

EDITORIALS.

PROTECTION WHICH PROTECTS.

THE situation of the political parties throughout the United States is not at present a matter of national concern and of no concern at all in Utah, where politics as understood elsewhere has but a slight following, and this so limited in its influence and obscure in its field as to amount to but little and accomplish no more. It is the chief question upon which the Democratic and Republican parties are divided—that of the tariff—that is a subject of importance here as elsewhere. Not that such a thing as an inland or inter-State protective system is possible or even desirable, but the results and benefits which it is claimed flow from the unrestricted exercise of that doctrine we may all cultivate in our own way and to an extent commensurate with our necessities and respective positions; this we may do, and thus realize all the good said to inhere from protection, while adopting none of its ingrained evils or being misled by its heresies, and at the same time extract all the sweetness to be found in the hive of free trade.

The objects sought, ostensibly, by advocates of a high tariff are the upholding, encouragement and prosperity of home industries and home productions, thus enhancing the welfare of the nation at large by the maintenance of good wages for the laborer and profitable prices for the wares of the producer. That the practical enforcement of such an idea would be impossible and the great good promised prove a chimera if it were not, we do not propose herein to discuss, leaving that phase of the question to those who are more nearly concerned in it. This is where have a decided advantage; our internal commerce is automatic in its operations, affected only by the advantages taken of advantageous circumstances and fluctuating without reference to political economy in its national sense.

It is pretty well understood in all quarters and by every class of people that the stability and prosperity of the State begin at the fireside; strong, happy and prosperous homes make up strength, happiness and prosperity in the community, and then in the nation. It is by means of production first, economy next and traffic finally that we thrive; but if our products are squandered, our economy assumes no more tangible shape than mere discussions of the subject, and our traffic is principally incoming instead of outgoing, we are on the road to material enervation; reverse this plan, cause our people to produce enough and to spare, to destroy nothing because it is not immediately wanted, and to sell more than they buy, and we have within ourselves the nucleus of a commonwealth whose independence, power and position will command and receive respect and attention from all sources. This, so far as Utah or any other Territory, or any State, is concerned, is the situation in a sentence; and of course when all the separate parts of the nation are stable and prosperous, the nation itself will be like unto the elements which compose it; so it would appear that a well-regulated internal policy, such as can only be evolved from the people in the intelligent exercise of their individuality, is the golden mean to be pursued, the means to an end which nothing in the shape of direct inhibition upon either exports or imports can ever attain.

We know of no better plan to be pursued for the accomplishment of domestic improvement and independence than a well regulated system of international commerce, that is, buying from and trading with each other so long as the supply lasts, the quality is equal and the price approximate. Even if in some instances as good articles and as fair prices cannot be obtained, it will still be found ultimately advantageous to make it the rule; and to secure enforcement of the rule among the majority, perhaps no better plan can be devised than by dealing with those who deal with us and are, to this extent at least, for us. To use a practical illustration: If those who are engaged extensively in flour milling, import printed bags from the East or West, let them look to the East or West for a market; nothing better or cheaper in that line than the home-made articles can be found, so there is no just reason for the importation, while there is self-preservation in the retaliatory action suggested in consequence.

It seems something worse than bad judgment, it almost assumes the aspects of a sin, for mercantile men, traders, or any class of our people to overlook or set aside the industries and products of home for no other reason than that they are with us, surround us and depend upon us. When those in want of printing of whatever class, for instance, ignore their friends and neighbors who have spent thousands of dollars in fitting up establishments with all the modern improvements and newest designs, and send their orders to those who are not at all likely to ever return a dollar of the money or to experience a single friendly or generous impulse by reason of the transaction, they inflict a present injury upon their neighbors and are invoking, if

they do not receive, disaster for themselves in the future.

The human animal is naturally gregarious, and, under the restrictions of law and guidance of learning, should be communicative to the extent herein suggested; furthermore, in dealing with his own community, the preference indicated should be made to go further, in order that the greatest good to those nearest and dearest him may be accomplished; personal friends are better company than political or religious enemies; and when the matter of dealing is always a question to be determined by the preference of those who initiate the deal, it is wiser, safer and better for him to choose those who, under ordinary circumstances, would and do reciprocate. These suggestions are worthy of thought at the present time; they would be found profitable if put into actual practice at any time.

THAT VIGILANT GRAND JURY.

WHEN a calling is legitimate and proper, it is always a source of pleasure to people who prefer good to bad to know that those to whom the calling is given are magnifying it. In fact, if the object sought and the means adopted are not of the best, it is just as well to go at it vigorously, so that the objectionable features may become as prominent as possible, and thus be all the more conspicuous as a warning; ships are not wrecked upon Gibaltars, but upon smaller rocks further from shore.

Well, the grand jury of this district (or the "United States grand jury," as the Court prefers to have it) is magnifying its calling by several diameters. It was supposed for a time that the "Pen" south of the city was their only objective point, but this, in the light of recent events, is shown to be incorrect; the number of indictments they have found shows that they have a lingering and steadfast regard for the pen that is more potent than the sword, and no longer ago than yesterday they paid their respects to a cow-pen and some pig-pens in remote parts of the city, and it is to be hoped that whatever they found that was "noisy, noxious or unwholesome" will receive prompt and earnest attention. Nuisances of the kind referred to are proper subjects of investigation, and of indictment if the facts warrant, by the chief inquisitors; the squeaking of porcs and the bellowing of bovines are not of themselves so objectionable, being to some even musical; but these sounds being continuous from time to time indicate the presence in our midst of the only animals capable of producing them, and such presence when so stationary means a nuisance, the nuisance on its part being a menace to health, and the menaces constituting a legitimate subject for judicial action.

Yes, the grand jury, or a committee of it, took it upon themselves to interview the sanitary condition of things in the Tenth and Twenty-first wards yesterday afternoon. Their first halting place was at the enclosure surrounding the cow of Mr. S. H. B. Smith, in the former division of the city. The corral, we are informed, was not found specially offensive, and the animal was on her best behavior, so the committee passed on, going up-hill and skirmishing through the other ward named. Here, if our information be correct, they discovered a more unsatisfactory condition of things; on one little block were found several pig-pens and no less than twenty-two prospective porkers were counted up, giving the vicinity more the appearance of a hog-ranch than of a habitation for man in his best estate. It is also worth while to state, in this connection, that two deaths from diphtheria occurred on that same block about two weeks ago; and whether or not the fatalities were caused or assisted by the existence of this plague-spot right at the doors of the people's houses, it is morally certain that it accomplished nothing in the way of a preventive or cure. The city authorities are now grappling with the dreadful scourge and need all the assistance from every quarter the people can render; but to maintain filthy yards, foul back premises and pools of stagnant water adjacent to residences, is an assistance to the evil which the authorities and all right-minded people are seeking to abate, and is discouraging not only because evincing no sympathy with or interest in the health movement, but because of the greater difficulties to be overcome.

The grand jury are doing well at last. Let them continue in it. The consciousness of good deeds performed will afford them no more pleasure than we will experience in being able to record such deeds. We don't find fault because of any liking for such a thing, but because the demand therefor exists in each and every case. It is more dignified, manly and useful to ferret out objectionable pig-sties and cow-corals, than it is to be constantly inserting the nasal organ into the domestic and private affairs of other people, even if the improved condition of things be but temporary.

The Madrid newspapers consider that the six weeks' negotiations between Spain and Germany regarding the Carolines question are a complete failure.

STILL ANOTHER.

THE points in which departures from or actual violations of law occur in the unlawful cohabitation raid going on are becoming so numerous and in some instances so flagrant, that they can hardly be recorded, much less commented upon. It looks as though the prosecution in these cases had settled down to the belief that they can do anything they please, however vicious, and it has to pass muster and be accepted because the thin veneering of law which their names, their presence and the usual amount of red tape supply makes it legal and proper. In fact, to such an extent have the abuses and outrages grown into general recognition that those who ask for a temporary halt that a calmer and better judgment may be obtained before it is too late, are looked upon as reactionary agitators; while those who have the temerity to exercise the one remaining right of criticism, are branded as enemies to good order and traitors to the "best government on earth." However, people will think; thought leads to investigation, this to analysis, and criticism arises as a natural sequence.

It is certainly not going too far to say that those who are engineering the prosecuting machinery which has of late been operating under so heavy a pressure and with such reckless management, are neither more nor less than human, and being such are subject to at least some of the weaknesses and imperfections of the race, even if their plans and purposes were devised in the most perfect purity and absolute good faith. That being the case, they are as liable to err and misjudge as are the majority of their fellows, and if such indirection or misdirection on their part leads to calamitous results, their acts are as deplorable as though conceived in sin and born in iniquity. But not being able to open the bosom and peer into the secret and silent workings of the heart, we can only judge of what they intend at the beginning by what they accomplish at the ending of their overt schemes; and this being the case, we are at liberty to form judgments in accordance with the facts, the conclusion in too many instances being that the real motives underlying the criminal prosecutions of many of our people for their religious belief, are intolerance, notoriety and cupidity. If this be treason, make the most of it.

It is not at all necessary to rely upon generalities made up from our own and other people's observation and reflection; particulars not only exist, but have been published in profusion, each going directly to the condition of things which we have herein and several times previously set forth. In vain has it been sought to ascertain what line of conduct the prosecution were pursuing or what advantage ground they hoped at last to occupy as a fixed and settled sequence to their misinterpretations and mal-administration of statute law; in vain, because such remedies as were previously safeguards are set aside on motion, because when the law conflicts with any point in a fixed programme the obstacle is brushed aside, because the rule of to-day is the exception of to-morrow, and because previously settled principles are constantly undergoing change or excluded altogether. The accused person who goes into court for trial is deprived of the benefits of knowing beforehand what kind of law is to be brought to bear against him, what portion of that which was fixed is to be unsettled, to what extent supposedly immovable things are to be dissolved, and who his accusers are to be. He is, with his fellow unfortunates, "rounded up and herded in" like so many cattle driven to the slaughter, knowing that his doom is certain; but is unable to mitigate punishment or palliate affliction by recourse to anything or anybody. Convictions must be had; and, as if to create what among less submissive people would prove a reign of terror ending in anarchy and bloodshed, that greatest safeguard of liberty and most inestimable right of the citizen—the privilege of a review of determined cases by superior tribunals—is practically annulled and utterly worthless, existing only in form. Convict! convict! is the watchword of the Utah crusaders; how well it fits in modern literature alongside the Crucify! crucify! of the Jews!

If anything had been wanting to remove the slightest lingering doubt as to Judge Zane and Attorneys Dickson, Varian and McKay constituting an entity for the "enforcement of the laws," the proceedings of to-day in relation to the grand jury ought to dissipate that doubt. There has been a falling out, so to speak, between these gentlemen and the grand jury of the District; three of the latter, named J. W. Davis, Jacob Moritz and N. W. Clayton, having altered in the further progress of the programme, were called to the front and ordered to stand aside for the term. The two first named had refused to reinstate Angus M. Cannon and A. M. Musser on the same charge for which they are now serving out a nearly expired sentence; the last of the trio declined to accept his honor's "opinion" upon the law as binding upon himself or his fellows, claiming that as a member of an independent branch of the court he had the

right to his own opinions in the matter of who should and who should not be indicted—and all three were peremptorily discharged.

There would be something startling in all this if the proceedings were not entangled in a mass of similar transactions, with which we are becoming familiar through the force of habit. But it is a wonderful picture taken by itself. The panel was drawn, completed and sworn to act for the term; they were, among other things, required to indict no one through favor, reward, or the hope of reward; were to be assisted (not controlled) by the District Attorney or his deputy; and were to report all findings, etc. And now comes McKay, who has been treating the body as if they were so many foundlings and he their wet-nurse, into Court with a complaint that the children are unruly, that he instructed them to do things which they (or three of them) obstinately refused to do, and as good as told him to mind his own business! How far did they go out of the way? Is the question. McKay, as Dickson's henchman, on the face of the thing had a right to appear before them, for the purpose of counseling, advising and assisting, but nothing further. When it came to indicting, the jurors were supreme and supposedly beyond interference from whatever source. It is to the credit of the three gentlemen named that they refused to ally themselves to so indecent, outrageous and illegal a proceeding as to pay the slightest attention to infringements upon their official rights and duties whether the same should come from a programme judge or a fifteenth-class lawyer; and to their honor and everlasting credit that they declined to violate their oaths by presenting through favor that reward might follow.

Look at it: The deputy attorney says: Gentlemen, you must indict this and so. The jury reply: We see no just ground for it; and refuse. Then the deputy does not grieve and repine; does not merely use the language of his superior and say: "You have done very wrong;" but goes to headquarters and substantially complains that the grand jury refuse to do as he requires; he knows that his part of the work must be done after the plan arranged, or the remainder of it cannot be proceeded with, and that a mere suggestion of the grievance is all that is needed to effect its removal. The flat goes forth, the three recalcitrants are placed where they can no longer be an impediment to the working out of the programme, and a lot of questionables are sent for to take their places.

What right has a Judge on the bench to say whether a grand jury shall or shall not indict? Is not that proceeding their exclusive affair? Can he go any further than instruct as to their procedure and answer any question of law they may see fit to ask? If so, where is the statute or authority that says so? If pursuant to his instructions, they ignore a charge against a person, they only exercise a right which belongs to them and which they have used time and time again here and elsewhere; and if the Judge exhibits bias or interest in the matter to such an extent as to dismiss jurors for so acting and refusing to bring in indictments, does he not conclusively show that he is a partisan whose aims and objects are in common with those who are supposed to receive no greater favors and no further recognition than other practitioners at his bar receive? Does not the whole proceeding prove that there is a fixed, settled and determined purpose to use the mighty grasp of the law and the grand opportunity presented to harass and impoverish, if not to destroy? And for what? Precisely what we have before stated, to gain notoriety, gratify spleen and make money—all in the name of justice.

THE POSITION AND ITS POSSIBILITIES.

THE position assumed by the prosecution and the Judge of the Third Judicial District Court, as exhibited by the latest enormity perpetrated in the name of law, can be defined in a few words.

The crusaders had already worked up a process by which it was next to impossible for a "Mormon" accused of an infringement of the law to escape indictment, conviction and punishment. The method was so constructed that its operation and result in individual cases did not require it to have any relation to the guilt or innocence of the proposed victims. Grand and petit juries were packed on account of being "in sympathy with the prosecution." The burlesque on justice operated to a charm, for under its sway Latter-day Saints have been herded into the penitentiary like shorn sheep.

Not satisfied with the application of the penalties prescribed by law, the persecutors, growing fat and still hungry on the cruelties they have inflicted, are ravenous for a more highly-seasoned regime of torture. The law, by "interpretations of the Courts," is made to stretch so as to reach after men now in the prison, to indict them before they emerge, for the same offense for which they are now suffering, that they may be expeditiously returned as soon as practicable after they come out of the foul den. The expanding process was also enlarged so that an accused person might be incarcerated

ated—by the segregating plan of indictments—for any period upon which the prosecution and court might determine.

However much the grand jury as constituted up to yesterday might be impregnated by the anti-"Mormon" virus, they were not as a whole ready to perpetrate such inhuman outrages as were proposed by the Court and District Attorney. It appears that some men were on the panel who were not totally dead to every philanthropic and magnanimous instinct. Hence the extra-judicial weeders had to be applied. The process had to be re-shaped and adapted to the demands of the new tactics of the crusade. Consequently the unheard-of proceeding was resorted to. The Court usurped the power, at the request of the infamous McKay, and, of course, Dickson and Varian, to dismember the grand jury, by eliminating those persons who refused to indict men who are in prison, and to find any required number of bills against one person for the same offense. Their places were filled with those who are supposed to be more pliant tools and who are expected to be in sympathy with the latest development of judicial diabolism.

We do not expect that people whose vitals the cancer-worm of anti-"Mormon" animus is gnawing will sense the situation of affairs. They will not view it from any reasonable or consistent standpoint. But any persons who are not wholly impervious to the appeals of common sense and common decency, cannot fail to comprehend the outrageous character of the conduct of those who are seeking to dismember and destroy this community. If they have the slightest tendency to admit that fairplay should be accorded to the people who are assailed, they have but to dispassionately consider what the result would be if the same measure meted out to the Saints and applied to one class of cases were extended to other people and offenses. Then no person that the prosecution and Court desired to punish would have any safety. It would be as easy as to turn the hand over for them to procure an accusation against any man for murder, robbery, arson, or any other crime. By the anti-"Mormon" process the accused individual without reference to his guilt or innocence—could be indicted without difficulty, convicted, sentenced, imprisoned, or even executed unless the high-handed proceeding were stopped by appeal to the highest tribunal of the land. Yet the "Mormons" have the same rights under the law as other people.

Under this new regime, as already to some extent exemplified, the arrogant, despotic and cruel usurpers could give immunity without stint to real criminals, and cause crime and violence to run rampant.

To hold that such proceedings or methods as are resorted to in the courts of Utah are good law, is the acme of absurdity. They are not good sense. They are outrages on everything that is just, dignified or humane. Good law cannot be at variance with these indispensable essentials in the administration of justice.

VARIAN'S VAUNTINGS.

In his address to the jury in the case of the United States vs. W. D. Newsum, charged with and convicted of polygamy and unlawful cohabitation Assistant United States District Attorney C. S. Varian, Esq., gave the cause in which he is a conspicuous and striking figure another one of those gratuitous puffs for which he is becoming somewhat noted. Under circumstances—with the Court on side; with a grand and petit jury picked out by himself partly from "hall fellows," and as sure to find his side in all cases as that they are brought in and seated; with the power of changing and rearranging the personnel of those bodies whenever even so much as a trifling hitch occurs; with the government in his back and every loafer in Salt Lake ready to do his bidding at a moment's notice; with the biggest kind of rolling in every day; with all kinds of amusements to beguile the weary hours of toil and study; with a mind filled with gems of learning ranging all the way from Blackstone's Commentaries to Schenck on the Mysteries of Dr. Pöker—with all these and more in possession and nothing to mar the happiness of this newly-found Utopia—the little cloud no bigger than a President's hand that sometimes dimly darkens the eastern horizon, one would think that it were folly that concentrated to borrow trouble or harbor so much as a momentary thought of a descent from the role of Gulliver in Lilliput, which he has been enacting with such immense success. But on the occasion referred to he betrayed unmistakable symptoms of lurking dread of something evil, premonition of breakers ahead, something of that kind, else why could he mean by saying in substance: "The laws here must be upheld and enforced even if, in the accomplishment of that great object, every prosecuting officer comes to an untimely end; others will be found to take their places."

Is it possible that any one has been threatening Mr. Varian? If so, he should make haste to have the offenders arrested and dealt with to guarantee that any justice of the peace in the county will, on such