

# **EVENING NEWS.** *Published Daily, Sundays Excepted,* **AT FOUR O'CLOCK.**

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**CHARLES W. PENROSE, EDITOR.**

Wednesday, August 5, 1893.

## **INEFFECTUAL INTIMIDATION.**

We publish to-day a letter from Belle Harris. It is not often that we receive communications from the penitentiary, so this will be a sort of novelty. As will be seen, the prisoner is in good health and spirits, cheerful, hopeful, and yet determined to maintain the position which she has assumed, no matter what may be the consequences. Those who have seen her in her place of confinement can but admire the calm, quiet, unassuming, yet firm and unflinching manner in which she endures her present indignities and faces the possibilities of the future. True, everything that her friends can do is done to mitigate the unpleasantness of her surroundings, and the prison officials, so far as we have seen, are extremely courteous and gentlemanly in their demeanor, and while enforcing strictly the rules of the prison, exhibit no disposition to be hard or too exacting.

The report that the prisoner has been visited by the over-officious deputy prosecuting attorney whose ferocious proclivities were the main cause of her incarceration, and that he endeavored to intimidate her by intimating that her imprisonment would probably be made perpetual, unless she gave in and answered the questions which he propounded to her in the grand jury room, we find on investigation to be correct. He also was anxious to find out whether she was under some secret obligation not to answer those questions, and he played the part of a cross-examiner as though she was in the witness box instead of in the penitentiary, where he had no shadow of right to intrude and renege the part of Paul Pry.

The argument he offered in support of his attempt to induce the prisoner to reply to the questions she declined to answer was that the grand jury is a perpetual body; it does not dissolve, but new members are chosen to fill it; that if she refused to answer when taken before the Court again, Judge Twiss could remand her notwithstanding the discharge of the persons to whom she was required to answer, and so she could be imprisoned indefinitely. The object in view, however, was not effected; Belle Harris was simply annoyed at such a pretense at reasoning, and though having no knowledge of the law in relation to this matter, had sense enough to see the injustice and absurdity of such nonsense, and so it had no other effect upon her.

A grand jury is organized for each term of court. When the term expires the grand jury for that term is discharged and the body dies. A new grand jury has to be organized for the new term of court. It is usual to discharge the grand jury in the early part of the term, because the labors are usually at an end after it has inquired into alleged offenses within the district, presented indictments, examined public records and made its report. In this instance Judge Twiss adjourned the grand jury before which Belle Harris was taken at Beaver until August 29th. (This was done, without doubt, for the express purpose of keeping her in prison as long as possible. When the grand jury meets again she may be taken before it and have an opportunity of answering the impertinent questions asked of her by the deputy prosecuting attorney who usurped the position of the grand jury. But before the September term of the court begins, when a new grand jury will have to be organized, the present body will have to be discharged. It was that body before which Belle Harris was subpoenaed, it is that body to which she must answer if any; and when that expires, there can be no excuse for holding her, further.

Reference to the laws of the Territory, also to the Act of Congress known as the Poland law, will show that each grand jury is a separate entity and that it is not a continuous organization. The Poland law says:

"Whenever a grand or petit jury is to be drawn to serve at any term of a district court," etc.

"And the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases."

It will be observed that the grand jury, like the petit jury, is drawn only for the term. It is in this respect like a Congress of the United States. When it has lived its term it expires, and a new Congress takes its place. For this reason each Congress is numbered, the last being known as the Forty-seventh, the next the Forty-eighth, and so on. The position taken by Belle Harris may be thought by some to be one of stubbornness and insubordination. But any further proceedings against her will be universally looked upon as vindictive and persecution. She is clear in mind on the issue. To her the questions propounded were such as no woman ought to be required to answer. In refusing she vindicated her rights and those of her sex. She well understood that they were designed as an opening wedge to prepare the way for others. They were not put to her, either, by any legal authority. The grand jury opened not its mouth. An officious official did the whole business. He was the grand jury for the occasion. It was he that was baffled and disappointed. It was he that paraded the witness. And if the grand jury had known its business and kept the attorney in his own place, which was not in the grand jury room at all unless his legal services were required, Belle Harris would not have been forced into her present position. And we have not conversed with a non-Mormon on this matter who does not look upon the course per-

sued towards her as shameful and unnecessary. It is time that men, summoned and sworn to act as grand jurors learned their duties and prerogatives, so that they may not be usurped by others. It is not the business of a prosecuting attorney to question and badger witnesses before a grand jury. He prepares the indictments, furnishes the names of witnesses required, gives the grand jury the benefit of his legal knowledge. But that body examines the witnesses, the foreman reads them, and it is for that body to find a true bill or ignore the indictment and also to decide whether it has been treated with contempt. A meddling official hunting for notoriety and seeking to intimidate a woman is a natural object of contempt. Officially he is not a court nor a grand jury, and when he steps beyond the lines of his duty he may and ought to be treated with the contempt that he deserves.

We are surprised to find that some people in commenting on this matter, which is one of general interest, speak of the meddling author of the trouble as Judge Snow. This is a mistake. Judge Snow's name is Zorubbel, and he is not a man of that kind, but a gentleman generally respected for his ability and integrity. The name of the deputy prosecuting attorney for Beaver County, in Zeta Snow, and he should not be confused with the Judge, who has an established reputation in this Territory.

## **THAT AMNESTY OATH.**

If it were necessary to supply any further evidence that the noted Edmunds law is unconstitutional, and in reality a direct violation of the principles of our Government, that evidence is found in the clause on amnesty, promulgated by the United States Attorney General, and in a modified form approved by the Attorney General of this United States. In section nine of the Constitution, Congress is expressly forbidden to pass any "ex post facto law." I claim that the Edmunds law, as amended, is an ex post facto law in its direct provisions, and established as such by its retroactive effect. But I wish briefly to call attention to the sixth clause of the said Act, relating to the amnesty part of this congressional blunder. "That the President is hereby authorized to grant amnesty to such classes of offenders, guilty before the passage of this Act of bigamy, polygamy or cohabitation, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with."

By the very wording of this clause the United States Congress informs the residents of "the Territories" that those who comply with such conditions as the person to whom they have delegated this authority shall think proper, shall be pardoned for what they committed of what this law forbids before the Act was passed. Thus also informing us by implication that the who do not comply with the conditions prescribed by the President, will be punished for their offenses as though committed since the passage of said Act.

True, it may be argued that this amnesty is intended to relieve those who violated the Anti-Polygamy Law of 1890, which it was before Congress that the law of limitations had already relieved a large number, and was working towards the same end with the remaining few. Hence if the amnesty provision referred only to the violations of the previous law it was next to useless. Again, the course of the commissioners, acting under this statute, shows that they construed the intent of the ex post facto light, for they did not wait to inflict the disfranchisement penalty for which this unconstitutional law provided, on those who should violate the Edmunds law; but by rulings of the same sweeping and technical character, extended its retroactive operation over all persons who ever had married more than one wife, regardless of the limitation act, and even going so far as to include those who had done this before any law at all existed on the subject. Thus, persons who never broke the law of 1863, which provides the penalty of disfranchisement for violation of its provisions, are subjected by the operations of this act to its worst and most humiliating penalty, namely disfranchisement, unless they consent to take the oath and swear to do in which they are compelled by the legal gentlemen in question to swear that they are not bigamists or polygamists, regardless of when they entered that relation. No provision or clause is inserted to indicate violation of the law under which they are being punished. And in addition to this they have to swear that they do not believe in the practice. Thus with two unconstitutional strokes the Government of the United States fails to the earth the principles of political and religious liberty, and tramples them under the iron feet of party power. But the wicked oath goes further still; it is not only ex post facto, like the law on which it was founded, it is not only a ban on religious freedom, but it contains another and if possible more vindictive and hateful provision still, namely that the applicant for pardon shall covenant with the United States, that he will "do all in his power to oppose the Mormon Church in its efforts to oppose the laws, and obstruct the due course of justice," which simply means that he will vote the "liberal" ticket, tear down the people whose doctrines he once believed and practiced, devote his labors to harassing them at home and misrepresenting them abroad, and in fact adopting and carrying into effect all the diabolical schemes devised and practiced by the anti-Mormon element here since they first found a footing in Utah. Not only must he desert his own wives, whom he has married perhaps 25 or 30 years ago, who in their youth long before any law existed against such a crime in Utah, entrusted their lives and future to his keeping, but he must now help in bringing the same disaster on all others of his former brethren and sisters, consigning the men to prison and the women to destitution and destruction. It is said by one of old, that in the last days, "the wisdom of the wise should perish," and I think we have here a perfect example of this great prediction, in the national folly now being perpetrated. Congress has made the bullets with the molten lead of unprejudiced simplicity, and the Government has

its officers is wildly firing them off at random, with the dexterity and dangerous results of a fourth of July co-patriot, who unsuspectingly shoots his wicked little toy-pistol into his own hand. For such unconstitutional action must revert on the perpetrators, sooner or later; and someday, even if we have to wait for posterity to read our national history, the blush of shame will mantle the cheek of youth for the folly of the men of 1893. Even as the Christians of to-day mourn for the burning of Servetus by Calvin and of Cranmer by the Catholics.

I am not a polygamist, and I may never be fortunate enough to be loved by two women at once, but if I was situated as some of these noble men are, who are thus tempted to desert their friends and forsake their loved ones, I would gather my little circle about me and suffer the death of Servetus or Cranmer, in preference to the base act of accepting such citizenship as is couched in the Edmunds provisions and the oath of amnesty.

DON PEDRO.

## **LETTER FROM BELLE HARRIS.**

SALT LAKE PENITENTIARY, August 5th, 1893.

Editor Deseret News:

Having just received the letter written by my young sisters and co-workers of Mount Pleasant, though I have no account of it in your paper, yet I would deem it a privilege if you will allow me through your columns to express my thanks and sincere gratitude for their appreciation and sympathy which my young friends have expressed for me. I truly appreciate the kindness which I have received, and wish to tender my heartfelt thanks to my many friends and the general public for the lively interest which they have shown in my behalf. To look at it from a natural standpoint, I would think my position very trying. Yet I have implicit faith in the Supreme Being who rules all destinies, and know that this unnecessary harsh treatment will result in good to us, as so many circumstances of a like nature have done.

The time is drawing near when I hope to be released and allowed to mingle with my friends, but if I am not I shall submit cheerfully, for prison life, or rather a clear conscience, contented mind and the knowledge that I am trying to do as near as I can as possible agree with me, and I have therefore with little exception, enjoyed excellent health, and think I shall be able to endure until those who have the power, see fit to release me. I do not regret my imprisonment here, though I have many things to grieve in my life. He will put a magnetic belt around your waist, a magnetic necklace around your chin, or it you out with an entire net of magnetic coils, warranted to serve the purpose of ordinary clothes, and at the same time to cure all diseases, from whom long enough to cause consumption.

Most of these have no more electric or magnetic power about them than resides in wooden trunks or in clothes of suchlike material. Only when applied by an expert in electricity of the slightest use as a medicinal agent, and even then its value is greatly over-estimated. That is the strongest possible over-estimated. Lock in the middle of the plaster for the purpose of curing rheumatism. Clearly that it should have been prepared by responsible persons of acknowledged skill in the treatment of disease.

Suddenly on this foundation stands DR. SON'S CAPSICUM PLASTER. Endorsed by 5,000 physicians, pharmacists, druggists and chemists, it needs no further apology for introduction. It is the one and only true and tried external application. Quacks of all kinds pay the Capsicum the compliment of their delirium, as Satan is said to hate holy water.

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pairing wires there, and police protection had been asked in case the interference was repeated. No clue has been yet discovered to the authors of the mischief although the greatest vigilance is being exercised. The Western Union Co. has employed a detective to ferret out the perpetrators of the wire cutting. It is the general opinion that the striking linemen are answerable for the injuries. The company is considerably put out by this new method of warfare. At the headquarters of the Brotherhood of telegraphers it was denied that cutting was being done by the striking linemen.

## **FOREIGN.**

LATEST TRAIN-ATLANTIC DIP. PATCHES.

The Zeta King.

LONDON, 7.—The British agent at Pictetmaritzburg, believes that Ceterway is still alive and that the report of his death was put in circulation for the purpose of continuing the agitation in Zealand.

## **SALT LAKE THEATRE.**

TWO NIGHTS ONLY!

FRIDAY AND SATURDAY.

Saturday Matinee.

Aug. 10th & 11th, '93.

First appearance in Salt Lake, of the beautiful and accomplished actress,

Miss Maud Granger

Supported by her Original New York Company, in John A. Stevens' Romantic Drama, entitled,

HER SECOND LOVE.

Endorsed by Press and Public of New York and San Francisco.

FRIDAY EVE, Aug. 10th and Saturday Matinee,

HER SECOND LOVE

SATURDAY EVE, Aug. 11th,

CAMILLE!

Maud Granger as Camille

New and appropriate scenery. Great cast of characters and marvellous costumes.