

EDITORIALS.

REPUBLICANISM AND RIGHT.

The following extracts from an article in the New York *Herald*, a portion of which will be found in to-day's NEWS, are worth much consideration in these times—

"It is of the essence of republican institutions that the people should rule."

"When strict law is on one side, and fairness, equity and justice on the other, the President ought to consider."

These sentences were written with especial reference to the state of things in Louisiana, but they really have a much wider application. They may apply to other States, to the Territories, to any part of the Union. They will apply forcibly to Utah, for there have been times in her history when it has seemed especially needful for the doctrine to be remembered that "it is of the essence of republican institutions that the people should rule," and when those in authority have sought to act in diametrical opposition to that essentially republican doctrine. Indeed it has seemed to be the constant aim of some of the officials of this republican government in Utah to nullify and destroy every republican principle applicable to this Territory, and pervert the government, here to something of an imperial or despotic nature. This end has been sought by executive, legislative, and judicial means. Instead of the principle that the people should rule being sustained by those officers, they apparently do everything to prevent the practice of that principle. Legislation is sought purposely to accomplish this end, and existing laws and judicial discretion are perverted with the same design. The enactment of special laws, under the excitement of misrepresentation and calumny, leads almost inevitably to the situation thus described—"When strict law is on one side, and fairness, equity and justice on the other." In such a situation the ruling executive has to support the law, though it violate every principle of fairness, equity and justice, but it is sometimes partially his own fault, because of the assent he gave to the law which would place him in that unpleasant position. Most honorable men would prefer to be on the side of justice rather than of law when the two came into collision. But unjust action at one time is a precedent which may compel unjust action at another, when the actor might wish himself free from the necessity of acting. The only safety is to act with fairness, equity, and justice all the time, which partisans seldom do.

SCIENCE AND RELIGION.

The enunciations of Professor Tyndal and Huxley, at the late meeting of the British Association for the Advancement of Science at Belfast, virtually in denial of Deity and revealed religion, as was naturally expected, has stirred up the religious world in Europe and America, and much has been said and written in opposition to the position taken by those distinguished scientists, and especially by Professor Tyndal, whose prayer gauge propositions some months ago prejudiced the religious public powerfully against him. His more recent utterances at Belfast have caused him to be considered as one of the open enemies of religion and of the idea of an over-ruling Providence. For aught we know, the skeptical declarations of the gentlemen named are as honest and expressive of firm conviction as the views of those who differ from them on theological questions, and therefore we see no reasonable foundation for prejudice against them for entertaining such views nor for giving them expression at the meeting of the savans. The subjects, however, of the existence of a God, and of revelation from him to men, cannot be settled either by verbal or newspaper controversy. They are matters of personal faith and of individual evidence. All the reasonings of such acute and comprehensive minds as Tyndal and Huxley, scientific giants as they

are, will be insufficient to convince many a person, whose faith amounts to intuition, that there is no revelation from God, and that there is no God to reveal himself to man. Hundreds and thousands of religionists will continue to believe in God and in revelation to the day of their death, notwithstanding all that scientists may advance to the contrary. Hundreds and thousands of spiritualists, who are not religious as that word is commonly understood, will continue to be satisfied that there are intelligences of a refined nature, superior to humanity, and who can and do reveal themselves to men, and reveal also, more or less distinctly, particulars of a future life, or rather of another state of existence, of which the ordinary material sciences, in which Professors Tyndal and Huxley are so well versed, teach nothing, according to their own acknowledgment.

Religion is an individual matter, and the intuition or other evidence of divine government, which one man has, another man does not have, and therefore it is no evidence to him, nor does it create faith in his mind. Professor Tyndal declares that he has not found out that there is any God, and many other people declare with equal assurance that they have, to their perfect satisfaction. The matter is personal to each, but to nobody else, and each should be left free to follow out his own honest convictions, of course always provided that they do not prevent the exercise of the same privilege in others. Discussion will settle the difference neither one way nor another.

Professor Tyndal believes that there is no God because he cannot believe that there is any, and other persons believe that there is a God because they cannot believe that there is not one.

CONSCIENTIOUSNESS A CRIME.

For years and years has it been the custom of those who make it a business to revile the Latter-day Saints, to hold up to public scorn the judicial system that has obtained in the Territory.

The world has been taught to believe that no Gentile had any rights in Utah, that a "Mormon" court would enforce, or a "Mormon" jury respect. Judges were charged with procuring verdicts, suitors with subornation of perjury, and jurors with elasticity of conscience. The church was charged with the responsibility of all these things and the religion of the people of this Territory made the scapegoat of all manner of evil doings. In the light of recent events these statements form a fit subject for reflection. In the Second District we are told that seven out of nine "Mormon grand jurors" were excused from sitting on the jury, because of their conscientious scruples on the question of finding indictments where the crime charged was polygamy. In this instance seven men, when examined on their *voir dire*, honestly avowed their belief in and possibly their practice of marrying celestially, and stated that they could not conscientiously find a bill of indictment in cases involving this practice in their religion. This is urged against them as a crime. In other lands, among different sects, in all ages has man's adherence to his religion been regarded as a virtue, and no matter how austere or superstitious or absurd the practice of the devotee, he has always been credited with honesty of purpose, and commended for the sacrifices he was making for his conscience. Here, to-day, conscientiousness is criminal, and the Saint who has the hardihood to act in accordance with the doctrines of his faith is publicly execrated and anathematized. What now becomes of the scarecrow with which the world has been frightened when it was told that a "Mormon" juror would swear to any state of facts to be permitted to sit on a jury, so that he might be able to screen his brother in the Church from the penalties prescribed by law for living up to his religion? The fearless honesty of the immortal seven in the Second District shines forth so conspicuously that it should put to the blush of shame the cheek of

the hardest-faced slanderer of the people of this Territory. We have always asserted that the Latter-day Saints were slandered by their traducers, and time, which sets all things even, has wrung from out the mouths of their persecutors this stubborn admission. The recent trial had in this City before "Mormon" magistrates between two prominent agitators of the "Mormon" question, and in which the one who daily eats of the bread earned by persistent and consistent misrepresentations of the people came off the victor, is another evidence that what we have always said is true. Thus one by one are the falsehoods being dissipated, and we have reason to hope that the day is not far distant when not a single syllable that has been falsely told of "Mormon" outrage and corruption but will be placed in the category of that resplendent fiction which has in all ages disgraced the annals of religious literature.

Although we by no means seek, invite, or desire persecution for conscience' sake, or martyrdom for the cause of religion, yet if the choice were unavoidably thrust upon us we should not hesitate to say that it would be better to be the persecuted than the persecutor, the martyred than the martyr. Nor should we consider it any disgrace to be told that conscientiousness is in itself a crime, because we know better.

CHARLES SWAIN.

THE telegraph to-day brings news of the death of Charles Swain, the well known and popular poet. He was born at Manchester, England, in 1803. He was in the engraving business. He early commenced to write poetry for the journals and annuals, and afterward published several volumes of poems, of which numerous editions have been published in England and America, and some have been translated into French and German. Several of his songs have been set to music. There is the ring of true poetry in them.

AN AWFUL NIGHT.

THE Davenport *Gazette*, of Sept. 19, says that for a period of three years, ending the first week in this month, there was complaint of a lack of rain in that region of the Mississippi Valley. During all that period there was not a single visitation of what is called a good soaking rain. There were occasional showers, but no heavy rainfall succeeding rainfall, as formerly common. There were three years of "dry harvest," now affecting wheat, then barley, and giving oats a leanness. This year wheat came out pretty well, barley middling, and oats better than average, and there was a cry for rain for later crops, but during September, shower after shower fell until the 18th, when a deluge came. It rained copiously all morning till noon. About 7 p.m. the rain recommenced gently for forty minutes. Then there was a gale, a hurricane, with thunder, lightning, and sheets of water. The storm was terrific. Houses were unroofed, windows smashed, signs, chimneys, and trees innumerable thrown down. The night was dark and very wet and windy. The rain continued to fall for hours after the wind went down. Many culverts and gutters, bridges and sidewalks were washed away, and cellars flooded, while for hours the streets, north and south, were rivers. The rainfall for 24 hours ending at 10 p.m. that night was 3.73 inches, almost unprecedented in the history of that region.

U. S. LAND SURVEYS IN MONTANA.

THERE comes news of a little more official corruption and rascality in Montana. In the *New North-West* of Sept. 19 is the report of the U. S. Grand Jury for the September term for the Deer Lodge District. The paper mentioned considers the jury "as intelligent and upright a body of men as were ever assembled as grand jurors in this district," and gives their names as follows—Chas. Cooper, Foreman; C. L. Williams, Clerk; S. J. Whitcraft, Peter Levingood, James Milligan, E. D.

Holland, F. C. McAndrews, J. O'Rourke, J. Abascal, R. M. Johnson, James Geery, Alex. Loyd, Hugh B. Harps, William Graham, John C. Moore, Nathan Smith, Grand Jurors.

The principal matter adverted to in their report is the U. S. surveys in that district, which a previous grand jury had briefly reported upon as "a nuisance."

The congressional appropriations for the surveys for that Territory have ranged annually from \$40,000 to \$60,000, besides the maintenance of a surveyor general's office and a full corps of officers.

In return for this outlay the Grand Jury, after stating that offenses against the peace and dignity of the government are not of as frequent occurrence as formerly, that the condition of the Territorial prison is all that the most fastidious would desire, and that certain mail matters lack the promptness required by law, report that they have investigated the agricultural and mineral surveys made in that judicial district under the administration of the late Surveyor General John E. Blaine, and say—

"We find from said investigation that a majority of the agricultural surveys in the counties of Deer Lodge and Missoula have been made with a reckless disregard of law, that leaves the condition of settlers upon the public domain, in a large number of instances, truly deplorable. We find that, in the surveys complained of, the monuments have not been established at all, or in so slight and unsubstantial a manner, as to have become obliterated almost as soon as established. The monuments not being discoverable, the settlers are compelled to have recourse to the field notes and plats in the office of the Surveyor General; but in many cases, embracing whole townships, the plats are so imperfect that it is impossible to find the points thereon designated; while in some instances, from the outrageous discrepancies between the actual topography and that delineated on the plats, and described on the field notes, there are reasons to believe that the surveys were never actually made at all, and that the field notes were manufactured almost, if not altogether, in toto."

The Grand Jury enlarge upon the resultant difficulties to citizens, and further report—

"The Grand Jury would have found indictments against several of the U. S. Deputy Surveyors for this false swearing in connection with these surveys, but for the fact that all of the affidavits to these false field notes and plats, made within the past two years, have been made in the city of Helena, and outside the jurisdiction of this court."

"We therefore ask of the court that this portion of this report be spread upon the records of the court, and that the clerk of the court be directed to transmit a certified copy thereof to the Hon. the House of Representatives of the United States, as a petition of the people of the Second Judicial District of Montana, praying that such division of a portion of the next appropriation [for a resurvey] be authorized at the next sitting of Congress."

GOOD PROSPECTS OF BETTER TIMES.

It is agreeable to hear of any signs of improvement in trade and business generally, after so severe a panic as that which prostrated things last September, and which has resulted in so protracted, comprehensive and oppressive a period of dullness and unusual depression.

The New York *Tribune* of Sept. 21 has a lengthy and encouraging review of the past and present condition of business, and of the prospects of the same. It says that with the Fall a healthy but not unusual trade has appeared. There are as many purchasers as ever, but they are not disposed to load their shelves with any larger stock than they are likely to sell with profit. They want better goods and smaller lots. Business men are not discouraged or gloomy, but moderately satisfied with the present busi-

ness and prospects. From the agricultural parts of the country, the orders are nearly as large as usual, and money is easy. In the manufacturing districts there is no marked depression of feeling. In most branches trade through the Summer and thus far into the Fall has compared well with that of last year, which up to the panic was unusually good. There are some croakers now, but not six per cent. of the number last year, and the great majority of mercantile men are confident of permanent good resulting to business from the panic.

The clothing sales indicate a moderate but not discouraging business for the year. Stocks are smaller, but of a rather higher grade. Clothiers are cheerful and hopeful. There is more cash payment and less promise to pay.

The trade in jewelry, bronzes, fancy glass and chinaware, and fancy goods generally, is encouraging, and dealers are hopeful of a prosperous season. The better the goods the better the chances of sale.

There is prospect of a healthy produce trade, especially in exports, which are very good.

The dry goods men are hopeful, and a "safe" business prevails. In many cases merchants give no more than from thirty to sixty days, and generally preparations have been made for a moderately small demand. The best judges believe the trade to be in an unusually healthy condition, and that the next year or two will place it on a firmer basis than it has had for many years.

Improvement in business in New York will have a corresponding effect upon business elsewhere, and we take pleasure in noting any signs of improvement that may appear.

PUBLIC RUMOR AND COURTS.

Alexander Campbell, in an argument in court before Judge Stanley, at San Francisco, Sept. 25, used the following words—

"May it please your Honor, it seems to me that a little reflection will show that the most dangerous element that can creep into a court of justice is this thing of public rumor; that if courts act or make any portion of their action stand upon that basis they will defeat the very purposes of their creation, and they will, so far from administering justice, be but a mere channel for every foul invention which any man's enemies may think fit to make against him. Public rumor cannot be the foundation of any legal investigation."

The above points it would be well for some of our judges to keep in mind while sitting on the bench.

ANOTHER CHANCE.

OUR honored Chief Justice, the judge of this judicial district, is likely to have another chance to do a good thing. Indeed brilliant opportunities are by no means rare for him to make to himself an enviable reputation as an upright, impartial judge. The opportunities for an opposite course are of course as numerous, but of these we will say nothing, as they are disagreeable subjects, and they come to the surface quite as often as the good of society demands. All we hope, though it be hoping against hope, is that the judge will let them slip unheeded when they do obtrude their unwelcome presence upon him.

But this other chance of the excellent sort is in the Tooele election case. It will be almost sure to come before his honor again. So it seems. His honor did appear to be rather hasty and one-sided in recognizing and enforcing the election of certain officers who, everybody was satisfied, were not legally elected, even if otherwise eligible to office. Now the Probate or County Court of that county, in fair trial of the case, decides that the election on the "Liberal" side was grossly illegal, that hundreds of illegal "Liberal" votes were polled, that the "Liberal" candidates in reality were badly defeated, and the "People's" candidates elected. This is virtually the decision, although the case tried in-