to with promptness and fidelity.

[COMMUNICATED.]

#### THE PACKING OF JURIES.

IN considering the course pursued by the prosecuting attorney in regard to the organization of his grand juries, there will be many reflections and considerable criticism; but it may be asked also of those who are selected, are they not very indifferent in far too many cases. As to serving in that capacity, is it often considered as a trust imposed by society, through law, to be exercised for the common weal and in favor of right and justice? Have not the accused a legitimate claim upon the intelligence and fair dealing of those so selected? And when a man is ready to shirk this responsibility, to be glad when from unrighteous ruling or other cause he can evade or be discharged or released from this service, is he worthy of the great duties and responsibilities involved in citizenship? The right of challenge was originally meant for the mutual protection of society and the supposed criminal, and any subterfuge or ruling which gives preponderant influence to either side, is vicious and subversive of the institution of trial by jury.

In this view all challenge should be honorable, legal, and without prejudice, and officers should if in any way rather lean to the accused (real or prospective) than to the prosecution, in this respect "the quality of mercy is not strained, but droppeth as the gentle dew from heaven." It appears to be time that some one of moral courage should resist the encroachment of a different rule; if society imposes this duty, calls men to act as jurors, there should be no bar to their readiness and willingness to act, save legal and legitimate disqualification; and for a selected individual to insist upon filing such calling, unless legal disqualification could be proved, would only be to do what men in every voting precinct do when irregular or illegal challenge seems to curb the duty and responsibility of voting. Yet, men tenacious in the one direction, will yield in the other where issues are involved of far more importance than are involved in ordinary elections. Yet, will any juror venture to ask the attorney whether he is within the line of his duty in his methods of challenge? Will any juror ask for his authority to make religious faith a test of qualification, not a shadowy or inferred authority, but a real tangible, legal statute for his position? No, men, ordinary men, quail before an assumption of authority, and from early training and tradition, yield to the supposed authority of the machinery of courts.

But some say the inspiration of these officers comes from Washington, if so it is none the less damnable, illegal and unconstitutional, none the less subversive of justice, none the less calculated to inspire resistance, none the less proscription and leading to the regions of contempt for official maladministration and even law itself, than as though it all originated in the chambers of the legal fraternity of Salt Lake City.

So every man would or should protest against this action which may, under the guise of zeal for law, of anxiety for right, drag himself, his family, his friends, his brother citizens before a tribunal packed to convict, by having eliminated from it all that is conservative, all that is fair, and all that ever constituted the essential glory and safety of the jury system.

Those who retain their standing on a jury sequestered by inquisitorial presumption must realize that they in no sense are such a body as the law contemplates, and if fine, lofty patriotic feelings could inspire such an element, they would pray the court that they might be disbanded

or reorganized without prejudice against an accused person as much as against a packed jury entirely in the interests of a prisoner, or suspected criminal, or violator of the law.

With the merits of the anti-polygamy law we have no present controversy, but our Attorney should give the statute conferring authority for rejecting jurors for faith alone, thus practically creating a packed working body not so anxious for the right as one anxious to convict.

[For the DESERET NEWS.]

#### EVARTS vs. MORMONISM.

It was said of the celebrated John Randolph, of Va., that he was so inveterately opposed to the woolen manufactures of the north, that on one occasion he remarked in the halls of Congress, he so hated them that he would go a mile out of his way to kick a sheep. Secretary Evarts has gone several miles out of his way to kick a sheep. 'Tis passing strange that an accomplished gentleman and lawyer should so allow himself to be made a cats paw for party purposes as to coolly sign that very thin tissue paper circular to exhibit to the courts of Europe an unaccountable lack of statesmanship in its originator and a lamentable degree of weakness in the party that employed him. The circular is a very flimsy fabric to cover other party issues from sight, entirely too thin to attain its object. But there is an object attained that probably did not enter Mr. Evarts' plan of operations, that is, to introduce "Mormonism" to the court circles of Europe and the world, placing "Mormonism" on equal footing with the government of this great and glorious republic, and acknowledging "Mormons" "to be worthy of his steel." No doubt the Methodist, Baptist and Presbyterian churches would be delighted to receive such marked tokens of honor presented by such dignified hands to the nations of Christendom. This pre-eminent attention to the "Mormons" by the Secretary of State will at once call the attention of the potentates of Europe to a subject they would not otherwise have dreamed of, and set them at once to investigate, first, how many of their loyal loving subjects are induced, every year, to abjure their allegiance to them and emigrate to a land of freedom and equal rights; secondly, they will inquire what inducements are offered by these famous "Mormon" missionaries, whether to the men is offered the old patriarchal order of plural marriage, or whether, to the single ladies is offered the assurance of the rich boon of honorable marriage, and maternity without divorce the next week.

Now if the Hon. Secretary had not been so exclusive in recommending the "Mormon" Church to the notice of the diplomatic officers of the United States he might have extended his instructions to his diplomatic agents to solicit the interference of the several European powers, and their earnest attention to "prevent the departure" of any of their subjects, who might, "under whatever specious guise," be induced to associate their names with the Plymouth Church. Mr. Evarts, no doubt, has the notes of the long, tedious trials in Brooklyn, and would therefore have substantial data to start from. Whereas he seems to think he has struck a new lead with the Mormons, as if their immigration from Europe, Asia and Africa was of quite a recent date, and did not extend back for forty years or more. We would like to know what his notions of crime may be. As to adultery—perhaps he may think that crime not unconstitutional, or that it has not been decided upon by any "recent decision of the Supreme Court."

As Mr. Evarts seems bent on moral reform, and we cannot think it but highly commendable, we would suggest that when foreign governments send their envoys extraordinary and ministers plenipotentiary, charge de affairs, and diplomatic agencies to Washington, that they pay particular attention to selecting such whose antecedents guarantee them to be of undoubted pure moral character, that when they arrive in our national capital they may not contaminate the pure, atmosphere of Washington, nor soil the immaculate robes of cabinet or other high officials of the government, more especially as

Congress will soon convene, and we regret to have to say that "Cæsa's wife" is not entirely without reproach, and as Mr. E. says, "that every consideration of comity should prevail to prevent the territory of a friendly State from becoming a resort of refuge for the crowds of misguided men and women whose offenses against morality and decency would be intolerable in the land from whence they come."

F.

#### MERCHANT AND MANUFACTURER.

WE publish in this issue a letter from a correspondent on the subject of co-operation. He holds up as an example to similar institutions the course of the co-operative store at Ephraim, San Pete County. We would like to see it followed by all the mercantile firms in Utah. If the stores will patronize home manufactures, those industries will succeed; if not they will at best exist in but a struggling condition. For the distributor does come in between the producer and the consumer, and no matter what theories may be advanced about "middlemen" and "speculators," the business of distributing the products of the soil and the workshop is an established and legitimate branch of human labor, and will always exist, exercising much power on the producer and the consumer, between whom it stands, and from both of which it derives its sustenance and enrichment.

It will be found in experience that the encouragement of home industry by the merchant will prove as profitable to the latter as to the former. The employment of home labor, by retaining within our own borders much capital which would otherwise leak out, makes business brisk, and thus benefits the merchant as much as any member of the community. Of course the storekeeper cannot be expected to purchase that which either in kind or quality, he cannot sell. We only refer to such articles of such a quality as will supply the public demand. And in regard to these, sound business principles will suggest the patronage by our merchants of the home-produced in preference to the imported.

And this brings us to a point which we ask all our merchants to look at and consider seriously. When a home manufacturer supplies an article of merchandise which the customer will purchase, why should he not be paid by the storekeeper in the same way that the eastern or western jobber is paid? Why not pay for his goods in cash? Why insist upon putting him all the time at a disadvantage over the outside dealer or manufacturer? What merchant ever thinks of asking a New York or Chicago drummer to take the amount of his bill in "store pay"? Whoever thinks of buying goods from a foreign market on "trade"? Yet if a home-worker or firm offers home-made goods to the merchant, is he not frequently, not to say generally, required to take his pay in something else besides cash? It will be found that the home manufacturer is compelled to pay out cash for many things used in his business, and his employees want a little money as well as other workmen.

The whole principle is cumbersome, antiquated and a relic of the rough and rude times of early settlement. The barter system is out of date. There should be enough cash in the Territory to abolish it altogether. It may seem advantageous to some traders to compel a certain amount of patronage. But it is unworthy of an advanced community and does not secure as much benefit as it appears to do. For the purchaser desires freedom to buy what and where his inclination or good sense may prompt, and he rebels against this covert attempt to force him in a given direction.

There may be reasons why the store order system cannot be entirely set aside at present, but we see no reason for its application to the manufacturer of goods which, if purchased from an outside market, must be paid for in cash. There should be no discrimination against the home producer, but if any difference is made it should be in his favor, that his industry, struggling to compete with capital and older establishments, may re-

ceive encouragement and be helped on to permanence and success.

#### "TOO VIOLENT."

EVARTS' circular continues to receive unfavorable comment from various sources. Here is a paragraph from the Butte Miner of Sept. 23d:

"Even the steerage passengers among the Mormon immigrants point out the flaw in Evarts' letter, in which he states that the right of asylum will be refused Mormons reaching U. S. ports. The assumption that a man, as yet innocent, will sometime in the future become a criminal is a little too violent to obtain recognition of the law."

#### EDITORIAL NOTES.

The Woman Suffrage Association folks intend to strike another heavy blow for freedom and equal rights at the next session of Congress. We don't believe they will get any thing from Congress this time, but there's nothing like trying. Justice will come at last.

The Fair to be held in this city during Conference will contain many novelties and uncommon features of interest. It will no doubt be visited by many thousands of people and will be productive of a vast amount of good to the Territory.

It is supposed by people outside this Territory that the "Mormons" are greatly excited over Evarts' circular, the expected doings of the next grand jury and other matters that set the world agog. Not so. The "Mormons" are pursuing the even tenor of their way, serving the Lord, building up Zion, and minding their own business. All is peace, and nobody is fretting that we know of.

The Land of Shineeah is the title of a poem by Bishop O. F. Whitney, which he has been induced to publish for circulation among his friends. The subject is the contrast between Kirtland, the city of the Saints, named Shineeah in the early revelations of the Church, as it appears to-day or rather as the writer viewed it in 1877, and as it stood forty years ago when the Prophet of God and the Temple of God stood in the midst, as the signs of a restored gospel and priesthood and a re-opened communication between God and man. The poem exhibits a refined taste with a poetic talent of no common order. The theme is very suggestive, and the author has grasped it with a strong and skillful hand. The lines flow in smooth and pleasant measure, and poetry and prophecy combine to incite interest and attract attention. We congratulate the author on his success in versification; we hope he will continue to cultivate the muse; and we believe that with practice and experience he will develop into a bard who will achieve distinction and make a name in Israel.

The Audiphone is an instrument by which deaf people are made to hear. Those whose ears are defective are by its means enabled to hear by their teeth. It is simply a sheet of vulcanized rubber, about 1-22 of an inch in thickness, set firmly in a handle of the same material. In the upper rim of this sheet are pierced some holes through which passes a silken cord. This goes down on the inner side of the sheet, to the handle, through a slot in which it passes. By pulling this cord the sheet is bent over at any angle the user may desire. Each person has to ascertain for himself what kind of a curve of the rubber sheet will enable him to hear best. Generally it is very slight—only about 10 or 12 degrees—though apparently the deafer the person the greater the curve must be. When used, the person holding it simply touches the upper edge of the fan or audiphone against his teeth of the upper jaw. The voice of the speaker strikes upon this tense sheet of rubber, and communicates to its vibrations, which in turn are imparted to the teeth, and then pass to the auditory nerve. The inventor is a Yankee, of course, and is himself deaf. The idea of the Audiphone was suggested by his hearing the ticking of a watch which he held for a few moments between his teeth.